

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

**Seventy-Fourth Session
February 27, 2007**

The Committee on Transportation was called to order by Chair Kelvin Atkinson at 1:34 p.m., on Tuesday, February 27, 2007, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, 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
Assemblyman Joseph Hogan
Assemblywoman RoseMary Womack

GUEST LEGISLATORS PRESENT:

Assemblyman Joseph Hardy, District No. 20
Assemblyman Mo Denis, District No. 28

STAFF MEMBERS PRESENT:

Marjorie Paslov Thomas, Committee Policy Analyst
Sharon Wilkinson, Committee Counsel

Minutes ID: 313



Christine Henricksen, Committee Secretary
Matt Mowbray, Committee Assistant

OTHERS PRESENT:

Judge John Tatro, representing the Nevada Judges Association
Chuck Abbott, Highway Safety Coordinator, Department of Public Safety
Kent Cooper, Assistant Director, Department of Transportation
Paul Enos, CEO, Nevada Motor Transport Association
Sabra Smith-Newby, Director, Intergovernmental Relations, Clark,
County, NV
Michael Lawson, Traffic Information Division Chief, Department of
Transportation
Ronald Levine, Director, Government Affairs, Nevada Motor Transport
Association
Edgar Roberts, Administrator, Motor Carrier Division, Department of
Motor Vehicles
Clay Thomas, Deputy Director, Department of Motor Vehicles

Chair Atkinson:

[Meeting called to order. Roll called.] We have a quorum. Today, we have three bills to hear, and we will have a work session afterwards. First, we have Assembly Bill 64. We attempted to hear this bill a little more than a week ago, and you asked if you could get things together and come back before us. I wanted to refresh the Committee members' memories. If you will proceed and explain the bill and what you are attempting to do since it was not presented last time.

Assembly Bill 64: Makes various changes concerning the enforcement of a court order to complete certain training when a defendant failed to properly secure a child in a child restraint system in a vehicle. (BDR 43-268)

John Tatro, representing the Nevada Judges Association:

Assembly Bill 64 has a history. Last session a law was passed requiring that anyone convicted of failing to restrain a child, must attend a class on child restraint devices. It is called the Family Vehicle Safety Class which lasts two hours and costs \$30. Everyone who is convicted is fined \$50, a \$57 administrative assessment, and is sent to this class. The law has good intentions and is a great educational tool in teaching parents how to use car seats and keep their children safe.

The problem we found over the last two years is that the classes are sporadic. They are available in some areas, but not in other areas. A judge sentences someone to attend the class and gives him a certain date to have it completed. As an example, the class would be held when there were enough people to attend in one county; however, in some counties there were no classes, and the parents had to travel 60 to 80 miles to take the 2-hour class. Judges were issuing warrants and people were getting arrested for failure to attend these classes. We quickly realized that they did not attend the class because there was no class. It has been a huge problem for us and for the public.

A large percentage of these parents ordered to attend these classes do not speak English, and there are no Spanish-speaking classes available in many of the areas. That has been the problem with the law since the last session.

We initially submitted in the form of a bill to have DMV monitor the drivers' licenses and the class. We would order them to attend, they would go to the class, and DMV would monitor the class. If someone failed to attend, the DMV would suspend his license. We quickly found out from DMV that it was not a good idea. We switched it to the Department of Public Safety (DPS), and that was not a good idea either.

We are starting over. The only change on A.B. 64 is we would take out all of the changes on page 2. On page 3, the only change to the law would be if a defendant pleads or is found guilty of violating the provisions of subsection 1 which we would change from ..." the court shall ..." to "... the court may...." If the judges are in an area where there is no class, of course they will not do it. That is the only change.

Chair Atkinson:

It is a bit confusing. I know the members are having the same concerns the Vice Chair and I are having. It looks like you are adding the language on the second page, lines 1 through 6, but now I understand is that what you wish to take out?

John Tatro:

Correct.

Chair Atkinson:

The members can open their work session book to A.B. 64 ([Exhibit C](#)) and you will see where we are taking it out. Typically, we have the bill reprinted and they could see it. But our Research did a mock up in the books; it will help explain what you are trying to do. Do you have a copy of that?

John Tatro:

Yes, Mr. Chairman, and on page 2, if you go to 2a, you will see where it is "court may" and it is underlined. That is the change.

Assemblyman Manendo:

Currently, do they get a certificate when they attend the class?

John Tatro:

Yes, if they attend. The problem is "if they attend or can attend the class". They bring the certificate back to the court. The information is entered into the computer as completed, so no warrant is issued.

Assemblyman Manendo:

That is the confusion. You simply added on line 32 on page 2 ([Exhibit C](#)), the "court may." Is that what you are doing?

John Tatro:

Correct.

