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# COMMITTEE BRIEF

## ASSEMBLY COMMITTEE ON TRANSPORTATION



**2003 LEGISLATIVE SESSION**

**COMMITTEE ISSUE BRIEF  
ASSEMBLY COMMITTEE ON TRANSPORTATION  
— 2003 NEVADA LEGISLATURE —**

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This committee issue brief provides background information and summarizes selected issues pertaining to the Assembly Committee on Transportation. It includes:

1. A listing of titles and chapters of the *Nevada Revised Statutes* (NRS) that fall under the jurisdiction of the Committee;
2. A review of major legislation enacted by the Committee during the 2001 Session;
3. A list of reports related to transportation which may be submitted to the Committee or the Legislature during the 2003 Session;
4. A summary of possible transportation issues for the 2003 Session;
5. The key dates associated with the 120-day legislative session; and
6. A list of state transportation agency officials and interested groups.

**I. THE JURISDICTION OF THE COMMITTEE**

The Assembly Committee on Transportation considers measures affecting the NRS titles and chapters that are listed below, with the exception of measures affecting state and local revenues.

**Title 32—Revenue and Taxation**

- Chapter 365—Taxes on Certain Fuels for Motor Vehicles and Aircraft
- Chapter 366—Tax on Special Fuel
- Chapter 371—Vehicle Privilege Tax
- Chapter 373—County Tax on Fuel

### Title 35—Highways; Roads; Bridges; Parks

- Chapter 403—County Roads, Highways and Bridges
- Chapter 404—Road Districts
- Chapter 405—Control and Preservation of Public Highways
- Chapter 408—Highways and Roads
- Chapter 410—Beautification of Highways

### Title 43—Public Safety; Vehicles; Watercraft

- Chapter 481—Administration of Laws Relating to Motor Vehicles
- Chapter 481A—Transportation on Highways (Multistate Agreement)
- Chapter 482—Motor Vehicles and Trailers: Licensing, Registration, Sales and Leases
- Chapter 483—Drivers' Licenses; Driving Schools and Driving Instructors
- Chapter 484—Traffic Laws (except bills on reckless driving, procedures upon arrest for motor vehicle offenses, and driving under the influence)
- Chapter 485—Motor Vehicles: Insurance and Financial Responsibility
- Chapter 486—Bicycles, Motorcycles and Similar Vehicles
- Chapter 487—Repair, Removal and Disposal of Vehicles

### Title 44—Aeronautics

- Chapter 493—General Provisions
- Chapter 494—State Airports
- Chapter 495—City and County Airports and Facilities; Companies for Air Transportation
- Chapter 496—Municipal Airports
- Chapter 497—Zoning
- Chapter 498—Skydiving Businesses

### Title 58—Energy; Public Utilities and Similar Entities

- Chapter 705—Railroads and Monorails
- Chapter 706—Motor Carriers

## **II. SELECTED LEGISLATION ENACTED IN 2001**

The Assembly Committee on Transportation reviewed a total of 49 measures during the 2001 Session. Following is a selection of measures considered by the Committee. These bills were chosen to illustrate the kinds of measures that are typically referred to the Committee. For additional information on issues and specific measures from the 2001 Session, the *Summary of Legislation 2001* is available from the Legislative Counsel Bureau's Publications Office (telephone: 775/684-6835).

## **Reorganization of the Department of Motor Vehicles and Public Safety**

During the 2001 Legislative Session, the Legislature changed the structure of the Department of Motor Vehicles and Public Safety. This change was based on a determination by the Governor's Steering Committee to Conduct a Fundamental Review of State Government that the mission and functions of the Public Safety branch were entirely different than the functions of the Motor Vehicle branch. Senate Bill 481 (Chapter 520, *Statutes of Nevada 2001*) divided the Department into two agencies—a Department of Motor Vehicles (DMV) and a Department of Public Safety.

### **Drivers' Licenses and Registration**

Numerous bills regarding the licensing of drivers and the registration of motor vehicles were heard.

Senate Bill 523 (Chapter 188, *Statutes of Nevada 2001*) allows the DMV to release photographs from drivers' license records to authorized federal, state, and local governmental entities; law enforcement agencies; and representatives of the Welfare Division or the Office of the State Public Defender. This measure also provides that the Department may not release personal information from license and registration files for use in bulk surveys and marketing unless the person authorizes the release.

