

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON COMMERCE AND LABOR**

**Seventy-Sixth Session
June 4, 2011**

The Committee on Commerce and Labor was called to order by Chair Kelvin Atkinson at 12:31 p.m. on Saturday, June 4, 2011, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)) and the Attendance Roster ([Exhibit B](#)), are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/76th2011/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Kelvin Atkinson, Chair
Assemblyman Marcus Conklin, Vice Chair
Assemblywoman Irene Bustamante Adams
Assemblywoman Maggie Carlton
Assemblyman Richard (Skip) Daly
Assemblyman John Ellison
Assemblyman Ed A. Goedhart
Assemblyman Tom Grady
Assemblyman Crescent Hardy
Assemblyman Pat Hickey
Assemblyman William C. Horne
Assemblywoman Marilyn K. Kirkpatrick
Assemblyman Kelly Kite
Assemblyman James Ohrenschall
Assemblyman Tick Segerblom

COMMITTEE MEMBERS ABSENT:

Assemblyman John Ocegüera (excused)

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Marji Paslov Thomas, Committee Policy Analyst
Sara Partida, Committee Counsel
Andrew Diss, Committee Manager
Earlene Miller, Committee Secretary
Sally Stoner, Committee Assistant

OTHERS PRESENT:

Trevor Hayes, representing Livery Operators Association of Las Vegas
Andrew J. MacKay, Chair, Nevada Transportation Authority, Department
of Business and Industry
A. R. Fairman, Bus Service Operator, Carson City, Nevada

Chair Atkinson:

[The roll was called, and a quorum was present.] I will open the hearing on
Senate Bill 320 (1st Reprint).

Senate Bill 320 (1st Reprint): Revises provisions governing certain motor
carriers. (BDR 58-1051)

Trevor Hayes, representing Livery Operators Association of Las Vegas:

We initially had a much more ambitious goal with this bill, but while working with the Nevada Transportation Authority (NTA), we found that the fiscal note was going to be considerably greater than anyone had anticipated, so it sat in the Senate for quite some time until we worked things out with the NTA. Mr. MacKay, who is here on my left, worked it out with us so that there will be no fiscal impact. The Department of Motor Vehicles (DMV), which was also involved in this bill, testified on the Senate side. They are not here today; however, they testified that there would be no fiscal impact as it pertains to them.

There are basically three components to this bill. The first is found in section 4.3 regarding the length of time that taxicabs can stay in operation. Currently, by regulation, they can stay in operation in Washoe County for only five years. As we all know, with the current state of the economy, business has slowed, and consequently these cabs are not getting nearly the mileage or usage they have had in the past. So this bill would extend that time period of

being able to stay in operation to six years, or 72 months. The cars in Washoe County would still be required to be in safe, operational condition, subject to inspection, et cetera.

Section 4.7 concerns the unpaid citations or fines that are assessed to drivers. Mr. MacKay can talk more to the point about outstanding fines, as he did in the Senate, but currently there are more than a million dollars in uncollected fines. One of the problems is that there is only one method of collection, which is to turn over the collection of these fines to the Office of the State Controller and then they, in turn, send them on to a collection agency. What we propose to do is, after the individual or owner-operator has been cited and had a hearing, and has had the opportunity to contest the citation, and if his fine is more than \$100 and he neither pays the fine nor makes a payment plan, he will then be sent a notice from the Nevada Transportation Authority stating that he needs to comply. At that time, if he has still not made any attempt to pay the fine, his case will be sent to the DMV. You will see later in section 10.3 that the bill states that the DMV will also notify the driver that he has 30 days to make a payment or his driver's license will be suspended.

I represent the Livery Operators Association of Las Vegas. We represent ten limousine and ten taxicab members. Our limousine members include the Alan Waxler Group, Ambassador Limousine, Bell Transportation, CLS Las Vegas, Las Vegas Limousines, Lucky Limousine, Odyssey Limousine, On Demand Sedan & Limousine, Presidential Limousine, and Ritz Transportation. Our taxicab members include Ace Cab, ANLV Cab, Desert Cab, Henderson Taxi, Lucky Cab, Nellis Cab, Union Cab, Vegas Western Cab, Virgin Valley Cab, and Whittlesea Blue Cab. From our standpoint, the commercial passenger transportation industry is a highly regulated industry and is a key component of the hospitality economy in southern Nevada. The safe transport of our visitors is, therefore, also a key component. There are a number of people who try to operate illegally, and we think this bill will help to curb these types of illegal operations, thereby increasing the safety of the traveling public. From the NTA's perspective, it will help them in the enforcement and collection of assessed fines.

