

**MINUTES OF THE
SENATE COMMITTEE ON TRANSPORTATION AND HOMELAND SECURITY**

**Seventy-third Session
March 10, 2005**

The Senate Committee on Transportation and Homeland Security was called to order by Chair Dennis Nolan at 1:36 p.m. on Thursday, March 10, 2005, in Room 2149 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Dennis Nolan, Chair
Senator Joe Heck, Vice Chair
Senator Maurice E. Washington
Senator Mark E. Amodei
Senator Michael Schneider
Senator Maggie Carlton
Senator Steven Horsford

GUEST LEGISLATORS PRESENT:

Senator Barbara K. Cegavske, Clark County Senatorial District No. 8
Senator Sandra J. Tiffany, Clark County Senatorial District No. 5

STAFF MEMBERS PRESENT:

Patrick Guinan, Committee Policy Analyst
Stephanie Landolt, Committee Intern
Joshua Selleck, Committee Intern
Sherry Rodriguez, Committee Secretary

CHAIR NOLAN:

We have scheduled a work session today on four bills. I would like to address Senate Bill (S.B.) 143 ([Exhibit C](#)). I spoke with Senator Wiener who is the primary sponsor of this bill. Several members of this Committee have been approached from various law enforcement individuals and agencies with respect to the design and issuance of a license plate which recognizes current and former law enforcement officers.

SENATE BILL 143: Provides for issuance of special license plates recognizing current or former employment as professional law enforcement officer. (BDR 43-300)

They do not feel comfortable marking their personal vehicles with a license plate which would identify them as law enforcement officers out of fear for their own or their families' personal safety. Several Committee members and I have concerns about circumventing the Commission on Special License Plates which we put in place to review license plate bills and license plates.

If we provide exception to one particular specialty plate, it might give the impression of preferential treatment over another and possibly give an indication this Committee has a preference for one organization over another. Before you know it, we would start seeing more organizations coming to the Legislature when we do not have the time to deal with these plates.

With due respect for all law enforcement, both retired and active, who promoted this plate through Senator Wiener, we are going to set aside this particular bill. I am not going to take a vote today on S.B. 143. We will make a determination at a later time, if there is any further action to be taken on it.

We will now open the work session on S.B. 60. We will not be taking any public testimony. I will have our policy analyst give an overview for this bill in [Exhibit C](#).

SENATE BILL 60: Makes various changes concerning drivers' licenses issued to persons under 18 years of age. (BDR 43-9)

PATRICK GUINAN (Committee Policy Analyst):

Senate Bill 60 prohibits persons under the age of 16 from obtaining a driver's license and requires persons 16 or 17 years of age to hold an instruction permit for at least six months prior to applying for a license. The bill requires documentation of each driving experience counted toward the existing requirement or supervised experience. It also requires that applicants not have been responsible for a motor vehicle accident or been convicted of driving under the influence of a controlled substance during the six months immediately prior to applying for a license.

The measure further precludes 16- and 17-year-old drivers from transporting anyone under the age of 18 in their vehicles for six months after licensure except immediate family members. Senate Bill 60 also makes any parent or legal guardian who allows a young driver to ignore passenger restrictions or to drive in violation of a curfew liable for all fines and penalties imposed against the driver. Finally, the measure provides that any driver's education course offered in public school must include a component of classroom driver training.

Senator Cegavske has offered three amendments to S.B. 60. The first amendment deletes the requirement to record weather conditions during the practice-driving experience and the mileage on the car for each session of driving.

The second and third amendments are quite similar. They delete provisions in section 3, subsection 3, and section 10, subsection 2 stating that a parent or legal guardian who "knowingly and willfully" allows a person to violate the provisions of those two sections. Section 3, subsection 3 provides driver restrictions for passengers under the age of 18, and section 10, subsection 2 provides that drivers must observe local curfews. If a parent "knowingly and willfully" allows a teen to violate either of those sections, they will be held liable for all fines and penalties imposed against the teen and a court may order community service in place of payment of fines where financial hardship exists.

The second and third amendments delete those provisions in those two sections of the bill.