Assemblyman Goicoechea:

It looks like the court would have the ability to impose a fine that was more than \$50, but if a defendant attends the particular class he could recover part of it. Would that be more cost effective than where we were headed before? Do you have the opportunity to do that?

John Tatro:

Yes, we do. It is more cost effective. Many parents who are cited for this do not have great financial resources, or do not have any financial resources. It is cumbersome to get them to the class and to pay the fine.

Assemblyman Goicoechea:

You could impose a fine of say, \$200 or \$250 that would be waived if the defendant brought back a certificate, even if it were beyond the 60 days.

John Tatro:

We could do that, certainly.

Assemblywoman Gerhardt:

Is there any possibility or any discussion about doing something on the Internet or anything of that nature for the individuals who are not getting this class? I hate to see us waive this as a requirement. It seems that we are going to have many who are not going to comply.

John Tatro:

I do not know about an Internet class or if one has been offered. The problem is people are going to jail for not completing a course that was not available. We gave them the information given to us by the providers of the class. We did a poll by calling eight different providers. One out of eight answered the phone, and two or three returned the calls. The specific question was when was the class? The answer was that it depended on the enrollment. It is a great idea and well intentioned, but when you are talking about sending someone to jail, which is ultimately our hammer when they do not comply with our orders, the consequences are too serious.

Chuck Abbott, Highway Safety Coordinator, Department of Public Safety:

The class itself is a hands-on class where they actually use a child safety seat if they have one, and if they do not have one, one is provided for them at a cost. They install that into the car. The family drives away with an installed child safety seat. It is something you could not do over the Internet. It is a hands-on training you have to teach them. Part of the problem, to qualify to teach or install these seats correctly, is a 40-hour class. It sounds like it should be easily taught, but it is a very complicated process.

Assemblywoman Gerhardt:

Rather than creating the option in the law, we should find some way to facilitate more people being able to attend, if not over the Internet, maybe something by video. Has that been explored?

Chuck Abbott:

We have looked at the option of doing a video class for Spanish-speaking people attending the class. We have not explored the possibility of doing it throughout the general population because it is a hands-on project putting the seat into the car and having it inspected.

Assemblywoman Womack:

As a mother and grandmother, my concern is that learning how to put the seat into the car in the first place is the biggest problem. People probably get cited either in a routine traffic stop or because of an accident, and not because they have been pulled over for incorrectly installed safety seats. What about a class they could attend just to learn how to put the car seat in the car in the first place? That would eliminate the fact that so many children are thrown out of their car seat because the seat has not been installed properly.

Chuck Abbott:

Startling enough, about 90 percent of child safety seats that we have inspected throughout the State are installed improperly. It is very rare that you find one

that is properly installed. We have done several training sessions with several groups, including the Regional Emergency Medical Services Authority (REMSA). In fact, there is an instructor in the audience today. Most of the training is done by volunteers. It is hard to sustain that type of training on an ongoing basis.

Assemblyman Goicoechea:

Did you say a 40-hour class?

Chuck Abbott:

That is correct. To be a certified technician requires 40 hours of training.

Assemblyman Goicoechea:

As a technician does it take 40 hours to show a person how to install a safety seat?

Chuck Abbott:

You can show a person how to install a child safety seat in about one to one and a half hours.

Assemblyman Goicoechea:

Looking at the bill on page 3, line 5 ([Exhibit C](#)), I see you deleted "...the defendant provides the court with a copy of the certificate of completion" of the class. When you leave that in place, and go down and incorporate another section that says the fine would be waived or considered paid at that point. That would go a long way toward meeting what my colleague from southern Nevada wants. If you impose a \$250 fine, tell the defendant to go to the class, provide a certificate that is returned to the Justice Court, and then waive the fine. That might accomplish both ends of the scenario. When it is a 100-mile drive, would you probably just eat the fine and try to do better next time? So when the DPS catches you on the road again, you have it installed right. Does that make sense?

John Tatro:

I want you to understand the Judges Association is not opposed to the training. It is an invaluable training. When my son was not even a year old, he was in his car seat, and I was on Ormsby Boulevard on the west side of Carson City and I hit a deer. I had not fastened his seat in, and it flew off the seat and slammed into the dash board. My son and his infant seat fell to the floor. He is lying there and both my wife's and my hearts stopped. He was fortunate not to hit anything. I fully understand why this is so important and invaluable. We cannot make someone do something that is not routinely available if failure to do the program results in going to jail. That is the only mechanism we have to deal with this.

Assemblyman Hogan:

We quite often make a distinction between the two largest counties and the rest of the counties. Is it possible to save the full impact and intent of the law in those jurisdictions where there has not been a problem of availability of the course? Have you encountered this problem to a considerable degree in Clark and Washoe Counties?

