

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON TRANSPORTATION**

**Seventy-Third Session  
February 24, 2005**

The Committee on Transportation was called to order at 1:34 p.m., on Thursday, February 24, 2005. Chairman John Oceguela presided in Room 3143 of the Legislative Building, Carson City, Nevada, and, via simultaneous videoconference, in Room 4406 of the Grant Sawyer State Office Building, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Mr. John Oceguela, Chairman  
Ms. Genie Ohrenschall, Vice Chairwoman  
Mr. Kelvin Atkinson  
Mr. Chad Christensen  
Mr. Jerry Claborn  
Ms. Susan Gerhardt  
Mr. Pete Goicoechea  
Mr. Joseph Hogan  
Mr. Mark Manendo

**COMMITTEE MEMBERS ABSENT:**

Mr. John Carpenter (excused)  
Mr. Rod Sherer (excused)

**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Marjorie Paslov Thomas, Committee Policy Analyst  
Wes Keane, Committee Counsel  
Angela Flores, Committee Manager  
Linda Ronnow, Committee Attaché

**OTHERS PRESENT:**

Daniel J. Klaich, Vice Chancellor of Legal Affairs, University and Community College System of Nevada

Robert Dickens, Director, Office of Governmental Relations, University of Nevada, Reno

Dr. Susan Bender, Director, Office of International Students and Scholars, University of Nevada, Reno

Thomas J. Fronapfel, Administrator, Field Services Division, Nevada Department of Motor Vehicles

David K. Schumann, Vice Chairman, The Nevada Committee For Full Statehood

Carl John, Lieutenant, Nevada Highway Patrol

John Wagner, President, The Burke Consortium of Carson City and The Nevada Republican Assembly

Christopher Hansen, Chairman, Independent American Party of Nevada

Janine Hansen, President, Nevada Eagle Forum

Lucille Lusk, Co-Chairman, Nevada Concerned Citizens

Frederick Drees, Chief Traffic, Safety, and ITS Engineer, Nevada Department of Transportation

Michael Lawson, Chief of Traffic Information, Planning Department, Nevada Department of Transportation

Jan Christopherson, Administrative Services Officer, Nevada Department of Transportation

Daryl Capurro, Managing Director, Nevada Motor Transport Association

**Chairman Oceguela:**

[Meeting called to order and roll called.]

I would like to introduce BDR 43-613.

- BDR 43-613: Revises manner in which legal maximum width of recreation vehicles is determined. [Later introduced as Assembly Bill 138.]

ASSEMBLYWOMAN OHRENSCHALL MOVED FOR COMMITTEE INTRODUCTION OF BDR 43-613.

ASSEMBLYMAN ATKINSON SECONDED THE MOTION.

THE MOTION PASSED. [Mr. Carpenter and Mr. Sherer were not present for the vote]

The Committee has been allocated some additional BDRs by Assembly Leadership, and we need to vote to approve the concept of four BDRs. The

BDRs are general in nature and relate to transportation. Does the Committee desire to approve these BDRs with details to be worked out later.

ASSEMBLYWOMAN OHRENSCHALL MOVED FOR COMMITTEE  
APPROVAL OF FOUR NEW BILL DRAFT ALLOCATIONS.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

THE MOTION PASSED. [Mr. Carpenter and Mr. Sherer were not  
present for the vote]

The first bill on the agenda today is Assembly Bill 62, brought forward by  
UCCSN. [University and Community College System of Nevada]

**Assembly Bill 62: Authorizes Department of Motor Vehicles to issue drivers'  
licenses, instruction permits and identification cards to certain persons  
affiliated with University and Community College System of Nevada.  
(BDR 43-155)**

**Daniel Klaich, Vice Chancellor of Legal Affairs, University and Community  
College System of Nevada:**

[Introduced himself.] I am here to sponsor this bill. This is a bill draft that is  
presented from the Board of Regents; it's a Board of Regents priority. With me  
today is Robert Dickens, Director of the Office of Government Relations at the  
University of Nevada, Reno (UNR), and Dr. Susan Bender, who is Director of the  
Office of International Students and Scholars at the University of Nevada, Reno,  
both of whom are here to testify on behalf of this bill.

