

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

**Seventy-Fourth Session
May 17, 2007**

The Committee on Transportation was called to order by Chair Kelvin Atkinson at 1:35 p.m., on Thursday, May 17, 2007, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/74th/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Kelvin Atkinson, Chair
Assemblyman Mark Manendo, Vice Chair
Assemblyman David Bobzien
Assemblyman John C. Carpenter
Assemblyman Jerry D. Claborn
Assemblyman Ty Cobb
Assemblywoman Susan Gerhardt
Assemblyman Ed Goedhart
Assemblyman Pete Goicoechea
Assemblywoman RoseMary Womack

COMMITTEE MEMBERS ABSENT:

Assemblyman Joseph Hogan (excused)

GUEST LEGISLATORS PRESENT:

Senator Joe Heck, Clark County Senatorial District No. 5
Senator Dennis Nolan, Clark County Senatorial District No. 9

STAFF MEMBERS PRESENT:

Marjorie Paslov Thomas, Committee Policy Analyst

Sharon Wilkinson, Committee Counsel
Kelly Troescher, Committee Secretary
Christine Henricksen, Committee Secretary
Matt Mowbray, Committee Assistant

OTHERS PRESENT:

Judy Stokey, Director, Government Affairs, Nevada Power and Sierra Pacific Power
Debra Jacobson, Director, Government and State Regulatory Affairs, Southwest Gas Corporation
Laura Billman, Representative, Nye County
Troy Dillard, Administrator, Compliance Enforcement Division, Department of Motor Vehicles
Wayne Frediani, Executive Director, Nevada Franchised Automobile Dealers Association

Chair Atkinson:

[Meeting called to order at 1:35 p.m. Roll called.]

Today, we have two bills before us: Senate Bill (S.B.) 300 and Senate Bill 320. We are going to take them in order. After these bills are heard, we have other bills to consider in our work session. I will ask the proponents of S.B. 300 to please come to the witness table.

Senate Bill 300: Revises certain provisions governing hours-of-service limitations for intrastate drivers of certain commercial motor vehicles. (BDR 58-1319)

Judy Stokey, Director, Government Affairs, Nevada Power and Sierra Pacific Power:

We are here today in support of S.B. 300. [Submitted prepared text ([Exhibit C](#)).] In 2005, the Nevada Legislature enacted Senate Bill 245 of the 73rd Session. The bill dealt with, in part, the enforcement of the hours-of-service limitation on drivers in interstate commerce. The original idea behind hours-of-service regulation was to enforce the amount of hours a driver could be on the road. The main reason for this bill was to benefit those who do this as a profession. They are driving long periods of time, which is their primary job. The utilities believe they should be exempt since their drivers' main job is to restore electrical and gas service. They just need the truck to get to where the outage is.

Since the passage of Senate Bill 245 of the 73rd Session, the United States Congress enacted legislation that amended federal law regarding the regulation of hours-of-service for utility service vehicles. The new federal legislation, Section 4131 of H.R. 3 [Public Law 109-59], provides a complete exemption for drivers of utility service vehicles from interstate hours-of-service regulations. It also prohibits a state from enforcing its own hours-of-service regulations on drivers of utility service vehicles. After the passage of the federal legislation, the utilities received a Legislative Counsel Bureau (LCB) opinion from this Body that questioned the exemption with the existing language in *Nevada Revised Statutes* (NRS) due to Senate Bill 245 of the 73rd Session. Therefore, we are here today to correct language that makes it clear that the utilities are exempted from the hours-of-service regulations as the federal legislation states.

Debra Jacobson, Director, Government and State Regulatory Affairs, Southwest Gas Corporation:

[Submitted [Exhibit D](#) for Committee members. Not discussed.] Ms. Stokey explained this, so I am just here to mirror her remarks, for the record.

Assemblyman Goicoechea:

I have a comment that does not pertain to this bill because I support this. The law used to be that if a driver did not go outside of a 150-mile radius, he did not have to carry a log. I believe that is present law. Ms. Stokey, how is it determined if a driver has been driving over 10 hours?

Judy Stokey:

Our truckers log the hours they are driving. I know the Highway Patrol has the authority now to review that. Last session we had some discussions with the Highway Patrol, and there were some issues in regard to S.B. 245 of the 73rd Session. We were able to work through those. This session, with the language that is in this bill, they have supported it. We think we are okay with that now.

Assemblyman Goicoechea:

So you are saying that your drivers actually carry a logbook and keep it current?

Judy Stokey:

They do keep a log, but I am not sure to what extent.

Chair Atkinson:

Are there any other questions from Committee members on S.B. 300? [There were none.] Ms. Jacobsen and Ms. Stokey, do you have anyone else to testify on this bill?

Debra Jacobsen:

I do not think anyone else wants to testify, that I know of.

Judy Stokey:

There was no opposition on the Senate side for this bill.

Chair Atkinson:

Is there anyone in the audience who wishes to be heard on S.B. 300, whether in favor, opposition, or with no opinion? [There were none.]

I will close the hearing on S.B. 300. The Chair will entertain a motion.

ASSEMBLYMAN GOICOECHEA MOVED TO DO PASS
SENATE BILL 300.