Section 10.1 discusses that the safety of the traveling public is paramount to the NTA. It is a highly regulated, tough industry to get into, and we want to ensure that everyone has been vetted by the NTA. This bill would close a legal loophole concerning the short-term lessors who are currently operating in a very gray legal area. As far as the section on extending the length of time that taxicab can be operational, this was brought on behalf of Bell Trans, one of our members. Mr. Sullivan, one of their representatives is also here today to

answer your questions on that topic. Also here today is Mr. Andy MacKay, who will speak on the NTA's behalf.

Andrew J. MacKay, Chair, Nevada Transportation Authority, Department of Business and Industry:

Because you have a full plate, to say the least, I will try to keep my remarks brief. In his closing comments Mr. Hayes discussed the provision that relates to the taxicabs' age. Although that change in the statute was initiated by Bell Trans, which does business as Whittlesea Taxi in northern Nevada, I can accurately state that this change is also supported by Yellow Cab, Capital Cab, and Reno-Sparks Cab. I say that because they have common ownership interests, and they had submitted a petition to the Authority last month requesting us to enter in the rulemaking docket to change the regulation, to expand the time that a taxicab can be in service. That language is virtually identical to what is in the bill today. So I think I can accurately represent that those entities would be supportive of that change in the statute.

The NTA has tremendous support with respect to the language concerning unpaid fines. In the last five years, \$1.08 million in administrative fines, levied for violations by the NTA, has gone uncollected. It really comes down to the simple fact the Authority lacks teeth to collect those fines. The fines are accrued predominantly by illegal operators. These entities generally have little or no level of insurance, their drivers have not been drug tested, and their vehicles are usually unsafe. If they do not pay the administrative fines, the only teeth we have, so to speak, is the fact that the fine goes to collections and their credit is ruined. Of course, if you do not have any credit to start with, that is not much of a repercussion.

The reason I mentioned the illegal operators is that they are truly the biggest threat to the safety of the traveling and shipping public, which the NTA is tasked to protect. Additionally, we have a responsibility to protect our legal, certificated carriers that have gone through the process and followed the letter of the law. These illegal entities poach rights, and poach business. In my opinion, it is no different than if they were to go to any of the legal companies' proprietors, stick a gun in their back, and say, "Gimme your money." They are stealing business from the legal commercial carriers.

I believe that this bill will accomplish two things. First, it is going to improve safety because we can put out of business the chronic repeat offenders for good. Second, \$1.08 million is a big chunk of change. In this time when revenues have been severely impacted, I think that this can help solve that problem.

Assemblyman Hardy:

There are a couple of vans that come out of Utah, Mesquite, or someplace, and I know Mr. Frias has a taxi company out in that area, but I do not believe that those are his rigs. These carriers haul groups back and forth to the airport. Do they fall under your jurisdiction and are they licensed, or do you know? How does that work?

Andrew J. MacKay:

Not knowing the specific carriers, I am not entirely certain. However, that type of passenger transport depends on how it is arranged and where it comes from. If it originates from Utah and brings passengers into Nevada and Mesquite as part of a regular route, or if they are taking passengers to the airport and continuing what in essence is a looped service, or scheduled route, and if they have federal U.S. Department of Transportation (USDOT) authority, it is not subject to state regulation. They would be federally preempted. So not knowing the specifics or the carrier, there is a good chance that these companies could be certificated carriers that are providing transportation.

Regarding your question, Assemblyman Hardy, our staff could contact you perhaps and look into it to make sure that everything is aboveboard.

Assemblyman Hardy:

That is fine. I just know that there is a big use. They haul groups down to Las Vegas for Medicaid/Medicare assistance and other reasons for a small amount of money. They are not a Silver State carrier.

Assemblyman Segerblom:

In regard to the section that extends the life of the taxi from five to six years, are you doing the rulemaking on that right now?

Andrew J. MacKay:

No, not yet. There is an executive order putting a freeze on either promulgating or amending current or existing regulations. The NTA was prepared to submit a request to the Governor in order to get an exemption from that request, but we have held off, seeing that this matter is in front of the Legislature. If this becomes law, rulemaking would be a moot point, and there would not be any need to send such a request to the Governor.