**Robert Dickens, Director, Governmental Relations, University of Nevada, Reno:**

Susan Bender brought this particular policy problem to the University's attention  
well over two years ago. We ran it through our internal process, and the Board  
of Regents has approved this piece of legislation as one of its approved  
introductions to the Legislature. The general overview of this legislation is that it  
simply allows our international visitors, scholars, and researchers to have a  
statutorily authorized legal driver's license in the State of Nevada as well as  
their dependents. According to the Department of Homeland Security,  
Immigration and Naturalization Service, these folks are here legally, they are  
fully vetted before they acquire their visas, their backgrounds are checked, and  
their credentials verified, and then sponsored either by their countries or our  
University. Other institutions come to our campus, and work on research and  
instruction in scholarly activities under our sponsorship, and we are simply

trying to amend the *Nevada Revised Statutes* to permit the Department of Motor Vehicles (DMV) to offer them a legally authorized driver's license.

**Susan Bender, Office of International Students and Scholars, University of Nevada, Reno:**

At the current time, the law does permit international students and instructors to receive a driver's license. To give an overview ([Exhibit B](#)) of our state, currently there are about 2,700 international students studying in the state of Nevada, and according to the Institute of International Education, they contribute about \$59 million per year to our state. They are a huge economic boost to the state and they also help to globalize our campus, allow all of our students to learn more about other cultures. At the University of Nevada, Reno, we have 73 countries represented, and about 750 students. Part of the purpose of this bill that we became aware of is that the statute didn't allow for dependents to receive driver's licenses. There are a lot of researchers that are premier, highly educated people; we are finding that their spouses were being denied the ability to have a driver's license, which is creating a severe hardship. The purpose of this is to simply rectify deficiencies in the statute, and to make it clearer who may be able to have a driver's license, identification card, or instructor's permit.

I don't know if everybody is aware of SEVIS [Student Exchange Visitor Information System]. This was implemented after September 11, 2001, to ensure that this population went through background checks, FBI checks, and technology alert checks. The SEVIS system was implemented in collaboration with educational institutions and the Department of Homeland Security. Right now it is administered by U.S. Citizenship and Immigration Services. Before a student or scholar even comes, they are put into the system and all these background checks are done, and many times it may take up to six months. When they arrive, there is a monitoring system in place in which they must report, and every change of address, or anything that they do to change their status, is reported daily through the system.

I think the biggest concern for us is the inability of the dependence of these folks that are here, contributing to our state to be able to get a driver's license. In this state it is very difficult to survive, shop, get children to the doctor et cetera. We just want to rectify the statute to be more comprehensive to allow these folks to drive. At the same time, international education as a whole is something that is very important to us at the educational institutions. Whether it's our students going overseas, or international students and scholars coming here, increasingly, no matter what you do, people must be able to communicate across cultures and understand the world's systems more and more. I think they

are a very valuable resource to our state and our campuses. I think it would be good public policy to support this change.

**Robert Dickens:**

I want to point out when Susan brought this to our attention, we fairly quickly started to meet with the Department of Motor Vehicles to discuss this legislation. My understanding is that they are going to come forward with some amendments for reasons of timelines we were not able to put in a BDR request. We consider them to be friendly, and in addition, a strengthening component of this legislation.

**Assemblyman Claborn:**

Can you explain why these people can't get driver's licenses to begin with?

**Susan Bender:**

I think it was a result of a change that occurred a few years ago when we were working with International Students and Scholars. Basically it was an oversight to leave out the dependents; they were just not specified in the statute. As there was a change in the administration, those words become critical in terms of abiding by the law, so dependents are no longer able to get a driver's license.

**Assemblyman Claborn:**

They cannot get a license or permit because they are not United States citizens?

**Susan Bender:**

No, it's just that they are not specified as being permitted to get a driver's license. International students are specified and international instructors but dependents were not specified in the current law.

**Assemblyman Claborn:**

You mean they cannot go down and file for a driver's license on their own, like I or anybody else? They are prohibited? Why?

**Chairman Ocegüera:**

I think I will bring one of the DMV folks up to the table; they may have more specifics on the statute.

**Susan Bender:**

If you were a new resident to the state, one of the parameters is you must show that you are employed in the state of Nevada. It's then possible to get a driver's license. Federal law prohibits dependents from being employed. So that is another problem.

[Susan Bender, continued.] One of the ways that you can apply for a driver's license is to show that you are employed in the state of Nevada. Dependents by law, particularly the F-1 [Dependents of students], are prohibited from being employed in the United States as a matter of their visa status.

**Assemblyman Atkinson:**

I am confused; I didn't know that employment was a prerequisite for getting a license. I thought you just went down with your Social [security card] and birth certificate and took the test.

