

**ADOPTED REGULATION OF THE TAXICAB AUTHORITY
OF THE DEPARTMENT OF BUSINESS AND INDUSTRY**

LCB File No. R103-01

Effective January 24, 2002

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

AUTHORITY: §§1 and 2, NRS 706.8818 and 706.8833.

Section 1. Chapter 706 of NAC is hereby amended by adding thereto a new section to read as follows:

1. A certificate holder shall not:

(a) Modify the color scheme or insigne of any taxicab unless the certificate holder first secures written approval for the modification from the administrator in accordance with the provisions of this section.

(b) Operate any taxicab on which the color scheme or insigne has been modified without first securing written approval for the modification from the administrator in accordance with the provisions of this section or for which approval has been withdrawn by the administrator pursuant to this section or for which approval has been withdrawn by the administrator pursuant to this section.

2. If a certificate holder wishes to modify temporarily the color scheme or insigne of any taxicab, the certificate holder must file a written application with the administrator. The application must include:

(a) A description of the proposed temporary modification.

(b) Three colored copies or photographs of the proposed temporary modification.

(c) A description of the materials and procedures that will be used to achieve the proposed temporary modification.

(d) A copy of any written contract related to the proposed temporary modification.

(e) Any additional information that the administrator deems necessary to evaluate the application.

3. The administrator shall approve or deny an application filed pursuant to this section within 30 days after receipt of the application. If no action is taken within the 30-day period, the application shall be deemed denied.

4. The administrator may approve an application filed pursuant to this section subject to satisfaction of all the following conditions:

(a) Only the number of taxicabs equal to 20 percent or less of the total number of medallions issued to the certificate holder are temporarily modified at any given time, unless a single taxicab constitutes more than 20 percent of such taxicabs, in which case the certificate holder may temporarily modify that single taxicab. For the purposes of this paragraph, a medallion issued for a special event must not be included when calculating the total number of medallions issued to the certificate holder.

(b) The temporary modification of the taxicab does not last for more than 6 months.

(c) The color scheme and insigne of any taxicab that is temporarily modified remains sufficiently distinct from the approved color scheme and insigne or temporary modification of another certificate holder.

(d) The information required pursuant to NRS 706.8835 remains clearly visible at all times on any taxicab that is temporarily modified.

(e) The temporary modification of the taxicab does not create a risk to the health, safety or welfare of the traveling public, as determined by the administrator.

5. If an application filed pursuant to this section is approved, not less than 7 days before the temporary modification of any taxicab, the certificate holder shall provide the administrator with the following information for the taxicab that is to be temporarily modified:

(a) The unit designation number of the taxicab.

(b) The dates on which the temporary modification of the taxicab will begin and end.

6. The administrator may withdraw the approval of the temporary modification of any taxicab if the administrator determines that:

(a) The temporary modification is not sufficiently distinct from the approved color scheme and insigne of another certificate holder;

(b) The materials used in the temporary modification have deteriorated to the extent that the color scheme or insigne is no longer neat in appearance; or

(c) The temporary modification creates a risk to the health, safety or welfare of the traveling public.

Sec. 2. NAC 706.450 is hereby amended to read as follows:

706.450 As used in NAC 706.450 to 706.975, inclusive, *and section 1 of this regulation*, unless the context otherwise requires:

1. “Administrator” means the taxicab administrator or his 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. “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.

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.

6. “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.

Sec. 3. This regulation expires by limitation on September 30, 2003.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
LCB FILE R103-01**

NOTICE OF ADOPTION OF REGULATION

The Taxicab Authority adopted regulations assigned LCB File No. R-103-01 which pertain to Chapter 706 of the Nevada Administrative Code on November 27th, 2001. A copy of the regulations, as adopted, is attached hereto.

INFORMATION STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 706.

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

Notice of R-103-01 was posted in compliance with NRS Chapter 233B on or about November 5, 2001 at the State of Nevada Taxicab Authority, Las Vegas City Hall, Clark County Government Building, Clark County School District, Nevada State Library and Archives and Grant Sawyer Building. Because the proposed regulations affect only those taxicab companies operating in Clark County, statewide publication was not warranted. The notice was also sent to every person and company on the agency's mailing list, along with others who had expressed an interest in the proposed regulation.

Prior to that notice, the need to adopt said regulations and the subject thereof were discussed at a duly noticed regular agenda meeting of the Taxicab Authority.

A workshop was held November 19th where public response was received from one party. No written comment was received.

The hearing to adopt the regulations was properly noticed on or about November 14, 2001 at the locations listed above. The hearing to adopt the regulations was held on December 18, 2001. No additional comments were received at that time.

2. The number persons who:

- (a) Attended each hearing: 10**
- (b) Testified at each hearing: 1**
- (c) Submitted to the agency written comments: 0**

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

The affected businesses, namely certificate holders in Clark County and advertising companies, originally placed this matter before the agency. It was discussed, at the businesses' request, at several agenda meetings. When it became apparent to the agency that regulations would be necessary in order to accommodate the businesses affected, a workshop was held.

The businesses affected are happy with the regulations, as they will allow for modification of existing color schemes to increase advertising revenue. In fact, businesses were so supportive of the regulations that they, at one point, agreed to pay a fee to the agency, if necessary. Copies of their comment summaries may be obtained from the Taxicab Authority, 1785 E. Sahara Ave., Las Vegas, Nevada 89104 in the form of minutes from the meetings wherein the regulations were discussed. There was no written comment from the industry

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

No changes were made following modifications by LCB as none were warranted.

5. The estimated economic effect of the adopted regulation on the business 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.**

(a) There will be no adverse economic effect on the regulated businesses. The benefit to the regulated industries will come in the form of increased advertising revenue, as the regulations allow certificate holders to modify the color scheme of a percentage of their fleet to have vehicles covered with paid advertisements. The certificate holders may also choose to allow a non-profit or like entity to "wrap" the exterior of its vehicles as a type of community service program or in an effort to increase the company's goodwill within the community.

(b) See above.

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

The agency will bear some costs for reviewing the modifications and inspection of vehicles. This should not require the hiring of any additional personnel, but may take existing personnel away from previously assigned tasks, on occasion.

7. A description of any regulation of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

None.

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

Not applicable.

9. 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.

Not applicable.