

SENATE TRANSPORTATION COMMITTEE

MINUTES OF MEETING

Wednesday, February 26, 1975

The sixth meeting of the Senate Transportation Committee was called to order at 12:15 p.m. on February 26, 1975.

Senator Helen Herr was in the Chair.

PRESENT: Chairman Helen Herr
Vice Chairman Warren Monroe
Senator Jack Schofield
Senator Joe Neal
Senator Richard Blakemore
Senator William Raggio

ABSENT: Senator Mary Gojack

ALSO PRESENT: Leo Hendrickson, Teamsters Local
John Crossley, LCB - Audit
James Lambert) Department
John Ciardella) of
Howard Hill) Motor Vehicles
Maynard Yasmer) Department of
Blaine Sullivan) Rehabilitation
Robert Guinn) Nevada Motor
Daryll Capurro) Transport Association
Virgil Anderson, AAA
Jim Mitchell, City of North Las Vegas
Bill Adams, City of Las Vegas
Sam Young, S.P.P. Co.
Robert Warren, League of Nevada Cities
John MacIntyre, City of Sparks
Grant Bastian, Highway Department
Manuel Cortez, Taxicab Authority
Joe LaVoile, Taxicab Authority
Ted Verziano, Las Vegas, Nevada

ACTION WAS THEN TAKEN ON THE FOLLOWING BILL:

SB 191 Makes various changes in regulations for operation of taxicabs in certain counties.

Mr. Manuel Cortez, Administrator of the Taxicab Authority gave testimony as to the purpose of the amendments proposed in SB 191. The purpose of SB 191 is to reinforce the existing statute 706.881 through 885 inclusive as it pertains to the Taxicab Authority. We have had some problems with the statutes as they now stand and we are trying to solve some of those problems.

Chairman Herr suggested that Mr. Cortez follow the bill, point by point, in explaining the proposed amendments.

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Mr. Cortez testified as follows:

PAGE 1 - Line 6, Section 1, Subsection 1, The word transferred is to be added.

PAGE 2 - Line 9, Section 2, Subsection 3, Delete entire line and insert the words:...standards of conduct for taxicab drivers while on duty, ...

Line 27, Section 3, Subsection 2, Delete word "shall" and insert "may." The Authority felt that they needed this so that they would have a little more leadway. Line 29 - Delete the word "and". Line 30 and 31, Insert these two new lines under (b) and on Line 32, add "(c)". Delete Lines 34 and 35. This was added in (b) of this sub-section.

Line 37 through 47, Section 4, Subsection 1, Delete these lines and add lines 48, Page 2 through Line 19, Page 3. This section refers to the undercover investigator's revolving fund, and this amendment was made by suggestion of the Legislative Counsel Bureau - Audit. (Mr. Crossley would testify later as to the purpose.)

Mr. Cortez added that they use certain people periodically to check drivers in reference to courtesy, fares, etc. In order to do this they have to advance fare fees. Discussion was held referring to \$50,000 transferred annually for the Taxicab Authority fund to provide for the Authority in case something happens and they cannot generate their usual income. In view of the rising costs, they would like to the funds to be reset from \$50,000 to \$75,000. All funds would be deposited with the State Treasury and issued to the Taxicab Authority on request. There presently is provision in the statutes to govern applications, etc.

PAGE 3 - Lines 21 through 29, Section 5, Subsections 1 through 2. These subsections were additions to Section 5. Subsection 3, Line 35, delete word "funds" and add "fees" and delete from line 35 . . . "paid to" through line 41, and adding lines 42 through 43.

Line 45, Section 6, line 45 - add "1;" Line 45 - delete "1." and add (a); line 49 - add the word "transferred," between the word been and revoked.

PAGE 4 - Line 1, deleting 2. and inserting (b); Line 2, deleting "NRS 706.386 to 706.396, inclusive, and NRS 706.406" and adding from line 3 . . . "this section. . . . through line 28. The purpose of this is because they want to include the Public Service Commission section into this section because the PSC is the agency which certifies all companies of public convenience and necessity.

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They would also like to add a maximum fee of \$200.00 to the application to provide for the investigation of the applicants, which take much time and money. Senator Neal asked how the Authority determined this fee? Mr. Cortez said that the fee was derived from fees charged by the PSC and the Gaming Control Board; those agencies that charged for special permits. This money is used for background investigation of financial status, moral background, place of residency, auditing and investigator costs and acquiring records from other states. He added that they have to go to other states to check on felonies and misdemeanors for evidence of insurability.

Line 33 and 34, Section 7, Subsection 2. Addition of these two lines. The purpose was that this was needed for proper communication. After a great deal of discussion, Senator Raggio questioned if this would not put a financial burden on the one-man/one-car operator. It was agreed by both the Committee and Mr. Cortez that there possibly should be a further amendment exempting the small cab owner from this sub-section. (Those with five or less cabs.)