**Assemblyman Manendo:**

I just want to disclose that I work for the University and Community College System. I deal with international students. I don't know too many of them that have spouses. What percentage through our system actually have spouses that would be affected by this bill?

**Susan Bender:**

At UNR, we have about 185 researchers in that population. I believe that UNLV [University of Nevada, Las Vegas] probably has about 150. They tend to be an older population, and the majority of them, 80 – 90 percent come with their spouses and/or children. Of the student population at the University of Nevada, Reno, because it's a research institute, we actually have more graduate students than undergrad. The older the population, the higher the tendency to have spouses join them. At the student level, I would estimate about 40 percent.

**Assemblyman Manendo:**

Forty percent out of how many?

**Susan Bender:**

Of 2,700.

**Tom Fronapfel, Administrator, Field Services Division, Nevada Department of Motor Vehicles:**

Ms. Bender is correct, the current state law does not allow nonresidents of Nevada, unless they are gainfully employed, to obtain a driver's license. In addition, the immigration status under federal law prohibits certain individuals, depending upon their status code. For example, spouses and dependents of students specifically are not allowed to be employed under the federal provision. So it's kind of a double whammy in terms of employment issues. That is essentially what raised the issue when Ms. Bender and I began the discussions in November 2003 regarding this issue.

**Chairman Ocegüera:**

Mr. Claborn, does that answer your question or not?

**Assemblyman Claborn:**

Yes, it does in a sense, but it is rather confusing to me. How would they issue a license if they couldn't read the stop signs? It might mean something else where they are from. Wouldn't they have to have the proper training from the Motor Vehicle Department before they just jump in an automobile and take off?

**Tom Fronapfel:**

The existing provisions in *Nevada Revised Statutes*, Chapter 483, require an individual who applies for a driver's license—in order for them to obtain that license they must pass successfully the skills test, as would anyone else.

**Assemblyman Claborn:**

Would this supercede the law?

**Tom Fronapfel:**

No, it would not.

**Assemblyman Hogan:**

Do we offer any sort of reciprocity to fully qualified drivers from other countries?

**Tom Fronapfel:**

I believe there is reciprocity for individuals who hold and maintain an international driver's license. Those are acknowledged in Nevada as a valid license.

**Assemblyman Hogan:**

But not just the national, rather than the international for persons from other countries?

**Tom Fronapfel:**

I can speak to the international; the individual country licenses I'm not sure of at this point.

Relative to the requirements for issuance of driver's licenses to international students and instructors. Discussions with representatives of the University of Nevada, Reno, date back to November 2003. The discussions were a result of inquiries from university staff as to why spouses of international students and international instructors could not obtain a driver's license. In the specific

circumstances provided, the primary reason was that the spouses were not gainfully employed as required by subsection 1(c) of NRS 483.141. Subsection 3 of Section 5 of Assembly Bill 62 addresses this issue. Assembly Bill 62 proposes to extend these privileges, currently afforded to international students and instructors to include international research scholars and their spouses and dependents of students, instructors, and scholars. The bill also proposes to allow the Department to issue instruction permits to eligible individuals in addition to identification cards and driver licenses.

[Tom Fronapfel, continued.] The 2003 Legislature amended several sections of NRS Chapter 483 to authorize the Department to issue instruction permits and driver's licenses that expire on the date that coincides with the date that an individual must depart from the United States, as identified on documents required by the Bureau of Citizenship and Immigration Services. The proposed amendments I provided to the Committee today ([Exhibit C](#)) will align the expiration provisions of A.B. 62 with those established in 2003 by Senate Bill 483 of the 72nd Legislative Session. In addition, the proposed amendments clarify the expiration provisions for identification cards, and serve to make them consistent for those with driver's licenses.

In speaking to the amendments themselves, as proposed, Amendment 1 establishes a default expiration date for both driver's licenses and identification cards at the fourth anniversary of the individual's birthday, measured from the birthday nearest the date of issuance. If the documents presented by the individual pursuant to subsection 2(b) of Section 5 of A.B. 62 stipulate a required date of departure from the United States that is less than the default fourth anniversary date, the departure date will become their expiration date, as indicated by Amendment 3. Instruction permits are valid for a maximum period of one year.

Amendment 2 would authorize the Department to establish a lesser period of validity for instruction permits if the required date of departure from the United States is less than the one-year period.

