

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

**Seventy-fifth Session
March 23, 2009**

The Senate Committee on Energy, Infrastructure and Transportation was called to order by Vice Chair Maggie Carlton at 8:41 a.m. on Monday, March 23, 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

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Oscar Chavez, Sergeant, Las Vegas Metropolitan Police Department
Mark Froese, CPM, Administrator, Research and Development Division,
Department of Motor Vehicles
Michael Casey, M.D., Surgeon, Trauma Center, University of Nevada School of
Medicine, University Medical Center
Alma Angeles, R.N., Pediatric Trauma Program Manager, Trauma Center,
University Medical Center
Erin Breen, Director, Safe Communities Partnership, University of Nevada,
Las Vegas

Senate Committee on Energy, Infrastructure and Transportation
March 23, 2009
Page 2

William E. Fowler, Executive Director, Nevada CASA Association, Incorporated
Leo Drozdoff, P.E. Administrator, Division of Environmental Protection, State
Department of Conservation and Natural Resources
Sig Jaunarajs, Bicycle Advisory Board, Nevada Department of Transportation
Keith Wells, Administrator, State Motor Pool, Department of Administration
Dennis Ransel, Air Quality Planning Manager, Clark County Department of Air
Quality and Environmental Management
Dan Hyde, Fleet and Transportation Services Manager, City of Las Vegas

VICE CHAIR CARLTON:

I will now open the hearing on Senate Bill (S.B.) 309.

[SENATE BILL 309](#): Makes various changes to provisions governing mopeds.
(BDR 43-533)

SENATOR DENNIS NOLAN (Clark County Senatorial District No. 9):

Brian O'Callaghan of the Traffic Division, Las Vegas Metropolitan Police Department (Metro), approached me regarding a problem with motor pedals (mopeds) in traffic. Senate Bill (S.B.) 309 deals with mopeds in traffic. We discussed the problem of moped safety on public streets. Mopeds used to be small and used by children. Mopeds have evolved differently. Manufacturers have increased their size and capacity. I have seen mopeds carrying children with disregard to traffic signals. In Taipei, drivers are required to wear helmets and their mopeds are registered. This bill requires the larger mopeds to be registered and the drivers to wear a helmet. Motorcycle lobbyists ask the question, "Why don't you make the guys riding mopeds wear helmets? Why are you making us wear helmets and not them?" The Department of Motor Vehicles (DMV) would like to amend the effective date to give them more time to implement policy and procedure, to do a public awareness program and to establish a means for owners to prove they own the vehicle.

SENATOR CEGAVSKE:

What are the regulations now for mopeds? Are they allowed on the highways and major roads? Are they legal?

SENATOR NOLAN:

It depends on the size and capacity, how fast it can travel and if it has headlights and taillights. No motor vehicle is allowed on public streets if it is not following traffic laws.

SENATOR CEGAVSKE:

Is it supposed to be registered and are they supposed to wear protective gear? I think there are a lot of violations going on with mopeds. If you pass this law, you are encouraging them to drive on the roadways. I do not want them there, because they cannot go fast enough and people cannot see them. They should not be a legitimate vehicle on the roadway. Will skateboards be next? I see skateboards on Sahara Avenue in Las Vegas going with the flow of traffic. Some people wear helmets and some do not. How do we fix it to make it safe?

SENATOR LEE:

Does moped stand for motorized pedestrian? Do you know?

SENATOR NOLAN:

I do not know.

SENATOR LEE:

Why do we need to register mopeds when they only cost \$700 or less?

SENATOR NOLAN:

There are an increasing number of mopeds because of the economy and because a moped might be the only affordable mode of transportation. Being able to register mopeds gives the DMV the opportunity to educate moped operators on traffic laws. Right now, you can buy one and drive it without knowing the traffic laws. By registering a vehicle, law enforcement will know who is driving. Passing this bill will ensure the operator will have some level of insurance. Mopeds have been causing property damage. They pull out in front of other vehicles and if they are not insured, your insurance will have to pay. There are many reasons why S.B. 309 should be passed.

SENATOR LEE:

If this bill passes, will a moped have to do everything a motorcycle has to do? Do they have to take the test a motorcycle driver must take?

SENATOR NOLAN:

I do not know the answer to that question. There would be an educational process to prove proficiency with the traffic laws.

VICE CHAIR CARLTON:

Before the Committee starts talking about the issues, we should hear from Metro and DMV. We need to know what the law is now, before we start changing it.