Assemblyman Segerblom:

My concern is that if you put this into rulemaking, obviously, you can still change it back depending on how much taxes are used. But if it becomes law, until we are able to change the law, the life span of a commercial vehicle is going to go up to six years, is that correct?

Andrew J. MacKay:

Yes, you are absolutely correct. I obviously cannot speak on behalf of the sponsors, but the current regulation has never been changed since it was promulgated. I would think that the five years for used vehicles and six years for new vehicles for taxicab service is probably going to take care of the carriers for a substantial period of time. If they want to change it, they can go to you folks and get approval.

Trevor Hayes:

I believe it was the last session where they passed a similar statute regarding taxicabs in Clark County, so there already is statute control in Clark County, which has the most taxicabs in the state, so it would be consistent to have it for Washoe County as well.

Assemblyman Segerblom:

With respect to the second portion, regarding these gypsy limousines you are trying to regulate, that is the part where you are trying to collect these fines by taking away their driver's licenses. Is that correct?

Andrew J. MacKay:

Yes, that is the portion. When I used the term "illegal operators," perhaps I should have qualified it. We have regulatory authority over taxicabs outside Clark County and statewide regulatory authority over limousines, household goods movers, tow trucks, nonemergency medical transporters, and contract carriers. So, it is beyond just limousines, although the vast majority of the illegal operators first and foremost are probably equally split between the illegal charter limousine companies and the illegal household goods movers. A distant third would be the illegal taxicab companies that are operating outside of Clark County.

Assemblyman Segerblom:

Are you going to take the driver's license away from the owner of the company or from the driver of the vehicle? I am not sure how that works.

Andrew J. MacKay:

It is contemplated by the legislation that it will be the driver of the offending party. Quite often the "repeat offender" that I reference is an individual who holds himself out to the public and provides the transportation. Usually, the "owner" is, in fact, also the operator of the vehicle.

Assemblyman Segerblom:

But sometimes it is not.

Andrew J. MacKay:

Sometimes it is not. Sometimes it is an actual corporation, but very rarely is that the case.

Assemblyman Horne:

I have two or three questions. First, why is the age of a vehicle that is on the road described in terms of years, and not mileage, if the purpose is safety? I understand that the vehicle has to pass certain inspections, but it seems to me that if a vehicle has 200,000 to 300,000 miles on it and has been operational for only two years, maybe that vehicle should not be on the road. Also, a vehicle that might be operational for six or seven years but has only 20,000 miles on its odometer probably should not be pulled from service, so why are we using years instead of mileage?

Andrew J. MacKay:

When the regulation was initially adopted, vehicles were less durable, quite frankly. So they put an age on it. That is an excellent question. I think the proposed language is to be consistent with the regulation by keeping the bill consistent with the statutory language that governs taxicabs inside Clark County that are regulated by the Taxicab Authority. Just so the Committee is aware, it relates to any vehicle that is operated on an intrastate basis and is subject to the regulatory jurisdiction of the Nevada Transportation Authority. Each and every vehicle has to be subjected to a comprehensive annual inspection. They look at everything, including brakes, suspension, the engine, transmission, et cetera. Additionally, every day that the vehicle is operating, it is subject to a daily inspection; this is a federal regulation that the state has also adopted. This daily inspection ensures that the taillights and the horn are working, and the tires are not bald, et cetera. I think this may address the question relative to mileage. If a vehicle is not operational due to the fact that it has 300,000 to 400,000 miles on its odometer, and if has only 2 1/2 years on the road, it will never be able to pass the annual vehicle inspection that the U.S. Department of Transportation has laid out for all the standards contained therein.

Assemblyman Horne:

I want to talk about a couple of changes in section 8.7. On line 31, you have included the word "solely" in the phrase "in the business of renting and leasing." Why that change?

Trevor Hayes:

I do not recall that being in the draft we submitted. It could have been there or it could have been added by the Legislative Counsel Bureau (LCB). Kimberly Maxson-Rushton, the former Chair of the NTA, helped to draft this bill.

She also represents the Limousine Operators Association of Las Vegas, but she was unable to make it to the hearing today. She would probably be better able to answer that question, but I do not see that it is an essential part of the bill.

