

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

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

The Senate Committee on Energy, Infrastructure and Transportation was called to order by Chair Michael A. Schneider at 8:38 a.m. on Thursday, April 9, 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  
Lynn Hendricks, Committee Secretary

**OTHERS PRESENT:**

Chuck Callaway, Las Vegas Metropolitan Police Department  
Mark Froese, Administrator, Research and Development, Department of Motor Vehicles  
Alan Chapman, Safari Scooters  
Glenn Conant, Research and Development, Department of Motor Vehicles

CHAIR SCHNEIDER:

I will open the work session on Senate Bill (S.B.) 309.

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

SENATOR NOLAN:

In yesterday's hearing on S.B. 309, Senator Carlton helped us realize we were capturing some people we did not intend to capture. I met with the stakeholders after the meeting, including law enforcement and the Department of Motor Vehicles (DMV), and Chair Schneider pointed out that some people ride their scooters into traffic, driving in a traffic lane and creating a hazard. When a police officer sees that, they will pull those people out of traffic, only to find they do not have any identification. If they cause an accident, they have no insurance. Some of the people Senator Carlton referred to are part of the population we are trying to address. We came up with an amendment we think will cover these issues ([Exhibit C](#)). I will ask Mr. Nichols to explain it.

MATT NICHOLS (Committee Counsel):

The gentlemen from Vegas Metro and the DMV really did the lion's share of the work on this. All I really did was turn their concept into something on paper. But I think what was agreed upon was creating a new classification of vehicles that's somewhere between bicycles and mopeds that would be exempt from any sort of registration. Mopeds would be registered as motor vehicles, and motorcycles would be registered as motorcycles. The amendment would add a definition for electric scooter, which means a device which a person may ride upon which has two tandem wheels, either of which is over 14 inches in diameter. Incidentally, this would remove from the definition things like those Razor scooters or any sort of stand-up scooter, because those don't have wheels of that size. It's propelled by a small electric engine which produces not more than 750 watts, which would take care of Senator Lee's wife's electric-powered bicycle, so those would not have to be registered. It's designed to travel on not more than three wheels in contact with the ground but is not a tractor. And then there's a maximum capable speed of 20 miles per hour. So we really are talking about a low-speed, electric-powered scooter, moped but not a moped, that sort of vehicle. It would include electric bikes like Senator Lee's wife's bicycle. The bill would require, obviously, additional amendments. Where we referred to motorcycles or mopeds in statute, we'd have to go in there and

clarify that the terms do not include the electric scooters. I hope that was helpful. I don't know that it was, but I'm available for any follow-up, obviously.

SENATOR NOLAN:

The amended bill captures those people we were intending to catch, the ones who are driving these vehicles on the streets and are a hazard to traffic, and it exempts people driving smaller vehicles and children on little scooters.

CHUCK CALLAWAY (Las Vegas Metropolitan Police Department):

This is exactly what we wanted this bill to do. Our intention was never to include electric bicycles or the smaller electric scooters. We also never wanted to require mopeds to be treated as motorcycles so that moped operators had to get a motorcycle endorsement on their driver's license or attend motorcycle training. Our intent was merely to require mopeds to be registered and insured because they are causing accidents. That includes fast mopeds and slow mopeds. As you stated yesterday, when a moped pulls out in front of a car and causes an accident, the person who hits them is stuck with the bill.

SENATOR CARLTON:

I agreed with the language that said when someone purchases a moped that exceeds the street legal limit, the vehicle should be classified and registered as a motorcycle. I still adamantly disagree with the fact that we are including the slow mopeds in this. They are low-speed vehicles. I have more problems with bicyclists and skateboarders in my neighborhood than I do with mopeds. There needs to be an option for inexpensive transportation. We will also be inserting these people into the insurance arena. I have tried to find out how much the insurance companies would charge for this insurance, and the only quotes I got were for motorcycle insurance. I have the fear mopeds will be classified as motorcycles, and for a 22-year-old it will be just as expensive as car insurance.

MARK FROESE (Administrator, Research and Development, Department of Motor Vehicles):

We worked on this amendment yesterday and are in agreement with it.

ALAN CHAPMAN (Safari Scooters):

There is a significant need for some groups of people to be considered. For example, there are people who have minor medical issues that preclude them from getting a driver's license. There are also people who have a conviction for

driving under the influence (DUI). I do not advocate for them in any way, but they still need to get to work, and I would much prefer to see them on a 200-pound vehicle going 30 miles an hour than in a 4,000-pound car going at speed.

The other thing we would like to see is some clarification. Once you require mopeds to be licensed and insured, you have basically eliminated the moped category. If you have to do that, you might as well get a larger vehicle.

This bill will help a lot with theft, and we understand that the change may need to be made. But when you add another classification of vehicle, it muddies up our lives. Our concern is that this not be continued in this gray area with the pedal issues.

MR. CALLAWAY:

You are required to have a driver's license to operate a moped on the roadway. People who have lost their driver's license due to a DUI conviction will not be able to drive a moped on the roadway under the current law.

SENATOR CARLTON:

In some cases, they still have their driver's license and are required to get the SR-22 Proof of Financial Responsibility endorsement on their insurance. If they cannot afford it, this becomes the option for them to be able to keep their jobs.

MR. CHAPMAN:

Could I get the section of the *Nevada Revised Statutes* (NRS) requiring a driver's license for operation of a moped? We have looked for it and have not found it.

MR. CALLAWAY:

I will get that information for you and for the Committee.

