

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON TRANSPORTATION**

**Seventy-Sixth Session  
April 28, 2011**

The Committee on Transportation was called to order by Chair Marilyn Dondero Loop at 3:24 p.m. on Thursday, April 28, 2011, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, 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/](http://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](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Marilyn Dondero Loop, Chair  
Assemblyman Jason Frierson, Vice Chair  
Assemblyman Steven Brooks  
Assemblyman Richard Carrillo  
Assemblywoman Olivia Diaz  
Assemblyman John Hambrick  
Assemblyman Scott Hammond  
Assemblyman Joseph M. Hogan  
Assemblyman Mark Sherwood

**COMMITTEE MEMBERS ABSENT:**

Assemblyman Kelvin Atkinson (excused)  
Assemblywoman Teresa Benitez-Thompson (excused)  
Assemblyman Randy Kirner (excused)  
Assemblywoman Dina Neal (excused)  
Assemblywoman Melissa Woodbury (excused)

**GUEST LEGISLATORS PRESENT:**

Senator Dean A. Rhoads, Rural Nevada Senatorial District  
Senator Mark A. Manendo, Clark County Senatorial District No. 7  
Senator Shirley A. Breeden, Clark County Senatorial District No. 5  
Assemblywoman Maggie Carlton, Clark County Assembly District No. 14

**STAFF MEMBERS PRESENT:**

Jennifer Ruedy, Committee Policy Analyst  
Darcy Johnson, Committee Counsel  
Jordan Neubauer, Committee Secretary  
Sally Stoner, Committee Assistant

**OTHERS PRESENT:**

Troy Dillard, Deputy Director, Department of Motor Vehicles  
Leah Bradle, representing Nevada Powersport Dealers Association  
Kyle Davis, Political Director, Nevada Conservation League  
Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association  
Mark Froese, Administrator, Management Services and Programs Division, Department of Motor Vehicles  
Michelle Gorelow, Director, Program Services, March of Dimes Nevada Chapter  
Erin Russell, representing Southern Nevada Affiliate, Susan G. Komen for the Cure

**Chair Dondero Loop:**

[Roll was called. Rules and protocol were stated.] We will hear three bills today. I will open the hearing on Senate Bill 130 (1st Reprint).

**Senate Bill 130 (1st Reprint):** Revises certain provisions governing off-highway vehicles. (BDR S-210)

**Senator Dean A. Rhoads, Rural Nevada Senatorial District:**

Thank you, Chair Dondero Loop and members of the Assembly Committee on Transportation, for the opportunity to introduce Senate Bill 130 (1st Reprint), which was sponsored by the Legislative Committee on Public Lands. I am a past Chairman of the Legislative Committee on Public Lands, which has spent several interims working on a consensus resolution to the wide range of issues relating to off-highway vehicles. [Continued to read from ([Exhibit C](#)).]

**Chair Dondero Loop:**

Thank you. Are there any questions from the Committee at this point? [There were none.]

**Troy Dillard, Deputy Director, Department of Motor Vehicles:**

I will quickly take you through the bill. There are five sections of the bill and each one accomplishes something different. Section 1 includes off-highway vehicles in the definition of "vehicle" under the Department of Motor Vehicles (DMV) Division of Central Services and Records Section, which allows us to release information regarding off-highway vehicles under the same criteria we do on-highway vehicles. Section 2 simply addresses the board members that are to be appointed for the Commission on Off-Highway Vehicles, and it adjusts the terms that were originally set in Senate Bill No. 394 of the 75th Session.

Section 3 is the crux of the bill and the most important section. It deals with the time frame for implementation of the off-highway vehicles registration and titling program. Senate Bill No. 394 of the 75th Session had a caveat in it for an expiration of June 30, 2011. It was necessary to acquire \$500,000 of start-up funds to be able to program and hire staff to implement this program. The reason that is, is because the *Nevada Constitution* separates the use of State Highway Fund monies from those that are not State Highway Fund monies. This is an off-highway fund program, and therefore, the State Highway Funds cannot constitutionally be used to support this program; it had to be found from an independent source and in the program funds itself. That has already been designed in S.B. No. 394 of the 75th Session.

