

ATTACHMENT #1



Department of Business License

VINCENT V. QUEANO
DIRECTOR

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LAS VEGAS, NEVADA 89155-1810

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March 1, 2022

NOTIFICATION OF PROPOSED AMENDMENT TO CLARK COUNTY CODE TITLE 6, BY ADDING A NEW CHAPTER 6.105 PEER-TO-PEER CAR SHARING PROGRAM

Dear Licensee and Community Partners:

Please be notified pursuant to NRS 237.080, of proposed amendments to Clark County Code, Title 6, by adding a new Chapter 6.105, for Peer-To-Peer Car Sharing Program. The amendments are available for your review online at www.clarkcountynv.gov/depts/businesslicense.

The proposed amendments address the following key areas:

- **Section 6.105.010** adds new definitions.
- **Section 6.105.020** requires peer-to-peer car sharing programs and shared vehicle owners to comply with applicable state and County laws, rules and regulations and any requirements of the Clark County Department of Aviation.
- **Section 6.105.030** requires each peer-to-peer car sharing program and shared vehicle owner operating as a corporation, limited partnership or limited-liability company to obtain a Clark County business license.
- **Section 6.105.050** establishes the requirements for a business license application for a peer-to-peer car sharing program and a shared vehicle owner.
- **Section 6.105.060** establishes the annual business license fees for a peer-to-peer car sharing program and a shared vehicle owner based on the number of vehicles available for sharing.
- **Section 6.105.070** requires each vehicle to display a valid decal in order to operate on property owned or maintained by the Clark County Department of Aviation. This section also allows the Clark County Department of Aviation to require a permit, pay a fee and/or comply with any other requirement to operate at the airport.

In accordance with NRS 237.080, business owners and interested parties may submit data and arguments to the Clark County Board of Commissioners, in care of the Department of Business License as to whether the proposed amendment will:

1. Impose a direct and significant economic burden upon a business; or
2. Directly restrict the formation, operation or expansion of a business.

Please direct your comments, data and arguments in writing to Jordan Sandecki at PublicCommentCCBL@ClarkCountyNV.gov by 5:00 p.m. on March 31, 2022.

Sincerely,

Michael Harwell

Michael Harwell
Franchise Manager

ATTACHMENT #2

March 31, 2022

Department of Business License
500 South Grand Central Parkway, 3rd Floor
Box 551810
Las Vegas, Nevada 89155-1810

Re: Proposed Amendment to Clark County Code Title 6, By Adding a New Chapter 6.105 Peer-To-Peer Car Sharing Program

Dear Director Vincent V. Queano and Department of Business License,

On behalf of Avail, a peer-to-peer car sharing platform that is part of the Allstate Insurance family of companies, we would like to thank you for the opportunity to provide additional feedback as the County considers the proposed ordinance for car sharing operations. As it stands, Avail does not operate in Nevada. It is, however, our desire to bring our unique car sharing experience to Clark County in the future should the opportunity and operational parameters make that expansion viable. To that end, we believe that while it is necessary to have pertinent business licenses for various new economy entrants, the amendment, as written, would likely directly restrict the formation, operation and/or expansion of our business as entrance will likely prove difficult and expansion and scaling would be economically restrictive.

Licensing Fees

As articulated in Section 6.105.60, the business license fee associated with operating a car sharing program is dependent on the number of vehicles on the platform. Avail is not currently operating in Clark County and would therefore have a very difficult time accurately estimating how many vehicles will be placed on our platform. Additionally, the tiered fee structure provides counter incentives to expanding our supply by forcing the platform to pay the county exponentially more in annual fees should we grow. Moreover, the way by which a vehicle is counted as “being authorized to be shared” is unclear. If someone were to share their vehicle once does that count the same as an owner that shares that vehicle multiple times throughout the year? The uncertainty,

disadvantageous fee structure and unknown supply at entry would make it very difficult for Avail to comply with this ordinance and could prevent market entry.

