

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

**Seventy-Fifth Session  
April 9, 2009**

The Committee on Transportation was called to order by Chairman Kelvin Atkinson at 2:03 p.m. on Thursday, April 9, 2009, 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/75th2009/committees/](http://www.leg.state.nv.us/75th2009/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](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Kelvin Atkinson, Chairman  
Assemblyman Mark A. Manendo, Vice Chair  
Assemblyman John C. Carpenter  
Assemblyman Chad Christensen  
Assemblyman Jerry D. Claborn  
Assemblywoman Marilyn Dondero Loop  
Assemblyman Pete Goicoechea  
Assemblyman Joseph M. Hogan  
Assemblyman Ruben J. Kihuen  
Assemblywoman Ellen B. Spiegel  
Assemblywoman Melissa Woodbury

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Assemblyman James Ohrenschall, Clark County Assembly District No. 12

**STAFF MEMBERS PRESENT:**

Michael DeLee, Extern, Assemblyman James Ohrenschall  
Marjorie Paslov Thomas, Committee Policy Analyst  
Darcy Johnson, Committee Counsel  
Sharon McCallen, Committee Secretary  
Steven Sisneros, Committee Assistant

**OTHERS PRESENT:**

Troy Dillard, Administrator, Division of Compliance Enforcement,  
Department of Motor Vehicles  
Marlene Lockard, Reno, Nevada, representing National Collision Industry  
Association, Sparks, Nevada  
Martha Barnes, Administrator, Division of Central Services and Records,  
Department of Motor Vehicles  
E.B. (Steve) Amestoy, Owner, Capital Towing, Inc., Carson City, Nevada  
Richard Perkins, Henderson, Nevada, representing InsureNet, Inc., Novi,  
Michigan  
Danny Thompson, Executive Secretary-Treasurer, Nevada American  
Federation of Labor and Congress of Industrial Organization (AFL-  
CIO), Henderson, Nevada  
Ruthie Jones, Union Trustee, Industrial Technical Professional Employees  
Union, Las Vegas, Nevada  
Stacie Truesdell Michaels, Chairman, Taxi Cab Authority, Las Vegas,  
Nevada  
D. Neal Tomlinson, Las Vegas, Nevada, representing Frias Holding  
Company, Las Vegas, Nevada  
Randell Hynes, Las Vegas, Nevada, representing United Taxi Cab Drivers  
Corporation, Las Vegas, Nevada

**Chairman Atkinson:**

Meeting called to order. [Roll called.] Today we have a lengthy work session, then we are going to discuss what we are going to do with Assembly Bill 371.

**Assembly Bill 25: Authorizes the waiver of certain examinations of applicants for a Nevada driver's license who are licensed in another jurisdiction. (BDR 43-343)**

**Marjorie Paslov Thomas, Committee Policy Analyst:**

[Read from work session document ([Exhibit C](#)).]

**Chairman Atkinson:**

Is there any discussion on the work session document, Assembly Bill 25?

**Assemblyman Goicoechea:**

Does \$25 come close to covering the time and cost of administering a noncommercial driver's test?

**Chairman Atkinson:**

I do not know if it comes close, but I do know we have a problem in this state. I was just talking to the Policy Analyst and I think there is another amendment needed here which would cover the \$25 for the written portion.

If you look at the numbers I was provided, they show that more than 50 percent of the people who take the written test in this state fail it. They fail it because they do not study for it, because it is free. The lines are long and the wait times at the Department of Motor Vehicles (DMV), particularly in southern Nevada, are sometimes 60 to 70 minutes, and then people are not able to take the test for another five or six weeks. I do not think our residents take it seriously enough. If we charge them to take the test, as some states do, maybe they would take it more seriously, and we could begin to recover some of these costs in our own DMV.

**Assemblyman Goicoechea:**

This only pertains to the driving portion, is that correct?

**Chairman Atkinson:**

The driving and the written.

**Assemblyman Goicoechea:**

Oh, it does both?

**Chairman Atkinson:**

I am amending the written in because it is not in there, and it was supposed to be. So I am saying that now for the record.

**Assemblyman Carpenter:**

What about a person, as mentioned in the second amendment, who comes from another state? He does not have to take the driving test, just the written test. Is it \$25 for one or both tests?

**Chairman Atkinson:**

When we are talking about out-of-state, most out-of-state people already have a driver's license; they only have to take the behind-the-wheel. It is not for both

if they come from out-of-state and already have a driver's license. No, they are not being charged twice if that is what you are asking.

**Assemblyman Goicoechea:**

If you happen to be less than 21 years of age, then you would have to take both. I just want to clarify, if you had to take both because you were under 21 years of age, would you then have to pay \$50?

**Chairman Atkinson:**

I do not believe that is the intent, but we can clarify it.

ASSEMBLYWOMAN SPIEGEL MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 25 WITH BOTH AMENDMENTS.