Lines 46, Section 8, subsection 2, deleting (3) and adding "6"; Line 47, adding "1 inch in width."

PAGE 5 - Section 9, Subsection 4, Line 20 - delete "reasonable."

Section 10, Subsection 1, 2, and 3, Adding lines 23 through 41. The Authority would like to have this addition so that they would have better control when issuing a driver's permit. Subsection 4, line 44 - deleting "funds" and adding "fees" and from . . ."paid to the state" through line 47 . . ."Nevada." deleting those lines and adding on line 47, "deposited with the state treasurer to the credit of the taxicab authority fund."

PAGE 6 - Section 11, Subsection 1, deleting from line 2 through line 23 and adding a new subsection 1., 2., and 3. - as in italics from line 23 through line 34. The Authority would like to set up their own health standards - with a signed physicians health certificate for all those who apply for a driver's permit.

Line 44, subsection 4, delete from "rules" through the word "authority" on line 45, and adding "NRS 706.8841."

PAGE 7 - Section 12, subsection 3; this is a complete new added subsection.

Section 13, subsection 1, deletion of Lines 8 through the word "Operate" in line 28. Addition of lines 31 and 32.

There was a great deal of discussion on the removal of this section, with Senator Herr feeling that the committee which

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had set up the Taxicab Authority had worked long and hard on these standards of dress and operation for taxicab drivers. She didn't understand why they would want to delete these from the law. Mr. Cortez said that they intended on setting up a code within the Authority and that basically they wanted these removed from misdemeanor categories and made administrative. All felt this was an area which should be discussed further.

Section 14, line 37 - deletion of all between lines 37 and "(c)" on line 40. Deletion of "(d)" and adding "(c)" on line 42; deletion of "(e)" and adding "(d)" on line 46; deletion of "(f)" and adding "(e)" on line 48; deletion of "," at the end of line 50 and continuing with deletion through line 3 on Page 8.

PAGE 8 Addition of line 4 through 7; line 10, deleting ", narcotics or hallucinogenic drugs", and adding "or controlled substances"; deletion of lines 13 through "permit." in line 18 and adding "Any taxicab driver who violates any provision of this section is guilty of a misdemeanor."

Section 15, subsection 2, deleting "grantee" and adding "holder" on line 28; deleting "grantee" and adding "person" on line 30. Adding subsections 3, 4, and 5. (Lines 35 through 42.)

PAGE 9 Section 16, deleting "and" on line 42; deleting "." and adding "; and" on line 45 and adding subsection 22, (lines 46 through 49).

After further questions of Mr. Cortez regarding the amendments, Senator Herr asked if there was anyone else who would like to testify in favor of the measure?

Mr. John Crossley of the Legislative Counsel Bureau gave short testimony. (See attached proposed amendment.)

Mr. Virgil Anderson of the American Automobile Association had a short amendment for suggestion which was: Page 9, Section 16, subsection 22, line 47; delete from "chapter 706 of NRS, . . . through line 49, and adding "sections 706.881 through 706.885 of NRS."

Leo Henrickson of the Teamsters Local in Las Vegas testified that his union was in favor of the amendments except that they felt a further amendment should be made stating that no driver should be on duty for more than 10 hours, with 2 of these hours given to maintenance of his cab. It was finally decided that it should read "No driver should be allowed to drive over 10 hours."

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Mr. Ted Veneziano of Las Vegas then testified representing the small taxicab company owner. He said that he would like to see a change in NRS 706.8818 to read a 5 man board instead of a 3 man board, with one man coming from the taxicab industry himself. Would cure complaints. He felt the word misdemeanor should be omitted. Let the Taxicab Authority deal with it. He then discussed quite extensively the problems of the one-man, ~~one-cab owner~~ and felt that there should be more help given to the small business man, and that the one-man operation should get his fair share. He also stated, "If a man must operate a cap to earn a living and wants to operate this cab, he comes into full control under the Authority and he could not see the monopoly keeping him from earning a living when he pays all the fees and charges to operate his cab. In Las Vegas the large cab companies become larger and the small cabs become smaller.

There being further discussion as to percentage of profits, allocations, medallion hours, etc. It was asked what the formula was on allocation of the cab companies. Cannot issue a one man certificate until he proves that another company cannot service that area.

Because the Committee was going to have to adjourn as it was time for the Senate to go into session, Senator Herr stated that she would appoint a committee of three to look into the bill thoroughly, make necessary amendments and that the bill would be brought before the Committee at some later date. She would notify all those who would be interested as to the date and time.

There being no further business, the meeting was adjourned.