The start-up funds were not deposited until January 11, 2011, and that was not enough time for the DMV to complete the processes necessary to put this program into place. We have been moving forward since we have received the money. We have contracts in place for hiring the programmers who will begin the programming of the system, and we have working groups moving forward on identifying all the business rules and protocols necessary to get this program implemented as soon as possible. With that, this section extends the deadline for implementation to June 30, 2012, or the caveat, within 30 days of completion of the program. We will announce on our website as such, and that will start the timeline for the first year of implementation of the program. The bill itself allows for a one-year introduction period for those individuals who own these vehicles to register them. They have one full year from the notice that goes out or July 1, 2012, whichever comes first. That is section 3 of the bill, and like I said, it is the crux of this bill.

Section 4 addresses an inadvertent mistake that was made in S.B. No. 394 of the 75th Session that transferred the responsibility for designating portions of highway in which off-highway vehicles can operate from the Nevada Department of Transportation (NDOT) to the DMV. That was an error and was unintended. Section 4 simply reverses that and keeps NDOT the responsible entity for designation of roadways. I would be happy to answer any questions from the Committee.

**Chair Dondero Loop:**

Thank you. Are there any questions from the Committee?

**Assemblyman Brooks:**

If this bill were to pass, would anyone who owns an off-highway vehicle have to get it registered just as though he were registering a car? How much would it cost to register off-highway vehicles? Is there a flat fee?

**Troy Dillard:**

The law already exists that you have to register off-highway vehicles. That was part of S.B. No. 394 of the 75th Session. What S.B. 130 (R1) does is extend the deadline to implement the program. All the requirements are already established for it. Within S.B. No. 394 of the 75th Session there is a designation to the Commission on Off-Highway Vehicles to set the registration amount. If I recall, I think it was between \$20 and \$30. That is purely from recollection of the bill. The commission has not been appointed yet.

**Assemblyman Brooks:**

Where will the proceeds go for registering off-highway vehicles? Will they go to create more off-highway vehicle-type recreational facilities?

**Troy Dillard:**

Yes, there are criteria established specifically within S.B. No. 394 of the 75th Session that designate where the money will go. A percentage will go to the DMV to cover the costs of carrying out the registration, issuing the certificates, and handling the titles. A portion of the money will go to the Commission on Off-Highway Vehicles, and it will determine how the money will be used. There are criteria such as improvement of trails and roadways, public education, and law enforcement—they get a certain percentage allocated for the purposes of enforcing the off-highway vehicle registration law use or inappropriate use thereof.

**Assemblyman Carrillo:**

My question pertains to the reciprocity of other states. I am not sure what Utah or California's laws are. I do not know if they require their off-road vehicles to

be licensed and registered. If someone comes from another state that does not have the law we are talking about and he gets pulled over, what kind of reciprocity is there from state to state?

**Leah Bradle, representing Nevada Powersport Dealers Association:**

I was also part of S.B. No. 394 of the 75th Session. There are portions of the bill that allow for reciprocity with other states. Registration is not required in our state unless the vehicle is here for 60 days or more. We specifically talked to surrounding states in the creation of S.B. No. 394 of the 75th Session in regards to having reciprocity back and fourth. All of our surrounding states have similar programs. They would have stickers similar to ours, and those would be recognized when traveling in between states.

**Assemblyman Carrillo:**

Whenever I go to Utah to go fishing, I have to purchase its fishing license. If someone came from out of state and wanted to ride his off-highway vehicle with his buddies in Nevada, would he have to buy a temporary permit? I understand the reciprocity, but if someone from Nevada took his off-highway vehicle to Idaho, would he have to purchase a temporary permit?