ASSEMBLYMAN CARPENTER SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN GOEDHART, HOGAN,
AND WOMACK WERE ABSENT FOR THE VOTE.)

Chair Atkinson:

I will open the hearing on Senate Bill 320.

Senate Bill 320: Exempts the rental or lease of certain space at certain local governmental airports from requirements relating to appraisals and public auctions. (BDR 44-758)

Laura Billman, Representative, Nye County:

Senator Beers asked if I could present this bill for him since I do represent one of the rural counties affected by the two appraisal rules on airport land. I do not know a great deal about this issue but I do know rural issues. While the counties understand the need for two appraisals, even one appraisal in a rural community is difficult, at best. We do not have appraisers. As an example, Nye County has a hangar in Gabbs. We could lease that hangar out to an out-of-town individual who would bring jobs into the area of Gabbs, which that community sorely needs. We are having trouble finding any appraiser that is willing to come to Nye County. The ones the county did find wanted to charge more than the county could afford on a hangar that the county was only going to make \$125 from leasing it. The total cost for the two appraisers we managed to find was going to be \$12,000.

The rural counties are asking for an exemption from the appraisal process for counties with populations of 40,000 or less so that they can be helped with

their rural economic development. We are asking this Committee to please pass this legislation.

Assemblyman Goicoechea:

Looking at Section 1, subsection 3, it speaks about the grounds of a municipal airport, which would be fine for Gabbs, but I do not think the airport there is actually in the area of Gabbs, which is now unincorporated. I really question this. Is it not a "municipal" city, rather than county?

Laura Billman:

Section 1, subsection 3?

Assemblyman Goicoechea:

It talks about rent or lease space or parking for a twin aircraft of a municipal airport? Does municipal, in that language, mean a county airport, also, or is that just for the city?

Laura Billman:

I received this backup material from Senator Beers' office. My bill is not matching that. The bill I have states "the governing body of a city located in a county, whose population is less than 40,000." Is it possible I have the wrong version of the bill?

Assemblyman Goicoechea:

It does say 40,000. As you go through the language, however, you see "municipal airport" mentioned. Does that mean a county airport or is it just a city airport?

Laura Billman:

I do not know. We have Gabbs as an example. We have the town of Tonopah, also, as an example where some jobs have been lost. Apparently, it does apply to those areas with the way the current law is written.

Assemblyman Goicoechea:

I just wanted to clarify this because I know where you are headed. I wanted to make sure you did not end up with the Nye County Airport Authority being exempt from this.

Laura Billman:

I do not believe, actually, that this would exempt Nye County's airport because they fall under the current law. This is exempting a county of 40,000 and under.

Assemblyman Goicoechea:

I challenge the language that states, "The governing body of the city, located in a county." I think you need to amend that language.

Laura Billman:

You may have a point. I would have no problem striking "of a city" from the bill in order to make sure what we discussed does not happen. I could have an amendment drafted to address those concerns within an hour.

Chair Atkinson:

If we need to do it, we can just make the change. Mr. Goicoechea can explain the amendment when we vote to move it out of committee. Are there others who wish to testify?

Laura Billman:

Mr. Chair, I think I am the only one here. I was just notified of this at 12:50 p.m., so I apologize.

Chair Atkinson:

Are there any more questions? Is there anyone else in the audience that wishes to testify in favor of S.B. 320? In opposition or has no opinion? Seeing none, we will close the hearing on S.B. 320 and I will accept a motion.

Assemblyman Goicoechea:

I would like to propose an amendment to S.B. 320. It would change Section 1, subsection 3, line 17, where it states "the governing body of a city." I would like to delete "a city located in a county whose population is less than 40,000 may rent or lease. . ."

Chair Atkinson:

This is a conceptual amendment offered by Assemblyman Goicoechea. He wants to delete, on line 17, "a city located in a" with the rest of the paragraph remaining.

Assemblyman Carpenter:

I think you need city and county both in there. White Pine County has Ely, which is a city. There are other cities that control their airports. I think you should broaden the language to city or county.

Assemblyman Goicoechea:

I would withdraw my motion if we want to go with Assemblyman Carpenter's language.

Sharon Wilkinson, Committee Counsel:

I need a moment to look at the section in question. The section does deal with municipalities, which, of course, are cities. I want to make sure the amendment would fit within this section.

Chair Atkinson:

We will readdress S.B. 320 at the end of our work session. We will now take up our work session document ([Exhibit E](#)) and have Ms. Thomas take us through it.

Senate Bill 58 (1st Reprint): Provides for the imposition of an administrative assessment for certain traffic violations to be used for the awarding of grants to volunteer organizations that provide emergency medical services. (BDR 14-221)

Marjorie Paslov Thomas, Committee Policy Analyst:

You will see in your work session document ([Exhibit E](#)) that there are nine bills. The first one is Senate Bill 58 (1st Reprint). As the summary states, it provides for the imposition of an administrative assessment for certain traffic violations to be used for the awarding of grants to volunteer organizations that provide emergency medical services. It is sponsored by Senator Heck and was last heard on May 8, 2007. There were no proposed amendments.