OSCAR CHAVEZ (Sergeant, Las Vegas Metropolitan Police Department):

Metro is behind S.B. 309 because there are more traffic collisions involving mopeds. Critical and fatal injuries occur because operators are not required to wear helmets. Scooters are not required to be registered or insured. Property and injury costs are involved with moped accidents reaching hundreds and thousands of dollars paid by taxpayers. Motorized bicycles, commonly referred as a moped, have been popular since the 1980s. The term moped was created to mean "motor pedals." They had small-displacement gasoline engines producing less than 2 horsepower (hp) without exceeding 30 miles per hour (mph). Mopeds have increased their capacity over time with technology. An increasing amount of vehicles on the roads today operate under the exemption of moped.

VICE CHAIR CARLTON:

Repeat the type of power a moped has for the benefit of the Committee and give us an example.

SGT. CHAVEZ:

Mopeds are currently exempt from registration, insurance and helmet laws if they do not produce more than 2 hp, do not exceed 30 mph nor have an engine size to exceed 50 cubic centimeters (cc). We see mopeds with engine displacements of 50 cc or lower producing more than 2 hp and exceeding the 30 mph speed limit. The mopeds today travel faster than the original mopeds did in the past. They no longer look and handle like the original bicycles. They cannot be propelled by human power like a bicycle. Aftermarket accessories are available for mopeds, enhancing the performance of the engine by adding an exhaust system with a larger expansion pipe, a larger carburetor or installation of a "speed kit" with a larger cylinder. Most mopeds can be upgraded with a 50 cc engine by replacing the original cylinder which looks like the stock one. With the increase of gas prices, the sales of motorcycles and mopeds have increased. The percentage of collisions with mopeds will increase. The percentage of head injuries will increase, leading to life-altering conditions or death because these riders are not wearing a helmet. The identification of the scooter or owner delays the accident investigation, because they are not

registered. Since the scooters are not required to be insured, the expense is left for the other party involved when an accident occurs.

The Metro Traffic Bureau gathered statistics for years 2007 and 2008 ([Exhibit C](#)). The cost associated to Metro in 2007 was \$13,000 and in 2008 it was \$21,000, not considering the cost for the emergency medical services (EMS), fire response, accident-scene cleanup, accident-scene processing, medical treatment and inconvenience to the community with closed roads. We have compiled citations issued in 2007 and 2008 and partially for 2009, [Exhibit C](#).

Redefining a moped as a motorcycle will require them to be registered. It will ensure the owner and vehicle will be identified for the purpose of theft and vehicle collision and will require the moped to be insured. Property damage caused by the moped operator involved in a collision will rest on the moped operator, relieving the other party from having to repair their own vehicle. Requiring the moped operator to adhere to an established statute requiring the use of a helmet reduces injuries and fatalities associated with traffic collisions and reduces cost to the many agencies involved.

VICE CHAIR CARLTON:

Can a person be cited for carrying passengers on a moped?

SGT. CHAVEZ:

Yes. You are not allowed to carry anyone on a moped if it is not equipped for it.

VICE CHAIR CARLTON:

I call them scooters because I can remember what mopeds looked like. Can you cite mopeds for exceeding the defined capability?

SGT. CHAVEZ:

We are interchanging the word moped with scooter because mopeds have a small displacement engine not exceeding 20 to 25 mph. Today, mopeds can exceed 25 mph with a smaller displacement engine. They can get more out of an engine today than they did in the past. Officers are citing mopeds today when they exceed the criteria of a moped.

VICE CHAIR CARLTON:

Under what authority are they citing these mopeds?

SGT. CHAVEZ:

If they exceed the exemption for mopeds, they are classified as motorcycles and are cited for speed, registration and insurance.

VICE CHAIR CARLTON:

If they are not required to be registered or insured, how can you cite them for that if we have not passed the bill yet?

SGT. CHAVEZ:

If they can exceed the speed defined for a moped, they are not a moped.

VICE CHAIR CARLTON:

But they are sold as a moped, the owner believes he has a moped, he is on the street and he is getting a ticket for something he was never given notice he had to do.

SGT. CHAVEZ:

That is why we are here today.

VICE CHAIR CARLTON:

I am concerned you are writing tickets for something that does not need to be registered.

SENATOR NOLAN:

Some mopeds go 50 mph.