Amendment 4 formally aligns the expiration date requirements for identification cards with those for driver licenses established in 2003 by Senate Bill 483 of the 72nd Legislative Session. This is consistent with the intent of Senate Bill 483 of the 72nd Legislative Session, as well as the requirements of subsection 2 of NRS 483.810 which states, "The cards must be designed in such form and distributed pursuant to such controls that they will meet the general acceptability of driver license for personal identification."



As the University System indicated, the Department provided the proposed amendments to their staff on February 23, for their review and comment. Based on correspondence received that same day, they are in agreement as proposed. I want to stress that because of the existing provisions in NRS Chapter 483 and because of pending federal legislation for driver's licenses and identification cards, the Department cannot issue an instruction permit, driver's license, or identification card to any individual who is unable to present documents acceptable to the Department to verify identity and age.

[Tom Fronapfel, continued.] I discussed briefly prior to the hearing with Ms. Bender an additional amendment that I would like to propose at this time to A.B. 62, which would be line 2 on page 3, prior to the "and." The sentence proposed would read "include documentation which indicates the status of the visa of the applicant, and which shows proof of age and identity in a form acceptable to the Department." Ms. Bender is in agreement with that proposed amendment as well.

**Chairman Ocegura:**

Do we have that amendment in writing?

**Tom Fronapfel:**

I can provide it to you in writing.

**Chairman Ocegura:**

We were talking about that specific thing earlier, I would like to see that in writing and if you could get enough copies for the members here as well.

**Assemblyman Hogan:**

With regard to that last amendment, is there a normal packet of documents that a newly covered person would have that would provide all of that, or would they have to refine or generate another document that would show name, date, age, and validity?

**Tom Fronapfel:**

In routine situations and specifically speaking to the international instructors and students as it currently exists, they present federal immigration papers, along with their visa, and a letter from the University indicating that they are in good status with the University system. That provision would not change, so at a minimum those documents would be presented.

**Chairman Ocegura:**

Could you explain a little bit more on Amendment 1?

**Tom Fronapfel:**

Amendment 1 clarifies the provisions in subsection 4 of Section 5 of the bill, on page 3, lines 21 through 40. It says that a driver's license or identification card that the DMV issues or renews is valid for a period of 4 years from the nearest birth date to the date of issuance. For example, if your birth date was March 1 and you came in February 24 for a driver's license or identification card renewal, it would be valid for 4 years from March 1 forward.

**Chairman Oceguela:**

Why wouldn't we want to have this until their visa expired?

**Tom Fronapfel:**

That is one of the other amendments that I spoke of. If the immigration papers specify a date of departure from the United States that is less than that 4-year period for identification cards or driver's licenses, or in the case of instruction permits, less than the 1 year, that would become the expiration date.

**Chairman Oceguela:**

We have the NHP [Nevada Highway Patrol] staying neutral.

**David Schumann, Vice Chairman, The Nevada Committee For Full Statehood:**

This is a California driver's license and these are my passports. I have used both of these documents to get into the country. This document has a note:

"The Secretary of State of the United States of America hereby requests all whom it may concern to permit the citizen/national of the United States named herein to pass without delay or hindrance and in case of need to give all lawful aid and protection."

These items, in a foreign country, are a valid ID. I asked the NHP [Nevada Highway Patrol] officer if you can drive here on a foreign driver's license. I have driven in lots of countries on this driver's license; this allows me to go in and out of the country. I didn't know that until I came in one time from the Caribbean and I had these and I handed it to passport control at Miami International Airport and I noticed that the people in front of me had tiny little passports, so I looked over their shoulder and saw that it was a driver's license. I handed my license to passport control and they let me in. When you come in using the passport, they stamp in there when you came in and where. They didn't stamp anything on my driver's license. I don't understand the necessity for this because they can use their passport for ID, they don't need an ID from Nevada, and this is valid. The United States has reciprocal agreements from all these other countries that allow you to use this for a valid ID. Most of the countries allow you to drive on a U.S. driver's license. If you are a dependent

of one of these university instructors or researchers, you should get your driver's license in your home country, go through all the routine they have there, and get their driver's license. The officer says he accepts them in this state. I think rather than give somebody something that can be used as a U.S. passport, we should stick with the long accepted long usage that we can all drive in each other's countries using our national driver's license.

**Assemblyman Goicoechea:**

Maybe we could get NHP up here and ask them if they in fact do recognize the foreign driver's license.

**Carl Johnson, Lieutenant, Nevada Highway Patrol:**

Periodically, we do stop people with international driver licenses. There is not a whole lot we can do with them driving cross-country or coming from the airport or renting a car. As far as accepting them, we encourage them to get a Nevada driver's license if they are going to be in the country for a long period of time. They still need to have a Nevada driver's license if they are planning on taking up residence in Nevada.