**Leah Bradle:**

I cannot speak specifically to the other states as far as them honoring our stickers. Due to Nevada not having a program, most other states require the purchase of a temporary sticker. Previously in speaking with representatives from other states, they said that having a program here would alleviate the need because the off-highway vehicle would be registered, and they could find the rightful owner. In regards to people coming to Nevada to ride their off-highway vehicles, we did look at issuing a temporary short-term sticker. To be honest with you, I have to get back to you or go through the bill again to answer that question. I believe we changed the bill so they would not have to purchase a temporary permit as long as the vehicle and owner are in Nevada for less than 60 days. I will verify that.

**Assemblyman Carrillo:**

I am looking at possible revenue. If they are going to come and enjoy our state in the open wilderness, they should help pay for whatever damages they create.

**Assemblyman Sherwood:**

Section 2 is about the Commission on Off-Highway Vehicles; members will be appointed every January for the next three years starting in January 2013. In aggregate we are going to have four members in 2013, four members in 2014, and three members in 2015 on the commission. How long do they serve? Is it a paid position? What kind of authority do they have if any?

**Leah Bradle:**

When we passed S.B. No. 394 of the 75th Session, we created the Commission on Off-Highway Vehicles essentially to oversee the grant process. The commission is made up of various members from different organizations: dealers, users, wildlife organizations, et cetera, and they will oversee the grant process. It is an unpaid position, small stipends for traveling, et cetera, but they would essentially have the authority to oversee the program and distribute funds. Senate Bill No. 394 of the 75th Session created the Fund for Off-Highway Vehicles where the majority of the monies collected will go for return on things like trail maintenance, facility creation, repairs, et cetera, and the commission will decide where the money will go based on the grant process.

**Assemblyman Frierson:**

I am looking at section 1, which tries to expand on the definition of vehicle. Page 6 defines *vehicle* "without limitation, an off-highway vehicle," but is the intention to be talking only about off-highway vehicles, or is the intention to make sure it is all vehicles plus off-highway vehicles? The reason I am asking is because the way it reads seems to exclude all other vehicles and focus on off-highway vehicles.

**Troy Dillard:**

The intention is to include off-highway vehicles with other vehicles. The way it was worded was the way the Legal Division intended, so it would state exactly what I just explained. It was simply to add that off-highway vehicles would also be included in the authorization for the DMV to release records information the same way it already does with all on-highway vehicles.

**Assemblyman Brooks:**

I need clarification. Do people who come to Nevada from other states who want to enjoy our recreation areas have to buy a temporary permit or not? If they do not have to buy a temporary permit, how would this law be enforced and what is the fine?

**Leah Bradle:**

I will have to check on that point. There was a lot of compromising between different groups when S.B. No. 394 of the 75th Session was first brought forward. We are essentially the only western state, and one of the only states in the United States, that does not have an off-highway vehicle registration program. Most people coming to Nevada from other states will have stickers from their home state in relation to their registration process. I will have to check on whether the riders would have to get a temporary permit here or if it is just on the basis of whether the vehicle is here for 60 days or more.

**Assemblyman Brooks:**  
What about the fine?

**Leah Bradle:**

The fine for not registering your off-highway vehicle if you are in Nevada for more than 60 days is a misdemeanor, and I think the fine is somewhere around \$100. I will have to double check on it.

**Assemblyman Brooks:**  
It is a misdemeanor?

**Leah Bradle:**  
I will find the information.

**Assemblyman Brooks:**  
Will you send it to me please?

**Leah Bradle:**  
Yes, of course.

**Chair Dondero Loop:**  
I am going to ask Ms. Ruedy to clarify the questions that are being asked.

**Jennifer Ruedy, Committee Policy Analyst:**

*Nevada Revised Statutes* (NRS) 490.082 subsection 3 says: "Registration of an off-highway vehicle is not required if the off-highway vehicle: (a) Is owned and operated by: (1) A federal agency; (2) An agency of this State; or (3) A county, incorporated city or unincorporated town in this State; (b) Is part of the inventory of a dealer of off-highway vehicles; (c) Is registered or certified in another state and is located in this State for not more than 60 days; (d) Is used solely for husbandry on private land or on public land that is leased to or used under a permit issued to the owner or operator of the off-highway vehicle; (e) Is used for work conducted by or at the direction of a public or private utility; or (f) Was manufactured before January 1, 1976."