ASSEMBLYWOMAN DONDERO LOOP SECONDED THE MOTION.

THE MOTION PASSED (ASSEMBLYMAN CLABORN VOTED NO).

[Assembly Bill 247](#): Revises provisions governing the operation of bicycles.  
(BDR 43-1046)

**Marjorie Paslov Thomas, Committee Policy Analyst:**

[Read from work session document ([Exhibit D](#)).]

**Chairman Atkinson:**

Thank you Ms. Paslov Thomas. Are there any questions from the Committee?

**Assemblyman Carpenter:**

I still have a problem with a local entity not being able to pass an ordinance that would say that a bicycle rider needs to use those paths that are constructed for bicycles. What concerns me is that if people are riding on the road and there is a really good bicycle path right next to it, people are going to ask "why did you spend all this money on bicycle paths when the bicyclists are still on the highways?" I still have a problem with that, and Mr. Bobzien and I do not see eye to eye on it. The one in Elko County is under the jurisdiction of the Nevada Department of Transportation (NDOT), so they have control over that one and can prevent people from riding on the highway and confine them to the path.

**Chairman Atkinson:**

I do know that Assemblyman Bobzien has tried to address your concerns. I understand you have met a few times. I am saddened it could not get worked out between the two of you, but I did decide that the bill had merit and felt that we needed to bring it before this Committee for a vote.

Is there any other discussion on Assembly Bill 247? Seeing none, the Chairman will entertain a motion.

ASSEMBLYMAN MANENDO MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 247.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

THE MOTION PASSED (ASSEMBLYMAN CARPENTER VOTED NO).

Assembly Bill 290: Makes various changes relating to the sale of used vehicles.  
(BDR 43-917)

**Marjorie Paslov Thomas, Committee Policy Analyst:**  
[Read from work session document ([Exhibit E](#)).]

**Chairman Atkinson:**  
Is there any discussion from the Committee members on A.B. 290?

**Assemblyman Goicoechea:**  
By repealing *Nevada Revised Statutes* (NRS), Chapter 482, which addresses the administrative fines, could someone clarify what is taken out?

**Troy Dillard, Administrator, Division of Compliance Enforcement, Department of Motor Vehicles:**  
To Assemblyman Goicoechea, effectively what that does is remove the special penalty section that is currently associated with used car warranty enforcement. It makes it the exact same penalty enforcement as the rest of the statutes so they are all treated the same.

**Assemblyman Goicoechea:**  
So you have the same warranty in place, as far as your ability to recover with the used car as you would a new car?

**Troy Dillard:**  
Yes. It does not really affect the warranty. What it affects is if the dealer fails to follow the statute, then the sanctions would be the same as any other section of Chapter 482 of the NRS.

**Assemblywoman Spiegel:**  
For the record, I think these amendments are great.

**Assemblyman Goicoechea:**

I just want to make sure that the 15 days and the 500 miles are still in the bill?

**Chairman Atkinson:**

Yes. Is there any other discussion from the Committee?

ASSEMBLYMAN MANENDO MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 290.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

THE MOTION PASSED (ASSEMBLYMAN CHRISTENSEN  
VOTED NO).

**Assembly Bill 291:** Revises provisions relating to motor vehicle registration.  
(BDR 43-919)

**Marjorie Paslov Thomas, Committee Policy Analyst:**

[Read from work session document ([Exhibit F](#)).]

**Chairman Atkinson:**

Are there any questions on A.B. 291?

**Assemblyman Goicoechea:**

It is a \$1,000 fine if you are issued a citation, but you must be stopped for a different offense; your out-of-state license plate cannot be the primary offense. When you go to court, is that \$1,000 reduced to \$200 if you have registered your vehicle in the interim? That does not necessarily mean it was registered at the time you were stopped?

**Chairman Atkinson:**

Is that correct Ms. Spiegel?

**Assemblywoman Spiegel:**

Close. The judge has the discretion to lower the fine to as little as \$200. For example, if you had not registered your car for four or five years and you were caught through this, the judge may not lower it. The judge has that discretion.

**Assemblyman Claborn:**

I do not see anything in here about if you lose your insurance you lose your registration as well. I do not understand this whole situation. If you do not register your car within the required 60 days, it is a \$1,000 fine. Is that correct? What happens if someone has another vehicle that is already here and

does not register it and loses their insurance? That has nothing to do with this bill?

**Assemblywoman Spiegel:**

This bill deals only with the registration. However, if you lose your registration because your insurance lapses, again, that is something that would be up to the judge to determine. The \$1,000 is the baseline and it can be lowered, if by the time you go to court you demonstrate to the judge that the vehicle has been registered.

**Assemblyman Claborn:**

This is being changed from \$250 to \$1,000?

**Chairman Atkinson:**

It is already in law as \$250 and no more than \$500. So the fine is already there, this just increases it.

