

**MINUTES OF THE  
SENATE COMMITTEE ON ENERGY, INFRASTRUCTURE AND  
TRANSPORTATION**

**Seventy-fifth Session  
April 21, 2009**

The Senate Committee on Energy, Infrastructure and Transportation was called to order by Chair Michael A. Schneider at 8:35 a.m. on Tuesday, April 21, 2009, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 555 East Washington Avenue, Las Vegas, 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 Michael A. Schneider, Chair  
Senator Maggie Carlton, Vice Chair  
Senator John J. Lee  
Senator Shirley A. Breeden  
Senator Randolph Townsend  
Senator Barbara K. Cegavske  
Senator Dennis Nolan

**GUEST LEGISLATORS PRESENT:**

Senator David R. Parks, Clark County Senatorial District No. 7  
Assemblywoman Marilyn Kirkpatrick, Assembly District No. 1  
Assemblywoman Ellen B. Spiegel, Assembly District No. 21

**STAFF MEMBERS PRESENT:**

Matt Nichols, Committee Counsel  
Scott Young, Committee Policy Analyst  
Sandra Hudgens, Committee Secretary

**OTHERS PRESENT:**

Chuck Callaway, Sergeant, Las Vegas Metropolitan Police Department  
Richard Collins, Captain, Las Vegas Metropolitan Police Department  
Bill Bainter, Lieutenant, Nevada Highway Patrol

Senate Committee on Energy, Infrastructure and Transportation  
April 21, 2009  
Page 2

Tom Roberts, Lieutenant, Las Vegas Metropolitan Police Department  
Edgar Roberts, Director, Department of Motor Vehicles  
Jeanette Belz, Property Casualty Insurers Association  
Dennis Baughman, Chief of the Communications Office, Nevada Department of Transportation  
John Wilson, General Manager, Nevada MediCar; American Medical Response  
Gary Milliken, American Medical Response  
Bruce Arkell, Nevada Senior Corps Association; Southern Nevada Transit Coalition

CHAIR SCHNEIDER:

We will open the hearing on Assembly Bill (A.B.) 417.

**ASSEMBLY BILL 417**: Revises provisions governing the operation of vehicles.  
(BDR 43-946)

ASSEMBLYWOMAN MARILYN KIRKPATRICK (Assembly District No. 1):  
Assembly Bill 417 clarifies Nevada Revised Statute (NRS) 484.297 prohibiting travel in the emergency lanes. I travel all over the roads in Clark County when I am doing my day job. I travel to Laughlin and Mesquite and from the east side to the west side for about 600 miles a week. I am frustrated seeing vehicles traveling for miles in the emergency lane on Spring Mountain Road tying up traffic and causing accidents. There is a truck stop on the north side of Cheyenne and Losee Roads with small businesses on the south side. Cars driving in the emergency lane sometimes collide with semitrailers pulling out into traffic, causing more delays. There have been 5,000 of these types of accidents over the last 2 years.

CHUCK CALLAWAY (Sergeant, Las Vegas Metropolitan Police Department):

This bill is important for public safety and to relieve congestion on our roadways.

RICHARD COLLINS (Captain, Las Vegas Metropolitan Police Department):

As a Bureau Commander for the Las Vegas Metropolitan Police Department (Metro) Traffic Bureau, I am in support of A.B. 417. I represent a task force in southern Nevada consisting of Metro, North Las Vegas Police Department, Henderson Police Department, Boulder City Police Department, Clark County School District Police Department, the Nevada Highway Patrol (NHP) and marshals from the cities and counties in southern Nevada. Our job is to identify

problems that create accidents within our community. The first problem that came to our attention during the first meeting of the task force last year was passing on the right. In southern Nevada in 2007 and 2008, Metro handled 5,000 accidents involving "passing-on-the-right" infractions. During this Legislative Session, it has come to my attention many people, police and civilian, believe a law exists that prohibits passing on the right. This is inaccurate. Under NRS 484.297, the only prohibitive words are "movement in safety." It is obvious, because of the 5,000 accidents, that passing on the right is not being done safely.