**Assemblyman Brooks:**

What happens if the owner of an off-highway vehicle belongs to a state that does not require him to register his off-highway vehicle and he is riding in Nevada? Do we have a temporary permit process? Do we cite him with a misdemeanor and a fine? There is a gray area I am trying to figure out.

**Troy Dillard:**

It took three sessions for S.B. No. 394 of the 75th Session to pass, so we went through a lot of different variations of the bill. It is ultimately in Chapter 490 of the NRS now. My recollection is that you are required to have registration on your off-highway vehicle to operate it in the state of Nevada. Reciprocity is in place. If you are from California and you have a California sticker in relation to what was just read, you are fine as long as you are not operating it in Nevada for more than 60 days. If you come from a state that does not require registration or you failed to register it or you are operating an off-highway vehicle and you do not fall under one of the exceptions that were just read, you are in violation of the state's registration requirement. If you are coming from out of state, you would have to have a sticker; it could be a valid sticker from another state or a Nevada sticker, even if you were not a resident.

**Chair Dondero Loop:**

Did that clarify your question, Mr. Brooks?

**Assemblyman Brooks:**

Yes it did, thank you.

**Chair Dondero Loop:**

I understand that the permit will raise some revenue, but I want to make sure we are not missing something because you did say someone would need to be trained to do this. Am I correct?

**Troy Dillard:**

The financial issue was already addressed in the passage of S.B. No. 394 of the 75th Session. There is no fiscal impact as a result of this bill here before you today.

**Chair Dondero Loop:**

Thank you.

**Assemblyman Sherwood:**

I have a constituent who owns a store that sells motor vehicles. Can the permitting and registration happen on the premise of a dealership? For example, if I buy a 150 cubic centimeter (cc) motorcycle for my son and he wants to ride it the same day, we do not want to stand at the DMV for half a day; we would like to be able to register it at the dealership at the time of purchase.

**Troy Dillard:**

Yes, the dealers are going to be the ones who facilitate the registration portion of the program. There will be no service for off-highway vehicles at the DMV.



It is not funded by the State Highway Fund. Only the people who are funded through this program will be handling registration and titling for off-highway vehicles. It is completely an independent program of the standard DMV operation and will be handled through the dealers who sell these products.

**Assemblyman Sherwood:**

What about resale? For example, my son is now 20 years old and does not want to ride the 150 cc minibike and I sell it. What is the process for the new owner? Can we transfer the registration?

**Troy Dillard:**

I do not recall the answer on the transfer of registration. I believe the vehicle is registered, not the operator. If you purchase it and it has a valid registration, I believe it is still good until the expiration of the registration. You can facilitate the new registration with the DMV through a mail-in or through one of the participating dealerships. Either one of them will be able to facilitate the transfer.

**Assemblyman Hammond:**

Let us say you are coming from Mississippi, and you are going to go through Nevada on your way to California, and you have an off-highway vehicle. You decide to stop in Laughlin for three days and want to operate your off-highway vehicle. There is not a licensure program in Mississippi, so you do not have a sticker. If you wanted to ride the areas around Nevada, is there a temporary permit or would they have to get the sticker?

**Troy Dillard:**

You are trying to tax my memory. I believe there was discussion of a temporary sticker, but I believe it was removed in the final passage of S.B. No. 394 of the 75th Session and it came down to whether the off-highway vehicle was registered or not. It was simply: reciprocity or they have to buy a Nevada sticker. When the temporary permit was discussed, it was going to cost the same amount of money.