**Assemblywoman Spiegel:**

It both increases and decreases because the judge could say you are doing a good thing by loaning your car to the prison to teach inmates how to refurbish cars. The judge could then drop it even lower.

**Assemblyman Claborn:**

I did not even get to see the judge. I went to the Department of Motor Vehicles (DMV) and they told me I owed them \$250. They had revoked my registration already.

**Chairman Atkinson:**

Mr. Claborn, this would allow for you to go to see a judge now.

**Assemblyman Carpenter:**

Did they get the question resolved about the constables?

**Assemblywoman Spiegel:**

Yes, Mr. Carpenter. The constables have spoken with the rest of law enforcement and said that they will not be pulling over vehicles; it is only for stationary vehicles. I can get it for you in writing, but yes, they have agreed.

ASSEMBLYMAN GOICOECHEA MOVED TO PASS  
ASSEMBLY BILL 291.

ASSEMBLYMAN KIHUEN SECONDED THE MOTION.

THE MOTION PASSED (ASSEMBLYMAN CLABORN VOTED NO).

[Assembly Bill 297](#): Enacts provisions governing tied body shops. (BDR 43-718)

**Marjorie Paslov Thomas, Committee Policy Analyst:**  
[Read from work session document ([Exhibit G](#)).]

**Chairman Atkinson:**

Committee members, remember we heard this quite some time ago and we have received a lot of email about it. Because many of the Committee members still have some concerns with it, I decided to bring it to this work session as I said I would do. We will allow questions at this time.

**Assemblywoman Spiegel:**

Can we discuss the amendment a little bit? I would like some clarification on the definition of a tied body shop.

**Marlene Lockard, Reno, Nevada, representing National Collision Industry Association, Sparks, Nevada:**

A tied body shop is a body shop that is owned and operated by an insurance company, so it is tied to the insurance company.

**Chairman Atkinson:**

That made sense. Thank you.

**Assemblyman Claborn:**

I think this bill may present a conflict of interest. I am concerned about the big conglomerates taking over a small business, so I am going to be voting no on this. I would like the right to vote yes on the floor if I get some definitions of what is really happening here.

**Assemblyman Goicoechea:**

I am also concerned about the bill, and my biggest concern is the fact that we are focused on the insurance industry, and yet we have car dealerships that are allowed to maintain body shops. I think they have every bit as much conflict of interest. I will be voting no on the bill.

**Assemblyman Carpenter:**

It is just too restrictive to me. I think it goes against free trade. I have not heard any really adverse comments about this body shop that the insurance company owns. In reality, I think they do good work. I am going to have to vote no.



**Assemblyman Christensen:**

I am always looking out for the little guy and I thought it was a good hearing. It was certainly very interesting and generated lots of email and discussion. As I considered both sides, I felt that it would be best for me to vote no. In particular, I was concerned about insurance companies owning the repair shops and the huge target they would be given. We already have state law forbidding or prohibiting them from referring to themselves, and they would have a lot to lose. I think we are probably okay leaving the law as it is.

**Chairman Atkinson:**

Are there any other questions from the Committee members or comments?

ASSEMBLYMAN HOGAN MOVED TO DO PASS  
ASSEMBLY BILL 297.

ASSEMBLYMAN MANENDO SECONDED THE MOTION.

THE MOTION PASSED (ASSEMBLYMEN CARPENTER,  
CHRISTENSEN, CLABORN, GOICOECHEA AND WOODBURY  
VOTED NO. ASSEMBLYMAN CLABORN RESERVED THE RIGHT  
TO CHANGE HIS VOTE ON THE FLOOR.)

**Assembly Bill 333:** Revises certain provisions relating to the towing of vehicles.  
(BDR 58-835)

**Marjorie Paslov Thomas, Committee Policy Analyst:**

[Read from work session document ([Exhibit H](#)).]

**Chairman Atkinson:**

Is there any discussion from the Committee members on Assembly Bill 333?

**Assemblyman Goicoechea:**

I am still not real clear. We had some testimonies and issues about out-of-state vehicles and the ability to get that report back. I am not really clear if there is any waiver or variance here that allows for the situation when a tow company cannot get that information. I know we had a lot of testimony on how hard it is sometimes if there are no plates or vehicle identification number (VIN) accessible on the car.

**Martha Barnes, Administrator, Division of Central Services and Records,  
Department of Motor Vehicles:**

After this came up, we found there is an opportunity for the tow companies to go to a website. It is called National Motor Vehicle Title Information System (NMVTIS). For a fee of \$3 they put in the VIN or the information they have and the state information will come back as to what state they have to go to. If it is not a Nevada vehicle and we cannot give them the information they need, they do have the opportunity to go to that website. It does not include all of the states, but it may be a way for them to find that information without having to go to every state.

**Assemblyman Goicoechea:**

If they could prove by the expenditure of \$3 that they were, in fact, searching the vehicle, would that give them a little more flexibility with you or latitude as far as what can be charged or at what point they can establish title?

