

**ADOPTED TEMPORARY REGULATION OF THE
NEVADA TRANSPORTATION AUTHORITY**

LCB FILE NO. T006-23A

**The following document is the adopted temporary regulation submitted
by the agency on 06/13/2023**

TEMPORARY REGULATION
NEVADA TRANSPORTATION AUTHORITY
NTA DOCKET NUMBER 22-11007

AUTHORITY: NRS 706A.100, 706A.110, 706A.140 and 706A.240.

A REGULATION relating to transportation network companies; revising provisions relating to the annual regulatory assessment paid by a transportation network company; and providing other matters properly related thereto.

Section 1. NAC 706A.190 is hereby amended to read as follows:

NAC 706A.190 1. One year after the date of issuance of a permit to a transportation network company, the company shall, within 10 days and annually thereafter on or before July 10, submit to the Authority a statement of the category described in subsection 2 which includes the gross operating revenue of the transportation network company derived from the Nevada intrastate operations of the company for that year of operation. Upon receipt of the statement, the Authority will, within 10 days, issue to the transportation network company a notice of its annual regulatory assessment determined pursuant to subsection 2.

2. The annual regulatory assessment described in subsection 1 must be calculated on the basis of the gross operating revenue of the transportation network company derived from the Nevada intrastate operations of the company as described in the following schedule:

- (a) For a company with an annual gross operating revenue of \$200,000 or less
..... \$1,500
- (b) For a company with an annual gross operating revenue of more than \$200,000 but not more than \$400,000 \$3,000

- (c) For a company with an annual gross operating revenue of more than \$400,00 but not more than \$600,00 \$6,000
- (d) For a company with an annual gross operating revenue of more than \$600,000 but not more than \$5,000,000 \$40,000
- (e) For a company with an annual gross operating revenue of more than \$ 5,000,000 but not more than \$15,000,000. \$120,000
- (f) For a company with an annual gross operating revenue of more than \$15,000,000 but not more than \$30,000,000 \$900,000
- (g) For a company with an annual gross operating revenue of more than \$30,000,000 but not more than \$65,000,000. \$1,000,000
- (h) For a company with an annual gross operating revenue of more than \$65,000,000 \$1,200,000
- (i) For a company whose permit limits the operation of motor vehicles in affiliation with the company to providing nonprofit transportation services to elderly persons and persons with disabilities with an annual gross operating revenue of any amount \$600

The Authority will annually reevaluate the schedule described in this subsection based upon the total revenues generated from the fees set forth in NAC 706A.150 and the expenses of the Authority for the regulation of transportation network companies.

3. Except as otherwise provided in subsection 4, payment of an annual regulatory assessment is due:

- (a) Within 11 days after the Authority issues to a transportation network company the notice of its first annual regulatory assessment; and
- (b) On or before July 31 of each subsequent year.

4. A transportation network company, upon written notice to the Authority, may make quarterly payments, each in the amount of one quarter of the annual regulatory assessment due. Such payments must be made on or before July 31 and on or before October 31 of the year the Authority issues the annual regulatory assessment and on or before January 31 and on or before April 30 of the subsequent year.

5. On or before May 15 of each year, each transportation network company shall, pursuant to NRS 706A.240, submit an annual report to the Authority, on a form prescribed by the Authority, which must include, for the preceding calendar year:

(a) A description of the services performed in this State by the transportation network company;

(b) The number of trips arranged in this State using the digital network or software application service of the transportation network company;

(c) The total number of drivers for which the transportation network company provided notice to the Authority pursuant to subsection 2 of NAC 706A.180, reported separately for each month;

(d) The category described in subsection 2 which includes the gross operating revenue of the transportation network company derived from the Nevada intrastate operations of the company for that year of operation; and

(e) A description of any new products launched in this State by the transportation network company.

6. Each annual report submitted by a transportation network company pursuant to subsection 5 is confidential and must not be disclosed to any person other than an employee of the Authority.

7. As used in this section, the term “gross operating revenue of the transportation network company derived from the Nevada intrastate operations of the company” does not include any revenue that is paid or in any other manner transferred to a driver.



DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

**LEGISLATIVE REVIEW OF ADOPTED REGULATION AS REQUIRED
BY NRS 233B.066**

The following statement is submitted for adopted amendments to Nevada Administrative Code (“NAC”) CHAPTER 706A.190

1. A clear and concise explanation for the need for the adopted regulation

This regulation enables the Nevada Transportation Authority to revise amounts due for the annual regulatory assessments of transportation network companies which directly offset the expenses associated with regulating that industry pursuant to NRS 706A.140(2) & (3)

2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary

Copies of the notice of workshop and the notice of intent to act upon the regulations were sent by U.S. mail to all persons on the Authority’s mailing list for administrative rulemaking, to all transportation network companies and to all passenger carriers licensed by the Authority. Copies of the notices of workshop and the notice of intent to act upon the regulations were also posted at the following locations:

Clark County Court House, 200 Lewis Ave., Las Vegas NV 89101
Washoe County Court House, 75 Court St., Reno NV 89501
Grant Sawyer Building, 555 E. Washington Ave., Las Vegas NV 89101
Department of Business & Industry, 3300 W. Sahara Ave, Suite 425, Las Vegas NV 89102
Department of Business & Industry, 1830 College Pkwy, Suite 100, Carson City NV 89703
Nevada Transportation Authority, 3300 W. Sahara, Suite 200, Las Vegas NV 89102
Nevada Transportation Authority, 1755 E. Plumb Lane, Suite 229, Reno NV 89502
The Nevada Transportation Authority’s official website www.nta.nv.gov;
The State of Nevada’s official website <https://notice.nv.gov>;
The Nevada Legislature’s official website <https://www.leg.state.nv.us> at the Administrative Regulation Notices tab

Copies of all materials related to the proposal were made available at the workshop and adoption hearings. The materials were available at both the Reno and Las Vegas offices of the Authority.