Based on communications with the NHP, northern Nevada is also experiencing similar problems resulting in accidents. We urge passage of A.B. 417 which states under section 1, subsection 1, paragraph (c), subparagraph (1), "Does not travel more than 200 feet in the section of pavement not marked as a traffic lane; or ... " and in subparagraph (2), "While being driven in the section of pavement not marked as a traffic lane, does not travel through an intersection or past any private way that is used to enter or exit the highway ... ."

We enforce traffic laws with the NHP on the freeways in southern Nevada and concur with the NHP with section 2, subsection 2, affecting NRS 484.311:

Except if required by an emergency, a person shall not drive a vehicle on a controlled-access highway:

- (a) Upon any portion of the highway that lies outside of a marked traffic lane or marked entrance or exit lane; or
- (b) Across any solid white line that separates an entrance or exit lane from a marked traffic lane.

This bill will assist us reducing accidents in both northern and southern Nevada. It will benefit law enforcement, the community and the citizens of Nevada.

SENATOR LEE:

What is a controlled-access highway?

CAPTAIN COLLINS:

Controlled access refers to any freeway-type roadway with on-ramps and off-ramps where vehicles get on and off at specific places.

SENATOR LEE:

How does a bicyclist survive when someone is driving in the emergency lane on U.S. Highway 95 (US 95)?

CAPTAIN COLLINS:

The solid white line on US 95 is not on a controlled-access highway. It is not intended that vehicles should operate on the right-hand side of the road. Currently in NRS there is no designated breakdown lane, a storage lane or an emergency lane. The language does not exist. This is the reason the bill states that you cannot drive more than 200 feet in that lane. This will protect bicyclists and emergency vehicles.

SENATOR LEE:

Where can you pass on the right?

CAPTAIN COLLINS:

As the law exists right now, you can drive for one mile on the right-hand lane, going south on Rainbow Boulevard to Charleston Boulevard as long as you do it safely; however, anytime a vehicle wants to get into that lane, there is the possibility of creating an accident. If we had the 200-foot rule, or not allowing use of the right lane on a private drive, or not allowing use of the right lane at an intersection, it would prohibit vehicles from using that lane for a travel lane.

SENATOR BREEDEN:

How will you educate citizens if this bill is passed?

CAPTAIN COLLINS:

We do public service announcements regularly. Our intent is to reduce traffic accidents, not to write citations. I will do video coverage 30 days before this law goes into effect. I will advise the media and other law enforcement agencies. I can share the video and notify the rest of the State.

SENATOR CARLTON:

Will the striping on the side of the road change to indicate vehicles are not to cross that line?

Senate Committee on Energy, Infrastructure and Transportation  
April 21, 2009  
Page 5

ASSEMBLYWOMAN KIRKPATRICK:

We have been working with Nevada Department of Transportation (NDOT) to make sure the striping is correct. We will see that local governments and NDOT make sure the striping is done.

SENATOR CARLTON:

The striping has to be done over constantly, because our climate fades it.

BILL BANTER (Lieutenant, Nevada Highway Patrol):

The NHP supports A.B. 417. We are interested in section 2 that prohibits travel across solid white lines on controlled-access highways. The courts have accepted the NHP issuing citations to people crossing the solid white line on the left while approaching the freeway entrance from the on-ramp, endangering the people driving the vehicle on their right from making a lawful entrance onto the freeway. They are cited for disregarding a traffic-control device even though the law is ambiguous. This bill will clarify that movement as a violation.

CHAIR SCHNEIDER:

I will entertain a motion.

SENATOR NOLAN MOVED TO DO PASS A.B. 417.

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR SCHNEIDER:

We will close the hearing on A.B. 417 and open the hearing on A.B. 291.

ASSEMBLY BILL 291: Revises provisions relating to motor vehicle registration.  
(BDR 43-919)

ASSEMBLYWOMAN ELLEN B. SPIEGEL (Assembly District No. 21):

I am here about getting people who reside in Nevada to register their vehicles in Nevada. We have seen numerous cars with out-of-state license plates driven by people who we know live here. We see them at schools, grocery stores, churches, airports and all over. I estimate 5 percent of vehicles on the roads are

residents with out-of-state plates, representing millions of dollars we are not collecting. That money is needed for our roads, schools and our local government. Assembly Bill 291 increases the fines for cheaters. Right now it costs \$250 for a vehicle not registered in Nevada. Car registration fees are based on the class and weight of a vehicle. The fees range from \$33 to \$1,300. Those people driving expensive vehicles from out of state are cheating on their taxes and car registrations because it is cost-effective for them to risk paying the \$250 penalty rather than to pay a \$1,200 fee to register a car. They are also cheating the other states by telling them they are Nevada residents and not having to pay the sales tax in that state. I want to see Nevada residents using our schools and roads to pay the monies due to Nevada.