The Committee approved several bills relating to registering motor vehicles including:

1. Changing the name of the "vehicle privilege tax" to the "governmental services tax" (Senate Bill 59, Chapter 13, *Statutes of Nevada 2001*);
2. Extending from June 30, 2001, to June 30, 2003, the reversion date of an appropriation made during the 1999 Legislative Session for the DMV to redesign existing standard license plates and issue new replacement license plates (Senate Bill 525, Chapter 250, *Statutes of Nevada 2001*);
3. Revising provisions concerning the reinstatement of registration that has been suspended for lack of insurance by allowing the DMV to charge a fee of \$50 or waive the fee entirely in cases where extenuating circumstances prevented the owner from complying with the law (Assembly Bill 476, Chapter 125, *Statutes of Nevada 2001*); and
4. Authorizing the DMV to allow inspection stations to renew vehicle registrations (Assembly Bill 646, Chapter 134, *Statutes of Nevada 2001*).

## Young Drivers

The Committee considered several bills concerning young drivers. One of the most visible and talked about transportation issues addressed during the 2001 Legislative Session pertained to driver education.

1. Assembly Bill 8 would have established a graduated drivers' licensing system for persons who are 16 or 17 years of age. This measure would have required teenage drivers to have: (1) a minimum of ten hours of supervised driving at night; (2) a passenger restriction for the first four months of licensure; and (3) an instruction permit for six months prior to full licensure. This bill included many exemptions to accommodate the various needs of teenage drivers, *but the bill did not pass*.
2. Senate Bill 260 (Chapter 321, *Statutes of Nevada 2001*) provides that a high school student who is at least 15 years of age may take a course of driver education.
3. Assembly Bill 271 (replaced by Senate Bill 12 of the 2001 Special Session [Chapter 21, *Statutes of Nevada 2001 Special Session*]) authorizes 15-year-olds to take driver education courses in public schools. Further, the measure makes various changes regarding the age at which a driver's license may be obtained and the length of time an instruction (learner's) permit must be held. The measure also sets forth a tiered passenger restriction based on the age at which the driver's license is obtained.

## License Plates

A number of bills were enacted to provide for special license plates. The plates include addressing the following:

1. Supporting rodeos and the protection and restoration of the lower Truckee River and Pyramid Lake (Assembly Bill 113, Chapter 355, *Statutes of Nevada 2001*);
2. Commemorating the history of atomic testing in Nevada and supporting the preservation of federal lands outside Las Vegas (Assembly Bill 643, Chapter 384, *Statutes of Nevada 2001*);
3. Appreciating animals (Senate Bill 54, Chapter 316, *Statutes of Nevada 2001*);
4. Supporting the reconstruction, maintenance, improvement, and promotion of the Virginia & Truckee Railroad (Senate Bill 77, Chapter 99, *Statutes of Nevada 2001*);
5. Recognizing current or former service as volunteer fire fighters (Senate Bill 257, Chapter 324, *Statutes of Nevada 2001*); and

6. Commemorating the 100<sup>th</sup> anniversary of the founding of the City of Las Vegas (Senate Bill 414, Chapter 96, *Statutes of Nevada 2001*).

For all special license plates, the Legislature prohibits DMV from designing, preparing, or issuing a special license plate until it receives at least 250 applications for that type of plate. The 250 applications must be received by the Department within four years. In addition to the usual registration fees and the additional fee to support the projects related to the plates, these measures require that an additional \$35 special plate fee must be paid by the applicant for the initial issuance of the plates and \$10 for the annual renewal.

Assembly Bill 229 (Chapter 379, *Statutes of Nevada 2001*) was passed to address the concern regarding the increasing number of different types of special license plates. This measure provides that beginning on January 1, 2003, when the Legislature enacts a statute for the creation of a special license plate, it will also provide that DMV must not issue the plates unless it receives at least 1,000 applications. Further, applications must be filed within two years of the time that the bill creating the special plate becomes effective.

### **Traffic Laws**

Several bills were passed during the 2001 Legislative Session to strengthen traffic laws.

1. Assembly Bill 7 (Chapter 201, *Statutes of Nevada 2001*) requires that signs for school crossing zones be uniform in size and color and designates the hours during which the reduced speed limit applies.
2. Assembly Bill 383 (Chapter 394, *Statutes of Nevada 2001*) provides that a driver, when operating a vehicle on a multilane highway within a county with a population of 100,000 or more, may not allow a passenger under 18 years of age to ride in the cargo space of the vehicle. The cargo space includes the bed of a pickup or flatbed truck, but the prohibition does not apply if a camper shell or a slide-in camper covers the bed.
3. Senate Bill 396 (Chapter 323, *Statutes of Nevada 2001*) requires the driver of a slow-moving vehicle on a two-lane highway to turn off the roadway in certain circumstances. When a driver has five or more vehicles following in a line behind him and passing is unsafe, the driver must turn off at the nearest designated turnout or wherever there is enough space for a safe turnout.