**Assemblyman Goicoechea:**

You said an international driver license. What happens when you pull someone over that is from Mexico or Canada and not truly an international license?

**Carl Johnson:**

We don't accept those.

**John Wagner, President, The Burke Consortium of Carson City, Nevada and  
The Nevada Republican Assembly:**

I have a neighbor who is a member of the Carson City Sheriff's Department and I asked him this specific question myself. He told me that yes, they do accept national driver licenses from other countries as valid ID. When I was in Holland, I used my own personal driver's license from the state of residence. I think the NHP would probably accept them also.

The amendments that were presented improve the bill greatly. I would like to see something stamped on the driver license that says "Not valid for entry into the United States."

**Chairman Ocegüera:**

From a personal experience, I got a ticket in Ireland one time and they sent it to my house in the United States.

**Christopher Hansen, Chairman, Independent American Party of Nevada:**

I am not particularly in favor or against this bill. I think some things need to be added. I have done lots of research on international driver's licenses; I have been doing it for years. Each country has its own rules on whether or not an international driver's license is required if you are driving in that country. Spain would not accept a driver license from the state of Nevada or from anywhere in the United States or from any other country without an international driver's license. In Japan you can drive with a Nevada driver's license combined with an international driver's license unless you stay there for a year. After a year, you must obtain a Japanese driver's license.

[Christopher Hansen, continued.] Some international states require international driver's licenses, others do not. The main concern is they can easily drive in the United States with an international driver's license if they choose to get one; they don't have to have one in order to drive here in the United States or in Nevada. Although there are some requirements that say if you stay in Nevada for longer than 30 days, you would have to have a Nevada driver's license. That would be an interesting question, whether or not that is constitutional or allowable under international law, since they are not actually residents but they are still visitors even though they stay here for longer than 30 days.

The main things I am concerned with this bill, something should be put on the driver's license, if they are allowed to have one, that states that they are not a citizen of Nevada and what country they are from. This is issued specifically to and the reasons why and have it possibly a different color just like they have the different views on a driver's license for someone who is not 21. You could have it specifically for someone that is international. A lot of issues on this question really bother me. With the way it's currently established, it makes it look as though they are citizens of the United States of America and citizens of Nevada without anything in the bill that would restrict that.

**Chairman Ocegura:**

I would like to bring DMV back up and ask them if what you are saying is possible or is prohibitive because of costs.

**Tom Fronapfel:**

For those driver licenses that we currently issue that indicate an expiration date, other than the standard 4-year default date, there is a restriction placed on that license that indicates that it does expire on the date other than that 4-year default date. There is an indication of what the rationale of that card is.

**Chairman Ocegura:**

Is there ability to do the different color, have something else printed?

**Tom Fronapfel:**

There is that possibility. It's an issue of whether our application can currently produce cards of another color, and we are limited to certain numbers of color by statute by terms of color on the cards themselves. We do have alternate colors that indicate individuals are under 18 and under 21. That is something that we can look into if it's the desire of the Body to have that put in place.

**Christopher Hansen:**

Even on Nevada driver's license for Nevada citizens, the statement was made that information that is acceptable to the Department. I believe that some of those acceptable forms of identification are identified by statute, I would like them to continue to be identified by statute. For example, you don't have to have a birth certificate in order to get a driver's license. If you are not issued a Social Security Number, you are not required to get one in order to get a driver's license. The fact that the Social Security Number is included on anything having to do with a driver's license is so repugnant to so many people in the state of Nevada, especially since it's required by Title 42. Those requirements for what is acceptable to the DMV need to continue to be made in the statutes and not just allowed at the whim of the DMV, who have often rejected the identification that is allowable under the statute. It really needs to state right on the card that this is for a foreign visitor not just an expiration date. We have temporary licenses for out-of-state visitors who spend longer than 30 days in the state of Nevada now.

**Janine Hansen, President, Nevada Eagle Forum:**

At this time of increased concern of homeland security, some portions of Assembly Bill 62 seem out of step. I am very supportive of the amendments brought forth by the DMV. Assembly Bill 62 removes reasonable safeguards from Nevada's driver's license law regarding international students, instructors, and researchers. All 19 of the September 11, 2001, terrorists entered the United States with valid tourist, business or student visas. They boarded planes that fateful morning with driver licenses from several different states. On September 11, some of the hijackers' visas had expired. In other words, they were violating our laws and were actually here illegally. Our U.S. Citizenship and Immigration Services (USCIS) is unable to cope with the extraordinary numbers. More than 7 million non-immigrants entered our country in 2001, including 500,000 on student visas. In 2001, the USCIS identified 315,000 aliens who should have been deported but could not be found.