CHAIR NOLAN:

Those were the sections with which members of this Committee were concerned. Senator Cegavske, I understand you agreed to delete them.

SENATOR BARBARA K. CEGAVSKE (Clark County Senatorial District No. 8):

Yes. Part of the problem was that I wanted to make sure the judges were comfortable with section 10. We first found out that it was in the wrong section; it was referencing curfew. We were thankful members of this Committee pointed that out because that was not our intent.

We want to remove those two sections; we are working with some judges to find language that would work. That is why the decision was made to delete

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those sections because we did not want to hold up the bill any longer. We are going to take those sections out and look for another bill where we might be able to add that language. I have spoken with the Chair of the Senate Committee on Judiciary and will be working with him on that.

Senator Heck had some concerns with the additional language of putting in too many requirements on the Department of Motor Vehicles (DMV) sheet. The agreement with which everyone was comfortable was just adding the date and time. No one seemed to have concerns with that.

Those are the changes the Committee members feel comfortable with.

CHAIR NOLAN:

Is there a motion from the Committee in regard to these amendments?

SENATOR HECK MOVED TO ADOPT AMENDMENTS OF SENATOR CEGAVSKE TO S.B. 60.

SENATOR AMODEI SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR SCHNEIDER WAS ABSENT FOR THE VOTE.)

SENATOR HECK MOVED TO AMEND AND DO PASS S.B. 60.

SENATOR AMODEI SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR SCHNEIDER WAS ABSENT FOR THE VOTE. SENATOR CARLTON VOTED NO.)

CHAIR NOLAN:

We will open the work session on S.B. 54. Our policy analyst is going to provide us with an overview for this bill in [Exhibit C](#).

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SENATE BILL 54: Revises provisions relating to refund provided in certain circumstances upon cancellation of registration of vehicle and surrender of license plates. (BDR 43-859)

MR. GUINAN:

Senate Bill 54 lowers the monetary threshold for the refund of vehicle-registration fees from \$100 to \$25 and removes the requirement that certain extenuating circumstances exist in order for a refund to be granted. The bill maintains the requirement that a person must be a Nevada resident to be eligible for a refund.

When we initially heard this bill in Committee, there was discussion from members of the Department of Motor Vehicles that this bill will have a fiscal impact. There has been no fiscal note attached as of yet.

CHAIR NOLAN:

There is no way to discuss the policy issue without discussing the monetary issue. We did have a presentation by Senator Tiffany on the policy issue. There was some discussion. However, this bill is going to have a fiscal note; we are going to end up rereferring it. We understand that regardless of the fact that the finance committees are supposed to be looking at the fiscal side, not the policy side, they always end up discussing policy issues as well.

We can rerefer S.B. 54 to the Senate Committee on Finance without recommendation or, have some additional discussion now and see if there is some consensus language to send over with the referral. What would the Committee prefer to do?

SENATOR AMODEI MOVED TO RECOMMEND APPROVAL AND REREFER S.B. 54 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR WASHINGTON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR NOLAN:

If I understand this correctly, Senator Amodei made a motion to recommend an approval, which is not a do pass, but we are approving the bill through this Committee and rereferring it to the Senate Committee on Finance. We are not passing this bill. We are actually saying our Committee has approved the bill, which is not a passage, and we are referring over to the Senate Committee on Finance.

SENATOR HORSFORD:

For clarification, when you say we are approving the bill, what does that mean?

CHAIR NOLAN:

Having made this kind of motion for the first time, I am going to defer your question to Senator Amodei for clarification of his motion.

SENATOR AMODEI:

The Committee's option is, if you want to kill the bill there is no need to rerefer. If we send it out with a recommendation of disapproval and rereferral, it becomes a redundant act. If you oppose the bill, you would vote against the motion because you want to kill it here. If you agree with the policy and would like the Finance Committee to check on the monetary portion, then you would vote in favor of a motion to approve and rerefer, which has no affect on the floor until Finance takes action.

SENATOR HORSFORD:

The other option you posed was a "no recommendation." That is different wording than "approval with rereferral" to the Finance Committee. Based on testimony from local governments, I would not feel comfortable voting for a bill that I do not know what the fiscal impact is going to be. If that fiscal impact is significant to the local governments, without that knowledge I would more than likely vote against the bill.