### **Aviation**

Three bills were passed by the Legislature regarding aviation.

1. Assembly Bill 210 (Chapter 158, *Statutes of Nevada 2001*) increases the maximum term for which a county may lease property for airport facilities or services from 50 years to 99 years.

2. Assembly Bill 490 (Chapter 366, *Statutes of Nevada 2001*) requires a board of county commissioners in a county with a population of 400,000 or more to establish by ordinance an advisory committee on aircraft noise.
3. Senate Bill 26 (Chapter 273, *Statutes of Nevada 2001*) creates the Fund for Aviation as a trust fund in the State Treasury administered by the director of Nevada's Department of Transportation (NDOT). The bill allows the director to apply for and accept any gift, bequest, grant, appropriation, or donation from any source for deposit in the fund. In addition, this measure allows the director to award grants to local governments in Nevada for the planning, establishment, development, construction, enlargement, improvement, or maintenance of any airport, landing area, or air navigational facility owned or controlled by the local government.

### **Mass Transit Projects**

The Legislature passed several bills relating to public mass transit projects.

1. Assembly Bill 83 (Chapter 145, *Statutes of Nevada 2001*) increases the maximum axle weight from 20,000 to 29,000 pounds for vehicles used in mass transit if the vehicle has tires not less than 20 inches wide, is used in an approved demonstration project, and receives a permit issued by NDOT.
2. Senate Bill 323 (Chapter 88, *Statutes of Nevada 2001*) authorizes the California-Nevada Super Speed Ground Transportation Commission to issue bonds, notes, obligations, or other evidences of borrowing to finance the construction of a super speed ground transportation system.

### **Motor Vehicle Repair and Sales**

A bill of importance to Nevada consumers considered by the Committee were passed during the 2001 Legislative Session.

1. Assembly Bill 320 (Chapter 391, *Statutes of Nevada 2001*) requires DMV to retain, for at least one year, the originals of certificates of ownership and powers of attorney that are submitted to the Department. It also amends the laws relating to bonds posted by motor vehicle dealers and brokers by: (a) eliminating a provision that limited recovery on these bonds to the retail value of the motor vehicle; and (b) providing that the bonds must cover breaches of consumer contracts and deceptive trade practices.

### **Rental Cars**

The 2001 Legislature passed two measures relating to rental car charges or fees.

1. Assembly Bill 460 (Chapter 594, *Statutes of Nevada 2001*) changes the law governing fees collected by rental car agencies to increase State General Fund revenues by approximately \$11.6 million in Fiscal Year (FY) 2001-2002 and \$14.9 million in FY 2002-2003.
2. Senate Bill 118 (Chapter 76, *Statutes of Nevada 2001*) increases, from \$10 to \$15, the maximum fee a rental car agency may charge for a waiver of damages for a full or partial 24-hour rental period and allows an agency to charge an additional fee of not more than \$5 per full or partial 24-hour rental period for any extra driver besides the person renting the car and one other driver.

### **III. REPORTS TO THE LEGISLATURE**

Several reports regarding transportation issues will be presented to the Committee or to the full Legislature during the 2003 Session. This section summarizes these reports.

#### **Department of Transportation**

*Nevada Revised Statutes* 408.203 requires the director of NDOT to submit the following reports:

- A comprehensive report outlining the requirements for the construction and maintenance of highways for the next ten years, including anticipated revenues and expenditures for the Department. This report is to be transmitted to the Senate and Assembly Transportation Committee chairs.
- A complete report of the requirements for the construction and maintenance of highways for the next three years, including anticipated revenues and expenditures. This report is to be submitted no later than October 1 of each even-numbered year and transmitted to the Senate and Assembly Transportation Committee chairs.
- A report to the Legislature, submitted by February 1 of odd-numbered years on the progress being made in the Department's 12-year plan for resurfacing state highways. This document must include an accounting of revenues and expenditures over the last two fiscal years, a list of completed projects detailing costs and mileage, and an estimate of the adequacy of projected revenues for timely completion of the plan.