This bill will allow the constables to enforce this law. They will not have the ability to pull people over. They can only cite those vehicles that are parked. This bill will allow more people available to collect funds due to Nevada. It will bring ongoing revenue streaming into Nevada.

SENATOR CEGAVSKE:

Would the constable have to see the driver's license to know if the person is a Nevada resident?

ASSEMBLYWOMAN SPIEGEL:

There are a couple of ways to determine if the person is a resident. If a vehicle is parked at an apartment complex in parking designated for residents for more than 30 days, and since you become a Nevada resident in 30 days you are within 60 days from the initial sighting to register that vehicle.

SENATOR CEGAVSKE:

Would a constable monitor a car for 30 days?

ASSEMBLYWOMAN SPIEGEL:

It is possible. They could make notes and check back periodically to see if the vehicle is still there. This bill also provides remedies to distinguish between new residents who are not aware of the law versus those who intentionally evade the law. The fine can be reduced to \$200 in court after they have shown the judge that the vehicle is now registered in Nevada.

Senate Committee on Energy, Infrastructure and Transportation  
April 21, 2009  
Page 7

SENATOR CEGAVSKE:

Does this also apply to boats, motorcycles, trailers, motor homes and all other vehicles?

TOM ROBERTS (Lieutenant, Las Vegas Metropolitan Police Department):

If you are a resident of this State, you are required to register all your vehicles in this State.

SENATOR CEGAVSKE:

Does that include recreational vehicles, boats and anything that requires a license?

LT. ROBERTS:

You are required to register all vehicles that you operate in this State if you are a resident.

SENATOR CEGAVSKE:

Are the fines as high for the other vehicles?

LT. ROBERTS:

I would guess the fines would be uniform.

SENATOR CEGAVSKE:

Is this bill for anything that requires registration?

LT. ROBERTS:

Correct.

SENATOR NOLAN:

This type of bill has been in every session for the last ten years. We have been losing revenue of \$12 million to \$20 million a year. Is the registration revenue split between the local governments and the State?

ASSEMBLYWOMAN SPIEGEL:

The money associated with the registration of a vehicle is the governmental services tax which is \$4 per \$100 of value. The State gets 6 percent and the other 94 percent goes to local governments, including schools. There is another \$1 per \$100 of value that is an option for local municipalities if it is legislated. There is a motor vehicle registration fee based on the class and weight of the

vehicle starting at \$33 and going up to \$1,300 that goes into the Highway Fund. There is a 3-percent, insurance-premium tax that goes to the State.

SENATOR NOLAN:

Would the vehicle registration fine go to local municipal courts?

EDGAR ROBERTS (Director, Department of Motor Vehicles):

The fine goes to the General Fund, it does not go to Department of Motor Vehicles (DMV).

SENATOR NOLAN:

A couple of sessions ago, Assemblywoman Kathy A. McClain and I worked on a bill establishing a repository with the Department of Public Safety where DMV reports individuals they believe are not registering their vehicles. They have a Nevada driver's license but have not registered a vehicle. Can you tell us what is happening with that?

MR. ROBERTS:

We are working with law enforcement by sending a monthly report to a law enforcement Website. The report contains a list of newly licensed drivers who do not register a vehicle after the required 60-day time period. That list averages about 2,000 people a month. This enables law enforcement to take action if they choose.

SENATOR NOLAN:

Are Metro and other law enforcement agencies using the list from the DMV?

LT. ROBERTS:

We just started getting the list from DMV. We issue 10,000 tickets a year for registration offenses in our jurisdiction. We are evaluating what is going to happen with A.B. 291 before we decide what to do with the list. Other crimes and priorities take precedence. I do not know if we can do the list. There are people who have a driver's license who do not have a vehicle and there are those who drive a family car. The constables will be able to tell you in two years if it is worth the time and effort. We probably would not spend a lot of time following up on it.