SENATOR CARLTON:

I would also be more comfortable with a "no recommendation" and then send it over to Finance and have them analyze the numbers.

CHAIR NOLAN:

Thank you for your input. Are there any other Senators who may have a problem with this motion? For the record, show the motion having passed with Senators Carlton and Horsford in opposition.

We will now open the work session for S.B. 55. Mr. Guinan, would you please give the Committee an overview.

SENATE BILL 55: Authorizes certain persons to arrange sale of certain governmental vehicles without being licensed as broker or dealer. (BDR 43-722)

MR. GUINAN:

Senate Bill 55 provides that a person who operates or does business as an advertising company and who engages in certain advertising activities to assist a governmental entity in the sale of vehicles owned by the governmental entity is not required to be licensed as a broker of vehicles or as a vehicle dealer.

The document, "Work Session, Senate Committee on Transportation and Homeland Security, March 10, 2005," Exhibit C provides amendments that were proposed by the DMV and have the approval of Senator Tiffany, the bill's sponsor. All of the amendments, except one, were described in previous testimony by Troy Dillard from the DMV.

Amendment 1 would add language to section 1, subsection 1, to clarify that the governmental entities addressed by the bill must be within the State. That amendment was put forward in order to ensure the DMV's Compliance Enforcement Division has the proper jurisdiction.

Amendment 2 adds language to section 1, subsection 3, to clarify that an advertiser will not take possession of the vehicles advertised for any purpose, including transfer of interest, delivery or transport.

Amendment 3 deletes language in section 1, subsection 4, precluding governmental entities from hiring advertisers on a contractual basis. It would replace that language with language stating the advertiser may receive compensation for his services based on a percentage of the sales price for each vehicle sold.

Amendment 4 adds subsection 5 to section 1, stating that the advertiser does not engage in negotiations on the sale or sales price of vehicles.

Amendment 5 deletes section 2 entirely. Subsection 2.1 of section 2 addresses the transport of vehicles and would now be covered under subsection 1.3; subsection 2.2 excludes licensed manufacturers, distributors, dealers, brokers and rebuilders from *Nevada Revised Statutes* (NRS) 482.316 through 482.3175, as it is irrelevant to the measure.

Amendment 6 deletes section 5; it is a duplicate of section 4.

CHAIR NOLAN:

Before we have a motion on S.B. 55, Senator Tiffany has some additional comments.

SENATOR SANDRA J. TIFFANY (Clark County Senatorial District No. 5):

There was one individual from this Committee who went to the Legal Division asking if there was a conflict with my business and what I do pertaining to my support of this bill. I asked the Legal Division to provide a statement for me; I would like to read that statement into the record ([Exhibit D](#)) and then answer any questions you may have.

CHAIR NOLAN:

I would state that in the first hearing on this bill, while you did not make the typical blanket disclosure, I thought you were truthful and forthwith about your relationships with regard to the type of business you conduct and your personal relationships with people also involved in this. I do not think there was any mistaking about your relationships and how you conduct yourself with respect to the bill.

I have had discussions with representatives of the DMV inquiring about this provision. They have shown their support by working with you on the amendments. Although, you are the first individual through the door with this type of business, the door is now open. The DMV visualizes more individuals, entrepreneurs like yourself following suit. They want to be ahead of the game and felt these regulations proposed, with amendments from the DMV, would help regulate this industry fairly.

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SENATOR TIFFANY:

I would like to clarify that I am not the only one that provides this type of service. But, I am the only one who wanted to be licensed by the State and county. I am the only one to have come forth requesting to be licensed and regulated. I wanted to make sure everything I did was in compliance with the law. That is how we came to this kind of clarity.

CHAIR NOLAN:

Does the Committee have any issues on the proposed amendments they would like addressed by Senator Tiffany?

Hearing none, I would accept a motion to adopt the amendments as proposed in [Exhibit C](#).

SENATOR AMODEI MOVED TO ADOPT AMENDMENTS OF [EXHIBIT C](#) TO S.B. 55.