**Martha Barnes:**

I know a question that came up in the last testimony where they wanted the Department of Motor Vehicles (DMV) to provide information from the other states. DMV only has control over our own information. We are not able to provide that information. I know this was something we found that may be a possible help to them, the other option being to extend the time period on those out-of-state vehicles.

**Assemblyman Goicoechea:**

I do not want to hamper the bill by offering an amendment at this point. It may be something we can address on the other side with the testimony. Instead of decreasing the 21 days to 14 days with this bill, maybe we can reinstate the 21 days if they can prove that they have tried to access a vehicle through this website you are talking about. The clock is running at 14 days, and if they go to that site and cannot get the information, they technically become in violation of the law in two weeks or as we move along, within eight days. It can get very restrictive.

**Martha Barnes:**

I believe right now, if they send lien sale documents to us and they were not able to locate the information, we have an option to check the law enforcement's database and get that information, but access to that database is restricted because it is a criminal database.

**Assemblyman Goicoechea:**

I am only trying to establish that the tow truck operator is relieved of some of his responsibility if they can show they did make the attempt. That is what I am really looking for.

**Assemblyman Carpenter:**

It seems to me we are going to amend this bill anyway. If we could put some kind of an amendment in there to protect these people who come in from another state, it would be a good thing. I know it is tough to even find a VIN or anything else on some of these vehicles.

**Chairman Atkinson:**

Ms. Barnes, do you see problems with that?

**E.B. (Steve) Amestoy, Owner, Capital Towing, Inc., Carson City, Nevada:**

If we start the process within seven days, and had documentation that we had submitted it to the DMV, that would cover the 14 days needed to research it.

**Chairman Atkinson:**

I agree. So we would have to put that part in.

**E.B. (Steve) Amestoy:**

It is in the law that we are working under now.

**Chairman Atkinson:**

That part is not going away. I am comfortable with that also. The intent is there.

ASSEMBLYMAN KIHUEN MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 333.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

THE MOTION PASSED.

**Assembly Bill 407:** Increases the fee for reinstatement of a driver's license or commercial driver's license. (BDR 43-515)

**Marjorie Paslov Thomas, Committee Policy Analyst:**

[Read from work session document ([Exhibit I](#)).]

**Chairman Atkinson:**

Is there any discussion on Assembly Bill 407? Seeing none, the Chairman will entertain a motion.

ASSEMBLYMAN GOICOECHEA MOVED TO DO PASS  
ASSEMBLY BILL 407.

ASSEMBLYMAN MANENDO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

[Assembly Bill 441](#): Revises provisions governing transportation. (BDR 43-840)

**Marjorie Paslov Thomas, Committee Policy Analyst:**

[Read from work session document ([Exhibit J](#)).]

**Chairman Atkinson:**

Is there any discussion from the Committee members on Assembly Bill 441?

**Assemblyman Christensen:**

With regard to all of these amendments, I have spoken to the sponsor of the bill and does this still capture the original intent of the bill?

**Chairman Atkinson:**

I wonder because the original has changed somewhat.

**Assemblyman James Ohrenschall, Clark County Assembly District No. 12:**

I think it does capture the original intent. We wanted to clarify that an electric bicycle is not a moped, and is not a motorcycle. We wanted to basically clarify the law so people can feel safe behind them and in using them. They are not going to get pulled over and accused of driving a moped or anything like that.

**Assemblyman Goicoechea:**

I am wondering why we stopped at 750 watts final output for the bicycles, yet the mopeds do not kick in until they produce over 1500 watts. Why did you not bring the bicycles up to 1499 watts?

**Assemblyman Ohrenschall:**

I think I will defer to my extern Michael DeLee who actually worked very closely on those ratios with the Department of Transportation and the Department of Motor Vehicles.

**Michael DeLee, Extern, Assemblyman James Ohrenschall:**

We tried as well as we could to mirror the federal definitions for bicycles which do specify the 750 watts as part of the regulations.

**Assemblyman Goicoechea:**

Okay, but we still have one full horsepower in the mix here. It just doubles. I am curious; do we take mopeds down to 751 watts then? I know I am splitting hairs. I am fine with it, but it does leave a gray area. I am sure you can buy a horse and a half electric motor.

**Michael DeLee:**

I can clarify that. Those are maximum numbers, so up to 750 watts would be in the category for a bicycle. If you have an electric powered vehicle/bicycle that happens to exceed 750 watts, but is less than 1500 watts, that would be treated as a moped. If you exceed that definition it would be a motorcycle.

ASSEMBLYMAN CHRISTENSEN MOVED TO AMEND AND DO  
PASS ASSEMBLY BILL 441.

ASSEMBLYMAN KIHUEN SECONDED THE MOTION.

THE MOTION PASSED.

**Chairman Atkinson:**

Mr. Ohrenschall, you will take that bill on the floor?