John Tatro:

Every county has encountered serious problems. In fact, it was in Clark County alone where the eight phone calls were made. The Municipal Court Judge, Cedric Kerns, did the poll himself in Las Vegas and could not get anyone. They had people coming in saying that they tried to go to this class and could not. It is statewide; it is not bigger in the rurals.

Assemblyman Manendo:

Who administers and is responsible for the class?

Chuck Abbott:

Our job at the Department of Public Safety, Office of Traffic Safety, is to provide the course with a list of instructors who have been qualified to teach the course. We track those who take the technician classes and who become certified. They are volunteers, and it is hard to keep instructors. They have to be certified and periodically take refresher courses.

Assemblyman Manendo:

These are all volunteers who do this program, correct?

Chuck Abbott:

Correct.

Assemblyman Manendo:

I do not know how many are cited for this, but in large municipalities you are going to have quite a few. Could we have some type of fine that would pay for these people so we have instructors for this program? It is so invaluable that I would hate to lose it across the board. I agree with my colleague, Mr. Hogan.

Could part of that fee pay for an instructor as is done by Stop DUI? They do the victim impact panels. There is a fee to pay for that program which the offender pays. In that way we have a pool of people to go to. Right now, say someone is pulled over, a secondary offense, and that person has to go to a program which is available. He is fined \$50 to \$500 and has to perform 8 to 50 hours of community service. If he attends that class, do you assess him only \$50 because he attended the class? If he does not attend the class, do

you cite him a higher amount? If we scrap this whole program, what are the additional penalties or are we just giving them a pass?

John Tatro:

You are talking about down the road. Right now they have to do both, pay the fine and go to class.

Assemblyman Manendo:

What if they did not attend the class, what would happen?

John Tatro:

There would be warrants issued for their arrest. That is the only mechanism we have to make sure people comply with court orders.

Assemblyman Manendo:

A warrant out for your arrest for not attending a class is harsh. Maybe we could come up with something else that says if you do not attend the class, you have to pay an extra administrative fee.

Chair Atkinson:

The problem is you are eventually going to get there. You can impose fines all day long, but in the end, after so many fines, if they do not comply, warrants will be issued. Correct?

John Tatro:

That is absolutely correct.

Chair Atkinson:

I have to agree with Mr. Manendo. I am not sure how to get there; we probably will need to tweak this bill a little bit because there are some parts I would hate to lose as well. Both Ms. Gerhardt and I see the other side. Judge, you were lucky, but I have seen cases when people have not been so lucky. I am not saying to be as strict as we can, but there are some other ways to offer more help.

We were going to do a work session with this bill, but it will not be happening today, because there are other things we need to do with it. The DMV does not want to do the parts of the bill you were talking about and some others, likewise. We need to figure out a way.

Child Prevention will tell you their numbers are horrendous with individuals who do not properly utilize child seats. The coroner's office has statistics of children killed in automobile accidents when they were not properly restrained. I, too, would like to see something done with this bill that is going to be valuable.

John Tatro:

If you were to change it from "shall" to "may", it does not mean it is over. If I knew there was a class, I would definitely send people to that class. I send people to victim impact panels or schools who have not been convicted of driving under the influence (DUI), but maybe it is some young kid who is driving and has consumed a few drinks, but is not to the legal limit. Our goal is just like yours, we want this to stop. I was fortunate 15 years ago, and that opened my eyes. Judges will still sentence people, if classes are available. I will. Do not think because it goes from "shall" to "may" it goes away; it does not. It becomes discretionary.

Assemblyman Carpenter:

Are the Highway Patrol certified in child seat installation?

Chuck Abbott:

No. I am not from the Highway Patrol, but from the training I have seen that has been given to law enforcement, less than five percent of the officers, both patrol and law enforcement agencies, are qualified.

Assemblyman Carpenter:

In Elko I have seen in the paper that when they have one of these classes, the Highway Patrol does it. Through their training they should be able to accomplish this in less than 40 hours. There are Highway Patrolmen in every little town in Nevada.

Chair Atkinson:

It is a bit sad that we have several different avenues for people to access DUI training, but we are struggling with finding a way to educate people on how to properly restrain their children. We need to find some agency to pick this up. We will close the hearing on A.B. 64. If there are individuals wishing to submit

amendments to the bill, we would certainly appreciate it. We are going to remove it from our work session and try to figure out what we need to do to help the bill.

[[Exhibit D](#) was provided to the Committee members, but was not referred to. 5 minute break at 2:06 p.m.]

Chair Atkinson:

[Called the meeting back to order at 2:11 p.m.]