Respectfully submitted,


Molly M. Torvik, Secretary

APPROVED:


Senator Helen Herr, Chairman

to appeal by any aggrieved party to the taxicab authority, in the following matters:

- 1. Any violation relating to the issuance of or transfer of motor carrier license plates required by either the taxicab authority or the department of motor vehicles;
 - 2. Complaints against certificate holders;
 - 3. Complaints against taxicab drivers; and
 - 4. Applications for, or suspension or revocation of, driver permits which may be required by the administrator.
- (Added to NRS by 1969, 1241)

706.8823 Taxicab administrator: Hearings and recommendations to taxicab authority. The administrator shall conduct hearings and submit recommendations for a final decision to the taxicab authority, which shall render a final decision in the following matters:

- 1. Allocation of taxicabs;
 - 2. Imposition of monetary penalties; and
 - 3. Suspension or revocation of a certificate holder's certificate of public convenience and necessity.
- (Added to NRS by 1969, 1241; A 1971, 583)

ALLOCATION OF NUMBER OF TAXICABS; TAXES; FEES

706.8824 Allocation of number of taxicabs by taxicab authority; factors for determination.

- 1. Whenever circumstances require a change in the allocations existing on July 1, 1969, or afterward established, the taxicab authority shall allocate the number of taxicabs among the certificate holders in any county to which NRS 706.881 to 706.885, inclusive, apply.
 - 2. In determining the allocation of taxicabs as set forth in subsection 1, the taxicab authority shall consider:
 - (a) The needs and requirements of residents of the area served by the certificate holders;
 - (b) The needs and requirements of the tourists of the area served by the certificate holders;
 - (c) The interests, welfare, convenience, necessity and well-being of the public at large in the area served by the certificate holders; and
 - (d) Any other factors which the administrator considers necessary and proper for determining the allocation.
- (Added to NRS by 1969, 1241)

706.8825 County, city tax revenue received from taxicab industry paid to state.

- 1. The board of county commissioners of any county in which there is in effect a taxicab allocation order of a taxicab authority, and the governing body of each city within any such county, shall pay to the state treasurer all of the tax revenue which is received from the taxicab industry operating in such county and city, respectively. The funds so

PROPOSED AMENDMENT TO S.B. 191

Amend sec. 4, page 2, by deleting line 50 and inserting:

"fund, which is hereby created. All claims against the fund shall be processed as other claims against the state are paid."

Amend sec. 4, page 3, by deleting lines 13 through 19 and inserting:

"5. Fund transactions of the taxicab authority fund shall be accounted for in accordance with generally accepted accounting principles for special revenue funds and the provisions of the Fiscal and Accounting Procedures Law.

6. Subject to the approval and regulations of the state board of examiners, the administrator may obtain from budgeted resources \$100 to be used as an undercover investigators' petty cash amount. Replenishment claims shall be processed as other claims against the state are paid."

Amend the title of the bill, by deleting line 2 and inserting:

"providing for a fee".

S. B. 191**SENATE BILL NO. 191—SENATOR HERR**

FEBRUARY 13, 1975

Referred to Committee on Transportation

SUMMARY—Makes various changes in regulations for operation of taxicabs in certain counties. Fiscal Note: No. (BDR 58-362)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the taxicab authority; creating the taxicab authority fund; establishing the undercover investigator's revolving fund; providing for a fee and a hearing when an application for a certificate of public convenience and necessity is submitted; establishing criteria for a taxicab driver's permit; revising provisions for physician's certificates; adding new prohibited acts; providing penalties; giving certain employees of the taxicab authority peace officer status; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 706.8813 is hereby amended to read as follows:
 2 706.8813 "Certificate holder" means a person who has obtained and
 3 who holds a certificate of public convenience and necessity which was
 4 issued for the operation of a taxicab business within the county by:
 5 1. The public service commission of Nevada prior to July 1, 1969,
 6 and which has not been *transferred*, revoked or suspended by the taxicab
 7 authority; or
 8 2. The taxicab authority.
 9 SEC. 2. NRS 706.8818 is hereby amended to read as follows:
 10 706.8818 1. For each county of this state to which NRS 706.881 to
 11 706.885, inclusive, apply, the governor shall, until December 31, 1971,
 12 appoint a taxicab authority consisting of three persons, who shall serve
 13 at his pleasure. On and after January 1, 1972, a taxicab authority shall
 14 consist of three members appointed by the governor. Of the first taxicab
 15 authority appointed, one member shall be appointed for a term of 1 year,
 16 one member for 2 years, and one member for 3 years. Vacancies occur-
 17 ring as a result of the expiration of such terms shall be filled by appoint-
 18 ment for terms of 3 years. No member may serve for more than 6 years.
 19 No more than two of such persons may be members of the same political
 20 party, and no elected officer of the state or any political subdivision is
 21 eligible for appointment.

THIS EXHIBIT IS 9 PAGES LONG.
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