**Darcy Johnson, Committee Counsel:**

I just wanted to point out at the very end of NRS 490.082, which is the registration section, subsection 6 says: "The provisions of subsections 1 to 5, inclusive, do not apply to an owner of an off-highway vehicle who is not a resident of this State." The 60-day rule does not apply if you are not a resident.

**Assemblyman Brooks:**

That is opposite of what Mr. Dillard just told me. That individual is exempt from the law. This is where I have heartburn because you do not necessarily need a

driver's license to drive an off-highway vehicle, so how do you ascertain if the individual is from Nevada or not? If the person in Nevada is caught driving without registration, he is arrested because it is a misdemeanor offense. The other person who is from another state gets to keep riding. I think you are going to have problems with that.

**Darcy Johnson:**

That is an enforcement issue, not a legal issue. I do not know if Mr. Dillard wants to speak about that, or if there is someone here from law enforcement who would be able to address it.

**Assemblyman Brooks:**

If we put this into law it can cause some ambiguity.

**Chair Dondero Loop:**

Our law already states that if you are not a resident of this state, you are exempt.

**Darcy Johnson:**

That is correct.

**Assemblyman Brooks:**

Is there anyone who is with law enforcement in the room that can address this issue? [There was no response.] How would law enforcement determine residency if they are dealing with a 15-year-old child riding a dirt bike who does not have a driver's license? How would they know if the child is from Mississippi or Nevada?

**Chair Dondero Loop:**

I think it is another bill. It would have to be another change in the NRS. Am I correct, Ms. Johnson?

**Darcy Johnson:**

I believe so, but I cannot help but think there are other places in the NRS where similar situations occur: where there are certain requirements for residents and non-residents in situations where they may or may not have a driver's license with them. Obviously if they are driving a car we can look at a driver's license, but I suspect law enforcement has ways of dealing with this sort of situation in other cases.

**Assemblyman Frierson:**

I think Legal referenced what I was going to bring up. The way we deal with minors that do not have a driver's license is the way we would deal with a

minor in this case. If they are operating some type of vehicle, they have to have a supervising adult. The officer would ask questions or issue a citation if registration was required. If that minor turned out to go to Ed W. Clark High School, then that would help the officer decide whether or not to pursue the charges. If he went to high school in Utah, then we would get to the bottom of it. I do not know how much of an issue this is going to be unless there is a liability or an accident; then there is documentation to look it up. Is that what the intention was with S.B. No. 394 of the 75th Session?

**Troy Dillard:**

All of these issues were debated and S.B. No. 394 of the 75th Session passed. I was not prepared to go back over S.B. No. 394 of the 75th Session. What the bill did do was require registration of the vehicle, not the operator. The law that is already in place regarding the operation of these vehicles was not affected by this bill. It was simply the requirement to register off-highway vehicles that were to be operated within the lands of Nevada. It does not tie the registration to a specific individual as the operator in the case of where you would have a driver's license and a standard motor vehicle in which you have to have a driver's license to operate. It did not touch any part of the requirements that exist already.

**Chair Dondero Loop:**

With all due respect, we have a lot of new members here that were not here last session and we are a different body, so we need to hear the bill and hear the information. That is why the members of this Committee are asking questions. While I know this may have been vetted on the other side, our members need to ask these questions. They are important questions.

**Assemblyman Brooks:**

The only reason I bring this up is because section 1, subsection 5 says: "the Director may release any personal information, except a photograph, from a file or record relating to a driver's license, identification card, or title or registration of a vehicle for use." It may be a moot point; I just know that kids who are going dirt bike riding do not necessarily need to have identification. I just want to make sure for tracking purposes that we do not penalize residents and allow people who are driving their off-highway vehicles to get away scot-free; I think that would be a tragedy.

**Chair Dondero Loop:**

Are there any other questions from the Committee? [There were none.] Is anyone in support?