VICE CHAIR CARLTON:

It is not the speeding ticket I am concerned with, it is the registration and insurance ticket. It can be very expensive.

SENATOR NOLAN:

We are talking about "souped up" motorcycles, like the "pocket rocket" from Kmart. Because of the speed, it falls into a motorcycle classification. This bill is to clarify the confusion law enforcement has.

VICE CHAIR CARLTON:

We have a gap in the *Nevada Revised Statutes* (NRS) big enough to drive scooters through it. This is what we are trying to address.

SENATOR LEE:

If we pass this bill, will it prevent people who have lost their driver's license from riding their moped?

SGT. CHAVEZ:

You are required to have a driver's license to operate a moped.

SENATOR LEE:

I thought you did not need a driver's license to operate a moped.

SGT. CHAVEZ:

You do not need a class M driver's license, you need a class C driver's license. It is a motorized vehicle.

SENATOR CEGAVSKE:

We need to define a moped, a scooter and a motorcycle. Where are you supposed to drive a moped? Are you supposed to drive it on dirt roads or on a sidewalk? Is there a helmet law for mopeds? I do not find anything in NRS. What are the dealers explaining to the customers? I do not think they should be on the roads. I think they are a hazard. Do the people you cite realize what they are doing?

SGT. CHAVEZ:

Mopeds can be operated on the roadway as long as they are equipped with headlights, turn signals, mirrors, taillights and brake lights. They do not need to be registered, insured or require a helmet.

SENATOR CEGAVSKE:

You are citing them for not wearing a helmet?

SGT. CHAVEZ:

Yes, they are cited when they exceed the speed that the exemption allows. A scooter passed me while I was traveling 40 mph in a 45 mph zone. That scooter exceeded the definition of a moped but was not exceeding the speed zone on that roadway.

SENATOR CEGAVSKE:

We need to define a moped, scooter and motorcycle to help law enforcement.

SGT. CHAVEZ:

It would help us because a true moped is a motorized bicycle. It has the ability to be pedaled by human power and a motor to be self-propelled.

SENATOR CEGAVSKE:

Are they making them anymore? You say they do.

SENATOR NOLAN:

We are trying to bring the "souped-up" mopeds disguised as mopeds into classification as motorcycles because of the size of the engines and how fast they can travel. That is what we are doing with this bill.

VICE CHAIR CARLTON:

Will the representative from DMV incorporate our concerns in his remarks. We need to know the aftermarket problem, what information the dealer presents to the buyer and what kind of vehicle is being operated when a moped is purchased?

MARK Froese, CPM (Administrator, Research and Development Division, Department of Motor Vehicles):

According to NRS 486.038:

"Moped" means a vehicle which looks and handles essentially like a bicycle and is propelled by a small engine which produces not more than 2 gross brake horsepower and which has a displacement of not more than 50 cubic centimeters, and:

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and
2. Is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged.

When a moped can go more than 30 mph, it is not a moped and will be treated as a motorcycle by law enforcement because it has fallen out of the definition found in NRS regarding mopeds. That is the reason why law enforcement will cite them for no registration and insurance. When they come to the DMV and explain why law enforcement gave them a ticket, we understand. There is a problem because we cannot register the vehicle as a motorcycle because it is listed as a moped. The DMV is working with Assemblyman Ohrenschall's office on Assembly Bill (A.B.) 441 to change the definition of moped. We would like to strike the part that says, "... which looks and handles essentially like a

bicycle ..." because it creates confusion for law enforcement and DMV. Mopeds have evolved since we created this definition. The NRS 483.230 says:

1. Except persons expressly exempted in NRS 483.010 to 483.630, inclusive, a person shall not drive any motor vehicle upon a highway in this State unless such person has a valid license as a driver under the provisions of NRS 483.010 to 483.630, inclusive, for the type or class of vehicle being driven.

ASSEMBLY BILL 441: Revises provisions governing transportation.
(BDR 43-840)

VICE CHAIR CARLTON:

These folks have a vehicle that exceeds the manufacturer's listing the DMV uses to qualify for registration. Can mopeds be registered after receiving a ticket?

MR. FROESE:

No.

VICE CHAIR CARLTON:

Can they receive another ticket driving home from the DMV?

MR. FROESE:

That is possible.

VICE CHAIR CARLTON:

The problem is including the lower cc-displacement vehicles with the upper cc-displacement vehicles. If this bill is passed, there would not be any exemptions left. There are still electric bicycles. The ones I have seen in catalogues look like bicycles with the electric motor on the back; they are called beach cruisers and do not need to be registered.

