

**Section 1.** NAC 706.450 is hereby amended to read as follows:

706.450 Definitions. (NRS 706.8818) As used in NAC 706.450 to 706.990, inclusive, unless the context otherwise requires:

1. "Administrator" means the Taxicab Administrator or his or her authorized agent.
  2. "Authority" means the Taxicab Authority created by [NRS 706.8818](#).
  3. "Certificate" means a certificate of public convenience and necessity issued by the Authority.
  4. *"Independent Contractor" means a person who holds a permit issued by the Administrator pursuant to NRS 706.8841.*
  - 5[4]. "Medallion" means the metal plate issued by the Authority which is affixed to a taxicab authorizing it to be operated within the jurisdiction of the Authority.
  6. *"Ownership" means:*
    - (a) *the person or entity who holds legal title to a vehicle or*
    - (b) *the person or entity legally obligated to make payments on the principal and/or interest of a vehicle until the outstanding balance is fully paid.*
  - 7 [5]. "Permit" means the document supplied by the Authority authorizing a person to drive a taxicab within the jurisdiction of the Authority for a period of 1 year.
  - 8 [6]. *"Regular business hours" mean Monday through Friday when the main office is open and administrative staff is present to assist customers.*
  9. "Temporary permit" means the document supplied by the Authority authorizing a person to drive a taxicab within the jurisdiction of the Authority for less than 1 year.
- Operating and Leasing of Taxicabs

**Section 2.** Chapter 706 of NAC is hereby amended by adding thereto a new section to read as follows:

**Sec. 2.1. *Applicability. (NRS 706.8818)*** *The provisions of section 2 of this regulation, inclusive, apply to any county regulated by the Taxicab Authority pursuant to NRS 706.881. These provisions shall be in addition to NRS 706.881-706.885.*

**Sec. 2.2. *Trip Charges; Annual fee for operation. (NRS 706.8818; 706.8826)***

1. *A driver of a taxicab pursuant to this section shall adhere to NRS 706.8826 and NAC 706.507, funds to be collected and forwarded by the certificate holder to the Taxicab Authority.*

2. *The Authority will charge an annual fee of \$100 pursuant to NRS 706.8826(3) for each taxicab that the Taxicab Authority has allocated to the certificate holder.*

**Sec. 2.3 *Records required. (NRS 706.8818, 706.8829)***

1. *Certificate holders leasing vehicles to drivers pursuant to section 2 of this regulation must keep its records, accounts, and any and all other documents pertaining to leasing in a manner consistent with NRS 706.8829, 706.883, and NAC 706.651. These documents, records, and responsibilities shall be in addition to those required under NRS 706.8829, 706.883, and NAC 706.651.*

2. *The Taxicab Authority may examine at any reasonable time the records maintained by the certificate holder pursuant to section 2.3(1) of this regulation.*

3. *The certificate holder shall provide supplemental documentation, records, and any other information as may be requested by the Taxicab Authority.*

**Sec. 2.4 *Display of information placard; enforcement. (NRS 706.8818)***

1. A certificate holder shall display in a conspicuous place inside each taxicab which the certificate holder is authorized to operate a placard at least 5 inches by 7 inches in size which contains the following information:

### IMPORTANT

You are riding in a (name a taxicab company) vehicle. Please note the company name and the unit number of this vehicle. This information is important if you leave property in this vehicle or wish to file a commendation or complaint with the Taxicab Authority at (702) 486-6532 or through its website at <http://taxi.nv.gov>.

2. Any taxicab found by the Authority to be in violation of this section will be placed out of service and must not be put back into service until it is inspected and approved by the Authority.

#### **Sec. 2.5 Control by certificate holder; prohibited sales and leases.**

1. A taxicab must be registered in the name of the certificate holder. The holder may not enter into any agreement, lease or arrangement for the payment of a commission if he or she does not have full and complete ownership of the vehicle at all times.

2. A certificate holder shall not:

- (a) Sell, contract to sell or mortgage a taxicab to another person;
- (b) Lease a taxicab to another person unless the lease agreement conforms to the provisions of SB 376 and section 2.9 of this regulation; or
- (c) Lease a motor vehicle to a driver other than for use as a taxicab.

3. Every driver of a taxicab must be:

- (a) A certificate holder;
- (b) The employee of a certificate holder; or
- (c) An independent contractor who has entered into a lease agreement with a certificate holder pursuant to SB 376 and section 2.9 of this regulation.

#### **Sec. 2.6 "TX" plates; enforcement. (NRS 706.8824)**

1. Upon the Authority's grant of an approval request pursuant to section 2.6 of this regulation, the Authority will issue to the certificate holder a plate that identifies the taxicab for which the plate is issued at a cost of \$100 per plate. The Authority will ensure that the plate is imprinted with a unique number preceded by the letter "TX".

