

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

**Seventy-fifth Session
April 24, 2009**

The Senate Committee on Energy, Infrastructure and Transportation was called to order by Chair Michael A. Schneider at 8:45 a.m. on Friday, April 24, 2009, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 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

COMMITTEE MEMBERS ABSENT:

Senator Dennis Nolan (Excused)

GUEST LEGISLATORS PRESENT:

Assemblyman David P. Bobzien, Assembly District No. 24
Assemblyman James Ohrenschall, Assembly District No. 12
Assemblywoman Melissa Woodbury, Assembly District No. 23

STAFF MEMBERS PRESENT:

Matt Nichols, Committee Counsel
Scott Young, Committee Policy Analyst
Lynn Hendricks, Committee Secretary

OTHERS PRESENT:

Terry McAfee, President, Nevada Bicycle Coalition
Kyle Davis, Nevada Conservation League
Alexis Miller, City of Reno
Josh Martinez, Las Vegas Metropolitan Police Department
Laurie Anne Grimes, Office of Traffic Safety, Department of Public Safety
Terry Graves, Nevada Motor Transport Association
Dawn Lietz, Motor Carrier Division, Department of Motor Vehicles
Randy J. Brown, CPA, Director, Regulatory and Legislative Affairs, AT&T
Michael M. DeLee, Extern to Assemblyman Ohrenschall
John Sagebiel, Optibike
Steve Rypka

CHAIR SCHNEIDER:

I have three news articles regarding energy issues for your perusal ([Exhibit C](#)).
I will open the hearing on Assembly Bill (A.B.) 247.

ASSEMBLY BILL 247 (2nd Reprint): Revises provisions governing the operation of bicycles. (BDR 43-1046)

ASSEMBLYMAN DAVID P. BOBZIEN (Assembly District No. 24):

This bill deals with traffic laws as they relate to bicycles. It is quite modest in what it is looking to do. As a cyclist, I become frustrated when I see cyclists clearly not following traffic laws. I have discussed with other cyclists the idea that if the law itself is out of synch with safe bicycle-riding practices in one area, cyclists become convinced they can ignore all the traffic laws. The hope is that if the laws are more reflective of the safe way to ride a bicycle, we will have more cyclists obeying the laws.

The practical aspect of this relates to how cyclists signal their intent to turn. Existing law dictates that in residential or business districts, the operator of a vehicle must signal their intent to turn continuously for 100 feet. In other districts, the distance is 300 feet. Even an expert cyclist would have a hard time riding one-handed in traffic on our roads for 300 feet continuously. Therefore, just about all of us break the law. This bill seeks to instead require that cyclists signal a turn once before turning. Cyclists do have an obligation to communicate to other users of the road what their intentions are. We want to make it doable and safe.

Section 3 of A.B. 247 deals specifically with how to signal a right turn. If the turn signals of a car go out, the driver can signal turns or stops by putting his or her left arm out the window. A driver cannot signal a right turn with his or her right arm, so a right turn is signaled by putting the left arm out the window and pointing skyward. By current law, these same arm signals are to be used by cyclists. However, it is very rare for cyclists to signal a right turn with their left arm. Instead, they generally signal a right turn by extending their right arm and pointing to the right.

TERRY MCAFEE (President, Nevada Bicycle Coalition):

I requested A.B. 247 to eliminate some of the disparity between what is legal for cyclists and what is safe. I have a handout explaining the situation and illustrating the different hand signals described ([Exhibit D](#)). When I tell my cycling friends that Nevada law requires them to signal a turn continuously for 100 feet, they laugh. They can imagine the disastrous effect of trying to balance, steer, brake, turn and signal all at once.