Chair Atkinson:

Is there discussion from the Committee?

Assemblyman Bobzien:

I just want to have one more crack at this in terms of this assessment truly being a fee or a fine. What is the proper terminology of this?

Chair Atkinson:

The Senator has walked into the room. Maybe he can help with this.

Assemblyman Bobzien:

Senator, I just wanted to have some clarification if this was a fee or a fine? My understanding of a fine is that it is a payment for something one is found guilty of. It appears to be a fee because a person has to be in court to address the traffic violation to pay it. I am not quite sure where the line is.

Senator Joe Heck, Clark County Senatorial District 5:

As was explained to me, although it is called an administrative assessment, it falls in the category of a fine, not a fee.

Chair Atkinson:

Does that satisfy your concerns, Assemblyman Bobzien? Are there any more questions from the Committee?

ASSEMBLYMAN GOICOECHEA MOVED TO DO PASS
SENATE BILL 58 (1st Reprint).

ASSEMBLYMAN GOEDHART SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN HOGAN WAS ABSENT
FOR THE VOTE.)

Chair Atkinson:

Who would like to defend this bill on the Floor? Mr. Goicoechea? Thank you.

Senate Bill 180 (1st Reprint): Provides the registered owner of a vehicle with the opportunity to make a voluntary contribution to the State Highway Fund at the time of the renewal of the registration. (BDR 43-696)

Marjorie Paslov Thomas, Committee Policy Analyst:

[Read from [Exhibit E.](#)] Senate Bill 180 (1st Reprint) provides the registered owner of a vehicle with the opportunity to make a voluntary contribution to the State Highway Fund at the time of renewing a motor vehicle's registration. It was sponsored by Senator Beers and was heard on May 8, 2007. There were no proposed amendments.

Chair Atkinson:

Is there any discussion from the Committee?

Assemblyman Carpenter:

I think we heard that it was going to cost the Department of Motor Vehicles (DMV) \$50,000 to come up with the program. I have a little concern about spending that kind of money. I do not know who would donate to this fund. The Department of Motor Vehicles has to spend \$51,000 before they can take one donation. It does not seem to be a good business decision.

Chair Atkinson:

Thank you, Mr. Carpenter. I think that means you are voting no? I think this bill would still have to go through Ways and Means and get by that hurdle if we pass it out. Is there any other discussion? I will cautiously entertain a motion.

ASSEMBLYWOMAN GERHARDT MOVED TO DO PASS
SENATE BILL 180 (1st Reprint).

ASSEMBLYMAN COBB SECONDED THE MOTION.

MOTION FAILED. (ASSEMBLYMEN CARPENTER, CLABORN, GOICOECHEA, MANENDO, AND WOMACK VOTED NO. ASSEMBLYMAN HOGAN WAS ABSENT FOR THE VOTE.)

Senate Bill 206 (1st Reprint): Clarifies provisions concerning the effect of certain signals exhibited by official traffic-control devices. (BDR 43-66)

Marjorie Paslov Thomas, Committee Policy Analyst:

[Read from [Exhibit E](#).] The next bill is Senate Bill 206 (1st Reprint). It clarifies provisions concerning the effect of certain signals exhibited by official traffic-control devices. As you recall, it forbids local authorities from enacting an ordinance that prohibits a vehicle from crossing an intersection when the red light is active, if the vehicle has completely entered the intersection before the red light is illuminated. The bill also voids any existing local ordinance that prohibits such a crossing. The bill was sponsored by Senator Coffin and it was heard on May 10, 2007. There are no proposed amendments.

Chair Atkinson:

Thank you, Ms. Thomas. Is there any discussion? The Chair will entertain a motion on S.B. 206 (1st Reprint).

ASSEMBLYMAN CLABORN MOVED TO DO PASS SENATE BILL 206 (1st Reprint).

ASSEMBLYMAN CARPENTER SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN HOGAN WAS ABSENT FOR THE VOTE.)

Chair Atkinson:

Who would like to defend this bill on the Floor? Assemblywoman Womack? Thank you.

Senate Bill 293 (1st Reprint): Revises provisions governing drivers who are less than 18 years of age. (BDR 43-6)

Marjorie Paslov Thomas, Committee Policy Analyst:

[Read from [Exhibit E](#).] This bill revises provisions governing drivers who are less than 18 years of age. It provides that if a parent or legal guardian knowingly and willfully allows their minor child to operate a motor vehicle without a valid license or instruction permit or is in violation of the terms of the instruction

permit, the parent or legal guardian is rightly and severally liable for all fines, fees, assessments, monetary penalties, and restitution stemming from that. If the parent or legal guardian is not able to pay, the court may order him to perform community service. This was sponsored by Senator Cegavske. It was heard on May 15, 2007. There are no proposed amendments.

Chair Atkinson:

Is there any discussion on Senate Bill 293 (1st Reprint)?

Assemblyman Carpenter:

Senator Cegavske and I have been arguing for the last ten years about graduated driver's licenses. I have a granddaughter who is a little bit wild, though, and she might be getting a license soon, so I think I should vote for this bill this time.

