

BEFORE THE NEVADA TAXICAB AUTHORITY

Application to Adopt Regulations Pertaining to)
 NRS 706.8846)

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LIVERY OPERATORS ASSOCIATION'S
APPLICATION TO OPEN A REGULATORY RULEMAKING DOCKET
TO CLARIFY PROVISIONS RELATING TO NRS 706.8846

COMES NOW, Kimberly Maxson-Rushton, Esq. on behalf of the LIVERY OPERATORS ASSOCIATION OF LAS VEGAS ("LOA") and respectfully submits the following Application to adopt regulations pertaining to NRS 706.8846 – **Prohibited acts concerning the destination of a passenger**. This Application is filed pursuant to Nevada Administrative Code ("NAC") 706.990 and all applicable provisions of Nevada Revised Statute ("NRS") 233B.040-233B.064.

All notices, pleading documents and correspondence pertaining to this proceeding should be directed to the following individual:

Kimberly Maxson-Rushton, Esq.
 Cooper Levenson, Attorneys at Law
 1835 Village Center Circle
 Las Vegas, Nevada 89134
 krushton@cooperlevenson.com

I. BASIS FOR REQUESTED ADOPTION OF REGULATIONS

As the Taxicab Authority ("TA") is aware, over the past five (5) years certificated taxicab carriers in Clark County have instituted policies within their respective organizations to stop drivers from committing intentional acts of long hauling¹. Additionally, certificated taxicab carriers recognize that continuous violations by a company's employee drivers could be reflective of a lack of training and enforcement of directives designed to prevent long hauling. Accordingly, consistent

¹ These efforts include but are not limited to: posting signs in the Drivers Room that egregious long hauling will not be tolerated and convictions totaling three or more within a three year period will result in termination; dedicated training on routes, intent to deceive and customer consent; and the installation of cameras and GPS trackers in taxicabs for real time observation of taxi drivers.

1 patterns of long hauling offenses by a carrier's drivers could subject a certificate holder to an
2 administrative citation pursuant to NRS 706.885(2).

3 Consistent with the Legislative intent behind the adoption of NRS 706.8846 (prohibiting acts
4 of deceit and long hauling) the taxicab industry recognizes the importance of ensuring that tourist
5 and community members have access to safe and reliable taxi service without the added concern of
6 price gouging. In furtherance of these efforts, the LOA submits this Application to adopt regulations
7 in an effort to clarify the term "longer route" as contained in NRS 706.8846(3).
8

9 Conceptually, the proposed regulation is intended to clarify that a violation of NRS
10 706.8846(3) occurs when a driver intentionally takes a longer route to a passenger's destination for
11 the sole purpose of increasing the passenger's fare. If adopted, it will allow a driver to advise
12 passengers of the availability of multiple routes to a passenger's destination, including details about
13 any differences in the time and cost of using a certain route; and it would allow a taxi driver to use
14 routes that are parallel to the most "geographically direct" route, or alternative routes when road
15 conditions exist which could result in a passenger's delay in reaching their destination or a higher
16 fare.
17

18 Lastly, the LOA respectfully recommends that the TA, by regulation, define the term
19 "egregious long hauling." Thereafter, following adoption of the regulatory definition, the LOA
20 requests that the TA maintain a database, which contains the names of taxi drivers who have been
21 convicted of "abusive long hauling." In doing so, drivers and taxicab carriers will be on notice of
22 the fact that Nevada has zero tolerance for such abusive acts.
23

24 For the reason set forth herein, the LOA submits this Application as a request that the TA
25 open a rulemaking docket in order to review and consider adoption of regulations that pertain to
26 NRS 706.8846.
27
28

II. PROPOSED REGULATION LANGUAGE

NAC 706.----- Drivers: Authority to Use Alternative Route

1. A taxi driver is not prohibited from advising a passenger of the fact that multiple routes may be used to reach their destination, including any differences that may exist in terms of the length of time or the fare. Thereafter, if authorized by the passenger, a taxi driver may use a particular route, which may be longer in distance or greater in cost.
2. A taxi driver may use a route which is geographically parallel to the shortest route to a passenger's destination or an alternative route approved by the Authority.
3. A taxi driver is not prohibited from using an alternative route to reach a passenger's destination if the driver is aware of road conditions, which may result in a passenger's delay in reaching their destination or a higher fare.

NAC 706.4019091 “Egregious Long Hauling” definition.

“Egregious long hauling” is defined to be a fare which is seventy-five percent (75%) or more than the fare for the shortest geographic distance to a passenger’s destination, taking into consideration all applicable road conditions.

III. CONCLUSION

In conclusion, the LOA submits that a regulatory process which interprets a law and/or clarifies an agency's practice is beneficial to both the regulated industry and the regulatory agency. Accordingly, the LOA requests that the TA open a rulemaking docket in order to establish directives and effectuate the state's policy to prohibit the long hauling of passengers in Clark County.

DATED this 20th day of September, 2017.

Respectfully submitted,

K. L. Wilson

KIMBERLY MAXSON-RUSHTON, ESQ.

Nevada Bar No. 5065

COOPER LEVENSON, ATTORNEYS AT LAW

1835 Village Center Circle

Las Vegas, Nevada 89134

LIVERY OPERATORS ASSOCIATION OF LAS VEGAS

CERTIFICATE OF SERVICE

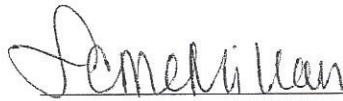
I HEREBY CERTIFY that on the 28th day of September, 2017, I did deposit for mailing in the United States mail at Las Vegas, Nevada, a true and correct copy of the above and foregoing APPLICATION TO OPEN A REGULATORY RULEMAKING DOCKET TO CLARIFY PROVISIONS RELATING TO NRS 706.8846 in a sealed envelope with first class postage fully prepaid thereon, addressed to:

Gary Mathews, Deputy Attorney General
Office of the Attorney General
555 E. Washington Ave., Suite 390
Las Vegas, NV 89101

Sophia Long, Deputy Attorney General
Office of the Attorney General
555 E. Washington Ave., Suite 390
Las Vegas, NV 89101

Ron Grogan
Taxicab Authority Administrator
2090 E. Flamingo Road, Suite 200
Las Vegas, NV 89119

Stan Olsen
Chairman – Nevada Taxicab Authority
2090 E. Flamingo Road, Suite 200
Las Vegas, NV 89119



An employee of COOPER LEVENSON