SENATOR NOLAN:

I like the idea of an enhanced penalty as a means of deterring these people. We need a promotional program to notify them of the consequences. Law enforcement could use the list from DMV to send out cards advising people to register their vehicle or they will get a visit from the law and will be fined \$1,000. I am not sure having a constable do this will be effective, but it may help.

CHAIR SCHNEIDER:

"A vehicle includes all vehicles that can travel on the road and includes trailers and RVs [recreational vehicles], it does not include boats or mobile homes."

We could go to Oregon and for \$50 register our vehicle in that state and not pay sales tax on a \$40,000 or \$50,000 automobile, saving over \$1,000.

SENATOR CARLTON:

We heard a bill very similar to this. Senator Parks is here in the room, so, he had a bill in Taxation and now this one is here. And now ... it's no secret the concerns that I have with this type of legislation. But I do think it's appropriate to put on the record again, the disparity and the inequities between the ticket that Metro would write for this particular infraction and then the citation that the constables would write. You, actually you have the same offense being treated two different ways at two different levels. So I just feel that's a significant inequity that should be addressed in this Committee, also. So, Mr. Roberts, I remember I'd asked you that question also. If you could go ahead and put that on the record again, just for this Committee's sake, since we're having the bill again here in front of a different audience.

LT. ROBERTS:

Yes, Senator Carlton is correct. For the same citation it would cost you, it would cost the citizen or the person committing the infraction more money if the constables were to enforce it ... than we would because they are basically a pay-as-you-go type service. They have an additional fee that ... drives their business, as with all they do, and it would cost more.

SENATOR CARLTON:

"Right, and so with that, Mr. Chairman, thank you. Just wanted to make sure that got on the record again."

SENATOR NOLAN:

I agree with Senator Carlton, everyone should be playing by the same rules. Can the \$1,000 that is being imposed be waived by the judge in the local jurisdictions if the person can show proof the vehicle has been registered?

MATT NICHOLS (Committee Counsel)

"Senator Nolan, as I read it, I don't know that it could be waived entirely, but it can be reduced to \$200 if they bring in that proof. So I think there's a floor and a ceiling on the fine here."

SENATOR TOWNSEND:

It would help law enforcement if we were consistent in allowing everyone to be fined the same amount of money no matter who writes the ticket. The most important issue is dealing with individuals who flaunt the law year after year. If the fine were doubled after 90 days, the person could not say that it is only \$1,000, because they would have saved more than that by not registering the vehicle for a couple of years. We do not want people financially sound to thumb their nose at the law. There needs to be a significant penalty to get people to honor revenue streams.

Having been in the automobile-sales business for many years, I have seen people buy a vehicle and ask for it to be delivered in Oregon for registration purposes or they would just buy the vehicle there. They would get a post office box in Oregon and register the vehicle there. I do not want to create a problem for law enforcement; however, this is a serious issue that needs to be dealt with.

ASSEMBLYWOMAN SPIEGEL:

It is a good idea to have the penalties appropriate. It is something I am willing to consider.

LT. ROBERTS:

The intent of law enforcement is not for the fines or the monetary value. Our intent is to save lives and reduce accidents and fatalities on the roadways. The fines do not impact us and we are not concerned about where the money goes.

From a citizen's viewpoint, I would want something uniform. If you want constables to do this service, you are going to have to fund it. If you take the money for these fines for that purpose, you may be taking away from another program.

SENATOR TOWNSEND:

I do not want anyone to misunderstand. It is not about where the money goes; it is about equality, no matter who writes the ticket. Whoever writes the ticket; the fine should be the same. Where the money goes is up to the current processing.

LT. ROBERTS:

I concur. The fine should be equitable regardless of who is issuing the citation.

SENATOR NOLAN:

Since most of the names on the list of people with out-of-state plates are in southern Nevada, I have no problem with law enforcement agencies using their resources to pursue these people and being funded with the fines resulting from the citations. I do not think you need a uniformed officer to chase these people. I think you need someone using the information DMV is providing for notifying these people and to follow up with phone calls to make sure they have a vehicle. Would the sponsor entertain this suggestion?