Chair Atkinson:

Is there any other discussion or comments? I will entertain a motion.

ASSEMBLYWOMAN GERHARDT MOVED TO DO PASS
SENATE BILL 293 (1st Reprint).

ASSEMBLYWOMAN WOMACK SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN HOGAN WAS ABSENT
FOR THE VOTE.)

Chair Atkinson:

Who would like to defend this bill on the Floor? Assemblyman Bobzien?
Thank you.

[Senate Bill 315 \(1st Reprint\)](#): Imposes certain conditions before a special
license plate may be designed, prepared and issued. (BDR 43-859)

Marjorie Paslov Thomas, Committee Policy Analyst:

[Read from [Exhibit E](#).] This bill imposes certain conditions before a special license plate may be designed, prepared, and issued. As you will recall, it deals with organizations that submit applications for special license plates. Governmental entities that apply for special license plates must use the revenue for charitable purposes. Non-governmental entities must be nonprofit charitable organizations that provide services relating to public health, education, or general welfare. Also, if an organization is required to be registered with the Nevada Secretary of State's Office, its registration must be current. The organization must have a name and purpose that does not promote, advertise,

or endorse a product, brand name, or service that is offered for profit. Organizations must be non-discriminatory and no organization's license may promote a specific religion, faith, or inter-religious belief. This was sponsored by the Senate Committee on Transportation and Homeland Security on behalf of the Commission on Special License Plates. It was initially heard May 1, 2007, and there are no proposed amendments.

Chair Atkinson:

Is there any discussion from the Committee?

Assemblyman Claborn:

Usually, the license plate fees affect nonprofit charitable organizations. It is where the money goes to. Do you happen to know where the money is going to go to with this bill? It is my understanding that this has to be designated to a certain fund.

Sharon Wilkinson, Committee Counsel:

I believe when the special license plate is applied for . . .

Chair Atkinson:

Senator Nolan is here and brought this bill forward. I was on the Special License Plate Commission, as well, and I do not recall us determining where the fees were going to go.

Senator Dennis Nolan, Clark County Senatorial District No. 9:

I apologize, but I did not hear the entire question.

Assemblyman Claborn:

Senator Nolan, it is my understanding that part of the fees for these special license plates go to a charitable organization. I have worked on some of these bills before and we had to designate where the money was going to and what organization would receive the funds. Do you happen to know where these particular funds are going?

Senator Nolan:

The bill was intended to make sure that the funds were to go specifically to what those particular organizations indicated in their statutory provisions. Some of the money is dedicated, statutorily, to different causes. Some of the money goes to a benevolent cause which that organization indicated, when their license plate was approved, either by the Commission or by the Legislature. We did have, during this last interim, an audit conducted and the legislative auditor came back and indicated all monies received from specialty license plates are

going to those places approved by the Legislature. So, there are 20 different types of benevolent causes they are going to help fund.

Assemblyman Claborn:

That might be true but I remember when I had to do my bill, I had to specifically state where the monies were going and what it was going to be used for. Can counsel comment on that?

Marjorie Paslov Thomas:

Mr. Claborn, I think what Senator Nolan was trying to say is that some of the bills for the special license plates were approved by the Legislature. When they are approved by the Legislature, it is statutorily set where the money is going to go. Once the Commission on Special License Plates was appointed, the organizations would apply to the Commission, and they state on the record where the money is going to go. So, your bill in last session or the session before would have designated where the money was going in the bill's language.

Assemblyman Claborn:

It did not go exactly like that but I will accept your answer.

Chair Atkinson:

Is there further discussion on Senate Bill 315 (1st Reprint)? Seeing none I will entertain a motion.

ASSEMBLYWOMAN GERHARDT MOVED TO DO PASS
SENATE BILL 315 (1st Reprint).

ASSEMBLYMAN MANENDO SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN HOGAN WAS ABSENT
FOR THE VOTE.)

Chairman Atkinson:

Assemblyman Claborn, would you like to do the floor statement on this bill?
Thank you.

Senate Bill 319 (1st Reprint): Revises provisions governing the licensing and taxation of motor vehicles that are exhibited or displayed in certain museums. (BDR 43-1131)

Marjorie Paslov Thomas, Committee Policy Analyst:

[Read from [Exhibit E](#).] The next bill is Senate Bill 319 (1st Reprint). This bill exempts from the governmental tax motor vehicles that are exhibited in a nonprofit car museum. The DMV must provide distinguishing license plates for those vehicles. This was sponsored by Senator Townsend. It was heard on May 8, 2007.

There are three proposed amendments by John Sande, representing Jones Vargas. The first one is to amend the bill as a whole by deleting Sections 1 and 2. The second amendment requires the DMV to issue special license plates without charge or the imposition of the governmental services tax to any nonprofit organization that operates a museum for the exhibition of or display of motor vehicles when the motor vehicles are driven for test drives, parades, and or special events or driven within 70 miles of the museum. The nonprofit organization must pay a fee of \$12 for each set of special license plates at the time of application or renewal with the DMV.