Section 3 of the bill would allow a right turn to be signaled by extending the right arm, as shown on page 7 of [Exhibit D](#). This would be optional, so cyclists could still use the old signal of the left arm bent at the elbow with the forearm pointing up. Page 5 of [Exhibit D](#) shows an illustration from the bicycle manual put out by the Office of Traffic Safety, Department of Public Safety, showing the hand signals to be used by cyclists. As you can see, this shows a cyclist sitting upright, as if he was sitting on a cruiser bicycle or a child's tricycle. Page 6 of [Exhibit D](#) shows what the legal right-turn signal looks like when executed by someone on a ten-speed bike. It is not easy to raise the forearm high enough to be discernible by a following motorist. The proposed optional right-turn signal is much more visible and intuitive, and it is already legal in 23 other states. I am also told it is much easier to teach to children, since the traditional method of signaling a right turn with the left hand makes no sense to children. Signaling a right turn with the right hand makes better sense and is easier for cyclists to execute.

CHAIR SCHNEIDER:

Which hand signal do they use in California?

MR. MCAFEE:

I do not know.

Senate Committee on Energy, Infrastructure and Transportation
April 24, 2009
Page 4

SENATOR LEE:

I applaud A.B. 247. This is a good bill.

KYLE DAVIS (Nevada Conservation League):

We support this bill. We like bikes, and we want to encourage their use.

ALEXIS MILLER (City of Reno):

We are in support of any measure that makes cycling safer and clarifies existing law. We thank Assemblyman Bobzien for bringing A.B. 247 forward.

JOSH MARTINEZ (Las Vegas Metropolitan Police Department):

We echo what the others have said and are in support of this bill.

SENATOR CARLTON:

How are we going to let people know about this change? You mentioned children in bike-safety classes, but you still need to inform those of us who learned to drive a long time ago.

LAURIE ANNE GRIMES (Office of Traffic Safety, Department of Public Safety):

My office produces two pocket guides on safe cycling ([Exhibit E](#), original is on file in the Research Library). They are given out free at bike shops and health fairs. When the booklets were designed last year, I had the artists draw two versions of page 5, one showing the current hand signals and one showing the proposed right-turn signal using the right arm. Once we have distributed the remaining 45,000 booklets that were printed, we can reprint the booklets with the page showing the other hand signal.

SENATOR LEE MOVED TO DO PASS A.B. 247.

SENATOR CARLTON SECONDED THE MOTION.

SENATOR CEGAVSKE:

I would like to inform the Committee there is a cycling enthusiast here in Las Vegas who wants to say he supports this bill.

THE MOTION PASSED UNANIMOUSLY.

SENATOR SCHNEIDER:

I will close the hearing on A.B. 247 and open the hearing on A.B. 455.

ASSEMBLY BILL 455: Provides for self-registration of certain motor vehicles.
(BDR 43-877)

ASSEMBLYWOMAN MELISSA WOODBURY (Assembly District No. 23):

I appreciate the opportunity to be here today in support of A.B. 455. This bill will allow the Department of Motor Vehicles (DMV), Motor Carrier Division, to enter into agreements with motor carriers and service providers to allow self-issuance of vehicle registrations, license plates and decals. It would allow motor carriers to have more involvement in and flexibility with their fleet operations by enabling them to put new vehicles into service immediately upon purchase, even on weekends and holidays. This will provide for increased operational ability and may attract larger companies into Nevada by offering a variety of services and options to Nevada carriers. It could also result in greater efficiency at the DMV.

Similar programs exist in other states and have been running effectively. Some large fleets, including those owned by United Parcel Service and Penske Corporation, have relocated their base of operations to Indiana because this is the policy there.

TERRY GRAVES (Nevada Motor Transport Association):

This bill is one of the finest pieces of legislation to come before you this Legislative Session. We support A.B. 455 and subscribe to the comments made by Assemblywoman Woodbury. We appreciate her efforts to bring this bill forward, as well as those of personnel from the DMV. The bill has been worked out to the point where it serves the purposes we sought.