MR. FROESE:

We would like the definition for mopeds to remain or it would highlight the problems you just discussed. The DMV is working with Assemblyman Ohrenschall's office on A.B. 441 concerning electric bicycles. The DMV submitted a fiscal note on S.B. 309 estimating positive revenue based on 2,000 vehicles ([Exhibit D](#)). The more we register, the higher the revenue.

Senate Committee on Energy, Infrastructure and Transportation
March 23, 2009
Page 10

VICE CHAIR CARLTON:

Could you guess the cost of insurance on a moped?

MR. FROESE:

I do not know.

SENATOR CEGAVSKE:

Do you have to get insurance when you buy a moped from a dealer?

MR. FROESE:

I do not believe you do, but I am not certain.

SENATOR CEGAVSKE:

Would it go under a homeowner's policy?

VICE CHAIR CARLTON:

We would have to contact an insurance representative.

SENATOR CEGAVSKE:

It would be beneficial to charge registration fees. Defining a moped is important to clarify what is in violation.

VICE CHAIR CARLTON:

What are we citing these mopeds for? Are we citing them for no license, no registration and no insurance? Can you tell me the monetary amounts associated with these violations?

SGT. CHAVEZ:

A violation for not having a license is \$640, a noninsurance violation is \$1,000 or more and a registration violation is \$190.

VICE CHAIR CARLTON:

Do these tickets go to the municipality where they were issued?

SGT. CHAVEZ:

Yes.

VICE CHAIR CARLTON:

Did you give 237 of those tickets in 2007, [Exhibit C](#)?

Senate Committee on Energy, Infrastructure and Transportation
March 23, 2009
Page 11

SGT. CHAVEZ:
Yes.

VICE CHAIR CARLTON:
Was it 154 tickets in 2008, [Exhibit C](#)?

SGT. CHAVEZ:
Yes.

VICE CHAIR CARLTON:
I missed the 2009 number.

SGT. CHAVEZ:
As of March 16, 2009 there were 39 citations issued for no driver's license, [Exhibit C](#).

VICE CHAIR CARLTON:
Were the driver's license citations issued along with noninsurance and registration citations?

SGT. CHAVEZ:
I do not have those statistics with me.

VICE CHAIR CARLTON:
Would you know how citations have been dealt with in court when a person has received a citation and tried to register their vehicle at DMV?

SGT. CHAVEZ:
Before Metro began to enforce citations on mopeds, we contacted our legal department who contacted the Attorney General's office regarding this issue. It was agreed, these vehicles exceeded the designated speed capacity of a moped and fall outside the exception indicated in the NRS and could receive citations for violations on registration and insurance. I have a letter of agreement from the DMV that they would register those mopeds exceeding the moped exemption.

VICE CHAIR CARLTON:
We have a "catch-22" situation when people go into the DMV to register these mopeds and they do not have the authority to register them or do not think they

Senate Committee on Energy, Infrastructure and Transportation
March 23, 2009
Page 12

have the authority to register them. We need to clarify this situation. Some of these citations are worth more than the vehicle.

SGT. CHAVEZ:
That is correct.

VICE CHAIR CARLTON:
We need the Attorney General's information for this Committee in order to have a thorough understanding of what is before us.

SENATOR CEGAVSKE:
Can I now register a moped? If you can register a car at the dealer's, why can you not register a moped?

MR. FROESE:
I believe you cannot.

SENATOR CEGAVSKE:
Can I register it at the dealer's if I wanted to exceed the speed limit and go 50 mph on my moped and wear my helmet, so I do not get a ticket?

MR. FROESE:
I would have to check on it.

VICE CHAIR CARLTON:
Get back to us on that.

MICHAEL CASEY, M.D. (Surgeon, Trauma Center, University of Nevada School of Medicine, University Medical Center):
We support S.B. 309 for the passage of helmet laws, registration and insurance for mopeds. The scooters are a financial burden to the medical community. When people are involved in a collision, they suffer severe head injuries and sometimes lack the financial means to pay medical expenses. If they were required to have registration and insurance, it might circumvent some of the problems. The use of helmets and protective gear will also help alleviate some of the more severe injuries in patients we see.