The third amendment is to provide that the DMV must not charge or collect any fees for the transfer of a certificate of title for a vehicle owned by any nonprofit organization that operates a museum for the exhibition or display of motor vehicles within one year following the passage and approval of this bill. There is a mock-up in the work session document ([Exhibit E](#)) prepared by the Legal Division.

Assemblyman Claborn:

It specifically says in the language it will cost \$12 for each set of plates. It also has language regarding test drives, parades, or special events. Is that similar to what is done with automobiles for car shows, when you are traveling to parades and the like? It only costs \$2 per day. Is this conflicting?

Chair Atkinson:

I think you are talking about a special permit, Mr. Claborn.

Assemblyman Claborn:

The second amendment proposed states the DMV will be required "to issue special license plates without charge or the imposition of the governmental services tax, to any nonprofit organization that operates a museum for the exhibition or display of motor vehicles when the motor vehicles are driven for test drives, parades, or special events." Can we get some clarification on that?

Troy Dillard, Administrator, Compliance Enforcement Division, Department of Motor Vehicles:

You are correct. There is a special use permit that already exists, which costs \$2 for a vehicle, for that special purpose. This bill is attempting to single out a particular museum that exists today. It is for them to use an interchangeable plate amongst their various vehicles. They roughly have around 200 that they use to conduct events. This was the purpose of the bill. Effectively, today, they must get those permits each time they want to conduct an event. They are trying to get a plate assigned to them. The \$12 fee is the same fee which is charged to car dealers for their plates, which are used for this purpose.

Assemblyman Claborn:

I am well aware of all that. I would like to ask if this has anything to do with the classic cars and the \$2 per day fee. Is it correct that this has nothing to do with that?

Troy Dillard:

This language has nothing to do with that.

Assemblyman Claborn:

So, tomorrow, I can go down and pay my \$2 and take my car to the parade. Correct?

Troy Dillard:

That is correct.

Assemblywoman Womack:

Does this only affect the Harrah's National Automobile Museum? Is there only one nonprofit museum with model or classic cars?

Troy Dillard:

To our knowledge, there is only one, currently.

Assemblywoman Womack:

It only affects a nonprofit and not the for-profit entities?

Troy Dillard:

That is correct. It is written specifically that it has to be both a 501(c)(3) company and an automobile museum.

Assemblyman Goicoechea:

Troy, did you say these would be renewed annually at \$12? Is that correct?

Troy Dillard:

That is correct. That was not contained in the overview, which was an oversight on the bill sponsor's part; however, we caught it just before the hearing.

Assemblyman Cobb:

Is there any representative from the automobile museum here? Is Mr. Sande here to speak to this amendment? Do we know the feelings on this amendment? Was he representing the automobile museum? The amendment language was suggested after we had the hearing, which he did not attend.

Chair Atkinson:

The answer is yes, he was not here for the hearing, but this is the amendment language the automobile museum offered.

Assemblyman Claborn:

This is a very good bill. I recognize the problem because I almost turned a similar bill in myself. It is a real hardship for the National Automobile Museum and I think this is the answer and would like to go on record as supporting it.

Assemblyman Carpenter:

Did I understand correctly that this was written specifically for the National Automobile Museum?

Troy Dillard:

It is our understanding that there is only one museum which would qualify with the way the bill is written. It is a 501(c)(3) corporation and an automobile museum.

Assemblyman Carpenter:

What about the one in Winnemucca? Do you know anything about that?

Troy Dillard:

From my understanding, that is not a nonprofit museum.

Assemblyman Manendo:

If another museum did open, and was a 501(c)(3), would they fall under this language?

Troy Dillard:

There are two answers to that. They would fall under it, as far as the special license plates; they would be entitled to register 12 in a year, at \$12 per plate. There is an issue with titling, however, that exempts a government body from

transferring a title to a nonprofit automobile museum. It is only good for one year. It expires after one year.

Chair Atkinson:

Any questions or comments by the Committee? If there is no further discussion, I will entertain a motion for S.B. 319 (1st Reprint).

ASSEMBLYMAN COBB MOVED TO AMEND AND DO PASS
SENATE BILL 319 (1st Reprint).

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN HOGAN WAS ABSENT
FOR THE VOTE.)

Chair Atkinson:

Mr. Cobb will handle the floor statement. Thank you.

[Senate Bill 451 \(1st Reprint\)](#): Requires the preparation and filing of certain reports by certain charitable organizations in connection with certain special license plates. (BDR 43-860)

Marjorie Paslov Thomas, Committee Policy Analyst:

[Read from [Exhibit E](#).] As the summary states, this bill requires the preparation and filing of certain reports by certain charitable organizations in connection with certain special license plates. It provides for the review of the financial practices of organizations that receive revenue from special license plates. The organizations must submit a balance sheet and recent bank statements to the Commission on Special License Plates each year. The Commission will send these to the Legislative Auditor who will prepare a report that includes evidence of inaccuracies, omissions, and improper financial practices and other relevant information. If the Commission determines that an organization has not submitted the required information or is engaged in improper financial practices, it must notify the organization. The organization can request a hearing to rebut the Commission's determination. If the Commission upholds its determination, it may direct the DMV to suspend the production of the special license plate and the collection of fees.