Assemblyman Horne:

Okay. Then in subsection 2, the portion you deleted reads: "The submission of a true copy of a lease or rental agreement is prima facie evidence that the vehicle was in the care, custody or control of the lessee." Why was that deleted?

Trevor Hayes:

I believe that sentence had been added in the previous version of this bill. Mr. Fairman, who is here in the audience, had some concerns with another section that we redrafted on the Senate side. When that part was deleted, I believe, this part was deleted as well. Mr. Fairman is now, I believe, in full support of the bill. But he had some concerns and I believe that was when this part was deleted, because it had been added to take the place of a part that was taken out to allay his concerns. That is my recollection of it.

Assemblyman Horne:

It seems to diminish liability.

Trevor Hayes:

I think we had a discussion about this a couple of days ago when it had come out, that we were fine with it staying in, but Legal took it out again and took out another section as well. We are fine either way.

Assemblyman Daly:

You mentioned that the Controller is collecting or supposed to collect the fines and penalties now?

Andrew J. MacKay:

Currently, in essence, once a matter is fully disposed of by the NTA, after it has been voted on, and the formal legal order has been signed, submitted, and delivered to the respondent of the citation, they have 21 days in which to pay the fine. If they do not pay the fine in that time period, pursuant to the law, there are three notices that will be sent to the individual. The third is the final notice. At that point, if you do not pay the fine, the citation will be sent to the State Controller's Office, which will contract with a collection agency that will attempt to collect any outstanding fines.

Assemblyman Daly:

Are all the notices and everything else still in place, or are you just narrowing that down to 30 days, and if they do not pay, they are going to have to deal with the DMV?

Andrew J. MacKay:

I am glad you asked, because I had failed to mention that issue. All the notices will still remain in place. In fact, in the language of the bill, you will see that the provision with respect to the State Controller's responsibility to collect these fines will still be in place. Whether the NTA collects the fines or the State Controller collects them through the collection agency, the key point is that the fines are collected. But, yes, the individuals or companies receiving fines are still going to receive notices. After 30 days, if the fine is still not paid, it is then sent to the Controller, who, in effect will be saying to them, "Be aware of the fact that this fine is now going to be sent to the DMV, and until you rectify this situation, your driver's license may be suspended as well."

Assemblyman Daly:

Which brings me to the next part, having seen a few bills do similar things, such as having fines sent to the Controller for collection. There is another bill that was going to use the DMV to revoke driver's licenses. What kind of fee is going to be placed on these individuals when they go to renew their licenses? Is the DMV going to impose a surcharge on them?

Andrew J. MacKay:

The DMV is not going to charge the NTA in order to suspend and then theoretically reinstate a person's license. In section 10.3, subsection 3(b) it states, "The Department receives payment of the fee for reinstatement required by NRS 483.410." I pulled up that statute and I believe there is a \$75 reinstatement fee. There are numerous statutes that fall under this onus, statutes that trigger a suspension and/or reinstatement of a license, which would fall under that provision within the statutory construction of the DMV.

Assemblyman Ellison:

You had two amendments, Amendment 850 and Amendment 884. Do you still concur with these amendments?

Andrew J. MacKay:

That is accurate. The initial bill, as Mr. Hayes indicated, was introduced by Senator Manendo on behalf of the Livery Operators Association. It stipulated that the NTA would license and issue permits to those drivers who basically serve as chauffeurs for hire. There was a substantial fiscal note placed on it, which was whittled down, but the revenue was never enough to

overcome the costs that would have been incurred by the state as a result. The bill was then amended by Amendment 850, as Assemblyman Ellison has mentioned. Mr. Fairman, in turn, had some concerns about Amendment 850. Hence, Amendment 884, in its current form, helped to assuage Mr. Fairman's concerns. That is where we are today.

Assemblyman Ellison:

If a taxicab company leases a vehicle to somebody else, and there is a problem with tickets and another with vehicle violations, how do you separate that?

Andrew J. MacKay:

To operate a taxicab company from point to point within the State of Nevada, the owner-operator has to obtain what is called a certificate of public convenience and necessity. That means that they have gone through the application process, paid the annual fees in order to operate those vehicles, and maintained their record of insurance. Transportation in the State of Nevada is quite heavily regulated, because people's lives are literally at stake. Let us say that I am operating an illegal taxicab company, and I lease the vehicle to Mr. Hayes. Mr. Hayes may be cited for operating without a certificate of public convenience and necessity, which would be a violation of *Nevada Revised Statutes* (NRS) Chapter 706.386, but only in the event that he is holding himself out to the public for hire and to be employed, which is the definition of a common motor carrier. Generally, what happens in these instances is that Mr. Hayes would be cited as the driver, but the respondent to the citation would be me.