Assembly Bill 118: Requires the Department of Transportation and local governments to designate specific lanes on certain highways on which certain larger vehicles must travel. (BDR 43-762)

Assemblyman Mo Denis, Assembly District No. 28:

I want to go over why I brought this bill forward. The way this bill currently reads, it is to keep vehicles 26,000 pounds, basically the 18-wheelers, out of the fast lane, which is lane number one in a three or more lane road. I worked with the Department of Transportation, the Highway Patrol, the Transportation Association, and various individuals to get to the big concern. That concern is the huge traffic problem in Las Vegas, and we are trying to free it up.

The proposed amendment ([Exhibit E](#)) that you have, limits it to Interstate 15 (I-15), Interstate 95 (I-95), or anything under the jurisdiction of the Department of Transportation. It leaves out the local governments that have concerns with local roads. I will show you a couple of video clips of I-15 and I-95. This is typical Las Vegas rush hour traffic [video clip]. This is a good example. This proposes to keep big trucks like these out of that particular lane [referred to video clip] in a five-lane highway. This is the I-95 [video clip]. In this particular case there are two lanes turning into three.

I would like to go over what the amendment does. I worked with the Department of Transportation. They came up with the specifics. It says "...controlled access facility..." which is I-95 and I-15. In Reno it would be US-395 and Interstate 80 (I-80),

within its jurisdictions which has three or more lanes for traffic traveling in one direction, designate a specific lane or lanes by advisory signage on which vehicles with a declared gross weight in excess of 26,000 pounds must travel, unless the Department of Transportation or governing body determines that such a designation would not facilitate the safe and orderly movement of traffic; and....

That paragraph replaces Section 1, subsection 1(a) in the bill. Subsection 1(b) would still stand, which is "erect signs at reasonable intervals on the highway to give notice of those lanes." This would not be punitive in nature, advisory only. It would advise trucks to stay out. I have Kent Cooper from the Department of Transportation here, and he can expand on how that signage would work.

Kent Cooper, Assistant Director, Nevada Department of Transportation:

We had discussions with the Assemblyman and the Highway Patrol concerning this bill. The number of lanes on the freeway and trucks in improper lanes could negatively affect the operation of the freeway, so we want to ensure we have the options to designate where the trucks will travel. For instance, if we put all the trucks in the right hand lane, as you can image on I-15, then when a vehicle tries to get off or on at Tropicana, Sahara, or Flamingo, it can severely degrade the operations there. We want to be careful how we designate these lanes in the future. We see some opportunities for this advisory signing as we widen the roadway there to four or five lanes. In our discussions, the Nevada Highway Patrol (NHP) has some concerns how to enforce this type of an issue. That is why we want to go with the advisory route at this stage of the game.

[Assemblyman Claborn is present.]

Assemblyman Goicoechea:

I have driven trucks on I-95, I-15, and I-80, and if you go back to those pictures, you might be in the fast lane and a sign comes up and says you need to be in the slow lane. You are going to be past that sign before you ever get any opportunity to move over. You are lucky to have any lane there. As Kent said, you would impede more traffic as you tried to move over. You are going to slow more people down.

Assemblyman Denis:

It is mostly an educational thing to help move some traffic, but as was mentioned, if it is a situation where you could not get over, it would be unsafe. There is no punitive thing against that particular truck.

Assemblyman Goedhart:

As we get more densely populated, we are looking at situations like this. The advisory point of view is for an educational purpose and to see how it proceeds. Hopefully, it is going to enhance the operations. Sometimes even passenger cars, not to single out just trucks, can be guilty of a situation where they are in the fast lane, the inside lane, and they are going slower than the traffic in surrounding lanes. When you go to a place such as Holland, which is the most densely populated country on Earth, and you come up behind a car, you do not

have to flash your lights to pass. The driver automatically knows to pull over to the right. Teaching drivers how to drive courteously would help out matters in Las Vegas and the rest of the State.

Chair Atkinson:

From my understanding and so everyone else is clear, the Department already has the flexibility or the authority to put up signage and enforce this anywhere, is that correct?

Kent Cooper:

Yes, that is correct.

Chair Atkinson:

The bill is confusing since it is already a *Nevada Revised Statute*.

Assemblyman Denis:

It is helping to get things going because, as was mentioned, they have the ability and authority to do it already. There are a lot of constituents who want to see something happen. This will facilitate it a little quicker.

Chair Atkinson:

At this point we are not "enforcing", we are just educating.

Assemblyman Hogan:

What plans does NDOT have for signage to communicate to the truck drivers? Was it already within your budget and planning?

Kent Cooper:

We do not have this specifically in our budget; however, we do have a sign budget, which is a general overall budget which can accommodate this type of activity financially. What we are looking at while we are widening I-15 is to take this opportunity to use this type of signage in those areas.

Assemblyman Hogan:

That is in my District, and I will be looking forward to seeing both the additional lane and the signs.