DAWN LIETZ (Motor Carrier Division, Department of Motor Vehicles):

We are in support of A.B. 455. The statutory changes contained in this bill are intended to allow the DMV to enter into agreements with certain motor carriers and service providers, allowing for self-registration on vehicles registered through the Motor Carrier Division. This will be a voluntary program offered to the larger companies. They will be given a supply of registration certificates, motor carrier license plates and decals they can use to self-register their vehicles. A participating carrier will enter into a trade partner agreement with the DMV and will have access only to their own account. Service providers will

only have access to the accounts that have authorized them to conduct business on their behalf. They will be required to post a bond and will be financially responsible for any plates not accounted for.

The DMV will conduct routine audits on these carriers in conjunction with the International Registration Plan and Wisconsin Interstate Fuel Tax Agreement audits to ensure compliance. The carrier is also responsible for mailing the registration documents to the DMV, and any vehicle without proper registration documents can be suspended by the DMV until the documents are received. We have surveyed other states to inquire if they have similar programs, and we have found that several states have similar program options. Indiana, Utah and Washington have similar programs, and California is looking at the possibility through a pilot program.

In order to participate, a carrier must have at least 50 vehicles in its fleet unless they go through a service provider. Service vehicles under 26,000 pounds will only be eligible if the carrier has other motor carrier vehicles already in their fleet, and these vehicles will be licensed with motor carrier plates only.

The computer programming necessary will be completed in conjunction with phase 2 of the DMV's current project to develop an in-house computer application. Programming will be completed after regulations have been finalized. Project completion date is anticipated for July 1, 2010.

SENATOR CARLTON:

Was there discussion in the Assembly Committee on Transportation regarding enforcement? I imagine there could be a temptation to hold off a day or two or to share a plate between two vehicles. We have had discussions in this Committee about people who do not register their cars in Nevada. Does this bill have an enforcement component to make sure people do this right?

MS. LIETZ:

We did not talk about it. The bill would apply only to motor carriers, and we have not had a problem with them.

SENATOR CARLTON:

Perhaps I misunderstand. I see the possibility of a carrier sharing one plate between two vehicles or not mailing registration checks in a timely fashion. If

we do not have a way to enforce this, the truck could be on the road for a week or two before the check gets sent in.

MR. GRAVES:

There are provisions allowing the DMV to monitor the program and issue penalties for noncompliance. I do not know if this includes fines, but they can eject a carrier from the program.

MS. LIETZ:

The DMV is going to have bonds of \$25,000 on hand for these carriers, and a service provider will be required to have a \$50,000 bond. The DMV plans to audit carriers and service providers routinely to make sure they have full accountability of plates. The system will be set up to issue them a plate range, and it will identify them in our system. So if law enforcement pulls over a truck and the vehicle has a plate issued to another vehicle, we would know that immediately. There will not be an opportunity for them to switch plates to different carriers. I do not foresee this being a problem; it has not been a problem in Indiana or the other states currently allowing self-issuance.

SENATOR CARLTON:

That resolves the plate issue. It still leaves the problem of providing them with everything and then having them mail you a check.

MS. LIETZ:

Participants in this program will be required to pay electronically at the time the credentials become valid. There will be a component for them to use a debit card or credit card, as we do currently with those who register via the Internet.

SENATOR LEE:

I am looking at the term "service providers." Does this include limousine companies and taxicab companies or companies like Ahern Rentals, which rents heavy equipment?

MS. LIETZ:

This program would not be for limousine or taxi companies. It is for motor carrier accounts. Ahern Rentals could possibly have some motor carrier vehicles in their fleet. If they have an existing account with a motor carrier, we would enter into a trade partner agreement with them. They have to have a minimum of 50 vehicles to be eligible, and they would have to post a bond.

The trade partner agreement is similar to online banking, where you have access only to your own account information and the bank has the ultimate authority over the release of funds. There are currently about 30 companies in Nevada that would meet the criteria independently. The rest would have to go through service providers such as the Nevada Motor Transport Association or a bookkeeping service that has enough clients to total 50 vehicles. In that case, the service provider would be accepting responsibility for those plates, and they would be the ones issuing them. The accounts would have specific criteria in them. Ahern Rentals, for example, would be able to determine who in their company has access to register and pay for credentials and who has "view only" capabilities to manage the fleet and see which vehicles are included. Access is very restricted. This is similar to the system currently in place in the DMV, in which technicians can enter information but only a supervisor can approve certain transactions.