In the event that the vehicle is impounded pursuant to state law, the registered owner of the vehicle is the one who is given notice that his vehicle is being impounded and he must appear at the hearing. Since it is an interim taking of property, the NTA has to have a hearing within 48 hours. In the event Mr. Hayes is operating a taxicab and I am the one who owns the illegal company, in all probability he will be listed on the citation, but he will not be the respondent, which in essence means he is not technically the party; that party will be me.

Chair Atkinson:

Are there any additional questions from the Committee?

Assemblyman Ohrenschall:

I am following up Mr. Segerblom's question. If the driver receives the fine, and the driver is not the owner, he is just an employee. Is there any provision in this bill for the owner to pay a fine, or will this be the driver's responsibility, and the driver will lose his license until he can pay the fine?

Trevor Hayes:

This is pertaining to the fines of drivers. Currently, if a company is fined, they are regulated and would have a certificate of public convenience and necessity through the NTA, so that they have other recourse against the company. If the driver was employed by a certificated carrier, that carrier could be liable for their part in any wrongdoing, and their license could be in jeopardy. The driver would have recourse in going against the company, as Mr. MacKay testified. Primarily this is going to be used against people who are illegally operating already; it is typically someone who buys a junkyard car and drives it himself.

Assemblyman Ohrenschall:

So this is primarily aimed at those owner-operators who are providing the gypsy taxicab service that Mr. Segerblom had mentioned?

Andrew J. MacKay:

In that rare occasion where someone is working for someone else, it would basically be the driver who would have to pay the fines.

Trevor Hayes:

Mr. MacKay just described that scenario; if someone illegally bought a car and let someone else drive it, they would cite the registered owner of the vehicle as opposed to the driver. I have represented people at NTA citation hearings. The NTA has a three-member board. There is a hearing officer, and they listen to the circumstances of each case. For instance, if they discover that a driver is unaware of the legal requirements involved in driving a commercial vehicle in Nevada, he would probably be given a minimal fine or no fine at all for a first offense. If this individual does not commit another violation within a specified period, that fine can be reverted back to the owner. It would be the owner they would go after in that case, but Mr. MacKay can probably clarify that better than I can.

Andrew J. MacKay:

Mr. Hayes is absolutely correct. We oftentimes cite individuals, particularly in the economic environment that we are in today, who truly have no idea that they are violating the law, and who are just trying to make a living. In every state, every case stands on its own and has its own special circumstances. But, when this individual is a college student, or a person who has lost his job, and who is just trying to put food on the table for his family, the NTA does not fine that individual. We believe that educating them, and making them aware that what they are doing is unlawful, is usually sufficient in and of itself. Ninety percent of the time, these particular individuals are never cited again. But, if that person, after being educated and informed of the law as such, continues to violate the law, those circumstances may change.

For instance, there is a movie company down in Las Vegas that continues to operate without authority. This is an entity that has changed its name multiple times, but it still retains the same ownership. This proprietor will send out his "employees" to do a job and it is the proprietor of the company who is cited, not the drivers. The practice and the approach of the NTA is to go after those individuals and/or companies who are truly the worst offenders.

Assemblyman Ohrenschall:

Regarding section 10.1, I think you mentioned that this is meant to close a loophole. Can you explain that one more time? Could you give us an example of problems you have faced because of not having this language in the statute?

Trevor Hayes:

As Mr. MacKay and I have both said today, my clients are involved in the commercial transportation of passengers, which is a heavily regulated industry in this state. As many as 40 million people come to this state every year to take advantage of Nevada's tourist attractions. We try to make sure that everyone who is in the business of transporting people is operating safely, that their vehicles have been inspected, that their drivers have been drug tested, et cetera. Currently, there is no provision in the law for the short-term lessor. I cannot go to Hertz and rent a van and then put up a sign at CVS that says, "\$5 a ride." Who knows what kind of person would be driving this van? We would assume that a car rented from a short-term lessor would be safe. But we do not know if the operator has had a drug test, or if he is a convicted felon, et cetera. This would make sure that these companies and individuals are safely transporting our visitors.