**Assemblyman Ohrenschall:**

I will.

**Chairman Atkinson:**

We will go back at the end and assign these bills.

[Assembly Bill 455](#): Provides for self-registration of certain motor vehicles.  
(BDR 43-877)

**Marjorie Paslov Thomas, Committee Policy Analyst:**

[Read from work session document ([Exhibit K](#)).]

**Chairman Atkinson:**

Is there any discussion on Assembly Bill 455? Seeing none, the Chairman will entertain a motion.

ASSEMBLYMAN CARPENTER MOVED TO DO PASS  
ASSEMBLY BILL 455.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

**Chairman Atkinson:**

Assemblywoman Woodbury will take A.B. 455 to the floor.

**Assembly Bill 503:** Creates an advisory committee to develop recommendations for the funding of highways in this State. (BDR S-954)

**Marjorie Paslov Thomas, Committee Policy Analyst:**

[Read from work session document ([Exhibit L](#)).]

**Chairman Atkinson:**

Is there any discussion on A.B. 503? Seeing none the Chairman will entertain a motion.

ASSEMBLYMAN MANENDO MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 503.

ASSEMBLYWOMAN WOODBURY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

**Chairman Atkinson:**

I will take A.B. 503 to the floor.

**Assembly Bill 504:** Authorizes local governmental agencies to use automated systems to enforce traffic laws. (BDR 43-461)

**Marjorie Paslov Thomas, Committee Policy Analyst:**

[Read from work session document ([Exhibit M](#)).]

**Chairman Atkinson:**

Clarification for the Committee members, Assembly Bill 504 was heard in the Committee this past Tuesday and it dealt with the red light camera, particularly in North Las Vegas. Chief Forti and his people presented the bill to the Committee, where we did some preliminary polling from the Committee and the appetite was not there at that time to entertain red light cameras in our state. The Chairman entertained an amendment from Mr. Perkins. Ms. Paslov Thomas went over the amendment, and it was handed out in Committee on the day of the hearing, and Mr. Perkins went through the

amendment with us. The Chairman will open it up at this time if there are any additional questions from the Committee members on the amendment and not the original bill.

**Assemblyman Claborn:**

This is different than the other bill we had regarding the red light camera. The reason I did not like the other bill was the simple fact that I think it is unconstitutional. This bill is only taking a picture of your license plate and putting into the Department of Motor Vehicles (DMV) data bank, and I think it is a good idea and I support it.

**Assemblyman Hogan:**

Have we heard from the agency as to whether it wants to be required to contract in this way?

**Chairman Atkinson:**

If you recall from the testimony on Tuesday, the DMV was neutral. Mr. Edgar Roberts testified Tuesday and said they had not had a chance to look at it. I do not know if the situation has changed or not.

**Martha Barnes, Administrator, Division of Central Services and Records,  
Department of Motor Vehicles:**

We have had a chance to look at the amendment as it was proposed on Tuesday. I want to remind the Committee that we do have a bill out, Assembly Bill 21, where we received authority from the Interim Finance Committee (IFC) back in September to redesign the current insurance verification program. We are six months into this. This would require us to go back and make a change, and that is a problem for us.

The other thing I want to provide to you, and I believe you have had it passed out to you ([Exhibit N](#)), is what we believe the impact will be on a monetary basis to be able to implement this amendment. I have not seen language—this is just conceptual—but we do have some big concerns with this.

I would like to propose, is it possible to implement this just on the law enforcement side and leave DMV out of it? I have not had a chance to talk to the sponsors.

**Richard Perkins, Henderson, Nevada, representing, InsureNet, Novi, Michigan:**

I suspect because of whatever fiscal impact this will have, it will end up in your money committee and give us more time to work out what it is we need to do with DMV.

Just working it through the law enforcement portals through the DMV and the Department of Public Safety does not make it workable for a company to contract with every agency in the state. DMV is the keeper of the information at this point in time. I, for one, happen to believe that the approach they currently have is a less efficient approach than the one I have presented to the Committee. It is not surprising to me that the DMV has something they are pursuing that would cause them to be in opposition to this.

**Chairman Atkinson:**

Let me remind the Committee that we are dealing with the policy aspect of the bill. I understand your concerns Ms. Barnes, and I think that is why you are hesitant to come up because you know that this will be going to the Assembly Committee on Ways and Means. We can certainly make the recommendation in this Committee that we can amend and do pass with the referral to the Assembly Committee on Ways and Means. We have that option as well.

**Assemblyman Hogan:**

If there is a necessity, we certainly could change the language from "shall" to "may" so the agency, should it find that this is the best array of capabilities, would already have a go-ahead. It seems we have the cart a little bit ahead of the horse when requiring the agency to contract for a particular array of equipment capabilities when they are in the midst of a study. If it would help to change it to "may," when authorizing them to go forward, that would be fine. I am a little reluctant to support requiring it now, when we do not know too much about it and neither does the agency.