The bill also provides that the Commission must consider special license plates applications in the order in which they are received. This was sponsored by the Senate Committee on Transportation and Homeland Security on behalf of the Commission on Special License Plates. There are no amendments.

Chair Atkinson:

Is there any discussion from the Committee? The Chair will entertain a motion for S.B. 451 (1st Reprint).

ASSEMBLYMAN GOICOECHEA MOVED TO DO PASS
SENATE BILL 451 (1st Reprint).

ASSEMBLYMAN GOEDHART SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN HOGAN WAS ABSENT
FOR THE VOTE.)

Chair Atkinson:

Assemblyman Bobzien will defend this on the Floor. Thank you.

[Senate Bill 452 \(1st Reprint\)](#): Makes various changes to provisions governing the regulation of motor vehicle manufacturers, dealers, distributors, brokers, rebuilders and lessors. (BDR 43-644)

Marjorie Paslov Thomas, Committee Policy Analyst:

This is a clean-up bill requested by the DMV. The bill makes various changes in the statutes relating to motor vehicle manufacturers, dealers, distributors, brokers, rebuilders, and lessors. It was sponsored by the Senate Committee on Transportation and Homeland Security, on behalf of the DMV. It was heard on May 15, 2007.

In your work session document ([Exhibit E](#)) there are three pages that highlight aspects of the bill. On the third page there are some proposed amendments. Behind the work session document, the Legal Division has prepared a modified mock-up for your review, since it can be confusing. The first five amendments are proposed by Troy Dillard, the Administrator of the Compliance Enforcement Division of DMV.

The first amendment is to clarify that investigators for the Division of Compliance Enforcement at the DMV may exercise their police powers in the enforcement of the laws of this State to prevent acts of fraud or other abuses in connection with the provision of services offered to the public by the DMV.

The second proposed amendment is to add a new section to modify the definition of "used vehicle." The definition would be changed to "a vehicle that has been registered with the DMV or appropriate agency of authority in another state, and if equipped with an odometer, registers more than 2,500 miles on the odometer, or regardless of mileage, is at least one model year old, as

determined by the vehicle manufacturer, and has been registered with the DMV or the appropriate agency of authority in another state for 30 days or more, if no exemptions for registration exist under the laws of Nevada or the laws of the jurisdiction in which the vehicle was registered.

The third proposed amendment is to amend Section 51 of the bill to set forth the conditions under which an automobile wrecker, operator of a salvage pool, garageman, or owner of a body shop is unfit to hold a license or registration, as applicable.

The fourth proposed amendment is to amend Section 52 to set forth the conditions under which a salvage vehicle is considered to be in its entirety as opposed to when it is considered to be in parts.

The fifth proposed amendment is to amend Section 56 to clarify the transfer of ownership of a qualified junk vehicle by an automobile wrecker in the same manner as with valued vehicles by endorsement of the space already provided on the reverse side of the junk certificate. If insufficient space exists on the reverse side of a junk certificate to transfer the vehicle in this manner, an automobile wrecker must, within 10 days after purchase, apply to the DMV for a new junk certificate and surrender the original certificate.

The sixth proposed amendment was proposed by Artie Valentine. He proposed to amend Section 27 (line 5 through 10) to provide that the DMV may enter into an agreement with any dealer, distributor, manufacturer, or rebuilder who has been in business for five years or more, and if his business has been conducted satisfactorily for the preceding five years there can be a reduction in the amount of the bond. No bond, however, shall be reduced in an amount less than 50 percent of the bond requirement.

As a special note, I would like to point out that on May 10, 2007, Mr. Dillard did testify that proposed amendments 3, 4, and 5 are identical to the provisions contained in Assembly Bill 393 (1st Reprint) which was sponsored by Assemblywoman Buckley. This measure was passed by the full Assembly and is currently being considered by the Senate. In order to resolve a possible conflict, Mr. Dillard proposes to make these provisions identical in each bill.

Chair Atkinson:

I have questions about amendment 6. I am not sure if Mr. Dillard would be able to answer this. What exactly are we discussing when we talk about entering into business or entering into an agreement with any dealer, distributor, et cetera? How would they be conducting business with the DMV?

Troy Dillard, Administrator, Compliance Enforcement Division, Department of Motor Vehicles:

This language is very close to existing law today. The bill, as it was submitted, actually removed this section. This is an amendment to put that language back in, but in a slightly different form. Currently, the bond is \$50,000 for most dealers. Statute currently states that after five years of conducting business in good order, the DMV can reduce the bond to no less than \$5,000. This language simply splits it so that it is only a 50 percent reduction, but is something which already exists today. By policy, typically we determine the amount of years the business has been conducting themselves in good order so we can decide the percentage of the reduction which we will allow.

Assemblywoman Gerhardt:

This is something which is on page 3 of our work session document ([Exhibit E](#)). The language that states, "inserts a catchall provision whereby any violation left without a specified penalty is to be considered a misdemeanor." Can you explain that? In the actual bill, if you look at page 45, at line 16, Section 66, it says, "except as otherwise provided in Section 65 of this act, a person who violates any provision of NRS 108.265 to 108.360, inclusive, is guilty of a misdemeanor." I have a problem with that language. Can you explain why we would do that?