SENATOR LEE:

If a motor carrier sells a vehicle halfway through the license period, will they have a way to apply the credit from that license to another vehicle? Is the technology good enough that they do not ever have to come back into a DMV office?

MS. LIETZ:

That is correct. They would have the same ability as the DMV has, but only for their own account. If they take a vehicle out of service, they would delete the credentials from that vehicle, and any credit they have on their account would be available to transfer to the vehicle to which they were transferring the plate. There are very limited refunds in apportioned travel, but the business rules would be the same for them as they are for the DMV.

SENATOR LEE:

If this works as well as I think it will, do you see this program spreading to the next level down so that more businesses could get into a program like this and free up the DMV workers?

MS. LIETZ:

Yes.

RANDY J. BROWN, CPA (Director, Regulatory and Legislative Affairs, AT&T):
We are here in support of A.B. 455. As you may know, AT&T operates a fleet of nearly 500 vehicles in Nevada, only a handful of which are handled through the Motor Carrier Division today. As you heard, we would be eligible to participate in this program with even one vehicle in the Motor Carrier Division and the vast majority of our vehicles being registered through the regular registration process. This bill will allow us to register all of our vehicles in a single month rather than having all 500 vehicles spread throughout the year. It will allow us to issue plates on a weekend if we need to place a vehicle in service. This is a bill we strongly support, and we appreciate the DMV bringing it forward.

CHAIR SCHNEIDER:

I will close the hearing on A.B. 455. We will hold the bill for a future work session since a few members have had to step out of the meeting. I will open the hearing on A.B. 441.

[ASSEMBLY BILL 441 \(1st Reprint\)](#): Revises provisions governing transportation.
(BDR 43-840)

ASSEMBLYMAN JAMES OHRENSCHALL (Assembly District No. 12):

This bill had its genesis when my extern, Michael M. DeLee from the William S. Boyd School of Law, was visiting his in-laws in China. While there, he noticed that many people were getting to school and work on electric bicycles. They do not pollute the air at all, and they reduce traffic congestion. When he returned to Nevada, he discovered that electric bicycles are not defined in Nevada statute. They are a good alternative for people who want to ride a bicycle but who are not in tip-top shape and need a little extra help for long distances or on hills.

MICHAEL M. DELEE (Extern to Assemblyman Ohrenschall):

Assembly Bill 441 sets out in statute a definition of "electric bicycle" that is taken as best we could from the federal definition. This definition is worded to include two- or three-wheeled vehicles that can reach not more than 20 miles per hour (mph) when carrying a rider weighing 170 pounds.

I have a PowerPoint presentation with information on the history and definitions of electric bicycles ([Exhibit F](#)). Electric bicycles are not new; they have been around for over 100 years. Several models are shown on pages 2 and 3 of

[Exhibit F](#). We have brought a newer one to the Committee meeting today. It is manufactured by a Colorado company named Optibike, and it costs around \$8,000. A less-expensive electric bike can be bought at Bike Habitat in Carson City for about \$1,500, manufactured by a company called Giant. There are also electric-bike conversion kits that can convert a regular bike to an electric bike. These are alternative modes of transportation of the best sort.

One function of A.B. 441 is to clarify the legal status of electric bicycles as distinct from mopeds and motorcycles. Part of the bill deals with cleaning up the definition of mopeds, and we were happy to work with the DMV and the Las Vegas Metropolitan Police Department on that language. Essentially, if it is motorized and not an electric bicycle, it is a moped. We think that clarifies things for the purposes of enforcement.