Assemblywoman Womack:

Since we are going to be widening and changing I-15, will there be more fly-overs and service roads in that area so that traffic trying to get off the freeway will not be bogged down by all the trucks in one lane or the other?

Kent Cooper:

The future plans for I-15 include exactly what you are talking about. However, we are just starting the corridor study and the environmental process to accommodate that. Initially, you will not see any more fly-overs or those types of activities because those are major construction projects. We have a proposed project that has two additional lanes in each direction that would function as express lanes. On those two lanes, you would not be able to get off at major interchanges in the downtown core area. They would be specifically for through traffic.

Assemblywoman Womack:

To clarify my question, what about the cars trying to exit when there are two or three trucks in the right or second lanes?

Kent Cooper:

We are concerned with any legislation that dictates the Department to eliminate truck traffic from a specific lane. For instance, you might want those trucks in lane number two or lane number three; when you have a lane on the inside and one the outside that are not designated for truck movements, you can still do the necessary weaving movements.

Chair Atkinson:

For clarification, we are not trying to put them in the furthest two right lanes; we are saying they can ride in any lane except the far left lane. Correct?

Kent Cooper:

Correct.

Assemblyman Goicoechea:

The point is, Mr. Cooper, you are saying that it might be better to have that truck in the inside lane, the far left lane, if it made it easier for other vehicles to exit. In other words, the two inside lanes are express lanes for through traffic, no matter what kind of vehicle. This would allow the two outside lanes access to the exits, otherwise you would not be able to weave through the trucks to get to your exit.

Kent Cooper:

Correct. We want to do an operational analysis and determine where those movements best belong.

Paul Enos, CEO, Nevada Motor Transport Association:

We opposed the bill as written. We have a problem with mandating which lanes a truck can travel in without having it first supported by the Department

of Transportation. However, we have no opposition to the amendment as offered by Assemblyman Denis and Mr. Cooper because it is advisory in nature.

Chair Atkinson:

Are you for or against the bill as amended?

Paul Enos:

We are neutral with the amendment. We could support the amended bill if it was advisory and not a mandate.

Chair Atkinson:

What do we need to do to get you to say yes?

Paul Enos:

It is my members you need to talk to.

Chair Atkinson:

Do your members understand that it can be done already?

Paul Enos:

Absolutely.

Sabra Smith-Newby, Director, Intergovernmental Relations, Clark County:

Clark County is neutral on this bill as amended by the sponsor.

Chair Atkinson:

I would like to thank the sponsor, and Mr. Enos and his group for working on this. I have talked to both of you over the last couple of weeks, trying to come up with a compromise and working this out. We will move this bill to the next work session and will contact you. We are closing the hearing on A.B. 118 and open the hearing on Senate Bill (S.B.) 39.

Senate Bill 39: Revises provisions relating to the limitations on the length of certain vehicles. (BDR 43-590)

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

[Read from text ([Exhibit F](#)).]

Assemblyman Hogan:

One of the reasons we had length limitations all these years was for control over of the size and the weight of trucks that put wear and tear on the highways. When the federal government adopted the rule, or when we looked

into implementing it, was any assessment done to determine whether this would create a problem in terms of the length of time our highways would hold up before needing to be resurfaced or otherwise rebuilt? Does this have an impact on the length of life of our state highways?

Michael Lawson:

The Nevada Motor Transport Association provided a pictorial representation ([Exhibit G](#)) of these vehicles. As you can see, these are strictly tractors hauling tractors. Pavement deterioration is associated with axle-loadings. The typical axle-loading on these vehicles is significantly less than you would see on an 18-wheeler.

To answer your question, yes, the federal government did a lengthy assessment which was published for the Department of Commerce in the *Federal Register* and received input from the states regarding the impact of these vehicles. Finding that these particular vehicles had very little impact on pavement deterioration, it allowed them to be longer and conserve energy by reducing the number of trips needed for hauling. In Nevada, we currently allow vehicles up to 105 feet in length with permits from the State to operate. These are safe and energy-efficient vehicles, and this is a good piece of legislation.

Assemblyman Goedhart:

It says "...not less than, or more than..." does that mean it has to be exactly that length?

Michael Lawson:

No sir, that language implies that the State cannot have a limit that is less than 97 feet. In other words, our 75-foot limit was currently in conflict. If we wanted to make it 103 feet, we could not do that either. That is where the "not less than, or more than" is the criteria. It clearly can be less than that in actuality; the limit cannot be less than that.