Shared Vehicle Owners

We understand the likely intent of requiring shared vehicle owners that are operating as a corporation, limited partnership, or limited-liability company to obtain a business license is to capture companies being established for the sole purpose of sharing vehicles. However, as written these provisions would likely prevent constituents and small business owners from being able to freely share their vehicles if they happened to be part of one of the previously mentioned business entities. The small business owner who owns three vehicles for their business may have them registered under their LLC. If they find themselves not needing to use all the vehicles at a given time, they may want to share them on a car sharing platform. Requiring these small business owners to obtain a separate business license could create undue compliance obstacles and risks for them, driving churn and confusion, rather than promoting organized free-market growth. Avail would recommend that this language be stricken or significantly modified so that these citizens and small business owners are not locked out of this sharing economy nor are the few successful entrants set up to fail.

Regarding shared vehicle owners operating as a corporation, limited partnership or limited-liability company, Avail does not believe it should be the responsibility of the platform to inform and enforce business licensure compliance. Our platform ensures that we have safe, reliable, and clean vehicles on our platform with proper insurance coverage. Requiring that our platform monitor who may own a vehicle that is part of a company and if so, confirm they have the adequate business license to share that vehicle would entangle the separate business entities as they work at arm's length. Moreover, the burden of compliance is conflated with the government's responsibility to enforce the law. Here, the restrictions, as written, would require Avail to not only act as a business platform but as an extension of the government, set out to restrict market access through licensure requirements.

Operations at the Airport

As Avail stated in our initial comments last month, we understand the necessity to live into relevant airport ecosystems and regulatory frameworks. However, we again oppose the requirement for shared vehicles to have a decal displaying that they are part of a P2P program. We believe this requirement to be unnecessary and could lead to increased risk to our shared vehicles.

Thank you again for considering our comments and we look forward to working with the department and county throughout the process.

Sincerely,



Jon Van Arsdell
Head of Government Relations
Avail Car Sharing

ATTACHMENT #3

March 31, 2022

via e-mail: PublicCommentCCBL@ClarkCountyNV.gov

Neal Tomlinson
Attorney at Law
702.464.7043 direct
ntomlinson@bhfs.com

Clark County Board of Commissioners
c/o Department of Business License
Jordan Sandecki

Re: **Notification of Proposed Amendment to Clark County Code Title 6, By Adding a New Chapter 6.105 Peer-To-Peer Car Sharing Program**

Comments of Getaround, Inc. in accordance with NRS 237.080

Dear Commissioners,

In accordance with NRS 237.080, please be advised our firm has been retained by Getaround Inc. ("Getaround") to provide written comments, data and arguments in response to the above-referenced Notification of Proposed Amendment to Clark County Code Title 6 (the "Proposed Amendment"). Getaround is a digital peer-to-peer car sharing marketplace which connects drivers who need safe, convenient and affordable vehicles to live and work with car owners who share their cars in exchange for payment. Getaround was founded in 2009 and is active in more than 950 cities around the world.

Senate Bill 389 ("SB 389" or the "Bill") was passed during the 81st Session of the Nevada State Legislature (2021) and approved by Governor Sisolak on June 3, 2021. The Bill generally establishes provisions governing the licensing and operation of peer-to-peer car sharing programs. **Section 30.67 of the Bill prohibits a local governmental entity from imposing additional taxes, fees or licensing requirements on a peer-to-peer car sharing program, shared vehicle owner, shared vehicle driver or shared vehicle, other than those which are applicable, in general, to all businesses.**

Specifically, Section 30.67 provides in relevant part that:

1. Except as otherwise provided in subsection 2 and NRS 244A.810 and 244A.860, a local governmental entity shall not:
 - (a) Impose any tax or fee on:
 - (1) Any peer-to-peer car sharing program operating within the scope of a valid license issued pursuant to section 30.37 of this act;
 - (2) Any shared vehicle driver;
 - (3) Any shared vehicle owner; or
 - (4) Any shared vehicle.