One important element is federal funding for bicycle trails. The federal guidelines allow for electric bicycles that meet their definition to be used on those trails, but they have to be specifically called out. In the original version of A.B. 441, it was our intent to do that. But in working with the Nevada Department of Transportation, we felt it was better to be specific and use the federal language in the statute. That has been updated in the Legislative Counsel's Digest as well. This makes sure we will not have any funding issues for those trails.

CHAIR SCHNEIDER:
Where is the Giant Bicycle Company located?

MR. DELEE:
I believe Giant is a Taiwanese company.

SENATOR LEE:
How fast can you go on an electric bike if you do not engage the motor?

JOHN SAGEBIEL (Optibike):
If you do not engage the motor, your speed depends on how steep a hill you are on.

SENATOR LEE:
What if you are on a flat surface?

MR. SAGEBIEL:

On the flat ground, I can get my electric bike up to 25 mph for short distances. It is not heavy, perhaps 50 to 55 pounds. It will take me a little longer to get up to speed than it would on an ordinary bike, but there is absolutely no resistance on the free hub. Once you are up to speed and are not overcoming the inertial mass any more, it is like pedaling any other bicycle.

SENATOR CARLTON:

Are the scooters shown on page 3 of [Exhibit F](#) available in Carson City?

MR. DELEE:

No. These are similar to the models I saw in China. The bicycle available in Carson City was the one that costs about \$1,500.

SENATOR CARLTON:

You say you are trying to comply with the federal definitions, but the definitions in [A.B. 441](#) seem unnecessarily complicated. For example, in section 2, subsection 2 of the bill, it states that an electric bicycle is "... powered solely by ... a small electric engine [and] is capable of a maximum speed of not more than 20 miles per hour on a flat surface while carrying an operator who weighs 170 pounds." I could not read that and pick a bike out that meets the definition.

MR. DELEE:

The original version of this bill contained a provision in which the owner of an electric bicycle would need to get a permit for it. As part of that process, it would be verified that the equipment met the federal guidelines to be classified as an electric bicycle. The language in section 2, subsection 2 of the bill is in fact the federal guidelines, clear or unclear as they might be. They are meant to be a test for manufacturers, who would theoretically put a 170-pound person on one of their bikes and see how fast it can go. If it is less than 20 mph, that model fits the criteria. It is not meant to be an enforcement guideline, where you would need to have an officer with a scale and a speed gun in the field. This language defines the equipment, and riders must obey whatever speed laws are in effect when they ride. This definition is meant for the manufacturer to follow, and a vehicle that meets the definition would then be legal to sell as an electric bicycle. The definition comes from Title 15 USC section 2085. If a bike does not meet those criteria because it has too much power or can go too fast, it violates the federal Consumer Product Safety statute and cannot be sold as an electric bicycle.

SENATOR CARLTON:

With this definition, do you eliminate any models from being considered electric bicycles?

MR. DELEE:

Yes. An electric bicycle that has 800 watts of power to the wheels would be defined as a moped. If it is more than 1,500 watts, it would be defined as a motorcycle. Many of the electric bicycles I saw in China would not qualify under this definition.

SENATOR CARLTON:

The last thing I want to do is encourage people to go out and spend \$1,500 for an electric bike they then have to register as a moped because it has 775 watts of power. Do we know what the mix is among the electric bikes for sale right now?

MR. DELEE:

We have an idea of the mix in other markets. There are few electric bicycles in the United States right now, partly because we do not have clear guidelines and they are being confused with mopeds and motorcycles. The impetus behind the bill was to be as clear as we reasonably could be without a permitting process. We hoped that by relying on the federal statute as a guideline for what could be sold as an electric bicycle, we could then define what could be used as an electric bicycle. Selling is one thing, and permitting its use is another.

We wanted to be consistent with the federal guidelines, so that as we start to see an increasing number of electric bicycles imported from other countries or made in the United States, they would strive to fit the definitions we outlined. In this, we have followed the Iowa model, which is shown on page 5 of [Exhibit F](#).