Ronald Levine, Director, Government Affairs, Nevada Motor Transport Association:

We are in favor of the bill. It is a mandate by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy of Users (SAFETEA-LU) that the State increase the distance from 75 feet, the allowable, to 97 feet. I was affiliated with the original bill in 1997, which was for the 75-foot limit. I submitted the first draft for the Bill Draft Request when I was a major on the Highway Patrol. This is saying good-bye to a bill that I helped put in. We are in favor of it, and it is mandatory to the State as we could lose federal funds if it is not implemented.

Chair Atkinson:

As I stated earlier, we are going to put this in one of our future work sessions. We will notify you when it is up for a vote by this Committee. We are going to close the hearing on S.B. 39 and move to our work session. Is there any public comment from individuals from Carson City or Las Vegas? [There were none.] We have four bills since we dropped A.B. 64 and A.B. 29. I am going to ask Marjorie to explain each of the work session bills and we will entertain some motions on the bills.

Assembly Bill 5: Revises provisions relating to the registration of certain heavier motor vehicles. (BDR 43-528)

Marjorie Paslov Thomas, Committee Policy Analyst:

In front of you is the blue binder that contains the work session documents. The first one for your consideration is A.B. 5. As you recall, it was sponsored by Assemblyman Hardy. It was heard on February 15, 2007. It would stagger registrations for motor vehicles with a declared gross weight in excess of 26,000 pounds. There is a bill summary for you if you have any questions. There was one proposed amendment by Assemblyman Hardy. It was to amend the bill by adding a new section to require that certain special mobile equipment (SME) be registered with the Department of Motor Vehicles (DMV). Behind that you will see the proposed amendment ([Exhibit H](#)).

Chair Atkinson:

Is everyone clear on the presentation from Marjorie? I will go ahead and entertain a motion on A.B. 5.

Assemblyman Goicoechea:

I am still concerned about dealing with SME in meeting the eligibility request. Does that mean you would go into DMV and tell them that your vehicle does not run 7,500 miles a year? How do we get to that point?

Chair Atkinson:

There may be some confusion, not on this bill, but on A.B. 29. I know there are some individuals here for A.B. 29 and wondering why we are not going to put it into the work session today. We have received a few faxes from some other entities that would like to be included. We are holding it out one last time for anyone else who wants to be included. I am sorry, we had put it in the work session, but we were faxed later in the day and that caused us to delay it until our next work session. We will definitely have it in then and decide who needs to be included.

Edgar Roberts Administrator, Motor Carrier Division, Department of Motor Vehicles:

In answer to Assemblyman Goicoechea's question on SME, this amendment brings us into conformity with federal law. On the definition of SME, people apply to the Department and fill out a form requesting to either be approved or denied for SME status.

Assemblyman Goicoechea:

I understand some of the requirements, but it looks cumbersome, and I do not want to get into farming equipment. Scrapers and some of the heavy construction equipment by their nature would fit into this category. For instance, Granite Construction will have to supply a long list to you of SME that you would have to verify meet the federal eligibility test and federal definition. My other concern is the traveling in excess of 7,500 miles a year, which is pretty much a statement on your heavy-use trucks, especially if they are ag-deferred. How would you go through this process, and would it be a considerable workload? Where would we go?

Edgar Roberts:

Construction companies are not submitting their backhoes and loaders for SME designation. This is a yearly designation for vehicles that are traveling on the highway. The change brings us into alignment with the federal definitions. For example, we currently have vehicles that are designated SME by the Department that need to have the certificate because they also need to have a plate on their vehicle and the designation to travel in another state. These vehicles currently are vehicles such as concrete pumpers, drill rigs, and cranes operating in Nevada which need to go to a neighboring state. Currently in our system, we have identified 100 of those vehicles, which you will see going down the highways or freeways, traveling 70 mph and not paying registration fees.

Assemblyman Goicoechea:

How would a person know, unless a Highway Patrolman pulled him over, that he was supposed to have an SME permit? We see them all the time on the road. Where are they going to fit in this scenario? You may say no, but an NHP officer will tell you that you are going over 25 mph. They would not have highway tires, but again, there would be some cases where they might fit in. How would that person know if he were in violation or not?

Edgar Roberts:

We have regulations in effect which specify an "incidentally operated or moved upon a highway" and have worked with industry on these

regulations. Recently, they have been updated to interpret the term "incidentally operated or moved upon a highway" to mean off highway business use as identified in the *Code of Federal Regulations*.

Assemblyman Goicoechea:

Technically, you are saying you use this in combination with the *Nevada Administrative Code* (NAC) as it defines what that equipment is?

Edgar Roberts:

We have a definition in our statutes for SME. This brings the definition in conformity with the federal definition and with our regulations. We specify that "incidentally operated or moved upon a highway" is to include emergency situations, roadway patching by construction equipment, snow removal, and limited movement required to a specific project. "Incidentally operated or moved upon a highway" does not mean movement from one project to another and cannot jeopardize the traffic safety or impede traffic in our regulations.