### **IV. ISSUES THAT MAY ARISE IN THE 2003 SESSION**

Issues related to transportation that may come before the Legislature during the 2003 Session include the following:

## Young Drivers and Drivers' Licenses

The issue of licensing teenagers to drive has been a topic of consideration for Nevada's legislators since 1997, beginning with the passage of Assembly Bill 404 (Chapter 431, *Statutes of Nevada 1997*). During the 1999 Legislative Session, Assembly Bill 552 proposed to add certain "graduated driver licensing" (GDL) requirements into Nevada law. This measure, however, did not receive final approval by the Legislature. In 2001, the Legislature approved S.B. 12 of the 2001 Special Session, which set forth a number of these GDL provisions. As in previous sessions, there may be legislation proposed to revise the provisions relating to drivers' licenses.

## Transportation of Nuclear Waste

Nevada does not have ports of entry, as some other states do, to check all motor carriers entering the state, nor has it limited the transportation of hazardous materials to designated highways. The only exception is the transportation of high-level radioactive waste, which is required by federal regulation to be shipped on interstate highways or state designated routes. During the 2003 Session, the Committee may consider proposals relating to ports of entry and the movement and shipment of hazardous and radioactive materials.

## V. KEY DATES FOR THE 2003 SESSION

This portion of the Committee Brief summarizes the schedule imposed by the *Constitution of the State of Nevada*, the NRS, and the Joint Rules regarding the 120-day legislative session:

<i>Date</i>	<i>Action</i>
February 10	Final bill draft requests (BDRs) for legislators due (limit of two per member of the Assembly).
February 24	Final committee BDRs due (limit of 50 committee requests for each house, allocated by the leadership).
March 17	Introduction of all bills requested by an individual legislator.
March 24	Introduction of all bills requested by a standing committee.
April 11	All bills to be passed (if at all) out of committee of reference in house of origin.
April 22	All bills to be passed (if at all) out of house of origin.
May 16	All bills to be passed (if at all) out of the committee of reference in the second house.
May 23	All bills to be passed (if at all) out of the second house.

## **VI. STATE AGENCIES AND INTEREST GROUPS**

The following is a list of key agency officials and interest groups involved in transportation issues:

### **AGENCY OFFICIALS**

#### **Department of Business and Industry**

- Taxicab Authority  
John Plunkett, Administrator  
Telephone: (702) 486-6532

- Transportation Services Authority  
Paul J. Christensen, Chairman  
Telephone: (702) 486-3303

Sandra Lee Avants, Commissioner  
Telephone: (702) 486-3303

Dave Kimball, Deputy Commissioner  
Telephone: (702) 486-3303

Bruce Breslow, Commissioner  
Telephone: (775) 688-2800

#### **Department of Motor Vehicles**

Ginny Lewis, Director  
Telephone: (775) 684-4549

Dana Mathiesen, Deputy Director  
Telephone: (775) 684-4549

Martha Barnes, Administrator  
Central Services and Records Division  
Telephone: (775) 684-4368

Russ Benzler, Administrator  
Compliance Enforcement Division  
Telephone: (775) 684-4790

Dennis Colling, Chief  
Administrative Services Division  
Telephone: (775) 684-4533

Clay Thomas, Administrator  
Field Services  
Telephone: (775) 684-4717

#### **Department of Transportation**

Tom Stephens, Director  
Telephone: (775) 888-7440

Jeff Fontaine, Deputy Director  
Telephone: (775) 888-7440

#### **Regional Transportation Commissions**

- Clark County RTC  
Jacob Snow, General Manager  
Telephone: (702) 455-4481

- Washoe County RTC  
Greg Krause, Director  
Telephone: (775) 348-0400

### **INTEREST GROUPS**

Nevada Association of Counties  
Robert S. Hadfield, Executive Director  
Telephone: (775) 883-7863

Nevada League of Cities and Municipalities  
Nancy Howard, Assistant Director  
Mary Henderson, Legislative Contact  
Telephone: (775) 882-2121

Nevada Motor Transport Association  
Daryl Capurro, Managing Director  
Telephone: (775) 673-6111

Nevada Petroleum Marketers  
Peter Krueger  
Telephone: (775) 348-1888

Nevada Taxpayers Association  
Carole Vilardo, President  
Telephone: (775) 882-2697

Nevada Franchise Autodealers Association  
Wayne A. Frediani, Executive Director  
Telephone: (775) 331-6884