Troy Dillard:

This chapter deals with lien selling of vehicles. In Chapters 42 and 47, any violation of those chapters has a caveat that makes it a misdemeanor. We enforce that through discretion, whether we do it through administrative action or through criminal action, depending on the egregiousness of the violation. This language makes it fall under the same process and procedure which is outlined in Chapter 108 of NRS.

Assemblywoman Gerhardt:

Basically, it is a catchall provision whereby any violation left without a specific penalty is to be considered a misdemeanor.

Troy Dillard:

It specifically is limited to NRS 108.265 to 108.360 which is a very small section within that chapter. It deals with lien selling of vehicles. Lien selling of vehicles typically involves automotive businesses taking an interest in a vehicle because a customer either did not pay a contracted price or, commonly, with tow companies when they put a lien towards a vehicle, and it has to be paid off. There are provisions which they have to follow. If they fail to do so, it is an administrative violation. This language also makes it a criminal violation if we choose to prosecute them from a criminal perspective. We do not have that

ability, currently. It is the only section which we do not have a criminal penalty in the chapters we regulate.

Assemblywoman Gerhardt:

Why are we not just saying all those things are a misdemeanor, if that is what we are going to do?

Troy Dillard:

There are varying levels of penalties within the statutes, so there may be something contained in them which is already a gross misdemeanor or a felony. It is only those things which do not have penalties specified for them. We also do not charge every violation which we find through the criminal process. Many of them are handled through the administrative process instead.

Chair Atkinson:

Any other questions or concerns from the Committee?

Assemblyman Cobb:

I was curious if the automobile dealers, since they testified in the previous hearing, had any problems or concerns about the amendments which were proposed?

Wayne Frediani, Executive Director, Nevada Franchised Automobile Dealers Association:

We are in support of the bill and the amendments which have been presented today.

Chair Atkinson:

Are there any other questions from the Committee? Mr. Manendo brought up a good point and I wanted to clear it up for the Committee members and put it in the record. When we first heard this bill, on Tuesday, May 15, 2007, there were some concerns about the amount of plates which are being given to the dealers for loaners and other things. I think we need to be aware that if we do not do anything with this bill, then the number will be set at 12, which is what is in statute right now. We are actually, in this bill, reducing that number. Certainly, if we want to do something about it for the people who are granted the privilege of returning next session, we can certainly address it then. But, as I said, in this bill, if we do not address it, it will revert back to the 12, which actually gives them more. The number that Mr. Manendo came up with last time was 7,500, so that number would swell to 15,000 if we did not do anything with this bill. I just wanted to clear that up. I know, Mr. Carpenter, your concerns with that have been answered. I know a few others had the same

concerns, and so did I. I met with a few people and surmised that was going to be the scenario if we did not take action.

Assemblyman Manendo:

I am glad your concerns have been addressed. My concerns were not addressed, however. They did not come to me and talk about it. Since Mr. Carpenter's concerns were addressed maybe he can go over them with me.

Assemblyman Carpenter:

I really think that at some time we need to really look at what is going on here. I think six plates for their family members are a little much. I do think they have reached an agreement and there are a lot of good things in the bill. So, I think I would let the language go this time. I do think it is a little much. When you look at the number that are out there and the amount of taxes we are losing, it really needs to be addressed.

Chair Atkinson:

I could not agree with you more, Mr. Carpenter. Maybe you and I will co-sponsor legislation next session, if we come back.

Assemblyman Manendo:

Again, I am glad several members had their concerns addressed, but mine were not. Clearly, I had concerns about it and it has been two days since the first hearing and no one has come and spoken to me. I am glad we are able to reduce the number to six. Obviously, the general public does not have the same benefits. That is bad public policy. It seems it should be reduced a little bit more; however, I do not want to hold up the bill. I am not happy, though.

Chair Atkinson:

I agree with you, Mr. Manendo. They should have come to you, as well, and addressed your concerns. Are there any other questions or comments from the Committee?

Assemblyman Goicoechea:

On amendment 6, the one offered by Artie Valentine, this amendment says that the bond cannot be reduced below 50 percent. Mr. Dillard stated the bond could be reduced to as low as \$5,000. Is that not correct?

Troy Dillard:

The current law is "no less than \$5,000." This amendment changes that language. It increases the size of the bonds, altogether. The current \$50,000 bond level rises to \$100,000. As stated, it can be reduced by no more than 50 percent. So, \$50,000 would be lowest bond for a new or used car dealer.

Assemblyman Goicoechea:

When the bond doubles, under this proposal, would you get back to what you were originally bond at? Without the amendment, we are still at the \$100,000 bond level?

Troy Dillard:

Without amendment 6, there would be no case for reduction of the bond.

Chair Atkinson:

Any further discussion? The Chair will accept a motion.

ASSEMBLYWOMAN GERHARDT MOVED TO AMEND AND DO PASS SENATE BILL 452 (1st Reprint).

ASSEMBLYMAN CLABORN SECONDED THE MOTION.

