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BILL NO. 4-19-22-3

SUMMARY – An ordinance to amend Clark County Code Title 6 by adding a new Chapter 6.105 – Peer-to-Peer Car Sharing; providing for the licensure of peer-to-peer car sharing programs and shared vehicle owners; establishing license application requirements; providing for business license fees; and providing for other matters properly related thereto

ORDINANCE NO. _____

(of Clark County, Nevada)

AN ORDINANCE TO AMEND CLARK COUNTY CODE TITLE 6 BY ADDING A NEW CHAPTER 6.105 – PEER-TO-PEER CAR SHARING; PROVIDING FOR THE LICENSURE OF PEER-TO-PEER CAR SHARING PROGRAMS AND SHARED VEHICLE OWNERS; ESTABLISHING LICENSE APPLICATION REQUIREMENTS; PROVIDING FOR BUSINESS LICENSE FEES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK,
STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE. Title 6 of the Clark County Code is hereby amended by adding a new chapter to read as follows:

CHAPTER 6.105 – PEER-TO-PEER CAR SHARING PROGRAM

6.105.010 - Definitions.

The following words, terms and phrases when used in this chapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used

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in the present tense include the future, and words in the singular number include the plural number and the plural number include the singular number. The words “shall” and “will” are mandatory and “may” is permissive. Words not defined in this section shall have their generally accepted meanings unless otherwise defined in Chapters 6.04 and 6.08 of the Clark County Code. The director shall have the authority to interpret words in accordance with established practice.

6.105.010.010 – Car sharing program agreement.

“Car sharing program agreement” shall have the same meaning ascribed to it in Section 5 of SB 389 (2021) and means an agreement entered into between a peer-to-peer car sharing program and a shared vehicle driver or a shared vehicle owner which establishes terms and conditions governing the sharing of a vehicle through the peer-to-peer car sharing program.

6.105.010.020 – County.

"County" means the unincorporated areas of Clark County, Nevada unless otherwise indicated.

6.105.010.030 – Director.

"Director" means the director of the Clark County Department of Business License.

6.105.010.040 – Peer-to-peer car sharing.

“Peer-to-peer car sharing” shall have the same meaning as ascribed to it in Section 7.7 of SB 389 (2021) and means the authorized use of a vehicle by an individual other than the owner of the vehicle through a peer-to-peer car sharing program.

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6.105.010.050 - Peer-to-peer car sharing program.

“Peer-to-peer car sharing” shall have the same meaning as ascribed to it in Section 8 of SB 389 (2021) and means a platform operated by a business that connects shared vehicle owners with shared vehicle drivers to enable the sharing of vehicles in exchange for money.

6.105.010.060 – Senate Bill 389 or SB 389.

“Senate Bill 389” or “SB 389” means the Senate Bill 389 of the 81st Session of the Nevada State Legislature (2021) that established provisions whereby local governments could require a peer-to-peer car sharing program or a shared vehicle owner operating as corporation, limited partnership or limited-liability company to obtain from the local government a business license and pay a business license fee.

6.105.010.070 – Shared vehicle.

“Shared vehicle” shall have the same meaning as ascribed to it in Section 9 of SB 389 (2021) and means a vehicle that is shared or available for sharing through a peer-to-peer car sharing program.

6.105.010.080 – Shared vehicle driver.

“Shared vehicle driver” shall have the same meaning ascribed to it in Section 10 of SB 389 (2021) and means a person who has been authorized to drive a shared vehicle by the shared vehicle owner pursuant to the terms of a car sharing program agreement.

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6.105.010.090 – Shared vehicle owner.

“Shared vehicle owner” shall have the same meaning as ascribed to it in Section 11 of SB 389 (2021) and means the registered owner of a shared vehicle or a person who is authorized by the registered owner to make a vehicle available for sharing through a peer-to-peer car sharing program.

6.105.010.100 – Vehicle.

“Vehicle” has the same meaning ascribed to it in NRS 482.135 and means, except as otherwise provided in NRS 482.36348, every device in, upon or by which any person or property is or may be transported upon a public highway. The term does not include:

1. Devices moved by human power or used exclusively upon stationary rails or tracks;
2. Mobile homes or commercial coaches as defined in Chapter 489 of NRS;
3. Electric bicycles;
4. Electric personal assistive mobility devices;
5. Electric scooters; or
6. A mobile carrying device as that term is defined in NRS 484B.029.

6.105.020 - Compliance with state and county laws and regulations.

Peer-to-peer car sharing programs and shared vehicle owners must comply with all applicable state and County laws, rules and regulations, including, but not limited to, Chapters 6.04 and 6.08 of the County Code and any requirements of the Clark County Department of Aviation to operate on airport property.

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6.105.030 - License required.

