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Administrative Regulations

Agency: Department of Business & Industry, Nevada Taxicab Authority

FOR EMERGENCY
REGULATIONS ONLY

Effective date July 6, 2020

Expiration date ~~October 30~~ November 8, 2020

Classification: **PROPOSED** **ADOPTED BY AGENCY** X **EMERGENCY**

Brief description of action An emergency regulation of the Taxicab Authority under NAC 706 mandating the use of face masks by all taxicab drivers, directing that passenger areas of taxicabs be sanitized after any passenger has exited the vehicle, and setting clear penalties for violations by both drivers and taxicab companies.

Authority citation other than 233B NRS 706.8818; NRS 706.88181; NRS 706.8821; NRS 706.8837; NRS 706.8838; NRS 706.8845; NRS 706.8849; NRS 706.885; Declaration of Emergency, March 12, 2020

Notice date May 18, 2020

Hearing date May 21, 2020

Date of Adoption by Agency July 2, 2020

STEVE SISOLAK
Governor

TERRY REYNOLDS
Director

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
TAXICAB AUTHORITY
2090 East Flamingo Road, Suite 200
Las Vegas Nevada 89119
Telephone (702) 668-4000 • Fax (702) 668-4001
http://taxi.state.nv.us

SCOTT WHITTEMORE
Administrator

STAN OLSEN
Chairman

Members
ROGER C. THOMPSON, PhD
RICHARD DAVID GROOVER
VICKI L. HOLMES, PhD

Statement pursuant to NRS 233B.0613(1) to implement an emergency regulation concerning the COVID-19 Pandemic

The taxicab industry has great importance as an essential means of transportation in Nevada.

In these difficult times of the COVID-19 pandemic, it is important that our taxicab industry be as safe as possible for drivers, passengers, and the general public. The Taxicab Authority has determined that an immediate need exists for an emergency regulation that mandates the use of face masks by all taxicab drivers, and directs passenger areas of the cabs be sanitized after any passenger has exited the vehicle to mitigate the spread of this disease. Further, this emergency regulation sets clear penalties for violations by drivers and taxicab companies.

The Taxicab Authority unanimously voted to approve this emergency regulation at a public meeting on May 21, 2020. This emergency regulation will enhance the safety of the taxicab industry, and will help restore confidence in the traveling public.

Dated this 2nd day of July, 2020:

Scott Whittemore, Administrator
Nevada Taxicab Authority

I hereby endorse this Statement prepared by the Administrator of the Taxicab Authority pursuant to NRS 233B.0613(1).

Dated this 6th day of July, 2020:

Steve Sisolak, Governor
State of Nevada

EMERGENCY REGULATION OF THE

DEPARTMENT OF BUSINESS & INDUSTRY

NEVADA TAXICAB AUTHORITY

July 2, 2020

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

Filing of an Emergency Administrative Regulation

AUTHORITY: NRS 706.8818; NRS 706.88181; NRS 706.8821; NRS 706.8837; NRS 706.8838; NRS 706.8845; NRS 706.8849; NRS 706.885; Declaration of Emergency, March 12, 2020

A REGULATION relating to the Governor's March 12, 2020, Declaration of Emergency and related directives.

Explanation:

Due to the recent COVID-19 pandemic, the Governor, through the March 12, 2020 Declaration of Emergency and related directives, has ordered businesses to take various steps to minimize the possible transmission of this disease. This emergency regulation states clear standards of conduct for both taxicab certificate holders and taxicab drivers to follow to help reduce the transmission of COVID-19, establishes consequences for violations of those standards, and enhances the safety of the essential business of taxicabs.

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

NAC 706.XXX Disinfection of taxicabs; Drivers and independent contractors: safety standards. (NRS 706.8818; NRS 706.88181; NRS 706.8821; NRS 706.8837; NRS 706.8838; NRS 706.8845; NRS 706.8849; NRS 706.885)

1. *A taxicab subject to the jurisdiction of the Taxicab Authority, and available for the transportation of passengers, must be stocked at all times by the certificate holder with a sufficient supply of disinfectant wipes or similar disinfectant spray for a driver or independent contractor to comply with the provisions of subsection 2(a) below. These disinfectant wipes or the original spray container must be labeled as capable of disinfecting human coronavirus.*
2. *A driver or an independent contractor shall:*
    (a) *Use disinfecting wipes or spray labeled as capable of disinfecting human coronavirus to clean the passenger door areas of the taxicab after any passenger has exited from the vehicle.*
    (b) *Wear a face mask or face covering at all times while transporting or assisting a passenger. This face mask or face covering must cover the mouth and nose of the driver or independent contractor.*
3. *If a driver or independent contractor fails to carry the necessary disinfectant wipes or spray, the Administrator may order the taxicab out of service, and back to the certificate holder's place of business until the vehicle is properly equipped and the vehicle approved for a return to service by the Taxicab Authority.*
4. *If a driver or independent contractor violates any provision of subsections 2(a) or 2(b), the Administrator may, after providing notice and a hearing, impose the following sanctions:*
    (a) *For a first offense, a fine of not more than $250.*
    (b) *For a second offense, 1 to 7 days suspension of the driver's permit and a fine of not more than $500.*

(c) For a third offense, a term of suspension, or revocation of the driver's permit.

5. *A violation by a certificate holder of any provision of this emergency regulation is subject to the provisions of NRS 706.885.*

DEPARTMENT OF BUSINESS & INDUSTRY

NEVADA TAXICAB AUTHORITY

EMERGENCY REGULATION

NAC 706

Informational Statement per NRS 233B.066(2)

1. A clear and concise explanation of the need for the adopted regulation as required by NRS 233B.066(1)(a):

As an essential transportation business, the taxicab industry must adhere to strict safety and sanitation standards in order to inhibit the spread of the novel coronavirus that causes COVID-19.

Face masks and sanitation standards for cabs increase safety by reducing the chance of the disease transmission.

By establishing responsibilities for both taxicab drivers (whether employees or independent contractors) and taxicab companies regarding face mask usage and vehicle sanitation, as well as penalties for failures to adhere to the law, this emergency regulation will enhance the safety of the taxicab industry in the midst of this pandemic.

2. The estimated economic effect of the regulation on the business which it is to regulate and on the public as required by NRS 233B.066(1)(g).

Business:

Anticipated adverse effects for business will be the cost of obtaining the appropriate materials, the loss of time involved in making sure that all taxicabs are appropriately supplied, and the loss of time by employee and independent contractor drivers having to clean areas of the cab after each passenger departs. These will be immediate effects upon the adoption of this regulation, and will potentially be long-term effects if a similar language is subsequently adopted as a permanent regulation.

Anticipated beneficial effects of this regulation for business will be the reduced transmission of novel coronavirus among taxicab drivers, company employees, and taxicab passengers. This will also lead to a reduction in potential litigation against businesses related to transmission of the disease. These will be immediate effects upon the adoption of this regulation, and will potentially be long-term effects if this regulation (or a similar one) is subsequently adopted as a permanent regulation. In addition, in the long term, the existence of this regulation is anticipated to increase consumer confidence of the safety of using taxicabs, which will help to increase ridership.

Public:

The only anticipated adverse effect for the public is a slight delay in obtaining taxicab service, due to drivers' new responsibilities for cleaning portions of the cab after passengers depart the vehicle, and the subsequent effect on taxicabs' turnaround time. This will be an immediate effect upon the adoption of this regulation, and will potentially be a long-term effect if this regulation (or a similar one) is subsequently adopted as a permanent regulation.

The anticipated beneficial effects of this regulation for the public will be increased safety in riding taxicabs, and increased confidence in the taxicab industry, at no extra cost to the consumer (taxicab rates are set by the Taxicab Authority, and have not been increased as part of these safety measures). These will be immediate effects upon the adoption of this regulation, and will potentially be long-term effects if this regulation (or a similar one) is subsequently adopted as a permanent regulation.

3. The estimated cost to the agency for enforcement of the proposed regulation as required by NRS 233B.066(1)(h).

None. Field investigators for the Taxicab Authority already regularly perform a patrol function as part of their enforcement of NRS and NAC 706. This regulation will give them an additional set of violations to monitor and potentially cite for, and an additional item for Taxicab Authority inspectors to be aware of when inspecting taxicabs. In addition, the existence of a new regulation to enforce may slightly increase the number of administrative citations, as well as increase the use of staff and administrative attorney time to address violations.

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 a federal regulation, name the regulating federal agency as required by NRS 233B.066(1)(i).

None known.

5. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions as required by NRS 233B.066(1)(j).

None known.

6. If the regulation provides a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used as required by NRS 233B.066(1)(k).

Unknown. No fees are increased, but financial penalties may be assessed against taxicab drivers and taxicab companies for violations of the emergency regulation. Any such funds received would be deposited to the credit of the Taxicab Authority Fund, and would help defray the costs of regulating taxicabs. Hopefully, no penalties will need to be assessed.