The problem with A.B. 62 as it is written is that it does not tie the expiration date of any driver's license issued to an international student, instructor, or researcher with the expiration date of those persons' visas. The amendment does that. Linking the expiration date to the driver's license with the visa date is

not only reasonable, but it is important for the security of our citizens and our state and nation. In the original language, where the driver's license could be actually extended indefinitely, in addition to allowing driver's licenses for international students, instructors, it expands that to research scholars' dependents and spouses. We understand that this is important to our state to have these people here. I have gone to the University of Nevada myself and spoken in front of some of these classes of international students.

[Janine Hansen, continued.] It is important to realize that a driver's license, however, is not merely a license to drive, it is a key to the kingdom. It gives the person who carries it a passport to board a plane, get a job, rent an apartment or car, open a bank account, enter a federal building, sign up for social services, travel back and forth across our borders with Mexico and Canada, buy a gun, and even register to vote. One more suggestion for A.B. 62 would be to include on the driver's license issued from someone for a foreign country here in the United States, that indeed they were not citizens. This could preclude the driver's license from being used for something it wasn't meant to be used for. When considering the needs of those who are in our country legally on visas, it's helpful to know that under the Convention on International Road Traffic, signed by the United States and a host of other nations ([Exhibit D](#)), that international driver's licenses are available for those who need to drive here. I hope that you will amend A.B. 62 to link the expiration date of any driver's license to the expiration date of their visa and place an identifier on the license that indicates they are not an American citizen.

**Lucille Lusk, Co-Chairman, Nevada Concerned Citizens:**

We are in support of the intent of this legislation, which is clearly to be able to issue driver's licenses and ID cards to long-term foreign visitors who are able to pass the Nevada written and practice driving test. We had some concerns about the indefinite extensions. If you choose to adopt the amendments offered by the DMV, that would resolve those concerns. Although, I would like to suggest in looking at the DMV's proposed amendments that where in three places, where they say, if their visa expires prior to the 4-year time, they "may" extend only to that time, that instead it be "shall." Other than that, their amendments are very helpful. The amendment that I have offered to you ([Exhibit E](#)) mirrors what has been stated and requested by several others verbally. Our primary concern is that driver's licenses and state ID cards are the primary form of identification for voter registration. We would simply like an identifier; we are suggesting the use of the term "foreign national" but we don't care what words are used, "not a U.S. citizen" would work just as well on the face or a prominent place so that election officials would know that these individuals are not eligible to vote. It was mentioned that 40 percent of 2,700 international students have

dependents; that's a significant number of people here. We want them participating in the appropriate way.

**Susan Bender:**

The DMV does have an identifier on the card. International student cards say clearly, very bold on top of the cards, "International Student"; that is also on the scholars' cards as well. I think what a lot of people said about being able to drive with an international driver's license or foreign license is true for those who are here for a short term. If you are here for longer period, it's not. It's not possible for people to travel home to their country every time their international driver's license expires. The state of Nevada insurance industry does not allow you to have insurance if you do not have a Nevada driver's license.

**Tom Fronapfel:**

I just wanted to clarify the comment made about changing "may" to "shall." The amendments that I have offered and provided to the Committee today mirror existing language in statute that says "may," so it permits the DMV to put that expiration date on those documents. It mirrors existing language that came out of Senate Bill 483 of the 72nd Legislative Session.

**Chairman Ocegura:**

It wouldn't be the Chair's intention to move this bill today, we have several amendments, so we will take this back to Committee and bring it back at a later date to a work session. Mr. Fronapfel, I am sure that you will work with our staff here at Research and Legal to put those all together.

**Tom Fronapfel:**

Absolutely.

**Assemblyman Manendo:**

The international students contribute over \$59 million each year to the economy of Nevada, 2,700 of them: where did you get that figure?

**Susan Bender:**

Every year the Institute of International Education puts together the Open Doors Report ([Exhibit B](#)), this is from the Open Doors Report via the website of NAFSA: Association of International Educators <[www.nafsa.org](http://www.nafsa.org)>.

**Assemblyman Hogan:**

Would you anticipate that you would use the same card that would say, "International Instructor," it currently says, even for dependents and other family members just for convenience?

