

BEFORE THE NEVADA TAXICAB AUTHORITY

Application to Adopt Regulations Pertaining to)
NRS 706.8846)
_____)

LIVERY OPERATORS ASSOCIATION'S AMENDED
APPLICATION TO OPEN A REGULATORY RULEMAKING DOCKET
TO CLARIFY PROVISIONS RELATING TO NRS 706.8846

COMES NOW, Kimberly Maxson-Rushton, Esq. on behalf of the LIVERY OPERATORS ASSOCIATION OF LAS VEGAS ("LOA") and respectfully submits the following Amended Application to adopt regulations pertaining to NRS 706.8846 – **Prohibited acts concerning the destination of a passenger**. This Application is filed pursuant to Nevada Administrative Code ("NAC") 706.990 and all applicable provisions of Nevada Revised Statute ("NRS") 233B.040-233B.064.

All notices, pleading documents and correspondence pertaining to this proceeding should be directed to the following individual:

Kimberly Maxson-Rushton, Esq.
Cooper Levenson, Attorneys at Law
1835 Village Center Circle
Las Vegas, Nevada 89134
krushton@cooperlevenson.com

I. BASIS FOR REQUESTED ADOPTION OF REGULATIONS

As the Taxicab Authority ("TA") is aware, over the past five (5) years certificated taxicab carriers in Clark County have instituted polices within their respective organizations to stop drivers from committing intentional acts of long hauling¹. Additionally, certificated taxicab carriers

¹ These efforts include but are not limited to: posting signs throughout the business and in the Drivers Room that egregious long hauling will not be tolerated and convictions totaling three or more within a 12 month period will result in termination; dedicated training on routes, intent to deceive and customer consent; and the installation of cameras and GPS trackers in taxicabs for real time observation of taxi drivers.

1 recognize that continuous violations by a company's employee drivers could be reflective of a lack
2 of training and enforcement of directives designed to prevent long hauling. Accordingly, consistent
3 patterns of long hauling offenses by a carrier's drivers could subject a certificate holder to an
4 administrative citation pursuant to NRS 706.885(2).
5

6 Consistent with the Legislative intent behind the adoption of NRS 706.8846, prohibiting acts
7 of deceit and long hauling, the taxicab industry recognizes the importance of ensuring that tourist
8 and community members have access to safe and reliable taxi service without the added concern of
9 price gouging. In furtherance of these efforts, the LOA submits this Application to adopt regulations
10 in an effort to clarify the term "longer route" as contained in NRS 706.8846(3).
11

12 Conceptually, the proposed regulation is intended to clarify that a violation of NRS
13 706.8846(3) occurs when a driver intentionally takes a longer route to a passenger's destination for
14 the sole purpose of increasing the passenger's fare. If adopted, it will allow a driver to advise
15 passengers of the availability of multiple routes to a passenger's destination, including details about
16 any differences in the time and cost of using a certain route; and it would allow a taxi driver to use
17 routes that are parallel to the most "geographically direct" route, or alternative routes when road
18 conditions exist which could result in a passenger's delay in reaching their destination or a higher
19 fare.
20

21 For the reason set forth herein, the LOA submits this Application as a request that the TA
22 open a rulemaking docket in order to review and consider adoption of regulations that pertain to
23 NRS 706.8846.

24 II. PROPOSED REGULATION LANGUAGE

25 NAC 706.----- Drivers: Authority to Use Alternative Route

- 26 1. A taxi driver is not prohibited from advising a passenger of the fact that multiple routes
27 may be used to reach their destination, including any differences that may exist in terms
28 of the length of time or the fare. Thereafter, if authorized by the passenger, a taxi driver
may use a particular route, which may be longer in distance or greater in cost.

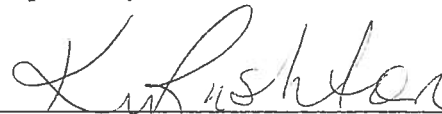
- 1 2. A taxi driver may use a route which is geographically parallel to the shortest route to a
2 passenger's destination or an alternative route approved by the Authority.
3 3. A taxi driver is not prohibited from using an alternative route to reach a passenger's
4 destination if the driver is aware of road conditions, which may result in a passenger's
5 delay in reaching their destination or a higher fare.

6 **III. CONCLUSION**

7 In conclusion, the LOA submits that a regulatory process which interprets a law and/or
8 clarifies an agency's practice is beneficial to both the regulated industry and the regulatory agency.
9 Accordingly, the LOA requests that the TA open a rulemaking docket in order to establish directives
10 and effectuate the state's policy to prohibit the long hauling of passengers in Clark County.

11 DATED this 23 day of October, 2017.

12 Respectfully submitted,

13 

14 KIMBERLY MAXSON-RUSHTON, ESQ.
15 Nevada Bar No. 5065
16 COOPER LEVENSON, ATTORNEYS AT LAW
17 1835 Village Center Circle
18 Las Vegas, Nevada 89134
19 *LIVERY OPERATORS ASSOCIATION OF LAS VEGAS*

1 CERTIFICATE OF SERVICE

2
3 I HEREBY CERTIFY that on the 23rd day of October, 2017, I did deposit for mailing in the
4 United States mail at Las Vegas, Nevada, a true and correct copy of the above and foregoing
5 LIVERY OPERATORS ASSOCIATION'S AMENDED APPLICATION TO OPEN A
6 REGULATORY RULEMAKING DOCKET TO CLARIFY PROVISIONS RELATING TO NRS
7 706.8846 in a sealed envelope with first class postage fully prepaid thereon, addressed to:

8 Gary Mathews, Deputy Attorney General
9 Office of the Attorney General
10 555 E. Washington Ave., Suite 390
11 Las Vegas, NV 89101

Sophia Long, Deputy Attorney General
Office of the Attorney General
555 E. Washington Ave., Suite 390
Las Vegas, NV 89101

12 Ron Grogan
13 Taxicab Authority Administrator
14 2090 E. Flamingo Road, Suite 200
15 Las Vegas, NV 89119

Stan Olsen
Chairman – Nevada Taxicab Authority
2090 E. Flamingo Road, Suite 200
Las Vegas, NV 89119

16 
17 An employee of COOPER LEVENSON
18
19
20
21
22
23
24
25
26
27
28