**Assemblyman Carpenter:**

How far are you into your program? How much money do you have invested?

**Martha Barnes:**

We are into about six months of programming. When we originally looked at this, we looked at vendors to implement this same type of thing. Theirs is a little different because it comes from the law enforcement side of it. The implementation was going to be about \$1 million and then \$700,000 per year after that. We are trying to do this with the programming and the authorization from IFC, and we were provided about \$377,000 to go forward with a self-funded program. The money is already there.

**Assemblyman Carpenter:**

I do not think it hurts to send it to the Assembly Committee on Ways and Means and in the meantime, Mr. Perkins could talk to everyone and see if an agreement can be reached.



**Chairman Atkinson:**

I agree with you.

**Assemblyman Christensen:**

As the policy committee, should we pass this today with the amendments? It will then go to the Assembly Committee on Ways and Means and they will address the financial side, and whatever amendments that end up on the floor, we could readdress as policy, correct?

**Chairman Atkinson:**

I agree. Are there any other questions from the Committee members?

ASSEMBLYMAN CLABORN MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 504 AND REFER TO WAYS AND MEANS.

ASSEMBLYMAN CHRISTENSEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

That concludes our work session document. The Committee will take a recess.

[Meeting reconvened at 3:06 p.m.].

**Chairman Atkinson:**

We will have a brief opening of Assembly Bill 371.

**Assembly Bill 371**: Revises provisions governing taxicabs. (BDR 58-578)

**Assemblyman James Ohrenschall, Clark County Assembly District No. 12:**

I was approached about Assembly Bill 371 by representatives down in Las Vegas from Industrial Technical Professional Employees Local (ITPE) 4873 and Steelworkers Local 7118 asking me to introduce the bill. I will turn it over to Danny Thompson.

**Danny Thompson, Executive Secretary Treasurer, Nevada American Federation of Labor and Congress of Industrial Organization (AFL-CIO):**

I am representing the Nevada State American Federation of Labor and Congress of Industrial Organization (AFL-CIO) and the cab drivers in Las Vegas. We are proposing that you remove everything from this bill, with the exception of section 2, line 27 where we are asking you to add two words—"drivers and." Section 2 of *Nevada Revised Statutes* (NRS) 706.8824 would say "in determining whether circumstances require the establishment of a system of

allocations or a change in existing welfare, convenience, necessity, and well being of "drivers and" the customers of taxi cabs." That would be the only request in this bill ([Exhibit O](#)).

Mr. Chairman, the reason is very simple. Cab drivers and many cab drivers in Las Vegas—and I want to take you back to last session when there was a proposal to put a tax on trips to the airport—and we opposed that. The reason we opposed that was many of these cab drivers have a profit sharing contract and that is that they share in the profit and they share in the fees. The fees that were proposed last session would have amounted to a 45 percent decrease in their salary. Almost half of the money would have come directly out of cab driver's back pockets.

By adding "drivers and," this gives the drivers the opportunity to go to the Taxi Cab Authority and be considered when they are going to increase the allocation of cabs. They make their living on their ability to pick up people, and with the decrease in tourism that we have seen, the need for them to have a seat at the table, to be able to raise their hand and say, "this is going to impact us as well," is critical. All we are asking for in this bill are those two words. This does not give them any more or less than the opportunity to be heard.

In Las Vegas, we have Ruthie Jones from ITPE who would like to further explain that need.

**Assemblyman Hogan:**

I just want to be clear. You are actually withdrawing all of the other changes that would have been put in this bill and want only those two words?

**Danny Thompson:**

Those two words.

**Ruthie Jones, Union Trustee, Industrial Technical Professional Employees Union,  
Las Vegas, Nevada:**

We want you to understand that we did have a room full of cab drivers, but due to their obligations to their job and their employer, they had to leave.

This bill has been presented before you on behalf of those cab drivers. Those cab drivers are the good will ambassadors of Las Vegas. They are professional drivers and they take pride in doing their job. What they are requesting from you is consideration of that fact. As it stands now, they have no legal standing to be considered in any form or fashion for additional medallions. Although, lately, because the economy is very bad, the Taxi Cab Authority has taken this into consideration, but they are not legally obligated to do so. When

9/11 happened, the cabs should have been removed, but there was no obligation to legally do so. We want to have the legal right to say "Hey! Consider our guys, they are the goodwill ambassadors and we want them treated fairly."

**Stacie Truesdell Michaels, Chairman, Taxi Cab Authority, Las Vegas, Nevada:**

While I understand where the union is coming from in making this request, I do want to point out that the Taxi Cab Authority is charged with protecting the riding public first and foremost. That is exactly what the directive in this section of the NRS that is proposed to be amended states that "we are to look out for the riding public." Through the process that we have at the Taxi Cab Authority, unions are allowed to intervene in all proceedings and have never been denied intervention status. They are always taken into consideration and always allowed their due process and to have full participation in all proceedings that take place with the Taxi Cab Authority. I do not want you to be under the impression that they are not afforded the opportunity to take part in the process, because they very much are.