**Tom Fronapfel:**

We haven't even looked at that at this point. There are probably a number of avenues that we can use. We can indicate on the card, as we do for under-21 licenses, a header bar that it was International Instructor or International Student.

**Chairman Ocegura:**

Are there any further questions on this bill, seeing none I will close the hearing on Assembly Bill 62.

I will open the hearing on Assembly Bill 82.

**Assembly Bill 82: Makes various changes relating to use of highways. (BDR 43-274)**

**Frederick Droes, Chief, Safety and Traffic Engineer, Nevada Department of Transportation:**

[Introduced himself.] With me is Michael Lawson, Chief of the Traffic Information Division for the Nevada Department of Transportation. We are before you today to tell you that we support and have proposed the language in this legislation. I am before you to talk about Sections 1 through 4, which deal with high-occupancy vehicle lanes and fines associated with that, then Mr. Lawson will talk about Sections 5 through 11.

The Department is rapidly approaching the time where we will be implementing HOV [high-occupancy vehicle] lanes in the Las Vegas area. We did research and determined that there was no specific fine associated with a violation of occupancy in those types of lanes. Discussions with law enforcement that the closest traffic violation would be a violation of a traffic control device. Fines for that in the Las Vegas area ranged, depending on the number of offenses committed within a 3-year period. First offense would be a \$193 fine, second offense is a \$253 fine, and third offense is a \$353 fine. More importantly, there is also associated with that particular violation 4 demerit points on a driver's license. We didn't believe that was appropriate for not having the requisite number of persons in a vehicle in an HOV lane, so that is the reason for proposing this legislation.

**Michael Lawson, Chief, Traffic Information Division, Nevada Department of Transportation:**

[Mr. Lawson read from [Exhibit F](#)]

I am here to testify in support of A.B. 82 with specific regard to Sections 5 through 11 ([Exhibit F](#)). I will try to summarize the three general issues NDOT is trying to address with this part of the



legislation. The first issue regards the driving of overdimensional implements of husbandry on the interstate or other full-controlled access freeways. Currently, it is legal to drive a 17-foot-wide swather at 5 miles per hour through the interchange of Interstate 15 and the U.S. 95 Expressway in downtown Las Vegas without obtaining a permit. And unlike any other overdimensional load of this width being transported under permit, there is no requirement to have pilot vehicles in front of or behind the machinery. While it is unlikely you will ever see a vehicle like this driving on a freeway in downtown Las Vegas, it would be legal. A more likely scenario, and an equally dangerous one, is driving the same equipment at 5 miles per hour down Interstate 15 or Interstate 80 in rural Nevada where the posted speed limits are 75 miles per hour. In fact, a few years ago, two commercial trucks, each 8 1/2 feet wide and traveling near the speed limit, were traveling down Interstate 80 in Elko County when they overtook a 17-foot-wide swather operating at low speed. With only 36 feet of paved surface, including both inside and outside shoulders, and 34 feet of machinery trying to occupy the same space and operate at dramatically different speeds, it is not surprising that the situation resulted in an accident.

[Michael Lawson, continued.] Unfortunately, given the high rate of speed, the accident resulted in a fatal injury to the swather operator. This bill removes the exemption which allows this type of equipment to be driven on these types of roadways and would require the equipment to be transported as a load on another vehicle. The intent is to make our highways safer.

The second issue regards the higher axle limits allowed to licensed haulers of garbage and refuse. For a majority of vehicles, the single-axle limit is 20,000 pounds and the tandem-axle limit is 34,000 pounds. However, NRS 484.748 allows garbage trucks 22,000 pounds on a single axle and 40,000 pounds on a tandem axle except when operating on the interstate system, where the lower limits are a matter of federal law. Unfortunately, when NRS 484.748 was passed into law, an unintended consequence of the way it was written allowed an exemption to the federal bridge formula which is used in determining the maximum load allowed on groups of consecutive axles. If left uncorrected, this oversight could result in the loss of all federal construction funds if the Secretary of Transportation were to find that Nevada is not enforcing all federal laws with regard to size and weight on the

interstate system of highways. This bill would correct the oversight and prevent the potential loss of federal funds, estimated at more than \$200 million per year. The intent is to protect our pavement infrastructure from excessive loadings and to avoid the potential loss of federal construction funds.