ASSEMBLYWOMAN SPIEGEL:

I would be willing to speak with you about it. We need to get these vehicles registered and into the system so they can pay their annual renewal fees. I am always looking at ways of doing things that are self-liquidating and that monies procured can be used to fund an operation. There is a way to work this out.

SENATOR CEGAVSKE:

I want to point out that boats are not included in this bill. The jurisdiction for boats is with the federal government in waters shared by states or with the Department of Wildlife.

SENATOR DAVID R. PARKS (Clark County Senatorial District No. 7):

I am here in support of A.B. 291. I sponsored Senate Bill (S.B.) 218 that was heard in the Senate Committee on Taxation. It was amended and passed out of the Senate and is soon to be heard in the Assembly. After doing some research

and review, I discovered Florida considers a person a resident when they enroll their children in school. We might want to add that to our statute.

[SENATE BILL 218 \(1st Reprint\)](#): Revises provisions governing certain fees charged by and certain duties performed by constables. (BDR 20-846)

CHAIR SCHNEIDER:  
What if they do not have any children?

SENATOR PARKS:  
That is just one more factor that could be included.

JEANETTE BELZ (Property Casualty Insurers Association):  
I am here because of a meeting the Property Casualty Insurers Association had last summer in Las Vegas. The percentage of uninsured vehicles in this State is a topic that occurs repeatedly. One of the ways to ensure more vehicles are covered by insurance, is to make sure more of them are registered. We talked to Senator Parks about his bill and we thought it would be a good idea to expand this into the constables' arena, because law enforcement does not have enough time or resources to pursue this. We are in support of both A.B. 291 and S.B. 218 because of the positive impact they will have.

SENATOR LEE:  
We have all struggled with this problem. I know of people who have a cabin in Utah and register their vehicles there while they are living and working in Nevada. We need to address the issue of people who have a weekend home out of state registering their vehicles there and avoiding Nevada taxes. Is there any thought to that issue?

ASSEMBLYWOMAN SPIEGEL:  
Under NRS, if you are domiciled in Nevada for tax purposes and you live here more than 30 days, you become a Nevada citizen. Even if you have a cabin out of state, if you spend a majority of time in Nevada and are domiciled here, you must register your vehicles here. I would hope a judge would be able to determine if a person is a Nevada resident.

SENATOR LEE:

If a person obtains a Utah driver's license and registers all his vehicles there, and lives in Nevada full time, does that change if he has a Utah driver's license? I am trying to solve this problem.

ASSEMBLYWOMAN SPIEGEL:

If you are living in Nevada 30 days, you are a Nevada resident and you are supposed to have a Nevada driver's license and register your vehicles in Nevada. I cannot speak for someone skirting the law. They would appear before a judge who will be able to make a determination.

CHAIR SCHNEIDER:

The residence you show when you file with the Internal Revenue Service (IRS) should determine your residence.

SENATOR CEGAVSKE:

We need to look at the funding part of the bill some more.

SENATOR TOWNSEND:

Did you consider having the school district request copies of the driver's license and registration when someone enrolls their child? That might eliminate some of the problem.

ASSEMBLYWOMAN SPIEGEL:

I had not considered it, but it is a great idea.

SENATOR TOWNSEND:

I remember as a child bringing home papers for parents to fill out when transferring to a new school. There is no reason a district could not request proof of residence. The new resident could then be informed of the registration requirements. It would be proof that they were notified that they have 30 days to change their driver's license and registration. We are not picking the bill apart; we are just trying to be helpful. I have been hearing these bills for 28 years. We are hoping we can pass this bill in order that people coming into our society and enjoying the benefits will pay for it like the rest of us.

CHAIR SCHNEIDER:

I believe the Clark County school district requires a copy of the power bill.

Senate Committee on Energy, Infrastructure and Transportation  
April 21, 2009  
Page 14

DENNIS BAUGHMAN (Chief of the Communications Office, Nevada Department of Transportation):

We are in support of A.B. 291. We hope this bill will prompt more people to register their vehicles which will result in more money going into the Highway Fund.

CHAIR SCHNEIDER:

We will close the hearing on A.B. 291.

SENATOR TOWNSEND:

The bill is sound; however, there are important issues brought up in this Committee today relevant to making the fines uniform and consistent for everyone. The fine should also be increased for those who consistently ignore registration requirements. I suggest the Committee get together for an amendment to present to the sponsor.