That being said, we do not want to put the interest of the drivers over the interest of the company and certainly not over the interest of the riding public. It is our feeling at the Taxi Cab Authority that first and foremost, we need to protect the riding public and, in order to do that, we have to put their interest first.

We do not disregard the unions, and we do not disregard the companies; it is a whole balancing act that takes place when we make determinations regarding medallion allocations. To put the drivers on par with the riding public almost places their interest before that of the company's, which is not fair either. We just want to make sure that we are charged with protecting the riding public. That is where we stand on this.

**D. Neal Tomlinson, Las Vegas, Nevada, representing Frias Holding Company, Las Vegas, Nevada:**

Frias Holding Company owns and operates seven transportation companies in Las Vegas, including ACE Cab, Union Cab, ANLV Cab, Vegas Western Cab, Virgin Valley Cab, Las Vegas Limousines, and Airline Limousine Corporation.

I am regulatory counsel for Frias and I represent them in front of both the Nevada Transportation Authority and the Taxi Cab Authority.

Our position with respect to this bill is it is really a labor/management issue. The drivers are represented exclusively by their unions; the unions negotiate a collective bargaining agreement with the companies, and this would put the

Taxi Cab Authority in an undesirable position between labor and management regarding issues that should be resolved through their collective bargaining agreements. Also, as Chairman Truesdell Michaels stated, the certificates the companies are issued are called Certificates of Public Convenience and Necessity. They are not called Certificates of Drivers Convenience and Necessity. The Taxi Cab Authority is charged with protecting the best interest of the traveling public. That is exactly what they do, and by changing the wording of the statute, it would throw the Taxi Cab Authority into a very difficult position because the entire legislative intent of NRS Chapter 706 is designed around protecting the traveling public and providing the public with transportation. To change the statute would put them in the middle of labor/management issues and that is a position that they should not be in. It is a Certificate of Public Convenience and Necessity; it is not for the drivers.

I certainly respect Ms. Jones' position and we work with them on many issues, but on this one it is not fair to the Board of the Taxi Cab Authority to have this changed in the statute because it throws into turmoil the entire intent and requirements of Chapter 706. That is why we oppose this.

**Chairman Atkinson:**

I wanted to have the opportunity for the Committee to hear where we are because this has been an issue I have been dealing with for the past several weeks. I think we are in a difficult position and I know that some of my remarks are not going to be pleasing to some people. I do not have any prepared remarks because I thought that this bill had been worked out with both parties. To my chagrin, coming off the floor today, I learned that it was not worked out. I am disappointed. I am disappointed that we are here and I am disappointed that we are at this place. When I look at this bill and I look at what is going on between the two, with labor and management, I do not find it appropriate for this Committee to be dealing with it. I asked both parties to work out their differences. They were not able to, so here we are today. As Chairman of this Committee, I do not find it appropriate for me to put this on my Committee as well. Some say "I will take the blame for it." That is probably my responsibility, but what I will say is that I am not going to put my Committee in this position. What I will commit to doing in the interim is working with both the parties. I have great admiration for you Mr. Thompson, you already know that, and I have great admiration for some of the other individuals as well, but I just do not feel comfortable with this Committee dealing with this issue at this time. I will commit to working with all of you, both sides, in the interim and bring something back to this Committee in the next session with something we could be supportive of and this Committee can be supportive of. Right now, this bill in this situation places us in a very difficult situation. With that said, I am not going to process this bill at this time

and I will work with you all in the interim and hopefully can come up with something together that we can all be happy with.

Is there any other discussion from the Committee members? Is there any other discussion outside of this bill from the Committee members? Any public comment?

**Assemblyman Carpenter:**

Today we heard the bill about people who do not register their cars in Nevada. Last session we passed a bill that put some of the responsibility on the employers and companies to notify their employees after they had been here for 60 days, they needed to register their vehicles in Nevada. I am wondering if we could get a letter from you, as Chairman of this Committee, to some of these outfits stating that they are not following the law.

I know in Elko, this is a huge problem. I see it all of the time. If we could do something like that, it might help this situation.

**Chairman Atkinson:**

I am fine with that Mr. Carpenter. How about you and I sending a joint letter?

**Assemblyman Carpenter:**

Yes. That would be fine.

**Chairman Atkinson:**

We will ask Ms. Paslov Thomas to work on it and Mr. Carpenter and I will send a joint letter to address it. Is there any other business before the Committee?

**Assemblywoman Spiegel:**

I just wanted to take this opportunity, since we are at the halfway point, to thank the Chair and the Vice Chair and the staff for everything that has been done for this Committee. It is great. Thank you.