(b) Require:

(1) A peer-to-peer car sharing program operating within the scope of a valid license issued pursuant to section 30.37 of this act to obtain from the local government any certificate, license or permit to operate as a peer-to-peer car sharing program; or

(2) A shared vehicle owner who makes a shared vehicle available through a peer-to-peer car sharing program to obtain from the local government any certificate, license or permit to make the shared vehicle available through a peer-to-peer car sharing program.

(c) Impose any other requirement on a peer-to-peer car sharing program, shared vehicle owner or shared vehicle driver which is not of general applicability to all similarly situated persons or entities within the jurisdiction of the local government.

2. Nothing in this section shall be construed to:

(a) Prohibit a local government from requiring a peer-to-peer car sharing program, or a shared vehicle owner operating as a corporation, limited partnership or limited-liability company through which the shared vehicle owner shares a vehicle using a peer-to-peer car sharing program, to obtain from the local government a business license or to pay any business license fee in the same manner that is generally applicable to any other business that operates within the jurisdiction of the local government.

(b) Prohibit an airport or its governing body from requiring a peer-to-peer car sharing program or shared vehicle owner to:

(1) Obtain a permit or certification to operate at the airport;

(2) Pay a fee to operate at the airport; or

(3) Comply with any other requirement to operate at the airport.

(c) Exempt a shared vehicle from any tax imposed pursuant to NRS 354.705, 371.043 or 371.045.

3. Nothing in this section shall be construed to exempt a peer-to-peer car sharing program from the requirement to obtain a state business license pursuant to chapter 76 of NRS.

(Emphasis added).

Therefore, based on the above, certain sections of the Proposed Amendment, as written, specifically conflict with and are preempted by the plain language and meaning of Section 30.67 of SB 389. See NRS 244.137.¹

¹ The Nevada Legislature effectively grants local government all of their power, which is commonly referred to as Dillon's Rule. Dillon's Rule is a legal tenant (based on a decision made by Judge Forrest Dillon from Iowa) that local governments only have powers that are expressly granted to them by either the federal government or state law. Although there are limited exceptions, Dillon's Rule remains in place in Nevada.

We further respectfully respond as follows to whether the Proposed Amendment will:

1. Impose a direct and significant economic burden upon a business.

Yes, the Proposed Amendment will impose a direct significant burden upon a peer-to-peer car sharing business because it requires a specific “Shared Owner License” and “Peer-to-Peer Car Sharing Program License” that are contrary to and go well beyond the general business license and traditional fee contemplated by Section 30.67(2)(a) of SB 389. Specifically, Sections 6.105.050 and 6.105.060 of the Proposed Amendment conflict with and are preempted by SB 389, and therefore directly impose a significant burden in the form of a business-specific license and exorbitant license fees that are not generally applicable to other businesses.

In addition, a regulatory regime which requires a car owner to pay fees based on how many vehicles they intend to share (as in Section 6.105.060 of the Proposed Amendment) disincentivizes owners from car sharing. For example, if a car owner wants only to share their car(s) periodically, *e.g.*, only on Thursdays or during vacations, the logistics and cost to obtain a “Shared Vehicle Owner” license may make sharing too onerous and the fees may consume a large percentage of the income the owner may earn from sharing. This is particularly true if the owner shares their car on a platform like Getaround where users can book cars by the hour, and so an owner can share for as little as a few hours at a time. The Proposed Amendment appears to assume that, like rental cars, all vehicles that will be shared can be identified at the point of licensure and will be used solely for sharing.

Likewise, a regulatory regime that requires a “Peer-to-Peer Car Sharing Program” to pay fees based on how many vehicles are shared through the program as of the license application or renewal date (as in Section 6.105.060 of the Proposed Amendment), when car owners may (1) add or remove shared cars from the program at any time and (2) share their cars infrequently (likely resulting in substantially less income for both the owner and program than if the car were used solely for sharing) imposes a substantial financial and administrative burden on the program.

2. Directly restrict the formation, operation or expansion of a business.

For the same reasons set forth in response to number 1 above, the Proposed Amendment will directly restrict the formation, operation or expansion of a peer-to-peer car sharing business because those conflicting and preempted sections of the Proposed Amendment referenced above are not business friendly and will prevent both businesses and individual “Shared Vehicle Owners” from choosing to operate in this jurisdiction and hinder the expansion of those that do.