SENATOR NOLAN:

I agree with Senator Townsend. I will talk with Assemblywoman Spiegel to see if we could use part of the fine to help law enforcement if they elect to pursue the DMV list.

CHAIR SCHNEIDER:

We will open the hearing on A.B. 296.

[ASSEMBLY BILL 296 \(1st Reprint\)](#): Revises provisions governing certain nonprofit carriers of elderly persons or persons with disabilities. (BDR 58-1116)

JOHN WILSON (General Manager, Nevada MediCar; American Medical Response):

I submit my written testimony ([Exhibit C](#)). We have been working on A.B. 296 with the Assembly Committee on Transportation to correct a loophole that currently exists in NRS 706.745 that allows certain unlicensed providers to compete unfairly against the licensed providers. This creates a situation where the elderly and disabled are not protected by the oversight of the Nevada Transportation Authority (NTA). These providers are getting licensed as a nonprofit provider, thereby not subject to the regulations of the NTA. They cut deals with some facilities and charge fee-for-service transports. They file as nonprofits until the IRS catches up with them.

There is no oversight to ensure these vehicles are properly maintained, no employee background checks are made, no guarantee of the safety of the company and whether they have insurance to provide safe transportation for our vulnerable elderly and disabled citizens. This legislation will not impact the nonprofit companies that follow the rules today, nor will it impact the services provided by the local governments. We support A.B. 296 with the amendments.

CHAIR SCHNEIDER:

Does this bill affect nonprofit organizations?

MR. WILSON:

No, this will not affect them. It will affect those companies that are charging for services and are trying to compete and are not playing by the rules.

SENATOR CEGAVSKE:

I am concerned about this because there are so many elderly who are being taken advantage of and this is another form. Have we been able to cite them or do anything to stop them? Is this our only avenue?

MR. WILSON:

This has recently come up within the last six to eight months. Because of the economy, people have lost their jobs and decide to buy a vehicle and start this business. They do not want to go through the regulatory hurdles.

SENATOR CEGAVSKE:

Are they making deals with people who own elder-care facilities? Do the care facilities check them out at all?

MR. WILSON:

No. We have pictures of them transporting patients to hospitals. We have been notifying the hospitals and care homes to check the Website to find out who are the licensed carriers. The hospitals and care facilities carry a certain amount of liability.

SENATOR CEGAVSKE:

What are the penalties if they are caught?

MR. WILSON:

We have no recourse. We are just a provider. It would be up to the NTA to do anything. They did confiscate a vehicle from a provider claiming to be nonprofit who was charging for their service. They cannot enforce anything to a company claiming to be nonprofit. The vehicles are registered in Nevada.

SENATOR CEGAVSKE:

Are the churches that pick up elderly members to go to and from church exempt?

MR. WILSON:

They are exempt.

GARY MILLIKEN (American Medical Response):

Bruce Arkell submitted an amendment in the Assembly. They left the word "or" off the amendment on page 3, line 4 of A.B. 296 ([Exhibit D](#)). It should read: "Does not charge for transportation services; or ..."

BRUCE ARKELL (Nevada Senior Corps Association; Southern Nevada Transit Coalition):

I am here to represent the Southern Nevada Transit Coalition. The problem we had with the bill is the non-licensed carriers charging for transportation services. They have routes and fares. The purpose to the amendment was to prevent confusion with the licensed nonprofit organizations.

MR. MILLIKEN:

The only other change we would like to make is with section 2 at the end of the bill. We would like to see A.B. 296 become effective on January 1, 2010, instead of July 1, 2009. There is one company trying to get a license right now and we would like to give them time to get that done.

MR. WILSON:

It is our understanding that it is Life Transit that currently is contracted with Sierra Health for services that is applying for a license. They have been under the nonprofit status. They have their own issues and we are not sure they are going to make it by that time, anyway. Their employees have contacted us because their payroll checks bounce.



SENATOR CARLTON:

I was under the impression the semicolon meant "or." Is the reason for putting the "or" in the bill so we would be comfortable for people not having to interpret punctuation?

MR. NICHOLS:

"That may be their comfort, but that won't happen."

SENATOR CARLTON:

That is what I thought.