ALMA ANGELES, R.N. (Pediatric Trauma Program Manager, Trauma Center, University Medical Center):

We support the helmet-requirement law for mopeds because of the devastating injuries and loss of life at the Trauma Center. Broken bones, scraped skin and open injuries can be fixed, but the brain is not something we can manipulate or fix. A mandatory helmet law for these individuals would save lives, decrease injuries and decrease the cost to the medical community caring for them after the incident and long-term rehabilitation, if they survive.

ERIN BREEN (Director, Safe Communities Partnership, University of Nevada, Las Vegas):

The majority of the research I did was from a Website < www.motorscootermuse.com > . I would like to read their definition of a minimalist scooter ([Exhibit E](#)):

All of the following motor scooters use the 50 cc 4-stroke engine. It is important to understand that these engines have undergone massive improvements since the little 50 cc engines of the 50's and 60's. These are powerful little beasts. Their maximum speed is limited, however, to 35 to 40 miles per hour. And this renders them exempt from licensing and insurance requirements in many states

The dealers are not being straightforward with buyers of these vehicles. I researched how other states are treating these vehicles. Twenty-seven states, including Washington, D.C., treat scooters as motorcycles requiring helmets, licensing, insurance and registration. The figure could be higher, but I only looked for states that included mopeds and scooters in their statutes. We are leaving a gap where these scooters are falling. We would like to see moped drivers wearing a helmet. The issue with scooters is that people do not see them. It does not matter if a moped operator is going 20 or 30 mph when they are hit by a vehicle and land on their head.

VICE CHAIR CARLTON:

Senator Lee, how fast can you go on your bicycle?

SENATOR LEE:

I go 23 or 25 mph or I can go downhill at 45 mph.

Senate Committee on Energy, Infrastructure and Transportation
March 23, 2009
Page 14

VICE CHAIR CARLTON:

Are you required to wear a helmet when riding a bicycle, or do you make it your choice?

SENATOR LEE:

Yes. I have fallen off my bike.

VICE CHAIR CARLTON:

We will close the hearing on S.B. 309.

CHAIR SCHNEIDER:

There is an article titled, "Solar developers shoot to beat buzzer for cash," from the *Las Vegas Sun* newspaper about the Amargosa Valley and the Solar Millennium ([Exhibit F](#)). Ormat Technologies has a new waste-heat recovery plant in Denver, Colorado ([Exhibit G](#)). We will entertain one motion for the following bill draft requests (BDRs):

BILL DRAFT REQUEST 43-363: Provides for the imposition of an additional fee against persons who cause certain vehicular accidents. (Later introduced as [Senate Bill 356](#).)

BILL DRAFT REQUEST 31-93: Enacts provisions relating to funding for transportation safety and homeland security. (Later introduced as [Senate Bill 357](#).)

BILL DRAFT REQUEST 58-1146: Revises provisions relating to energy. (Later introduced as [Senate Bill 358](#).)

BILL DRAFT REQUEST 43-1244: Revises provisions governing the sale and title of salvaged vehicles. (Later introduced as [Senate Bill 360](#).)

BILL DRAFT REQUEST S-1238: Revises provisions relating to transportation. (Later introduced as [Senate Bill 359](#).)

CHAIR SCHNEIDER:

The Committee should look at BDR S-1238 without my name to avoid a conflict of interest because I own land along this corridor.

Senate Committee on Energy, Infrastructure and Transportation
March 23, 2009
Page 15

SENATOR CARLTON MOVED TO INTRODUCE BDR 43-363, BDR 31-93,
BDR 58-1146, BDR 43-1244 AND BDR S-1238.

SENATOR BREEDEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

CHAIR SCHNEIDER:

I would like a vote on S.B. 247 since we have a full committee.

SENATE BILL 247: Grants to Senator William J. Raggio the use of a special legislative license plate designated "State Senator 1" as a lifetime endowment. (BDR S-725)

SENATOR CEGAVSKE MOVED TO DO PASS S.B. 247.

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

CHAIR SCHNEIDER:

The federal government has alternative fuel available for their fleets of vehicles; 92 percent of them are not run on alternative fuel, therefore we are motivated to sponsor Senate Joint Resolution (S.J.R.) 9 to urge Congress to allow more hybrid electric vehicles in their fleets.

SENATE JOINT RESOLUTION 9: Urges Congress to revise certain provisions of federal law relating to hybrid vehicles. (BDR R-1065)

SENATOR TOWNSEND MOVED TO SEND TO THE SENATE FLOOR S.J.R. 9.