Chair Atkinson:

Are there any additional questions?

Assemblywoman Carlton:

I have a question on that section also, and then I need to backtrack for a second. Regarding the short-term lessor offer, if a hotel needs to move a group of people who are staying at the hotel, and they rent a 15-passenger van so that they can provide the shuttle service that they advertised, how will this impact that situation?

Andrew J. MacKay:

This does not impact that situation at all, because that transportation is specifically exempt pursuant to the statute.

Assemblywoman Carlton:

Why do we choose to go after someone's driver's license rather than their business license?

Andrew J. MacKay:

In short, typically, they do not have one, as Mr. Hayes indicated.

Assemblywoman Carlton:

What makes you think that they are going to have a driver's license? You can turn a key in the ignition and not have a license in your wallet.

Andrew J. MacKay:

Assemblywoman Carlton, you are correct. I will state that, as an individual who hears these cases as an administrative law judge, it does happen that we, being the enforcement arm of the NTA, will find somebody who is operating on a suspended license or who does not have a license at all, but that generally is the exception, not the rule. But, you are correct. This does not guarantee that they are not going to continue to operate. For instance, there is an illegal operator up north, a repeat offender. A couple of months ago he appeared in front of me, stipulating everything, that he had numerous violations operating without authority, and he had absolutely no mitigating circumstances to put on the record, in terms of why a fine should not be levied up to the statutory maximum. You know what? Two days later our guys caught him again driving around. He did not pay the impound fine. He let the car languish in the tow operator's storage yard. The tow operator went out and auctioned the vehicle and he continued to drive around.

So, the thought is that perhaps this bill is going to give the NTA some teeth. It cannot guarantee that these drivers will not continue to operate illegally. But, I think that, at least, it will give us a pretty good tool, so that this type of individual is going to think twice about continuing to violate the law.

Assemblywoman Carlton:

The time frame on the fines seems to be pretty quick. They get the notices and have to set up something in 14 days. Then you send them a certified letter. Are these time frames really reasonable as far as getting something done on the driver's license portion?

Andrew J. MacKay:

Absolutely. First, the individual is provided with a notice on the citation that this matter is going to be heard by the NTA. The case is not formally disposed of, or officially completed, until it is voted on by the full Authority, which is composed of Commissioner Michael J. Klobardanz,

Commissioner Monica B. Metz, and me. Then the individual would receive the actual formal, executed order that the three of us have signed. When that order is also signed and sealed by the Deputy Commissioner, the individual who has been cited has 20 days to either contact the NTA to set up a payment schedule or pay the entire fine outright. After the stipulated 20-day period, the three notifications would kick into gear.

Assemblywoman Carlton:

Not knowing the beginning process, that is very short. Thank you.

Chair Atkinson:

Are there any additional questions or comments from the Committee? Who else wants to testify in favor of S.B. 320 (R1)? Is there anyone in opposition? Anyone wishing to testify in the neutral position? [There was no one.]

Assemblyman Horne:

If you recall, I had a couple of concerns. If we were to delete the word "solely," as I did not receive an adequate explanation about why it was added in the first place, and except for my question on the current language in subsection 2 of section 8.7, I otherwise could support this bill. But, I am uncomfortable with it as it stands. If you are accepting a motion, that would be another possibility.

Chair Atkinson:

We have not even discussed having a motion. I am not sure what that means for the bill.

Trevor Hayes:

Mr. Fairman, who is seated behind me, indicated that the deleted section 8.7 causes him concern. We made an agreement on the other side that we would try to allay his concerns. We do not see a problem with reinstating that language, but we did make an agreement with Mr. Fairman, and I would like to keep my word.

Chair Atkinson:

If we are uncomfortable with it that is something we would have to consider. With all due respect to Mr. Fairman, we do have to make these policy decisions. I understand you made promises but you do not get to vote.

Trevor Hayes:

I totally understand. I was just explaining our position. Thank you, Mr. Chair.

Assemblyman Horne:

Mr. Fairman is sitting right there. He can come up and say why he needs that section deleted.

A. R. Fairman, Bus Service Operator, Carson City, Nevada:

My concern was that it would interfere with the interstate transportation of bus service throughout the State of Nevada. We operate a service that comes through the State of Nevada, going to and from the airport, and we thought this would interfere with that in the regulations.

Excuse me. My objection is in regard to the leasing of vehicles from the rental companies. I am sorry for the misunderstanding.