Because the Proposed Amendment (1) conflicts with and is preempted by state law (SB 389), (2) will impose a direct and significant economic burden upon business, and (3) will directly restrict the formation, operation or expansion of business, Getaround respectfully requests that Sections 6.105.050 and 6.105.060 of the Proposed Amendment be revised to conform to the same business licensing

March 31, 2022

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manner which is generally applicable to any other business which operates within the County, as is required by SB 389.

Thank you in advance for considering our comments, and of course please feel free to contact either of us if you have any questions or require additional information.

Best regards,

/s/ Neal Tomlinson

Neal Tomlinson

/s/Kristina R. Kleist

Kristina R. Kleist

cc: Robert Warhola
Chief Deputy District Attorney
Clark County District Attorney's Office
Robert.warhola@clarkcountyda.com

ATTACHMENT #4



March 31, 2022

Department of Business License
Vincent V. Queano
Director
500 South Grand Central Parkway, 3rd Floor
Box 551810
Las Vegas, Nevada 89155-1810

Re: Business Impact Statement for Notification of Proposed Amendment to Clark County Code Title 6, by adding a new Chapter 6.105 Peer-to-Peer Car Sharing Program

To bring the Proposed Amendment to Clark County Code Title 6, New Chapter 6.105 (hereinafter, "Ordinance") into compliance with SB 389 (2021), we respectfully request the following items and feedback be incorporated into the final Ordinance.

6.105.010.090 – Definition of "Shared vehicle owner"

Comment: To bring the proposed Ordinance into agreement with SB 389 (2021), the definition of "shared vehicle owner" as contained in the proposed Ordinance must be revised and narrowed to include only shared vehicle owners operating on a peer-to-peer car sharing platform as a corporation, limited partnership or limited-liability company.

Justification: SB 389 explicitly prevents any local governmental entity from requiring a shared vehicle owner who makes a shared vehicle available through a peer-to-peer car sharing program from obtaining from the local government any certificate, license or permit to make the shared vehicle available through a peer-to-peer car sharing program. A local governmental entity's ability to require any licensure of a shared vehicle owner extends only to those shared vehicle owners operating on a peer-to-peer car sharing platform as a corporation, limited partnership or limited-liability company.

Cite: SB 389 (2021), § 30.67(1)(b)(2). Taxation and regulation by local governments. Statutorily undesignated legislation as of March 22, 2022.

Business impact: Removing all regulatory ambiguity and preventing a wider regulatory net than is allowed by State law will provide clarity to all shared vehicle owners operating in Clark County. Further, this change reflects that State law prevents any local governmental entity from requiring a shared vehicle owner not operating as a corporation, limited partnership or limited-liability company to obtain from the local government any certificate, license or permit to make a shared vehicle available through a peer-to-peer car sharing program.



6.105.020 - Compliance with state and county laws and regulations.

Comment: Clarify that “shared vehicle owners” as used in 6.105.020 are only those shared vehicle owners operating as a corporation, limited partnership or limited-liability company.

Justification: SB 389 provides that a local governmental entity may not require a shared vehicle owner who makes a shared vehicle available through a peer-to-peer car sharing program to obtain from the local government any certificate, license or permit to make the shared vehicle available through a peer-to-peer car sharing program.

Cite: SB 389 (2021), § 30.67(1)(b) & (c). Taxation and regulation by local governments. Statutorily undesignated legislation as of March 22, 2022.

Business impact: By preventing individual vehicle owners from sharing their vehicles, through the requirement of paying a fee, obtaining a license, or in any other way, the proposed Ordinance would unduly restrict an individual’s ability to conduct peer-to-peer car sharing activities. Further, this section runs directly afoul of the authority to regulate shared vehicle owners granted to local governmental authorities in SB 389.

6.105.070 – Application requirements.

Comment: Revise all application requirements in the proposed Ordinance to reflect that any license required by Clark County for peer-to-peer car sharing must also be generally applicable to any other business that operates within the jurisdiction of the local government.