A Workshop was held to solicit comments on January 12, 2023. On or about February 16, 2023, the Authority issued a Notice of Intent to Act Upon a Regulation. A public hearing was held on March 20, 2023. No additional written or oral comments were received during this public hearing. The minutes of the workshop and the public hearing, which are attached as **Exhibit 1**, contain summaries of the minimal discussion held regarding the proposed amendment.

3. The number of persons who:
 - a. Attended each workshop/hearing: 2 persons/1 person
 - b. Testified at each workshop/hearing: 1 person/None
 - c. Submitted to the agency written comments: None/None
4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented for each person identified above in #3, as provided to the agency:

See attached **Exhibit 2** (which are the sign in sheets for the workshop & adoption hearings)

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested people may obtain a copy of the summary:

The Nevada Transportation Authority solicited comments regarding the proposed regulation by (1) posting a copy of the full text of the proposed amended regulation to the Authority's website, (2) posting notices and agendas in numerous public locations per NRS Chapter 233B, and (3) provide time for public comment at the workshop on January 12, 2023 and at the adoption hearing on March 20, 2023..

A copy of the summary of the public response to the adopted regulation may be obtained from the Authority, 3300 W. Sahara, Suite 200, Las Vegas, Nevada 89102, (702) 486-3303.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reason for adopting the regulation without change:

The Authority adopted the regulation on March 20, 2023 as initially written because no requests, to make any changes to the regulation, were received from the industry or the public.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:
 - a. Both adverse and beneficial effects; and,
 - b. Both immediate and long-term effects

The proposed regulation will have a small beneficial economic impact upon the smallest businesses of the regulated industry as the fees remain the same as they were for the last fiscal year. The proposed regulation funds the expenses incurred by the Authority for the regulation of the transportation network providers pursuant to NRS 706A.140. The long-term impact of the proposed regulation is minimal, as the Authority is required to reassess the costs of regulation each year pursuant to NRS 706A.140(2).

The regulations, themselves, will not have any economic impact upon the public in the next six months to one year. The Authority does not believe that the annual assessment fee is being passed onto the public.

8. The estimated cost to the agency for enforcement of the adopted regulation

The assessment fees received from the TNCs pays for the estimated costs for enforcement and other regulatory actions taken by the Authority in relation to the TNCs. Therefore, the Authority expects to expend \$2,400,000 during the fiscal year.

9. A description of any regulations of other state or governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates federal regulation(s), the name of the regulating federal agency:

There are no other state or government agency regulations which the proposed regulation overlaps or duplicates.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions:

Not applicable.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used:

The present regulation increases only two categories of the annual assessment for the transportation network companies based on their annual gross revenue. The Authority expects to collect approximately \$2,400,000 during the fiscal year. The revenue will be used to fund and support the Authority's regulatory oversight of the industry pursuant to NRS 706A.140(2) & (3).

Exhibit “1”



DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

**MINUTES OF THE March 20, 2023 HEARING FOR THE ADOPTION OF
REGULATIONS Docket 22-11007**

The purpose of the hearing is:

- a. To receive comments from all interested persons regarding the adoption of a regulation regarding Chapter 706A of the Nevada Administrative Code; and,
- b. For the Authority to act regarding the adoption of the regulation revising the annual regulatory assessment paid by the transportation network companies.

AGENDA

1. Call to Order
Chairman Vaughn Hartung called the meeting to order at 9:30 a.m.
2. Roll Call
Chairman Vaughn Hartung, Commissioner Dawn Gibbons, Commissioner David Groover, Deputy Commissioner Jennifer De Rose, Administrative Attorney Patricia Erickson, Deputy Attorney General Matthew Feeley
3. Pledge of Allegiance
Commissioner Gibbons led a recital of the pledge.
4. Public Comment
None
5. Approval of Agenda
Approved 3-0

DISCUSSION ITEM / RULEMAKING ADOPTION

6. The Nevada Transportation Authority will consider adoption of a regulation amending NAC 706A.190, regarding the annual assessment due from the Transportation Network Companies (TNCs), pursuant to NRS 706A.140
Approved 3-0

7. Public Comment

None

8. Adjournment

Meeting adjourned at 9:40 a.m.



DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

**MINUTES OF THE January 12, 2023 WORKSHOP TO
SOLICIT COMMENTS ON PROPOSED REGULATIONS**

The purpose of this workshop is to determine the impact of the proposed regulations on small businesses and to solicit comments from interested persons regarding the following general topic which may be addressed in the proposed regulation:

1. Establishing the regulatory assessment for the Transportation Network Companies, pursuant to NAC 706A.190 for the fiscal year 2022-2023.

This proposal has been designated as Docket Number 22-11007 by the Authority.

1. Call to Order

Chairman Dawn Gibbons called the workshop to order at 3 :20 p.m.

Michael Hillerby, Kempfer Crowell, representing Lyft, is in support of the proposed regulations.

2. Workshop adjourned

Workshop adjourned at 3:25p.m.

Exhibit “2”