MOTION PASSED. (ASSEMBLYMAN HOGAN WAS ABSENT FOR THE VOTE. ASSEMBLYMAN MANENDO RESERVED HIS RIGHT TO CHANGE HIS VOTE ON THE FLOOR.)

Chair Atkinson:

I will defend this bill on the Floor. Thank you.

Senate Bill 481: Revises requirements for the issuance of special license plates for motor vehicles. (BDR 43-863)

Marjorie Paslov Thomas, Committee Policy Analyst:

This bill revises requirements for the issuance of special license plates for motor vehicles. It would also amend the duties of the Commission on Special License Plates, requiring the Commission to approve or disprove any application for a special license plate authorized by an act of the Legislature. Further, the Legislature pledges that if a new license plate is authorized by an act of the Legislature after January 1, 2007, the license plate may not be issued by the DMV unless the Commission approves the application of the new plate. It was sponsored by the Senate Committee on Transportation and Homeland Security on behalf of the Commission on Special License Plates. It was first heard on April 26, 2007. There are no proposed amendments.

Chair Atkinson:

Is there discussion by the Committee? No? Then I will take a motion.

ASSEMBLYWOMAN GERHARDT MOVED TO DO PASS SENATE BILL 481.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN HOGAN WAS ABSENT FOR THE VOTE.)

Chair Atkinson:

Assemblywoman Gerhardt will defend this bill on the Floor. Thank you. We will reopen the hearing on Senate Bill 320. We were going to vote on it, but we needed clarification on something.

Senate Bill 320: Exempts the rental or lease of certain space at certain local governmental airports from requirements relating to appraisals and public auctions. (BDR 44-758)

Sharon Wilkinson, Committee Counsel:

Section 1 of the bill dealt with the powers of municipalities and the facilities and properties which they might own. The municipality and city language would need to stay as is in Section 1 of the bill. If the Committee has a desire to make the same provisions apply to counties, the bill could certainly be amended to do that.

Assemblyman Goicoechea:

It does need to be amended to include counties because I believe the jurisdiction of Nye County is seeking the bill and they do not have "county" in the language.

Chair Atkinson:

Mr. Goicoechea, if you wanted to make the motion including that, I will entertain it.

Assemblyman Goicoechea:

I would make the motion that we amend and incorporate into Senate Bill 320 language that allows for counties, as well as cities, to be exempt from conducting an appraisal or a public auction for the rent or lease of parking or storage of aircraft.

ASSEMBLYMAN GOICOECHEA MOVED TO AMEND AND DO PASS SENATE BILL 320.

ASSEMBLYMAN CARPENTER SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN HOGAN WAS ABSENT FOR THE VOTE.)

Chairman Atkinson:

Assemblyman Goedhart will defend this bill on the Floor. Thank you.

Regarding other matters, I am going to try and explain and do this without getting too passionate about the issue. I know a lot of you are still in attendance because of Senate Bill 42. I have to be diplomatic because it is a passionate issue for many people here, including me and my colleagues, as well as members of law enforcement and many others. I do not have the appetite to take up S. B. 42 or vote on it today.

For the record, and not to disrespect anyone, but some people make a mockery of the system. I think all of us were elected to do a job up here, whether it is good, bad, or indifferent. We make choices. We do not always agree but try to do our best. We have been charged with the responsibility of hearing both sides of this issue, and I think, effectively, as a Committee, we have done that. I have received a lot of email on this issue. I have received several hundred against and a few handfuls for the legislation. Do I believe the primary seatbelt law, in this fashion, does a lot for Nevada? I do not think so. To be honest with you, I work for the Clark County Coroner's Office and yes, I do see devastation of all kinds, including individuals who were involved in vehicular accidents that were wearing seatbelts and those who were not wearing seatbelts. I still remain very, very cautious against passing a primary seatbelt law. I have looked at numbers over and over. I have also looked at the ratios of police officers versus citizens in our State. I think our officers do a fine job. Do I think it is time for them to start pulling over people for not wearing their seatbelts? I cannot say I agree with that when we have 90 percent and above of individuals who wear their seatbelts or are compliant with the secondary seatbelt law. The national average is 81 percent. That says a lot to me. Do we need to do more? Mr. Carpenter mentioned in our last meeting about doing more to promote the idea of wearing a seatbelt. We probably do need to do that and I look forward to working with him to do that, but we are not going to hear S.B. 42.

We are adjourned [at 2:50 p.m.].

RESPECTFULLY SUBMITTED:

Matthew Baker
Transcribing Secretary

APPROVED BY:

Assemblyman Kelvin Atkinson, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Transportation

Date: May 17, 2007

Time of Meeting: 1:30 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
SB 300	C	Judy Stokey, Director, Government Affairs, Nevada Power and Sierra Pacific Power Company	Prepared remarks
SB 300	D	Debra Jacobson, Director, Government and State Regulatory Affairs, Southwest Gas Corporation	Magazine article regarding exemption for utility service vehicle drivers
SB 58, 180, 206, 293, 315(R1), 319 (R1), 451 (R1), 452 (R1), 481	E	Marjorie Paslov Thomas, Committee Policy Analyst, Legislative Counsel Bureau	Work Session Document with summaries and proposed amendment language