MR. NICHOLS:

There is an "or" in line 7 and that "or" in line 7 applies to everything in that series of Roman "numeralled" subparagraphs. I guess those are sub-subparagraphs; but the "or" in line 7 applies to parts Roman numeral I and Roman numeral II and Roman numeral III. So, unless you mean something different from that. Okay.

MR. MILLIKEN:

It is clearly on the record and we wanted to make sure everyone understands.

SENATOR CARLTON:

The lesson I learned in 1999 is that the semicolon represents an "or."

CHAIR SCHNEIDER:

Is this just for vans?

MR. WILSON:

These are paratransit vehicles that provide both wheelchair and stretcher transportation. The stretcher transportation is nonmedically supervised. These folks are bed-confined who you would find in a nursing home. They are people who do not need medical care, they just need to be moved to a doctor's appointment or other facility.

CHAIR SCHNEIDER:

Can some of these people be moved in a car?

MR. WILSON:

Yes, but some of these people require bed-to-bed services. They need help getting in and out of a vehicle with a wheelchair or a bed. We provide approximately 70 transports a day. We are the largest provider in southern Nevada.

CHAIR SCHNEIDER:

Do people buy a book of tickets and call you when you are needed?

MR. WILSON:

As a common carrier, we have a posted tariff. It is a fee-for-service based on the distance being transported. It is published where everyone can see it and everyone is treated equally. It is the service-on-demand.

SENATOR CEGAVSKE:

I am perplexed about changing the effective date. If Life Trans is not paying their employees, I am not in favor of them not following the laws. Why would we extend this for a year. Would it not be more harmful letting this go for a year?

MR. MILLIKEN:

That is a choice this Committee can make.

SENATOR CEGAVSKE:

Are you advocating the effective-date change? That is what concerns me.

MR. MILLIKEN:

We said we would present the date change to the Committee. We are fine if you do not do it.

SENATOR CEGAVSKE:

Are you aware of only this one group?

MR. MILLIKEN:

We have heard of only that one.

SENATOR CEGAVSKE:

Are they here today being represented?

MR. MILLIKEN:  
No, they are not.

SENATOR CEGAVSKE:  
Do we know what their status is?

MR. MILLIKEN:  
No, we do not.

SENATOR BREEDEN:  
Since we have a lot of disabled and bedridden folks, why do we not have a cab company transport these folks? I know of people who have to wait a long time for paratransit. Could we amend this bill to create a company to provide a service just for the handicapped?

MR. WILSON:  
We are licensed by the NTA. The taxicabs are licensed under the Taxicab Authority. Most of the taxicab companies have some wheelchair service. The difference between our service and the cab companies is our bed-to-bed service, making sure the patient is transferred to a doctor or nurse, while cab companies and paratransit are curb-to-curb service. We are specifically talking about bed-to-bed services that are out there. Our focus is on those transports.

SENATOR BREEDEN:  
I understand that, but I am looking at the broader picture. I know that using paratransit requires a lengthy wait. I would like to explore the situation further.

CHAIR SCHNEIDER:  
Bed-to-bed service is more intense. There are people who are mentally retarded or have disabilities and can still function but have problems traveling. There is not a lot of cab service in the suburbs for them.

MR. MILLIKEN:  
Paratransit services are offered all over the State. The problem with them and everyone else is money. The services are there, but they can only provide services with the funds available.

SENATOR BREEDEN:  
I would still like to discuss the issue further.

Senate Committee on Energy, Infrastructure and Transportation  
April 21, 2009  
Page 20

SENATOR NOLAN:

I have experience with Nevada MedicaR and I was risk manager for paratransit in Las Vegas. I do not see that Senator Breeden's suggestion fits in this bill. Paratransit does offer cab service and they will pay for it. It is more convenient but there are money constraints. There might be a way to coordinate with paratransit for these services and I can work with Senator Breeden on it.

CHAIR SCHNEIDER:

I will close the hearing on A.B. 296. There being no further business, the Senate Committee on Energy, Infrastructure and Transportation is adjourned at 9:55 a.m.

RESPECTFULLY SUBMITTED:

---

Sandra Hudgens,  
Committee Secretary

APPROVED BY:

---

Senator Michael A. Schneider, Chair

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