**Kyle Davis, Political Director, Nevada Conservation League:**

We are in support of this bill today. We were part of the group that put together S.B. No. 394 of the 75th Session. It was the top priority of the conservation communities, and we think this bill is important to make sure the program we worked so hard on last session can actually come to fruition and try to solve some of the problems we have been trying to solve over the last few years when it comes to the issue of titling and registration of off-highway vehicles. At the risk of trying to answer a question, I might be opening up another hole, but in my reading of the bill and thinking about this, when we come across a 15-year-old kid who is riding his dirt bike, a lot of what is in the bill and in law now applies to the owner of the dirt bike. In most, if not all cases, the owner is not going to be the kid; it is going to be the kid's parents or an adult. In that case, the issue of residency and driver's licenses come back to the owner of the vehicle.

**Chair Dondero Loop:**

Are there any questions from the Committee?

**Assemblyman Brooks:**

You have a 16-year-old kid who is riding with his cousin that is 15 years old: how do you get the information on who purchased the off-highway vehicle? As a misdemeanor, do you arrest the person on the spot if he does not have the appropriate type of licensing or do you give him a ticket? How do you enforce the law?

**Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association:**

I too was part of the working group on S.B. No. 394 of the 75th Session. We worked on this bill for a number of years, and I had the privilege of testifying before the United States Senate regarding this dealing with federal lands, and it is a major problem. I can tell Mr. Brooks that if one of our officers had a situation like that, he would interview the individual, and if he found a reasonable cause to believe that the vehicle should be registered and it is not registered, he would write him a citation. In Nevada, citations are misdemeanors. Could I arrest on that? Yes, sir, I could. Do we do that? Very seldom.

**Chair Dondero Loop:**

Are there additional questions from the Committee? [There were none.]

**Frank Adams:**

We are in support of this. The Commission on Off-Highway Vehicles is made up of volunteers and one of the board members is a law enforcement representative. The grants that come back from the money that is gathered will

go to a number of different things, and I think it will be very beneficial. Nevada is one of the last states in the nation to have a registration program. Now, if an off-highway vehicle comes into Nevada, it is allowed to be ridden. If I go to Utah and I want to ride, I am required to get a temporary permit because Nevada does not require licensing. If this bill passes, when I go to Utah to ride I would no longer have to buy a temporary permit and we would not require temporary permits in Nevada under this program. The big thing is we were losing a lot of tax money in Nevada because people want to go to a state that requires licensing and titling of off-highway vehicles, and we do not do that. A lot of Nevada residents go to St. George, Utah to buy their off-highway vehicles because they can title and register them in Utah. With this program we will be able to keep that money in Nevada.

**Chair Dondero Loop:**

Thank you. Are there additional questions? [There were none.] Is anyone else in support? [There was no one.] Is anyone opposing this bill? [There was no one.] Is anyone neutral? [There was no one.] We will close the hearing on S.B. 130 (R1). I will open the hearing on Senate Bill 406.

**Senate Bill 406:** Requires the Department of Motor Vehicles to waive certain fees owed by certain military personnel. (BDR 43-1145)

**Mark Froese, Administrator, Management Services and Programs Division,  
Department of Motor Vehicles:**

The Department of Motor Vehicles (DMV) submitted a fiscal note on Senate Bill 406. The bill exempts active duty military personnel who are deployed for combat or combat support from paying late fees for vehicle registration renewals or driver's license renewals. Currently, driver's license late fees are not charged for active duty military. What the DMV did in creating this fiscal note was obtain a number for the estimated active Nevada resident military people, which was 500. Then we looked at fiscal year 2010 vehicle registration renewals that were late and it was 13 percent. We used those numbers to create our fiscal note of negative \$3,258 for fiscal year 2011-2012. I would be happy to answer any questions.