2. The certificate holder:

- (a) Shall ensure that the plate is affixed to the right side of the trunk lid of the taxicab that the plate identifies.
- (b) Shall not allow a taxicab owned by the certificate holder to be operated unless the plate is affixed in the manner described in paragraph (a).
- (c) Shall return to the Authority all plates with the designation "TX" that are not in use.

3. If the plate is lost or stolen, the certificate holder shall:

- (a) Notify the Authority of that fact; and
- (b) The replacement plate will be \$100.

4. If the Authority determines that the taxicab is being operated without the plate required pursuant to this section, the Authority will cause the taxicab to be withdrawn from service. The taxicab must not be placed back in service until the plate or a replacement plate has been obtained and affixed as required pursuant to subsection 2.

5. The Authority shall not issue temporary "TX" plates to certificate holders. Replacement plates will be available Monday – Friday during regular business hours, excluding holidays.

#### **Sec. 2.7 Lease of vehicle for use as taxicab. (SB 376)**

1. A common motor carrier authorized to operate a taxicab shall not lease any vehicle which it uses as a taxicab without prior approval of the lease template by the Administrator or his or her designee.

2. A carrier must submit to the Authority an approval request for a lease template at least 30 days before the execution of the lease. The Administrator or his or her designee will approve or disapprove the lease template within 10 working days after receiving the request for the approval of the lease.

3. The Administrator or his or her designee may approve a lease template if:

(a) It contains language whereby the certificate holder and driver indemnify and/or release applicable State agencies including but not limited to the Taxicab Authority from potential, actual, and future suits or claims arising from the present lease agreement between the parties to the contract;

(b) The vehicle will be used only in an operation authorized by the lessee's certificate;

(c) Include the vehicles to be leased by the carrier under the lease:

(1) Not more than one-half of the carrier's vehicles are leased vehicles;  
and

(2) The total number of vehicles to be operated by the carrier does not exceed the number of vehicles the carrier is authorized to operate pursuant to its operating authority; and

(d) The driver of the leased vehicle qualifies under section 2.4 of this regulation.

4. If a lease template is approved pursuant to this section:

A copy of the executed lease signed by the certificate holder and driver must be:

(1) Carried in the vehicle during the period of the lease; and

(2) Maintained by the carrier for a minimum of 3 years.

5. Pursuant to NRS 706.8822, challenges to denials of requests under this section must be filed by the certificate holder within 10 days from the denial date. Challenges are to be placed on the next available board agenda.

#### **Sec. 2.8 Requirements for drivers who lease taxicab; list of persons not qualified to drive leased taxicab. (SB 376)**

1. A certificate holder shall not allow a driver to drive a leased taxicab that the certificate holder is authorized to operate unless the driver:

(a) Is at least 21 years of age and has held for at least 30 days a valid Nevada driver's license or is a border state employee, as that term is defined in NRS 483.035;

(b) Possesses a valid driver's permit issued by the Authority;

(c) Provides to the certificate holder, on or before the date on which the driver begins to lease a taxicab from the certificate holder pursuant to SB 376:

(1) A certificate from a licensed physician which demonstrates that the driver is physically qualified to operate a commercial motor vehicle in accordance with NRS 706.8842, NAC 706.553, and/or 49 C.F.R. 391.41 et seq.; and

(2) A copy of the driver's driving record obtained from the Department of Motor Vehicles which demonstrates that the driver has not, within the 3 years immediately preceding the date on which the driver begins to lease a taxicab from the certificated holder pursuant to SB 376:

(I) Been convicted of driving under the influence of an intoxicating liquor or a controlled substance;

(II) Been convicted of reckless driving;

(III) Been convicted of failing to stop and remain at the scene of an accident; or

(IV) Failed to keep a written promise to appear in court for any offense; and

(d) Within the 3 years immediately preceding the date on which the driver submitted an application to the certificate holder to drive a taxicab:

(1) Has not failed to appear before the Authority which resulted in the employee being found to have violated a provision of this chapter or chapter 706 of NRS;

(2) Has not been found by the Authority to have violated the provision of this chapter or chapter 706 of NRS more than five times;

(3) Has not failed to pay on or before the due date any fine assessed against the employee by the Authority.

2. Each driver shall update annually the documents requirement pursuant to paragraph (c) of subsection 1 and submit the updated documents to the certificate holder.

3. A certificate holder shall retain a copy of each document submitted by the driver to the certificate holder pursuant to this section until 3 years after the termination or expiration of the lease agreement.