SENATOR CARLTON:

Was there any discussion in the Assembly Committee on Transportation on a grandfathering clause? Are we going to reach back retroactively to make shop owners take product off the floor because it no longer complies?

MR. DELEE:

The federal statute regulates what can be sold as an electric bicycle. As it is now, electric bicycles are likely to be considered mopeds. We are doing owners

a favor by saying if they comply they do not have to register and insure their electric bicycles as mopeds. There are still issues we need to work through with education and safety, and we will need to work with people who are left with vehicles in the moped category. Those are some of the grey areas we could not resolve with one bill. Our priority was to get the definition out there.

SENATOR CARLTON:

My concern is if someone purchased an electric bike during last year's gasoline crunch, they may have bought an overpowered bike not knowing it would be classified as a moped that would have to be licensed and insured. Perhaps we should put in a provision that the definition would not apply to vehicles purchased before a certain date. I would hate to reach back to people who bought something thinking they would not have to register it.

CHAIR SCHNEIDER:

It seems there may be a conflict between this bill and our moped bill, Senate Bill (S.B.) 309. We will have to hold A.B. 441 until we get an opinion from the Legal Division.

[SENATE BILL 309 \(1st Reprint\)](#): Makes various changes to provisions governing motor vehicles. (BDR 43-533)

MR. SAGEBIEL:

Several years ago, there was a company called TidalForce that produced two models of electric bicycles. One was a 750-watt model designed to comply with the federal guidelines, and one was a 1,000-watt model that came with a big warning label on it. Before you bought it, you were required to sign a form saying you would only ride it off-road. My point is that manufacturers were already well aware of the guidelines many years ago. When they sold products that violated the standards for electric bicycles, they made them off-road vehicles. Of course, someone could take that vehicle on the road, but they were warned before they bought it.

STEVE RYPKA:

I strongly support A.B. 441. I own an electric bicycle, and I have written testimony regarding my experience with it ([Exhibit G](#)). It is important to define an electric bicycle and make sure everyone understands the rules. I would also like to extend an invitation to the Committee members. If you are in the

Henderson area, I have two of these bikes, and I would be happy to share that with you and maybe go for a ride.

CHAIR SCHNEIDER:

Mr. Rypka, I do not want to be too personal, but how much do you weigh?

MR. RYPKA:

I am about 250 pounds and 6 feet 3 inches.

CHAIR SCHNEIDER:

So under these guidelines, your bike would not qualify as an electric bicycle once you get on it. Is that correct?

ASSEMBLYMAN OHRENSCHALL:

That is a misunderstanding because of the way the statute is worded. The definition comes from the federal regulation for manufacturing. It does not mean that you can only ride an electric bike if you weigh less than 170 pounds. It is a testing standard. It is confusing, I agree.

MR. RYPKA:

The reason they specified the rider's weight in the standard is that these bicycles are very lightweight and the motor is not powerful. A person who weighs less will go faster than someone who weighs more on the same bike. They included the weight of the rider in the statute to make sure they were comparing apples to apples.

ASSEMBLYMAN OHRENSCHALL:

I have just been informed that Wal-Mart is going to start selling electric bicycles. They will no longer be something you have to go to a specialty bicycle shop to buy.

MR. DAVIS:

We want to add our support for A.B. 441. Electric bikes are an exciting opportunity to get around with a low carbon footprint. I want to point out that both Mr. Rypka and Mr. Sagebiel charge their bikes with solar power.

Senate Committee on Energy, Infrastructure and Transportation
April 24, 2009
Page 15

CHAIR SCHNEIDER:
Do you mean they use their bikes to generate power?

MR. DAVIS:
No. They have solar power systems at their homes and use solar power to recharge the batteries in the electric bikes.

CHAIR SCHNEIDER:
Is there any further business to come before the Committee? Hearing none, I will adjourn the meeting at 9:49 a.m.

RESPECTFULLY SUBMITTED:

Lynn Hendricks,
Committee Secretary

APPROVED BY:

Senator Michael A. Schneider, Chair

DATE: _____