[Michael Lawson, continued.] The third issue regards inconsistencies with the language in federal law compared to state laws when measuring and weighing vehicles. Specifically, Nevada law would be changed so that the allowed weight calculated in the federal bridge formula would be "rounded" to the nearest 500 pounds and distances would be measured to the nearest whole foot instead of even foot. Resolving these discrepancies will make it easier for the Nevada Highway Patrol to enforce federal and State laws with consistency.

**Assemblyman Goicoechea:**

Do all sections of I-80 have frontage roads? Would it still be legal to put that machine on a swather cart. I am sure you are aware what the two wheels encounter, it just goes to a pickup, you drive right on them, and they are made to move swathers. I realize that we would have to permit it and again have pilot cars because it would be definitely over the 12 feet, is that correct?

**Michael Lawson:**

Yes, that is correct. All we are trying to do is make the operation safer, so they could be transported like you are suggesting. It would be a safer move than actually driving and operating the vehicle on the roadway.

**Assemblyman Goicoechea:**

You probably couldn't reach speeds of 45, 50 miles an hour on one of those carts. As I look at the back of the existing language, it says if it's over 10 feet on any highway, you are not supposed to be over 30 if you are 25 miles from home. That is existing statute. My other question, let's take a van that you are towing with a pickup, definitely over 10 feet wide. That would be prohibited today?

**Michael Lawson:**

It's not prohibited; you just would require a permit. You would have to have the proper signage and it would depend on the actual dimensions of the load, how the permit would be issued. We have ensured that any costs associated with obtaining the permits would be absorbed by the

State. To try to address a specific nature of any specific type of equipment, I can't do that without knowing the specific nature of the load to be transported.

**Assemblyman Goicoechea:**

A pilot car wouldn't be required if we were under 14 feet, under 12?

**Michael Lawson:**

I don't know the exact specification. We do have our permit folks here.

**Jan Christopherson, Administrative Services Officer, Nevada Department of Transportation:**

[Introduced herself.] That is correct, Mr. Goicoechea. It's required that you have a pilot car if you're over 14 wide on a four-lane facility, 12 wide on a two-lane facility.

**Assemblyman Goicoechea:**

The real issue is in rural Nevada—those people who have operations on one side or the other of an interstate. How do you get from point A to point B without killing someone? We don't have the frontage roads in a lot of areas. We end up going down the road. I can see permitting them, but it will be a hardship.

**Chairman Ocegüera:**

I don't think we have a problem with this bill, but I don't feel comfortable moving the bill without Mr. Carpenter and Mr. Goicoechea's approval. It would probably affect their areas the most. I would like to let Mr. Carpenter take a good look at it, talk to Mr. Goicoechea after he has asked his questions, to see that they are satisfied.

**Daryl Capurro, Managing Director, Nevada Motor Transport Association:**

[Introduced himself.] I am appearing in support of A.B. 82. We have worked with Mike Lawson and the Department of Transportation over the past year and a half on identifying areas that needed to be addressed and cleaned up. The bill that you see in front of you is basically the result of that effort. Section 6, page 4, the addition of the computer to the nearest 500 pounds—actually, that is the way it's been done for years. That is how the federal government produced their axle weights and showed in the formula in 500-pound increments. Nevada has done that for years also. The question came up from the Highway Patrol that if you applied the formula literally, then you would have 1-pound increments with respect to that from 80,000 pounds up to 129,000 pounds, and we would have a table that would stretch from here to Reno. It's always been produced as a 500-pound increment table, and if it's 250 or more pounds it's rounded to 500; if it's less, it's rounded back to the nearest even number.

The other issues that are contained in here we simply support the Department on it, and our concern is that if our provisions in law are reviewed by the federal government and they conclude that we are not enforcing our weight laws appropriately, they can withhold either part or all of our federal dollars, and I think that is an important part of the cleanup efforts that is seen on pages 7 and 8.

**Chairman Ocegüera:**

I am not holding the bill for any specific reason. As a courtesy, I would like to talk to Mr. Carpenter first and make sure he is happy with it.

I will close the hearing on Assembly Bill 82. Any other information that needs to come before the Committee today? Seeing none, we will adjourn [at 2:40 p.m.].

RESPECTFULLY SUBMITTED:

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Linda Ronnow  
Committee Attaché

APPROVED BY:

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Assemblyman John Ocegüera, Chairman

DATE: \_\_\_\_\_

## EXHIBITS

**Committee Name:** ASSEMBLY TRANSPORTATION

Date: FEB 24, 2005 Time of Meeting: 1:30 P.M.

[illegible]