**Senator Mark A. Manendo, Clark County Senatorial District No. 7:**

I want to say for the record that Senator Breeden let me put in a committee bill for this issue. It came up late and I did not have any bill draft requests left. One of my constituents has a son in the military, and he had a couple of late fines because he was serving overseas. He did not know he was late on his renewals until he got back. That is the premise of this particular piece of legislation. It is hard to check the mail when you are thousands of miles away. I think not penalizing them is one of the least things we can do. Technical

questions can be answered by the DMV. I appreciate that you are allowing this bill to be heard today.

**Chair Dondero Loop:**

Are there any questions from the Committee?

**Assemblyman Carrillo:**

Obviously your constituent is single. If the military personnel have family members that are capable of renewing the registration for them, are they still exempt? If so, they do not have to worry about renewing their registration on time because they are exempt. Can the wife or parents now drive on expired license plates? How does that work?

**Senator Manendo:**

I do not know how that works; I do not know if they track whether someone is married or not. The situation I am referring to is a single gentleman, and when he got back, he realized that he had a bunch of late fees. Certainly if there is some cleanup language for the bill, I am fine with it. It is for someone who has been gone on duty for a while. I think if the vehicle is registered under both the wife and husband's names, they would have to register it and would not be exempt from the late fees. But as far as the driver's license, it is for one individual regardless if you are married, in a domestic relationship, or live at your parents' house. I do not think that part would apply.

**Assemblyman Carrillo:**

The cleanup language is good. I just do not want to see anybody thinking it is an out. If they have the exemption, the vehicle still might be in use by another family member or spouse. I have concern that someone is going to be driving the vehicle and have the excuse that the owner of the vehicle is exempt from late fees because he is in the military. That is my biggest concern.

**Senator Manendo:**

I am sure law enforcement would pull someone over in that situation. If someone was driving on expired tags, he would get pulled over. I think this has to do with additional fees. This does not get him out of a ticket for expired plates. The vehicle needs to be in the driveway parked. If he is on the road, he is subject to a fine by law enforcement.

**Assemblyman Carrillo:**

I do not want it as a get out of jail free card.

**Assemblyman Frierson:**

Logistically, I have some of the same concerns about how this bill would work. If the car is sitting in the garage or driveway, it is fine; to me it is a no-brainer, and I can clearly see what we are trying to do. In the instance that Assemblyman Carrillo brought up, if your registration expires, is there something that goes to the insurance company to raise a flag so the insurance company is aware? If registration expires, does that impact the insurance? It seems that it might open a door that might have some other implications, and I want to make sure we are covering them. If your registration expires and the DMV knows you are overseas, what about the insurance company? Are they going to fine you or freeze your insurance? Is there something that will protect you, so you do not get any fines in that regard as well?

**Mark Froese:**

I do not believe the insurance would be affected. I believe the owner of the vehicle would have to notify the insurance company to cancel his policy. Senator Manendo is right as far as the fiscal note. It addresses the late fees for vehicle registration. It is not a get out of jail free type of mechanism.

**Assemblyman Frierson:**

I seem to recall that there used to be a policy where an SR-22 form would be required if someone had a lapse in insurance, making it extremely difficult for those people to get insurance again. Would this also prevent them from having to have an SR-22 issued?

**Mark Froese:**

I do not believe that an SR-22 would come into play in these cases. I believe SR-22s are utilized when people get DUIs. I do not think it would have an effect in the way you described.

**Assemblyman Hammond:**

Would this work more like a deferment? Do you notify the DMV ahead of time that you are going to be gone for deployment so there would not be any fines, or do you wait until afterwards to rectify it?

**Mark Froese:**

How we interpret this bill is that the late fees would be waived when they came in to renew their vehicle registration.

**Assemblyman Hammond:**

They have to prove that they were gone.

**Mark Froese:**  
Correct.

**Assemblyman Hammond:**  
So it would be after the fact?

**Mark Froese:**  
Correct. According to the numbers we have in our fiscal note, we are estimating a total of 64 registrations a year. So, it is a very low number.

**Chair Dondero Loop:**  
Are there any other questions from the Committee? [There were none.] Is anyone else in support of S.B. 406? [There was no one.] Is anyone in opposition? [There was no one.] Mr. Carrillo, do you have a question?