SENATOR WASHINGTON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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SENATOR AMODEI MOVED TO AMEND AND DO PASS AS AMENDED S.B. 55.

SENATOR HECK SECONDED THE MOTION.

SENATOR CARLTON:

I have a few clarifying points I would like to go through. How many people are there that will need to apply for this license? How tough will it be? We did not get into the actual licensing of other individuals, only problems and loopholes that actually existed and the DMV wanting control.

In my work on the Senate Committee on Commerce and Labor, I am very involved in the licensing aspects. I want to understand the technicalities of this. What are these individuals going to be required to do in order to become licensed? How many are there going to be?

SENATOR TIFFANY:

Currently, there is no need to be licensed. That is what I was explaining. When you own an advertising company, under those five conditions, you do not need a license. We are putting in statute what defines an advertising company. The DMV originally said there would be no problem in doing this. When I went to the county and got the advertising license, the public auctioneers, who are in competition with the Internet, filed a complaint. That is why DMV wants in statute a definition of an advertising company under these conditions. There is no licensing.

I have another bill coming; it creates a licensing statute that would have bonding, licensing, reporting and workers' compensation requirements. That bill is different than this one. If you are an advertising company that meets those five conditions, you do not need a license.

CHAIR NOLAN:

Is there any other discussion?

SENATOR HORSFORD:

What were the auction companies complaining about?

SENATOR TIFFANY:

The auction company is a public auction company. Under statute, a public auction company must be licensed as a car dealer because they actually pick up the cars; they take possession. They set the starting price of the auction. They take possession of title and all money associated with the sale. The auction company signs over the title and delivers the car. They literally act as though they are, under statute, a car dealer and distributor.

The Internet is completely different. You never take possession of a car; all you do is take a picture, write a description and answer e-mails. Whatever government agency maintains possession of the car, it stays on their maintenance lot. Their maintenance people are the ones who deliver the car. They sign the title and bill of sale; it is completely different.

THE MOTION PASSED UNANIMOUSLY.

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SENATOR AMODEI:

For the record, I would like to clarify my earlier motion today on S.B. 54, in my attempt to answer Senator Horsford's question regarding approve and rerefer. Senate Bill 54 will go to the Senate floor as rerefer to the Senate Committee on Finance. If that affects anyone's vote, they should say something to the Chair now.

SENATOR HORSFORD:

I need to clarify then, what is the action we should have taken? I voted nay on the bill based on lack of information, in my opinion, to approve it. I am not against the bill in a conceptual form.

If the action is no recommendation with a rereferral to the Senate Committee on Finance, then I would like to change my vote.

CHAIR NOLAN:

We can do one of two things. We can rescind the action we have taken and take another vote. Or, since it is just a matter of rereferral without approval or disapproval, it really does not count as a substantive vote on the policy issue or the fiscal issue of the bill; it is strictly on whether or not we are sending it to finance. If you would like, we can rescind the previous action.

SENATOR HORSFORD:

Yes. Otherwise, I would have been voting nay for the rereferral to the Senate Committee on Finance; I am not against that.

SENATOR AMODEI:

I would like to add one thing. During the voice vote on the Senate floor, Senator Horsford could vote aye and ask the Secretary of the Senate to make sure he is registered as an aye; that would show him in support of the rereferral.

CHAIR NOLAN:

With all due respect, I would be glad to take another motion.

SENATOR HECK MOVED TO RESCIND THE PREVIOUS ACTION TAKEN ON S.B. 54.

SENATOR AMODEI SECONDED THE MOTION.

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THE MOTION PASSED UNANIMOUSLY.

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SENATOR AMODEI MOVED TO REREFER S.B. 54 TO THE SENATE
COMMITTEE ON FINANCE.

SENATOR HECK SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR CARLTON VOTED NO.)

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CHAIR NOLAN:

Since there is no other business for the Committee, this work session is closed
at 2:11 p.m.

RESPECTFULLY SUBMITTED:

Sherry Rodriguez,
Committee Secretary

APPROVED BY:

Senator Dennis Nolan, Chair

DATE: _____