4. The Authority will create and maintain a list of persons who are not qualified to drive a taxicab pursuant to paragraph (d) of subsection 1.

### **Sec. 2.9 Leasing of taxicab to drivers; Security deposit. (SB 376)**

1. A certificate holder may, as a condition of leasing a taxicab to a driver, require the driver to deposit money with the certificate holder in an amount sufficient to secure the return of the taxicab in good condition.

2. If a certificate holder collects a security deposit pursuant to subsection 1, the certificate holder shall ensure that the security deposit is maintained in an account separate from the account in which the operating capital of the certificate holder is maintained.

3. A certificate holder may deduct or retain money from a security deposit to make repairs to the taxicab for which the deposit was collected. The certificate holder must account for money that the certificate holder deducts or retains from the security deposit of the driver with receipts that evidence repairs to the taxicab in an amount equal to the money deducted or retained. The certificate holder must provide to the driver, within 30 days of the completion of repairs, an itemized list of repairs and a copy of such receipts.

**Sec. 2.10 Leasing of taxicab to drivers; Requirements for lease agreement; enforcement. (SB 376, Sec. 1.7)**

1. Each lease agreement entered into by a certificate holder and a driver pursuant to SB 376 must:

- (a) Be maintained by the certificate holder.
- (b) Be in writing and in a form approved by the Authority.
- (c) Identify the use to be made of the taxicab by the driver and the consideration to be received by the certificate holder. The use to be made of the taxicab must conform to the authority granted by the certificate to operate the taxicab.
- (d) Be signed by each party, or his or her representative, to the agreement.
- (e) Specifically state that the driver is subject to all laws and regulations relating to the operation of a taxicab which have been established by the Authority and other regulatory agencies and that a violation of those laws and regulations will breach the agreement.
- (f) Specifically state that the certificate holder is responsible for maintaining:
  - (1) All required insurance associated with the taxicab and the service which is the subject of the agreement in accordance with NRS 706.8828;
  - (2) A file which contains the qualifications of the driver to drive the taxicab;and
  - (3) A file for records concerning the maintenance of the taxicab.
- (g) Specifically state that the lease agreement does not relieve the certificate holder from any of his or her duties or responsibilities set forth in this chapter and chapter 706 of NRS.
- (h) Specifically state that the taxicab provided pursuant to the lease agreement:
  - (1) Will be painted with the name, insignia and certificate number of the certificate holder; and
  - (2) Is in good mechanical condition that will meet the requirements for operating taxicabs set forth by this State or the county or municipality in which the taxicab will be operated.
- (i) Specifically state that the driver shall not transfer, assign, sublease or otherwise enter into an agreement to lease the taxicab to another person.
- (j) Specifically state that the driver:
  - (1) Shall not operate the taxicab for more than 12 hours in any 24-hour period; and
  - (2) Shall return the taxicab to the certificate holder at the end of each shift to enable the certificate holder to comply with the provisions of NRS 706.8837 and 706.8838.

(k) Contain any other provision which the Authority may determine to be necessary for the protection of the health and safety of members of the public.

2. If the Authority has reason to believe that a lease provision required by this section is being violated, the Authority may, after a hearing:

- (a) Impose an administrative fine pursuant to NRS 706.8848 to 706.885;
- (b) Order the certificate holder or the driver to cease and desist from action taken in violation of this section;

(c) Revoke or suspend the authority of the certificate holder to operate a taxicab and/or enter into a lease agreement pursuant to SB 376; or

(d) Take appropriate action against the driver as permitted under NRS chapter 706 and NAC chapter 706.

**Sec. 2.11 Leasing of taxicab to driver: Requirements for copy of lease agreement; enforcement. (SB 376, Sec. 1.7)**

1. A certificate holder who enters into an agreement to lease a taxicab to a driver shall provide a copy of the agreement to the driver after the lease agreement template has been approved by the Authority pursuant to SB 376, Sec. 1.5(2) and Section 2.6 of this regulation.

2. The driver shall keep a copy of the lease agreement in the leased taxicab at all times during the duration of the lease.

3. If the Authority determines that a taxicab is being operated without a copy of the lease agreement in the taxicab in violation of this section, the Authority will cause the taxicab to be immediately withdrawn from service for a minimum of 24 hours. A taxicab withdrawn from service pursuant to this subsection must not be placed back in service until the driver provides proof and the Authority verifies that the lease agreement is now located within the taxicab.

**Sec. 2.12 Drivers: Applicability of statutes and regulations.** (NRS 706.8818, SB 376, Sec. 1.7) The Authority will deem that a driver of a taxicab who is operating a taxicab is on duty and working his or her shift and is subject to the provision of this chapter and chapter 706 of NRS.