**Assemblyman Claborn:**

I have been working on this for a long time, ever since I have been on Transportation, which is six sessions. We never have caught them and we are never going to catch them unless we put in something that identifies one's domicile. Where do you live? What do they say when you pull someone over? For instance my neighbor has five or six cars, one registered here, he has a place in Montana, his brother lives in Wisconsin, his other sister lives in Washington, so he goes up there and visits her for two days then comes back and says he lives in Washington. I tell him, you know what? You do not. I have seen you every day for the last 12 years and you drive around with all of

those different plates. You are not going to pin him down because he is retired military and he says he is in the military when he gets pulled over. You can only pin him or any other violators down by asking them where they actually live. Do you come here to work? These snowbirds that come from the north or whatever and are here for 60 to 90 days but they are travelers, back and forth. We are not going to catch them. We should catch them after 60 days, but we do not. The IRS makes determinations upon where you actually live when it comes to paying income tax.

**Assemblyman Manendo:**

I need to say this publicly as I have been working on Assembly Bill 217 for two sessions now. It is a bill I have put many hours on and I want to say thank you to the Committee members who I have discussions with both publicly and privately, in trying to come to some type of agreement and trying to come up with a piece of legislation that would save lives. I just wanted to thank the members of this Committee who took the time to work with me on this piece of legislation and to the folks who have supported the bill with absolutely no opposition. We are trying to do our best to do what is right for the people in the State of Nevada. Thank you.

**Chairman Atkinson:**

I see we have someone in Las Vegas to speak. It might be public comment.

**Randell Hynes, Las Vegas, Nevada, representing United Taxi Cab Drivers Corporation, Las Vegas, Nevada:**

I respect your decision regarding Assembly Bill 371 and I would just like to make a brief comment.

The intent of the bill is to get back what taxi cab drivers had for at least 20 years. There was an adopted standard by the Taxi Cab Authority to consider keeping the average number of trips per shift at around 24. It was degraded and eroded from about 2000 to 2003 and then completely abandoned in 2003. Taxi cab drivers used to rely on this consideration. With 2007 behind us and in a bad 2008, it is now down to about 18 trips with the current economy. I just want to make sure that the Assembly Committee understands that this is something we are trying to get back. Not something new that we are bringing up ([Exhibit P](#)).

**Chairman Atkinson:**

Is there any other public comment before the Transportation Committee? Since tomorrow is our deadline and we want to leave the Committee some space and opportunity, in case we need to bring something back, we are going to recess at the call of the Chair, and we will probably have to adjourn tomorrow during the floor session. [Recess at the call of the Chair 3:30 p.m.]

RESPECTFULLY SUBMITTED:

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Sharon McCallen  
Committee Secretary

APPROVED BY:

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Assemblyman Kelvin Atkinson, Chairman

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

**EXHIBITS**

**Committee Name: Committee on Transportation**

**Date: April 9, 2009**

**Time of Meeting: 2:03 p.m.**

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
A.B. 25	C	Marjorie Paslov Thomas, Committee Policy Analyst	Work Session Documents for Assembly Bill 25
A.B. 247	D	Marjorie Paslov Thomas, Committee Policy Analyst	Work Session Documents for Assembly Bill 247
A.B. 290	E	Marjorie Paslov Thomas, Committee Policy Analyst	Work Session Documents for Assembly Bill 290
A.B. 291	F	Marjorie Paslov Thomas, Committee Policy Analyst	Work Session Documents for Assembly Bill 291
A.B. 297	G	Marjorie Paslov Thomas, Committee Policy Analyst	Work Session Documents for Assembly Bill 297
A.B. 333	H	Marjorie Paslov Thomas, Committee Policy Analyst	Work Session Documents for Assembly Bill 333
A.B. 407	I	Marjorie Paslov Thomas, Committee Policy Analyst	Work Session Documents for Assembly Bill 407
A.B. 441	J	Marjorie Paslov Thomas, Committee Policy Analyst	Work Session Documents for Assembly Bill 441
A.B. 455	K	Marjorie Paslov Thomas, Committee Policy Analyst	Work Session Documents for Assembly Bill 455
A.B. 503	L	Marjorie Paslov Thomas, Committee Policy Analyst	Work Session Documents for Assembly Bill 503
A.B. 504	M	Marjorie Paslov Thomas, Committee Policy Analyst	Work Session Documents for Assembly Bill 504
A.B. 504	N	Martha Barnes, Administrator, Central Services and Records Division	Work Session Documents for Assembly Bill 504
A.B. 371	O	Danny Thompson, Executive Secretary Treasurer, Nevada American Federation of Labor and Congress of Industrial Organization (AFL-CIO):	Proposed Amendment for Assembly Bill 371
A.B. 371	P	Randell Hynes, Las Vegas, Nevada, representing United Taxi Cab Drivers Corporation, Las Vegas, Nevada:	Proposed Amendment for Assembly Bill 371



