

Chapter 713 of NAC

**EMERGENCY REGULATION OF THE  
NEVADA TRANSPORTATION AUTHORITY**

**LCB File No. E006-15**

(Effective for 120 days after June 29, 2015)

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

**Filing of an Emergency Administrative Regulation**

**AUTHORITY:** Section 46 of Assembly Bill No. 176 of the 2015 Legislative Session

**Sec. 1.** *Title 58 of the Nevada Administrative Code (NAC) is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 7, inclusive, of this regulation.*

**Sec. 2.** *References to Assembly Bills (“AB”) are those bills enacted during the 78th (2015) Nevada Legislative Session.*

**Sec. 3.** *Definitions. As used in sections 3 through 7, inclusive, unless the context otherwise requires, the words and terms defined in 3 through 7, inclusive, have the meanings ascribed to them in those sections. (AB 176, Sec. 16)*

**Sec. 4.** *“Authority” defined. “Authority” means the Nevada Transportation Authority created pursuant to NRS 706.1511. (AB 176, Sec. 17)*

**Sec. 5.** *“Driver” defined. “Driver” means a natural person who:*

- 1. Operates a motor vehicle that is owned, leased or otherwise authorized for use by the person; and*
- 2. Enters into an agreement with a transportation network company to receive connections to potential passengers and related services from a transportation network company in exchange for the payment of a fee to the transportation network company. (AB 176, Sec. 18)*

**Sec. 6.** *“Transportation network company” or “company” defined. “Transportation network company” or “company” means an entity that uses a digital network or software application service to connect a passenger to a driver who can provide transportation services to the passenger. (AB 176, Sec. 19)*

**Sec. 7.** *Application for a transportation network company permit.*

- 1. An application for:*

*(a) The initial issuance of a permit to act as a transportation network company pursuant to the provisions of AB 175 and AB 176;*

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

*(1) A permit;*

*(2) Fifteen percent or more of the stock of a corporation that holds a permit;*

*(3) A partnership that holds a permit; or*

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

*must contain the following data, either in the application or as exhibits attached thereto:*

*(c) A statement and general description of the type of service to be performed by the applicant, including the rates or fares to be charged and rules governing service.*

*(d) A statement of the qualifications and experience of the personnel who will manage and operate the proposed service.*

*(e) A statement describing the technology which will be used to provide the proposed service.*

*(f) If the applicant is a corporation or limited-liability company, a copy of its articles of incorporation or articles of organization. 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.*

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

*(h) A copy of the state business license issued pursuant to chapter 76 of NRS in the applicant's name.*

*(i) A copy of the insurance policy meeting all the requirements set forth in AB 175 and AB176 identifying the Nevada Transportation Authority as a named insured.*

*(j) A portion of the application fee consisting of a \$200.00 initial fixed payment. The Authority may assess additional scalable portions of the application fee to be determined based on number of drivers and vehicles.*

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

*2. 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 may, at the next regular meeting of the Authority, move that the application or filing be dismissed.*

**Statement of Emergency**  
**Regulations to begin accepting applications pursuant to the provisions of**  
**Assembly Bill No. 176 of the 2015 Legislative Session**

Assembly Bill 176 of the 2015 Legislative Session was signed into law on May 29, 2015. Section 54 requires the Nevada Transportation Authority to begin accepting applications for a permit to operate a transportation network company (“TNC”) within 30 days after the effective date of Section 26 of the Bill, which is June 28, 2015. Due to the urgency of the application process and the need to begin the permanent regulatory process pursuant to AB 176, an emergency exists to promulgate emergency regulations to provide certain criteria so that the TNC’s can begin the formal application process. This will then allow the Nevada Transportation Authority time to review the applications while they begin the permanent regulatory process pursuant to Chapter 233B of the Nevada Revised Statutes.

Dated this 25th day of June, 2015

\_\_\_\_\_/s/  
Andrew J. MacKay, Chairman  
Nevada Transportation Authority

I hereby endorse the Statement of Emergency prepared by the Chairman of the Nevada Transportation Authority.

Date this 26th day of June, 2015;

\_\_\_\_\_/s/  
Brian Sandoval, Governor  
State of Nevada

## NOTICE OF ADOPTION OF EMERGENCY REGULATION

On June 29, 2015, the Nevada Transportation Authority (“Authority”) adopted emergency regulations designated as Docket Number 15-06024 by the Authority. The regulations pertain to Assembly Bill No. 175 and Assembly Bill No. 176 of the 78<sup>th</sup> (2015) Nevada Legislative Session. A copy of the Statement of Emergency and the regulations as adopted are attached hereto.

### INFORMATIONAL STATEMENT CONCERNING ADOPTED EMERGENCY REGULATIONS PURSUANT TO NRS 233B.066

The following statement is submitted regarding the adoption of emergency regulations related to passage of Assembly Bill No. 175 and Assembly Bill No. 176 of the 78<sup>th</sup> (2015) Nevada Legislative Session.

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

Assembly Bill 176 of the 2015 Nevada Legislative Session requires the Nevada Transportation Authority to begin accepting applications for a permit operate a transportation network company (“TNC”) within 30 days upon effective date of Section 26 of the Bill, which is Sunday, June 28, 2015. Due to the urgency and necessity to begin the application process as well as the need to commence permanent rulemaking, the Authority issued a Statement of Emergency on June 25, 2015. The Statement was endorsed by Governor Sandoval on June 25, 2015.

- 2. 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 regulations will have no significant adverse impact upon the regulated industry, either immediately or long-term. However, there will be beneficial economic impacts upon the regulated industry both immediately and in the long-term. The beneficial economic impacts are as follows:

- Section 6 of the regulatory docket, establishes the provisions required for a TNC to file an application with the Authority. Adoption of these provisions are necessary to allow the Authority to begin accepting applications pursuant to the requirements in Section 26 of Assembly Bill 176. This will allow the NTA the time to review applications filed by TNCs while the permanent rulemaking process pursuant to NRS 233B proceeds. As a result, the Authority will be able to consider the applications and permitting of the TNCs almost immediately upon the conclusion of the rulemaking process.

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

There will be no additional cost to the Authority for enforcement of the emergency regulation.

**4. A description of any regulations of other state or government 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, the name of the regulating federal agency.**

There are not any regulations of other state or government agencies which the emergency regulation overlaps or duplicates.

**5. 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.

**6. 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 emergency regulation requires payment of a \$200.00 fee upon the filing of an application for a permit to operate a transportation network company. This filing fee is identical for all other industries the Authority regulates and the revenue generated from the fee will be used to defray a portion of the costs incurred by the Authority for the evaluation and processing of an application. Presently, the Authority is only aware of two TNCs that will be applying for a permit to operate. Thus, the Authority is certain that it will collect \$400 in application fees.