Assemblyman Goicoechea:

I am still thoroughly confused exactly how we are going to make this determination. I can see some glitches in it, but I will look at the NAC.

Edgar Roberts:

Special mobile equipment is for those highway-traveling vehicles that seek a special designation so they would not have to pay the registration fees. An application would be submitted to the Department with photos, identification, title, and description of the vehicle. At that time the Department makes a determination as to whether they are going to grant an SME designation and thus forego the registration fees or the governmental service taxes.

Assemblyman Goicoechea:

Looking at the NAC, maybe my vehicle fits as an SME, where would I go to get that permit, or who do I mail the application to?

Edgar Roberts:

We have the form on our website. Periodically we send out updates through the Motor Carrier Division to those who are registered with us. We have quarterly newsletters, and we send the form out with our tax returns.

Clay Thomas, Deputy Director, Department of Motor Vehicles:

A point of clarification: We are looking at the crawlers and the graders that have solid rubber tires. They are not highway-rated tires, which is one of the requirements that would throw these certain types of vehicles, such as the pumper trucks, cranes, and drill rigs, outside SME. If they have highway-rated

tires and can travel down the highway at 70 mph through Washoe Valley or on I-95, obviously, they are not SME. They are not incidentally-used to the highway, and therefore we are asking that they be registered just like any other vehicle that you and I currently drive down the highway.

Assemblyman Goicoechea:

It was the same question we raised in the previous hearing. Are you going to make us register a harrowbed—highway tires, capable of 25 mph?

Edgar Roberts:

In the Statutes I gave you at the last hearing, a harrowbed is considered part of farm equipment and would not be subject to the licensing requirements.

Assemblyman Goedhart:

A motor grader can go about 40 or 50 miles down the road, but once in awhile, if you are on the ranch, you hop on a county road, go three to five miles to your next farming operation, dart off the road, and grade. In some cases you even grade county roads because the counties are stretched thin on resources too. How would that come into play?

Edgar Roberts:

We are currently working with the Association of General Contractors (AGC) on updating the regulations which will give a definite distance amount for equipment operating on the road to get from one job to another.

Chair Atkinson:

Are there any other questions on the amendment proposed by Assemblyman Hardy?

Assemblyman Carpenter:

Could you give some examples of SME?

Edgar Roberts:

The PowerPoint presentation at the first hearing showed some examples. Currently, true examples are ditch digger, bucket loader, leveling grader, drag lines on tracks, road roller, earth moving equipment, tractor other than a truck tractor, or paver.

Assemblyman Carpenter:

What about the Perry cranes moving all around Elko? Where would they fit?

Edgar Roberts:

By bringing the SME definition to the federal language, it would require that those cranes, as you mentioned, drill rigs, and concrete pumpers would be required to register. These vehicles can travel on the highway with highway-rated tires at excessive speeds. I have had these vehicles pass me at 70 mph.

Chair Atkinson:

I will entertain a motion.

ASSEMBLYWOMAN WOMACK MOVED TO AMEND AND
DO PASS ASSEMBLY BILL 5.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

Assemblyman Goicoechea:

I am still a little concerned and I have a great deal of respect for my colleague from southern Nevada, Boulder City, but I do not have a real comfort level with this bill at this time as it pertains to some of the equipment that will have SME definition. I realize that we are trying to meet the federal law and requirements. I probably will not be voting for it. I would like to see a little more clarification on it.

Chair Atkinson:

MOTION FAILED WITH ASSEMBLYWOMAN GERHARDT,
ASSEMBLYMEN CARPENTER, CLABORN, COBB, GOEDHART,
GOICOECHEA, AND MANENDO VOTING NO.

We can take a new motion to Do Pass without the amendment, but I am not sure how stern Assemblyman Hardy is on the amendment.

Assemblyman Hardy:

I am not a very stern person. If you look at the amendment which is creating these problems, this is historically what has happened with the gist of the bill, which is to get registration on a staggered basis. The essence of the bill is still appropriate. I understand the concerns of the Committee. Either way I will accept what the Committee would like to do.

ASSEMBLYMAN GOICOECHEA MOVED TO DO PASS
ASSEMBLY BILL 5 WITHOUT THE AMENDMENT.

ASSEMBLYMAN CARPENTER SECONDED THE MOTION.

Assemblyman Hogan:

In essence, what we are giving up here is the conformity with the federal definition requirement, is that correct?

Chair Atkinson:

Yes.

THE MOTION PASSED UNANIMOUSLY.

Mr. Hardy would you like to present this bill on the floor?