Chair Atkinson:

So you do not object to it?

A. R. Fairman:

I do not object to that. That is strictly for the rental of moving and storage vehicles.

Chair Atkinson:

What impact does it have, Mr. Hayes, if it does not affect Mr. Fairman, and he has no objections?

Trevor Hayes:

As I stated earlier, we adjusted that part for Mr. Fairman. Legal had taken that out and we were okay with that. As far as I understand it, we are fine with that language being left in the bill. We do not think it would have a detrimental impact, and Mr. MacKay has indicated the same.

Chair Atkinson:

Mr. Horne, were you saying that the section referred to should be left in or deleted?

Assemblyman Horne:

Mr. Chair, it is currently deleted in the copy, and I think it should be reinstated. I was asking why it was deleted, and if I cannot get an adequate response to that question, then I think it should be put back in. Also, I would like to see the word "solely" deleted in subsection 1 of section 8.7.

A. R. Fairman:

In our fleet we use owner-operators who have leased vehicles to us and who operate throughout the State of Nevada, and that is our concern, that it would

not interfere with the contract agreements that we have. We have five or six cars that are leased to us, similar to what is done in the trucking industry.

Sara Partida, Committee Counsel:

My understanding, then, is that section 8.7 would essentially return to existing law?

Chair Atkinson:

Correct. It would return to existing law if we are deleting section 8.7. Mr. Horne does not seem as if he is in the mood for change at the end of the session. He wants everything to be kept the same, and I am comfortable with that as well.

Assemblyman Segerblom:

Is there a motion?

Chair Atkinson:

No, we have not made one yet; we are still discussing it.

Assemblyman Segerblom:

I want to say that I appreciate the intent of the bill, but I cannot support anything where you are punishing somebody by taking away their driver's license; that to me just goes against due process. I think that a fine is the best way to collect the money. Taking away their driver's licenses just does not seem appropriate to me.

Chair Atkinson:

People lose their driver's licenses all the time for various reasons. Because this section of the bill has to do with driving and fines, I find it appropriate. Are there any additional questions and comments?

Assemblyman Ellison:

After looking through the bill and the amendments, I disagree with my colleague. I believe that there are laws, such as when you get too many speeding tickets or moving violations, and then the police will put out a bench warrant and come and arrest you. I think the same thing should be done with commercial drivers who violate the regulations. I do not have a problem with the bill, or with the two amendments and the corrections. I would like to make a motion that we approve S.B. 320 (R1) with the amendment.

Chair Atkinson:

With Mr. Horne's amendment, which I am fine with also? Mr. Horne, do you want to make the motion?

ASSEMBLYMAN HORNE MOVED TO AMEND AND DO PASS SENATE BILL 320 (1st REPRINT) WITH THE AMENDMENT THAT WOULD RETURN SECTION 8.7 TO ITS ORIGINAL FORM PER THE ADVICE OF LEGAL COUNSEL.

ASSEMBLYMAN ELLISON SECONDED THE MOTION.

Chair Atkinson:

Are there any further comments?

Assemblywoman Carlton:

I understand Mr. Segerblom's concerns. I have some of the same concerns. In listening to the testimony about the citation, the time frames, and the hearings, I am a little concerned about the cost. But, if they can set up a payment schedule, I think then it is okay. We have to have a hammer on some of these things. I do not know how they are going to get someone who has a California, Utah, or Oregon driver's license—that is a whole new set of problems—so I hope we do not find out that this is being used too heavily in the future. But, if these guys are misbehaving, and they do not have that laminated card in their back pocket, sooner or later somebody is going to have to put them behind bars. So, this is just the next step.

Chair Atkinson:

Are there any additional questions or comments? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN OHRENSCHALL AND SEGERBLOM VOTED NO. ASSEMBLYMAN OCEGUERA WAS ABSENT FOR THE VOTE.)

Chair Atkinson:

Is there any public comment? [There was none.] Any further discussion? [There was none.] Anything else to come before the Committee? [There was none.]

Meeting is adjourned [at 1:22 p.m.].

RESPECTFULLY SUBMITTED:

Earlene Miller
Recording Secretary

Diane O'Flynn
Transcribing Secretary

APPROVED BY:

Assemblyman Kelvin Atkinson, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Commerce and Labor

Date: June 4, 2011

Time of Meeting: 12:31p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster