

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

**Seventy-fourth Session
February 8, 2007**

The Senate Committee on Transportation and Homeland Security was called to order by Chair Dennis Nolan at 1:30 p.m. on Thursday, February 8, 2007, in Room 2149 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Dennis Nolan, Chair
Senator Joseph J. Heck, Vice Chair
Senator Maurice E. Washington
Senator Mark E. Amodei
Senator Maggie Carlton
Senator John J. Lee
Senator Joyce Woodhouse

GUEST LEGISLATORS PRESENT:

Senator Terry Care, Clark County Senatorial District No. 7

STAFF MEMBERS PRESENT:

Carolyn Allfree, Committee Secretary
Jason Funk, Intern to Senator Heck
Wes Henderson, Intern to Senator Nolan
Lynn Hendricks, Committee Secretary
Dan Lindholm, Intern to Senator Nolan
Nicholas Marquart, Intern to Senator Nolan
Josh Selleck, Assistant to Senator Nolan
Matt Szudajski, Committee Policy Analyst
Sharon Wilkinson, Committee Counsel
Lynette M. Johnson, Committee Secretary

OTHERS PRESENT:

Martha Barnes, Administrator, Central Services and Records Division,
Department of Motor Vehicles
Robert A. Ostrovsky, 3M/Traffic Controls Division
Clay Thomas, Deputy Director, Department of Motor Vehicles
Robert Roshak, Las Vegas Metropolitan Police Department; Nevada Sheriffs' and
Chiefs' Association
Timothy Kuzanek, Washoe County Sheriff's Office
Shaun E. Jillions, City of Henderson
Tracey A. Woods, Retail Association of Nevada
Colonel Chris Perry, Chief, Nevada Highway Patrol, Department of Public Safety
Michael W. Lawson, Chief, Traffic Information Division, Nevada Department of
Transportation
Ron Levine, Nevada Motor Transport Association
William A. Bainter, Lieutenant, Nevada Highway Patrol, Department of Public
Safety

CHAIR NOLAN:

I will open the hearing on Senate Bill (S.B.) 62.

SENATE BILL 62: Revises provisions regarding the number of license plates
displayed on vehicles. (BDR 43-432)

SENATOR TERRY CARE (Clark County Senatorial District No. 7):

My purpose in bringing S.B. 62 before you is to provide for fair and equal
treatment to all motorists. I will summarize this bill's genesis.

The bill, S.B. No. 251 of the 73rd Session, stated that motor vehicles had to
have two license plates unless the vehicle was not manufactured for, or had no
other means provided for, securing a front license plate. In the hearings for
S.B. No. 251 of the 73rd Session, David Howard said there were 20 states
which permitted motor vehicles to operate with only a back license plate. No
one challenged his statement. Mr. Ostrovsky, 3M Company, pointed out there
were only two countries in the world that allowed motor vehicles to operate
with only a rear plate, those being Canada and the United States or at least
some states in the United States. Mr. Ostrovsky mentioned that Connecticut
and New Hampshire had amended their laws to require two license plates on all
motor vehicles. Mr. Ostrovsky also noted that 11 states had tried to amend

their laws eliminating the need for a front license plate. In all cases, the amendments had been defeated. During the same hearing, Chair Nolan said he hoped law enforcement's absence from the Committee hearing was an indication of their position on S.B. No. 251 of the 73rd Session. He stated there was no greater sin for a person to allow a bill to be processed through one House of the Legislature and then oppose it when the other house was conducting hearings on it. I have taken this information from the March 29, 2005, minutes. Two days later, March 31, 2005, this Committee voted to Amend and Do Pass S.B. No. 251 of the 73rd Session. The bill was sent to the Assembly. The Assembly Committee on Transportation held two hearings and voted to Do Pass on May 19, 2005. The Assembly passed the bill, the Governor approved it and it became effective July 1, 2005. I voted against S.B. No. 251 of the 73rd Session for a couple of reasons. Every motor vehicle should have two license plates, one attached in front and one attached to the back. The bill also provides for the unfair treatment to some motor vehicle owners.

SENATOR CARE:

Following the 2005 Session, I attended a seminar where judges from around the State participated. We reviewed the new legislation impacting judges and the court system. I mentioned S.B. No. 251 of the 73rd Session; no one seemed interested in it until I asked if there had been any cases where a vehicle owner had been cited for not having a front license plate. A justice court judge mentioned the lack of a front plate had been used by law enforcement as a pretext to pull over a vehicle that then lead to a different citation being issued against the motorist. In other words, some drivers could be pulled over while others could go unnoticed. This troubled me because it could be considered unequal treatment by law enforcement.

SENATOR AMODEI:

I noticed one of the changes in S.B. 62 deals with the number of plates the Department of Motor Vehicles (DMV) is supposed to manufacture and deliver. From your comments, do I gather your concern is not whether the DMV issues two plates in exchange for the fee they receive, but rather it is whether or not a motorist had to display a plate on the front? I am asking because the manufacturing of plates is fiscally significant to the Department of Corrections and the DMV, and this bill has escaped a fiscal note. Would you care if we included an amendment requiring every motorist to buy and receive two plates from DMV?

SENATOR CARE:

If it is cheaper to continue to issue two plates, then that would be fine with me; however, the DMV should answer your question.

CHAIR NOLAN:

We passed S.B. No. 251 of the 73rd Session because there were a number of vanity or specialty vehicles on the road. The bill's intent was to eliminate physical damage to these vehicles just to install a front license plate. It now seems there are a number of new vehicles that do not have a means to affix a front license plate. I am wondering whether or not the dealer is installing or providing the mechanisms to affix a front plate, or is that being done at the automobile manufacturer?

SENATOR CARE:

I do not know if it is the dealer's obligation to provide a bracket, but I do see a lot of vehicles that are not equipped to house one.

SENATOR CARLTON:

It is my understanding the sticker validating the plate is more important because law enforcement is looking for the valid plate. If I receive two plates and only one sticker, I could not take that plate and put it on another car rather than registering the car.

SENATOR LEE:

Senator Care brought up one point I thought was interesting, that is police cannot always see the car coming at them so they rely on the reflectivity of the front license plate. I do not give credence to the fact that reading the plate is as valuable as recognizing the type of vehicle. I somewhat agree with the concept of what Senator Care is saying.

SENATOR WASHINGTON:

Who made the decision to change the imprints of the license plates to the flat stamped version?

MARTHA BARNES (Administrator, Central Services and Records Division,
Department of Motor Vehicles):

That was a Legislative decision.

ROBERT A. OSTROVSKY (3M/Traffic Controls Division):

In reference to Senator Washington's question, four years ago the Legislature adopted language that required the DMV to use digital equipment for the manufacturing of license plates. This resulted in the "flat plate" and is common across the United States.

We are a State contractor providing digital equipment and certain materials to manufacture license plates. We consider ourselves experts in the production of, use of, and the need for license plates throughout the United States. Currently, there are 32 states that require 2 plates and 18 that do not. Since the 72nd Session, two states have reversed legislation back to requiring the front license plate. There has been a considerable effort to require front plates since the tragedy of September 11, 2001. You now see more video cameras in parking lots, stores and around buildings. These cameras help identify vehicles that are either passing by or parked. Obviously, when you have the license plate on both ends of a vehicle, the camera is more likely to capture the plate.

Senator Care seems to support two license plates and has concerns with the passage of S.B. No. 251 of the 73rd Session. I was involved in that decision-making process and provided photographs and manufacturer's information about automobiles. At that time, we determined the number of vehicles actually impacted by the legislation would be few and would mostly apply to imported vehicles. There was or is no way to actually determine the number of vehicles impacted by S.B. No. 251 of the 73rd Session. To my knowledge, every automobile manufacturer in the United States has a methodology to mount a front license plate. I know some people feel the front plate distracts from the visual beauty of the vehicle. In the spirit of compromise, we developed the language that would satisfy those individuals.

It is important for me to comment about the unattended consequences of going to one plate. For example, at night when a vehicle is parked without headlights on the shoulder of the roadway, the driver will see the license plate because of its reflectivity. I also have a DVD ([Exhibit C](#), original is on file in the Research Library) on a program in British Columbia, Canada. They use a system where all police automobiles are equipped with a computerized camera system. Every morning, each police vehicle is downloaded with information on stolen vehicles, vehicles used in committing a crime, and other vehicles of interest. The vehicle's computerized camera system scans the plates of every vehicle it encounters. The system compares the plates to the downloaded information and

notifies the officer when it encounters a match. It is effective in British Columbia; however, it is not in use in the United States. Clearly, there are new technologies we need to consider while debating S.B. 62. Additionally, if we eliminate the front plate requirement, there will be approximately one million front plates in circulation that could be removed from one vehicle and placed on another. There are ways individuals can obtain a counterfeit sticker or tag to "validate" the plate.

MR. OSTROVSKY:

Members of the various law enforcement agencies are here and they can testify as to how they use the front license plate to identify vehicles and how they make decisions about stopping a vehicle. Police rely on front license plates; witnesses have used them to identify a vehicle. I have provided a packet of information ([Exhibit D](#), original is on file in the Research Library) that includes statements from various law enforcement associations.

There could be economic impacts as Senator Amodei has mentioned. Prison systems receive funds for manufacturing license plates and those funds are based on the number of plates actually manufactured. The DMV might want to address economic impacts. I admit we are a State contractor and receive income from the manufacturing of license plates. If State law requires motor vehicles to have only one plate, 3M Company will probably raise the price of materials sold to the DMV since our price is based on volume.

SENATOR AMODEI:

Does 3M Company have a position on a potential amendment that would require two plates on all automobiles?

MR. OSTROVSKY:

We oppose removing the front license plates. It is our nationwide policy to support the two-license-plate requirement.

CHAIR NOLAN:

You indicated that every vehicle is equipped to secure a front license plate. I would like to know if, in fact, this is the case. I appreciate your position; however, until we know for certain that the automotive industry has a standard to mount front license plates on every vehicle, the intent of S.B. No. 251 of the 73rd Session would apply.

MR. OSTROVSKY:

I will ask the corporate office to query the automobile manufacturers and provide the information to the Committee. To my knowledge, what we ended up with last session was language that affected certain high-end, imported vehicles, because all American manufacturers have a standard to affix a front license plate.

CHAIR NOLAN:

I will have the Committee's policy analyst review the matter as well. I happen to agree with a number of Senator Care's points. The intent of S.B. No. 251 of the 73rd Session was not to remove the front plate off of every vehicle in the State.

CLAY THOMAS (Deputy Director, Department of Motor Vehicles):

I am here to talk about potential fraud. Obviously, if you now issue only one plate and an individual has two, they can remove the second plate and put it on a different vehicle. The individual would not have to use an illegal vendor to obtain a sticker. The DMV issues decals to replace those that have been lost or destroyed at a fraction of the cost of the actual registration fee. Therefore, the individual could have two valid plates with two valid decals. Of course, law enforcement would be able to match the plate with the properly registered vehicle. One way to prevent this fraud from occurring would be to reissue all license plates. If this were to occur, the DMV is not prepared to supply a fiscal note.

CHAIR NOLAN:

Would there be an additional fiscal note if the DMV changed from issuing two license plates to one plate?

MR. THOMAS:

That would encompass a reduction in plate production, a price increase from the vendor, mailing costs and other costs incurred by the DMV.

SENATOR AMODEI:

Are you aware of any issues in other states that Mr. Ostrovsky mentioned regarding foreign vehicle manufacturers? Does the DMV have the authority to require automobile manufactures to provide a means to display a front license plate for vehicles delivered to the State?

MR. THOMAS:

I do not know of any regulations giving the DMV this authority. If Mr. Ostrovsky is correct in that all manufacturers have a methodology to attach a front license plate, then this issue would be resolved. I do not know how this applies to foreign vehicle manufacturers.

SENATOR AMODEI:

Is there a DMV regulation that requires vehicles delivered for resale and registered within the State to be equipped for displaying a front license plate?

MR. THOMAS:

I do not know of any regulation that allows the DMV to make that determination; statutorily, we issue two plates for every vehicle that is registered with us.

SENATOR AMODEI:

Would you need legislative authorization to require all vehicles to display a front license plate?

MR. THOMAS:

I believe that would be correct.

CHAIR NOLAN:

Another area to research is if 18 states do not require front plates and the other 38 states do, then exactly how are they requiring all vehicles to display a front plate? As an aside, high-end vehicles were included in S.B. No. 251 of the 73rd Session.

ROBERT ROSHAK (Las Vegas Metropolitan Police Department; Nevada Sheriffs' and Chiefs' Association):

We have grave concerns with this bill. Keeping the front plate on a vehicle is important for investigative reasons. Quite often we can identify a suspect from a front license plate captured on a camera. This is an important issue to us and we want the Committee to consider this bill.

SENATOR CARLTON:

If the front plate is that important, is it not important to have it displayed on every vehicle?

MR. ROSHAK:

Yes, having a front plate on every vehicle would assist us.

SENATOR CARLTON:

Am I correct in stating that S.B. No. 251 of the 73rd Session was not opposed by law enforcement last session?

MR. ROSHAK:

From my understanding, that is correct.

SENATOR LEE:

Prior to passage of S.B. No. 251 of the 73rd Session, did law enforcement ticket people who only had one plate on their vehicle? How did you handle one-plated vehicles before?

MR. ROSHAK:

It was handled on an individual basis. In my personal experience, when I stopped a vehicle and it did not have a way to display a front license plate, I would not write a ticket solely for lack of a front plate. I did not feel it was my position to order them to affix a front plate. I do believe it is an issue, because most vehicles are equipped to mount one.

CHAIR NOLAN:

For purposes of disclosure, I purchased a Jeep Commander that has no mounting bracket system on the front of the Jeep. It is a soft front bumper and I could not find any holes or depressions. If something was provided, it was hidden and the dealer did not provide any hardware. This Committee is going to take a look at the issue and conduct further research.

Mr. Roshak, have you been encountering any problems with pulling motorists over without a front plate and then letting them go because the vehicle is not equipped to display one? Specifically, how many instances have there been?

MR. ROSHAK:

I do not know but will check with our traffic division and provide you with that information.

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TIMOTHY KUZANEK (Washoe County Sheriff's Office):

We have concerns with this bill for the same reasons my counterpart from Las Vegas has expressed.

SHAUN E. JILLIONS (City of Henderson):

The Henderson Chief of Police would like to echo the sentiments of Mr. Roshak regarding the value of having a front license plate.

TRACEY A. WOODS (Retail Association of Nevada):

We are opposed to S.B. 62 for reasons similar to those previously stated. Many of our retail members use security cameras and line-of-sight to get license plate numbers in cases of theft or assault. If this legislation is passed, it would prohibit our members from obtaining license plate information.

SENATOR CARLTON:

Did the retail association oppose S.B. No. 251 of the 73rd Session?

Ms. WOODS:

We did not take a position on that bill.

COLONEL CHRIS PERRY (Chief, Nevada Highway Patrol, Department of Public Safety):

We oppose S.B. 62 for the same reasons expressed by other law enforcement agencies. The Nevada Highway Patrol (NHP) has been encountering more vehicles without front plates. As others have mentioned, car dealers place the mounting brackets in the back of the car. When we stop motorists, we usually ask them to check the trunk and we find the mounting bracket. I also know that DaimlerChrysler Corporation, manufacturer of the Jeep, charges extra for mounting devices.

CHAIR NOLAN:

We will close the hearing on S.B. 62 and open the hearing on S.B. 39.

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

MICHAEL LAWSON (Chief, Traffic Information Division, Nevada Department of Transportation):

I am here requesting your support for S.B. 39 and have provided prepared testimony ([Exhibit E](#)).

CHAIR NOLAN:

I am the State representative for the Multi-Highway Transportation Association, which includes members from nine western states. These states also are in the process of codifying this federal law.

SENATOR CARLTON:

Would you please describe the truck this law affects?

MR. LAWSON:

It is a tractor hauling other tractors in a slant-back configuration. There will be a two- or three-axle tractor, the power unit, and on the fifth wheel is mounted another tractor for transport. This combination is limited to three mounted tractors during transport.

SENATOR CARLTON:

Would that distance equate to two trailers?

MR. LAWSON:

It would be marginally longer than two trailers.

RON LEVINE (Nevada Motor Transport Association):

I have a picture for Senator Carlton ([Exhibit F](#)). This configuration is acceptable under federal regulations and every U.S. state has to codify the regulation.

CHAIR NOLAN:

For clarification, this has been a common hauling practice in the industry for several years. We are simply codifying the federal law.

MR. LEVINE:

The industry has been transporting in this manner since 1973 when I worked for the NHP. Typically, new tractors are piggybacked in this way to more efficiently transport them without putting them on flatbed trailers.

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WILLIAM A. BANTER (Lieutenant, Nevada Highway Patrol, Department of Public Safety):

The NHP supports this bill and we do not anticipate any safety issues as a result of this configuration.

CHAIR NOLAN:

We will close the hearing on S.B. 39.

SENATOR AMODEI MOVED TO DO PASS S.B. 39.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR NOLAN:

There being no further business, this meeting of the Senate Committee on Transportation and Homeland Security is adjourned at 2:28 p.m.

RESPECTFULLY SUBMITTED:

Lynette M. Johnson,
Committee Secretary

APPROVED BY:

Senator Dennis Nolan, Chair

DATE: _____