It is unlawful for anyone to operate as a shared vehicle owner operating as corporation, limited partnership or limited-liability company or as a peer-to-peer car sharing program without first obtaining a county business license from the Clark County Department of Business License. In order to obtain a business license, a shared vehicle owner operating as corporation, limited partnership or limited-liability company or a peer-to-peer car sharing program must apply for a county business license and comply with all of the applicable license application requirements.

6.105.040 - Application for a business license.

Each shared vehicle owner or peer-to-peer car sharing program located or doing business within the unincorporated areas of the County must apply for a county business license on forms approved by the director and provide such other information as the director may require.

6.105.050 – Application requirements.

The requirements for an application for a business license shall be:

- (a) A completed application on a form approved by the Director of Business License;
- (b) A non-refundable application fee of forty-five dollars (\$45.00);
- (c) A statement as to:
 - 1. If the applicant is a shared vehicle owner, the number of shared vehicles owned by the applicant that are available for peer-to-peer car sharing through a peer-to-peer car sharing program; or
 - 2. If the applicant is a peer-to-peer car sharing program, the total number of shared vehicle owners and the number of shared vehicles on the peer-to-peer

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car sharing program that are available for peer-to-peer car sharing within the
county.

6.105.060 – License Fees.

(a) Each licensee shall pay:

(1) For a Shared Vehicle Owner license:

An annual license fee based on the number of vehicles owned and made available
for sharing through a peer-to-peer car sharing program within the county at the time
of application or renewal of license as follows:

<u>Total Number of Shared Vehicles</u>	<u>Annual Fee</u>
<u>Not more than 5</u>	<u>\$ 50.00</u>
<u>6 – 10</u>	<u>\$ 100.00</u>
<u>11 – 25</u>	<u>\$ 250.00</u>
<u>26 – 50</u>	<u>\$ 400.00</u>
<u>51 – 100</u>	<u>\$ 600.00</u>
<u>More than 100</u>	<u>\$ 800.00</u>

(2) For a Peer-to-Peer Car Sharing Program license:

An annual license fee based on the number of shared vehicles authorized to be shared
on the platform of the licensee within the County at the time of application or
renewal of license as follows:

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<u>Total Number of Shared Vehicles</u>	<u>Annual Fee</u>
<u>Not more than 100</u>	<u>\$ 1,000.00</u>
<u>101 – 500</u>	<u>\$ 5,000.00</u>
<u>501 – 1,000</u>	<u>\$10,000.00</u>
<u>1,001 – 2,500</u>	<u>\$25,000.00</u>
<u>2,501 – 5,000</u>	<u>\$50,000.00</u>
<u>5,001 – 7,000</u>	<u>\$70,000.00</u>
<u>More than 7,000</u>	<u>\$75,000.00</u>

(b) The Peer-to-Peer Car Sharing Program shall notify each Shared Vehicle Owner of the requirement to obtain a county business license pursuant to Section 6.105.030 of the code and if the Peer-to-Peer Car Sharing Program is notified by the Department, that a Shared Vehicle Owner does not possess a valid County business license, the Peer-to-Peer Car Sharing Program shall terminate that Shared Vehicle Owner's access to the digital network or software applications service.

6.105.070 – Operations at the airport.

A Shared Vehicle Owner is not authorized to drop off, pick up or otherwise conduct any business related to the sharing of a vehicle through a peer-to-peer car sharing program on any property owned or maintained by the Clark County Department of Aviation without displaying a valid decal in the Shared Vehicle issued by the Department of Business License. Nothing in this section shall be construed to prohibit the Clark County Department of Aviation from requiring a Shared Vehicle Owner, whether or not the Shared Vehicle Owner is operating as a corporation, limited partnership or limited-liability company, to:

- (a) obtain a permit or certificate from the Clark County Department of Aviation to operate at the airport;

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- (b) pay a fee to the Clark County Department of Aviation to operate at the airport; or
- (c) comply with any other requirement established by the Clark County Department of Aviation to operate at the airport.

SECTION TWO. If any provision, section, paragraph, sentence, clause, or phrase of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of the remaining parts of this ordinance. It is the intent of the County Commission in adopting this ordinance that no portion or provision thereof shall become inoperative or fail by reason of any invalidity or unconstitutionality of any other portion or provision, and to this end all provisions of this ordinance are declared to be severable.

SECTION THREE. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION FOUR. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with the names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the _____ day of _____, 2022.

PROPOSED BY: Commissioner _____

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PASSED on the _____ day of _____, 2022.

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

BOARD OF COUNTY COMMISSIONERS

BY: _____

JAMES B. GIBSON, Chair

ATTEST:

LYNN MARIE GOYA, County Clerk

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This ordinance shall be in force and effect from and after

the _____ day of _____ 2022.