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

SENATOR TOWNSEND:

How many new light trucks and cars are purchased by the federal government in a year? Maybe the National Conference of State Legislatures could tell us the same categories for all the states. If the federal government wants to help the car companies, they should purchase electric vehicles by the year 2011. That would create a market for these vehicles. Federal purchases are probably 10 to 15 percent of the market. If hybrid cars are what the government buys, that is what the manufacturers will build. How many cars and light trucks do they buy?

CHAIR SCHNEIDER:

I will open the hearing on S.B. 329.

[SENATE BILL 329](#): Provides for the issuance of special license plates indicating support for the Nevada CASA Association. (BDR 43-860)

WILLIAM E. FOWLER (Executive Director, Nevada CASA Association, Incorporated):

The mission of the Court Appointed Special Advocate (CASA) is to support and promote court-appointed volunteer advocacy for abused and neglected children so they can thrive in safe and permanent homes ([Exhibit H](#)). We support S.B. 329. We are a nonprofit, Internal Revenue Code section 501(c)(3) organization. We are the only state CASA program in the West that does not receive any money from state government. It would help us if this bill would pass. The plates would generate interest. We were the designated charity for the Wine Walk in Reno last Saturday. Many people did not know about the CASA mission.

SENATOR NOLAN:

There are dozens of organizations that apply for specialty license plates for the same reason CASA is doing. Not-for-profit organizations are struggling and seek to generate revenue through the specialty license plate. We have had dozens of requests for specialty license plates. Six years ago, the Legislature created the Commission on Special License Plates to deal with specialty license plates. They review the requests through this process.

MR. FOWLER:

I am not aware of that Commission.

SENATOR NOLAN:

Some specialty plates, through attrition or lack of interest, have diminished. You must have 25 applications to be accepted by the Commission. As some plates drop off, there could be an opportunity to allow another organization to apply for a plate. The process is outside of the Legislature to allow you to have this plate.

SENATOR CARLTON:

There is nothing in that bill that prohibits a Legislator from bringing a bill to the Legislature. This bill is still viable. We ask people to go through the Commission and follow the process so they will understand everything required. Then it will proceed through the queue. The problem is the minimum limit of 25 plates. It moves slowly. Some organizations are selling thousands of plates and making millions of dollars. Maybe we should hold their plate for a year and allow someone else to come in. They have already had a guaranteed income at a certain level from those plates. If we ceased making plates for a year, maybe they will become more in demand when they begin making them again. That way it would provide an opportunity to have a plate.

CHAIR SCHNEIDER:

Would Senators Carlton and Nolan get together for an amendment to bring back to this Committee?

SENATOR NOLAN:

Your best chance to get your plate approved is for Senator Carlton and me to get with DMV to work out how we can get this plate started for you. We have a problem if we circumvent the Commission by approving the plates individually, because there are organizations in queue now waiting for approval. It would dismantle the process. We will work with the proponent and DMV.

MR. FOWLER:

The CASA program in Carson City is working with Senator Amodei on this. I will make sure the CASA community is made aware of the decision today.

CHAIR SCHNEIDER:

We have a notice from the Legal Division concerning S.J.R. 9. We need a "Do Pass."

SENATOR TOWNSEND MOVED TO RESCIND THE PREVIOUS ACTION
TAKEN ON S.J.R. 9.

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS LEE AND NOLAN WERE ABSENT
FOR THE VOTE.)

* * * * *

SENATOR TOWNSEND MOVED TO DO PASS S.J.R. 9.

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS LEE AND NOLAN WERE ABSENT
FOR THE VOTE.)

* * * * *

CHAIR SCHNEIDER:

I will close the hearing on S.B. 329 and open the hearing on S.B. 332.

SENATE BILL 332: Revises provisions governing vehicles owned or operated by
certain governmental entities. (BDR 43-1147)

LEO DROZDOFF, P.E. (Administrator, Division of Environmental Protection, State
Department of Conservation and Natural Resources):

We are here to support sections 1 through 12 of S.B. 332 dealing with alternate
fuels. We have three minor changes to three sections of the bill ([Exhibit I](#)). In
section 1, we are proposing to strike out, "... which is owned by the State or
any political subdivision of the State and" A clean vehicle is a clean vehicle;
ownership does not matter. I believe that is a drafting error. In section 6, the
intent is to eliminate heavy equipment vehicles from this section, but to include
buses and not exempt them. We are proposing to strike the section on buses,
subsection 1 concerning a vehicle designed for carrying more than

15 passengers. Add the section on the bottom concerning vehicles having a gross vehicle weight (GVW) of more than 26,000 pounds (lbs) but not applying to vehicles carrying more than 15 passengers.