Justification: SB 389 only allows a local governmental entity to require a peer-to-peer car sharing program, or a shared vehicle owner operating as a corporation, limited partnership or limited-liability company through which the shared vehicle owner shares a vehicle using a peer-to-peer car sharing program, to obtain from the local government a “business license or to pay any business license fee in the same manner that is generally applicable to any other business that operates within the jurisdiction of the local government.” Thus, local governmental entities do not have the authority to require a business license that requires inclusion or disclosure of any information or data that is specific to peer-to-peer car sharing and that is not otherwise applicable to any other business that operates within the jurisdiction of the local government.

Cite: SB 389 (2021), § 30.67(2)(a). Taxation and regulation by local governments. Statutorily undesignated legislation as of March 22, 2022.

Business impact: If subjected to local mandates or local requirements that run afoul of what is permissible by State law, peer-to-peer car sharing as an industry stands to operate at a fundamental disadvantage to all other legal business operations in the County.



6.105.080 – License Fees.

Comment: Reduce/collapse the number of annual fee levels applicable to both shared vehicle owners operating as a corporation, limited partnership or limited-liability company and peer-to-peer car sharing programs, from six and seven, respectively, to two levels for both. By reducing/collapsing the numerous fee levels into a simpler structure of two different fee levels, administration and compliance with licensing requirements will be simpler with no negative impact to local licensing revenues.

Justification: As currently drafted, the proposed ordinance contains six different licensing fee levels for shared vehicle owners operating as a corporation, limited partnership or limited-liability company and seven different licensing fee levels for shared vehicle programs. This multi-multilayered licensing structure needlessly adds complexity to the licensing process with no benefit for industry or local government. By reducing/collapsing the number of licensing fee levels to two for both shared vehicle owners operating as a corporation, limited partnership or limited-liability company and peer-to-peer car sharing programs, the licensing process will be more streamlined and easier to execute.

Business impact: A multi-multilayered licensing fee structure unnecessarily introduces compliance costs, administrative complexities, and unintended consequences for both shared vehicle owners (operating as a corporation, limited partnership or limited-liability company) and peer-to-peer car sharing platforms. A simpler, yet more effective alternative would be a licensing fee structure that collapses the existing levels into two different levels (respectively) for shared vehicle owners and peer-to-peer car sharing platforms:

Shared vehicle owners operating as a corporation, limited partnership or limited-liability company

Total Number of Shared Vehicles	Annual Fee
Not more than 25.....	\$ 250.00
More than 25.....	\$ 800.00

Peer-to-peer car sharing programs

Total Number of Shared Vehicles	Annual Fee
Not more than 500.....	\$ 10,000.00
More than 500.....	\$ 25,000.00

6.105.060 – License Fees.

Comment: Remove the mandate requiring a peer-to-peer car sharing platform to enforce the County's business licensure requirements in 6.105.060(b). Specifically, as currently drafted 6.105.060(b) requires a peer-to-peer car sharing program to notify each shared vehicle owner of the requirement to obtain a county business license; further, if the peer-to-peer car sharing program becomes aware, or is notified by the County, that a shared vehicle owner does not possess a valid County business license, the peer-to-peer car sharing program is required to terminate the shared vehicle owner's access to the digital network or software applications service.



Justification: This mandate is not permissible under any local governmental authority granted to local governmental entities in SB 389 and is therefore unlawful.

Business impact: Besides being preempted and unlawful, mandating peer-to-peer car sharing programs police and enforce the County's business license requirements is likely both technically and legally impossible due to software and application limitations as well as applicable State and Federal privacy laws.

We thank you for the opportunity to respond with this Business Impact Statement. We look forward to working with the Department of Business Licensure to create the best possible peer-to-peer car sharing business license framework possible. We stand ready to answer any questions or provide further feedback.

Sincerely,

A handwritten signature in black ink, appearing to read "Louis Bertuca", written over a horizontal line.

Louis Bertuca
VP, Head of Government Relations
Turo