SENATOR BREEDEN:

Do you need to go through training to drive a moped?

MR. CALLAWAY:

Under current law, to operate a moped on a public roadway, the moped does not have to be registered or insured. However, it does have to have a rearview mirror, brake lights and turn signals like any motorized vehicle operated on the roadway.

Senate Committee on Energy, Infrastructure and Transportation  
April 9, 2009  
Page 5

GLENN CONANT (Research and Development, Department of Motor Vehicles):  
The term "motor vehicle" is defined in NRS 483.090, which specifically states, "'Motor vehicle' includes moped." In NRS 483.230, it requires that every person who drives a motor vehicle must have a driver's license.

SENATOR LEE:

I am pleased to see electric bicycles included in the definition of electric scooters. They were never intended to be driven on the streets to be a distraction to drivers.

SENATOR LEE MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 309 WITH THE AMENDMENT PROPOSED BY SENATOR NOLAN.

SENATOR CEGAVSKE SECONDED THE MOTION.

MR. NICHOLS:

Let me just clarify. The intended amendment would also include the language that Senator Nolan had introduced in his amendment yesterday, which requires the dealers and sellers to provide certain written information to a purchaser at the time of purchase, so that the moped or scooter-esque motorcycles that should be registered as motorcycles—that the purchaser is on notice that they have to comply with motorcycle registration and have to have the appropriate license, and will also be required to wear certain protective equipment in certain circumstances, so—

SENATOR LEE:

Yes, that would be included in my motion.

THE MOTION PASSED. (SENATOR CARLTON VOTED NO.)

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CHAIR SCHNEIDER:

I will open the work session on S.B. 356.

[SENATE BILL 356](#): Provides for the imposition of an additional administrative assessment against motorists who commit certain traffic offenses.  
(BDR 43-363)

SENATOR NOLAN:

We brought S.B. 356 in an attempt to find an assessment for people who cause accidents resulting in serious injury or bodily harm to others. It came out of an interim study on Transportation Issues, but the impetus behind it was not to collect fees to pay for our highways. We are more than \$4 billion upside down in the Highway Fund for the next two decades, and \$100 fines are not going to change that. Rather, we were trying to reduce the number of accidents and give law enforcement and public safety officials a way to incentivize bad drivers to take more care and thus reduce traffic accidents. It would create an additional penalty they could advertise and say, "Drive like a jerk, pay an additional fine." There is a huge amount of traffic congestion associated with accidents in southern Nevada, and the goal was to incentivize people to drive more safely. If we could reduce the number of accidents, we could open up the roads we currently have instead of adding more roads.

The courts opposed having this fine be an increased administrative assessment. If the Committee wants to move ahead with this bill, it could be reworded to give judges the option of doubling the fines associated with accidents that result in injury or death and to which the person pleads guilty or of which they are convicted. Senator Carlton had some concern about felonies. The testimony yesterday was that in order to be convicted of a traffic felony, a driver has to almost commit vehicular manslaughter or have multiple DUI convictions. These are the worst of the worst offenders. In addition, if someone pleads guilty to this offense, unless he or she is a multiple offender, they are pleading down from the actual crime, which is something much worse.

If the Committee chooses to process this bill, my motion would be to amend the bill to give the courts the ability to impose up to double the fines for individuals who plead guilty to or are convicted of the offenses listed in the bill.

SENATOR NOLAN MOVED TO AMEND S.B. 356 AS STATED AND DO PASS AS AMENDED.

CHAIR SCHNEIDER:

Before I accept a second, Mr. Nichols has informed me that the money cannot go into the State Highway Fund.

SENATOR NOLAN:

Thank you. I spoke with the Legal Division on this last night, and they informed me the funds would have to go into the educational fund. That is fine, and my motion includes that in the final amendment. As I said, the impetus behind the bill is not to collect money for the Highway Fund but to create an incentive to reduce accidents.

SENATOR CEGAVSKE SECONDED THE MOTION.

SENATOR CEGAVSKE:

I am seconding the motion because the amended language makes it permissive for the fine to be doubled, thus allowing judges to make the decision.

SENATOR NOLAN:

It gives the judges discretion to evaluate the person's financial situation and the circumstances of the accident. The judge might decide to throw the book at someone or not impose a fine at all.

SENATOR CARLTON:

I appreciate what Senator Nolan is trying to do, but I cannot support this bill. I believe his logic is flawed in saying this bill will prevent accidents. This is now a penalty bill, pure and simple: if you mess up, you will be penalized. If laws could stop accidents, we would have a much better place to live, because we have an awful lot of laws on the books right now. I do not believe these measures will prevent accidents.

SENATOR NOLAN:

I agree that if you create a law and expect people to absorb it by osmosis, you get nowhere. My intention is to work with law enforcement and public safety to do advertising and publicize it. If the bill passes, that is my commitment.

CHAIR SCHNEIDER:

I am not in favor of this bill. It seems as if we are heavily penalizing one group to educate another group.

THE MOTION FAILED. (SENATORS SCHNEIDER, CARLTON, LEE AND BREEDEN VOTED NO.)

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Senate Committee on Energy, Infrastructure and Transportation  
April 9, 2009  
Page 8

CHAIR SCHNEIDER:

Is there any further business to come before the Committee? Hearing none,  
I will adjourn the meeting at 9:13 a.m.

RESPECTFULLY SUBMITTED:

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Lynn Hendricks,  
Committee Secretary

APPROVED BY:

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Senator Michael A. Schneider, Chair

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