Assembly Bill 54: Requires applicants for a special license plate to pay an application fee which is refundable in certain circumstances. (BDR 43-740)

Marjorie Paslov Thomas:

Assembly Bill 54 requires that a person submitting an application for the design, preparation, and issuance of a special license plate is required to submit a fee in the amount of \$5,000 with the application. The DMV is required to refund that fee to the applicant if the DMV or Commission on Special License Plates decides not to issue the plate, or after at least 1,000 plates are issued by the DMV. There are two proposed amendments. [Read from text ([Exhibit I](#)).]

Chair Atkinson:

I would entertain a motion on this bill.

ASSEMBLYWOMAN GERHARDT MOVED TO AMEND AND DO PASS WITH THE TWO AMENDMENTS ASSEMBLY BILL 54.

ASSEMBLYMAN GOEDHART SECONDED THE MOTION.

Assemblywoman Womack:

My concern with the \$5,000 upfront fee is that a lot of non-profit organizations use this plate as a fund-raising event. \$5,000 to them is a lot of money, especially to hold in an account for a long period of time.

Assemblyman Cobb:

When we heard testimony, a concern was that people were signing something, but did not have the intent to actually have the license plate on their cars. It might make sense to keep the 1,000 signature requirement but have something on the petition they circulate that specifically and conspicuously states that the individual signing has the intent to purchase such a plate if and when they become available. We do not want to obligate the DMV to go out and enforce

that, just like we do not obligate them right now to review the 1,000 signatures they currently require. There should be some type of warning on the petition. The intent of the Legislature, if we pass such a bill, is to decrease the number of people who sign these without understanding them, and it would help those who are interested in getting such a license plate.

Chair Atkinson:

I am trying to decide how to address it. There would be issues on how you would even make them purchase it. Mr. Goedhart brought up this point when we heard testimony. We were trying to compromise with Assemblyman Ocegüera on the 1,000 signatures, knowing they are not verified by the DMV and deciding whether it is worth it or a waste of time. We could throw it back in but we are still going to have the same issue—yes, we have the disclaimer on there; yes, people should know what they are signing, and how they have signed it—but where does it go if the signatures are still not being verified? I do not know how much good it would do by doing that, Mr. Cobb. I agree with you. We should have some accountability, but not verifying the signatures makes it tough. Is there any other discussion from the Committee?

THE MOTION PASSED UNANIMOUSLY.

I will go ahead and take this one on the floor, since I was on the Special License Plate Committee.

Assembly Bill 66: Requires drivers to stop at any location for a school bus displaying a flashing red light signal. (BDR 43-867)

Marjorie Paslov Thomas:

Assembly Bill 66 [Read from text [Exhibit J](#)].

Chair Atkinson:

I will entertain a motion.

ASSEMBLYWOMAN GERHARDT MOVED TO DO PASS
ASSEMBLY BILL 66.

ASSEMBLYMAN CLABORN SECONDED THE MOTION.

MOTION PASSED UNANIMOUSLY.

I will give it to Mr. Goicoechea to present it on the floor.

Assembly Bill 76: Makes various changes to provisions governing the Account for License Plates for the Support of the Education of Children in the Arts. (BDR 18-853)

Marjorie Paslov Thomas:

Assembly Bill 76 [Read from text ([Exhibit K](#))].

Chair Atkinson:

I will entertain a motion on A.B. 76.

ASSEMBLYMAN MANENDO MOVED TO AMEND AND
DO PASS ASSEMBLY BILL 76.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

We received a fax ([Exhibit L](#)) from a previous Committee Chair, Vonne Chowning, and we want to make sure it is a part of this record. She is pledging her support for A.B. 76. This is the first I have seen it, but we were issued copies.

THE MOTION PASSED UNANIMOUSLY.

We will give this to Mr. Manendo to present. The work session is now closed. Our next meeting is going to be on Thursday, at 1:30 p.m. It is a joint meeting with Assembly Committee on Taxation in Room 4100. [Meeting adjourned at 3:10 p.m.]

RESPECTFULLY SUBMITTED:

Christine Henricksen
Committee Secretary

APPROVED BY:

Assemblyman Kelvin Atkinson, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Transportation

Date: February 27, 2007

Time of Meeting: 1:30 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 64	C	John Tatro	Amendment
A.B. 64	D	Erin Breen	Letter for the record
A.B. 118	E	Assemblyman Denis	Amendment
S.B. 39	F	Michael Lawson	Amendment
S.B. 39	G	Michael Lawson	Picture
A.B. 5	H	Marjorie Paslov Thomas	Work Session Document
A.B. 54	I	Marjorie Paslov Thomas	Work Session Document
A.B. 66	J	Marjorie Paslov Thomas	Work Session Document
A.B. 76	K	Marjorie Paslov Thomas	Work Session Document
A.B. 76	L	Vonne Chowning	Letter in Support