

**ADOPTED REGULATION OF THE
NEVADA TRANSPORTATION AUTHORITY**

LCB File No. R041-23

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

AUTHORITY: § 1, NRS 706.171, 706.4463 and 706.4464.

A REGULATION relating to transportation; providing that an application for the issuance, expansion or modification of a certificate of public convenience and necessity to operate a tow car or the sale and transfer of certain interests related to such a certificate is deemed approved under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires each operator of a tow car to obtain a certificate of public convenience and necessity from the Nevada Transportation Authority before performing certain services. (NRS 706.4463) Existing law additionally requires an operator of a tow car who wishes to transfer such a certificate to another operator of a tow car to submit a joint application to the Authority to make the transfer. (NRS 706.4464) Existing regulations establish certain requirements for an application for: (1) the initial issuance, expansion or modification of a certificate of public convenience and necessity to operate a tow car; or (2) the sale and transfer of an interest in such a certificate or, under certain circumstances, a business entity that holds such a certificate. (NAC 706.1376) This regulation provides that such an application is deemed approved if the Authority does not act on the application within 90 days after the date the application is filed with the Authority.

Section 1. NAC 706.1376 is hereby amended to read as follows:

706.1376 1. An application for:

(a) The initial issuance, expansion or modification of a certificate of public convenience and necessity to operate a tow car made pursuant to NRS 706.386 to 706.411, inclusive; or

(b) The sale and transfer of an interest in:

(1) Such a certificate;

(2) Fifteen percent or more of the stock of a corporation that holds such a certificate;

(3) A partnership that holds such a certificate; or

(4) A corporate entity that holds such a certificate which would result in a change in the corporate control of the carrier,

↳ must, in addition to complying with the provisions of NAC 706.010 to 706.4019, inclusive, that are applicable to pleadings, contain the data set forth in subsection 2.

2. An application described in subsection 1 must contain the following data, either in the application or as exhibits attached thereto:

(a) The type of service proposed, a general description of the service and a reference to the authority pursuant to which the service will be performed.

(b) The specific authority requested and the statutory provision pursuant to which the certificate is requested.

(c) A copy of a sample invoice that will be used by the applicant. The invoice must have imprinted thereon the procedures that a customer of the tow car may use to file a complaint against the operator of the tow car.

(d) If the applicant will provide:

(1) Nonconsensual tows, a statement of the rates proposed to be charged and the rules governing service in the form of a tariff prepared pursuant to NAC 706.138 to 706.139, inclusive.

(2) Only towing services with the consent of the owner of the vehicle being towed, the title page of the tariff prepared in accordance with NAC 706.1385.

(e) The type and number of units of equipment that will be used in the proposed service and a statement as to which units of equipment are owned by the applicant, including photographs of

the equipment to be used and copies of the registration and titles of those vehicles already owned by the applicant that will be used under its operating authority.

(f) A statement describing the facilities that will be used to provide the proposed service, including, without limitation, offices, terminals and impound yards.

(g) If the applicant is a corporation or a limited-liability company, a copy of its articles of incorporation or articles of organization, certified by the Secretary of State, and all effective amendments thereto. If the corporation or limited-liability company was incorporated or established in another state, the application must include:

(1) A copy of the certificate issued by the Office of the Secretary of State authorizing the corporation or limited-liability company to transact its business in the State of Nevada; or

(2) Its equivalent, as provided in NRS 80.120.

(h) If the applicant is a partnership, a copy of the partnership agreement and any amendments thereto.

(i) If the applicant is not a natural person, a list of all owners, including associated stock certificates, membership certificates or associated documents, along with the percentage of ownership interest of each partner, member or owner. If the applicant is a publicly traded corporation, the requirements of this paragraph may be satisfied by attaching to the application a copy of Form 10-K or its equivalent filed with the Securities and Exchange Commission showing the controlling ownership, officers and directors of the corporation.

(j) If the applicant is operating under a fictitious name, a copy of the certificate filed pursuant to chapter 602 of NRS, if applicable.

(k) A sample of the dispatch log that will be used by the tow service.

(l) Evidence that the applicant can secure the insurance required by NAC 706.191.

(m) Additional information as is necessary for a full understanding of the application.

3. If any item required pursuant to this section or by statute is omitted or otherwise deficient after acceptance of the application or filing, the Authority will notify the applicant of the omission or deficiency, in writing, at the address of the applicant listed on the application or filing. If the applicant does not cure the omission or deficiency within 15 working days after the issuance of that notification, the Deputy Commissioner shall, at the next regular meeting of the Authority, move that the application or filing be dismissed.

4. *An application described in subsection 1 shall be deemed approved if the Authority does not act on the application within 90 days after the date the application is filed with the Authority.*

5. As used in this section, “nonconsensual tow” has the meaning ascribed to it in NAC 706.4022.