We have talked about the need to streamline and have flexibility to handle changes. We do not want to include an element about clean-burning fuel that is a federal definition, not a state definition. We do not want to add a definition in which the State has no say. The State Environmental Commission has the opportunity to develop regulations and incorporate definitions. There are a few areas in section 12 addressing clean-burning motor fuels. Our suggestion is to stick to alternate fuels and remove other references.

SENATOR CEGAVSKE:
Why are we changing section 6?

MR. DROZDOFF:
We want to make sure buses are not changed. Buses should be in the alternate-fuels program. Heavy equipment vehicles should not be in the program. Heavy equipment vehicles are defined as being over 26,000 lbs GVW and buses also are over 26,000 lbs GVW.

SENATOR CEGAVSKE:
You do not want heavy equipment to use alternate fuel?

MR. DROZDOFF:
They should not be required to use alternate fuel.

SENATOR CEGAVSKE:
Why would we not want them to be required to use alternate fuel?

MR. DROZDOFF:
There is not much option for heavy equipment vehicles to use alternate fuel.

SENATOR CEGAVSKE:
If buses use it, why cannot heavy equipment?

SENATOR NOLAN:
There is a huge capital expense to change heavy equipment, especially in mining. Some heavy equipment cannot be modified.

Senate Committee on Energy, Infrastructure and Transportation
March 23, 2009
Page 20

SENATOR CEGAVSKE:

Are we not requiring buses to change?

SENATOR NOLAN:

It is easier to modify buses, whereas it is not easy to modify heavy equipment.

SENATOR CEGAVSKE:

Will it be a hardship to make buses change?

SIG JAUNARAJ (Bicycle Advisory Board, Nevada Department of Transportation):
Buses are currently required to meet the alternative-fuel standards. Several options for buses are biodiesel and compressed natural gas and hybrid buses are available. The only option for long-haul trucks is biodiesel fuel.

KEITH WELLS (Administrator, Motor Pool Division, Department of Administration):
I support sections 1 through 12. I think section 13 needs to be adopted as a policy within the Executive Branch. The Director of the Department of Administration, Andrew Clinger, agreed that it should be adopted as policy.

CHAIR SCHNEIDER:

Is that in section 13, subsection 2, paragraphs "... (b) The reliability rating of the vehicle; (c) The fuel economy of a vehicle; (d) The green rating of a vehicle; (e) The warranty of a vehicle; ..." of the list you have in section 13, subsection 2? Is that what you want deleted from the bill?

MR. WELLS:

Yes.

CHAIR SCHNEIDER:

Will you take that up with your Department?

MR. WELLS:

Yes, as a regulation.

DENNIS RANSEL (Air Quality Planning Manager, Clark County Department of Air Quality and Environmental Management):

We support S.B. 332 with the changes recommended by the Division of Environmental Protection. We would like to see buses stay in the program. The

Senate Committee on Energy, Infrastructure and Transportation
March 23, 2009
Page 21

Clark County School District is 100-percent biodiesel. We support the bill with the withdrawal of section 13.

DAN HYDE (Fleet and Transportation Services Manager, City of Las Vegas):
The City of Las Vegas supports sections 1 through 12 of S.B. 332 as amended.

CHAIR SCHNEIDER:

We will have a vote on S.B. 332 with the amendment, and leaving out section 13 as requested in a verbal amendment.

SENATOR NOLAN MOVED TO AMEND AND DO PASS S.B. 332.

SENATOR CEGAVSKE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR LEE WAS ABSENT FOR THE VOTE.)

SENATOR CEGAVSKE:

When we get amendments, can we know who submitted them?

CHAIR SCHNEIDER:

That would be good.

Senate Committee on Energy, Infrastructure and Transportation
March 23, 2009
Page 22

CHAIR SCHNEIDER:

There being no further business, the Senate Committee on Energy,
Infrastructure and Transportation is adjourned at 10:19 a.m.

RESPECTFULLY SUBMITTED:

Sandra Hudgens,
Committee Secretary

APPROVED BY:

Senator Michael A. Schneider, Chair

DATE: _____