**Assemblyman Carrillo:**  
Yes, I have a question for the DMV. How would this work if someone owned multiple vehicles? Would every vehicle be exempt? Some people might have two or three vehicles. I would like to think these people put their house in order before they leave, but obviously some people may have had a longer stay than they anticipated. I am sure it is hard to worry about your mail 5,000 miles away. If they own multiple vehicles, it seems like a large loss to the state in revenue. Does this apply to multiple vehicles? My concern is these people know they have registration to pay for; it is a yearly fee. They know what is coming down the pipe; it is not a surprise. I appreciate anybody who serves our country, but in the same aspect you have to keep your house in order no matter if you are 5,000 miles away or if you are 5 miles away.

**Mark Froese:**  
This would apply to registration. If an individual had multiple registrations because he had multiple vehicles, it would apply to him.

**Chair Dondero Loop:**  
Thank you. Are there any additional questions? [There were none.] Is anyone opposed? [There was no one.] Is anyone neutral? [There was no one.] I will close the hearing on S.B. 406. I will open the hearing on Senate Bill 408.

**Senate Bill 408:** Revises provisions governing the issuance of special license plates. (BDR 43-1144)

**Senator Shirley A. Breeden, Clark County Senatorial District No. 5:**  
I had the honor of serving as the Vice Chair of the Commission on Special License Plates during the interim in which Assemblywoman Carlton chaired.



We worked together because we felt as though we have charities in the queue that are so deserving, and we wanted to do something during these hard economic times to help them move up on the list. We worked with law enforcement to raise the cap of the number of specialty license plates. Senate Bill 408 increases the cap from 25 to 30 for the number of special license plates that may be issued by the Department of Motor Vehicles (DMV).

It would allow up to, but no more than five of the groups that have currently been approved by the Commission on Special License Plates to receive a specialty license plate. I want to share with you the next five on the list: the United States Air Force Thunderbirds, March of Dimes, Teamsters Local 631, Susan G. Komen for the Cure, and Nevada Airports Association.

**Assemblywoman Maggie Carlton, Clark County Assembly District No. 14:**

Being one of the dozen people who voted against the Commission on Special License Plates, I have been honored to serve on it as a member and then as Chair ever since it was created. Special license plates are a very passionate issue to everyone, and that was one of the reasons it was put onto a commission. There was a time in 1999 and 2001 where you would have seen 20 to 30 special license plate bills in the Legislature. Not only does it take time to draft bills, but then you are asking legislators to pick between friends and organizations of those you would like to support because these plates can sometimes be very profitable.

The cap has been at 25 plates since the commission was first initiated. I have spoken to a number of people who have been involved with this issue for longer than I have and the original sponsor of the legislation of the Commission on Special License Plates. I discussed with them raising the cap by five plates: taking the cap from 25 to 30. I have not had anyone who has absolutely said no; I do have some people who have serious concerns, and I have tried to allay those concerns.

I think the original idea was we had too many special license plates out there and there was too much going on. We wanted to slow down the flow of special license plates. It was hard for the Nevada Highway Patrol and the police departments of Nevada to keep up with all the different plates. We now have a very good process of putting plates on the street, and they do a lot of good work in Nevada. Lake Tahoe has truly benefitted from its plate, the City of Las Vegas has greatly benefitted from its as well, and the one special license plate I did in my legislative career is doing very good work in helping people become citizens of this country. The plates do provide a needed source of funding for nonprofit organizations. We know in these tough economic times a lot of our nonprofit organizations are getting desperate. They will either be

there or they will not. With that, the discussion came up that the cap has been at 25 for a long time and should be raised to 30. This does not mean there has to be 30 special license plates.

Madam Chair, I believe you will have the honor of being on the Commission on Special License Plates because you are the Chair of this Committee, and I believe Senator Breeden will have that same honor. No plate is guaranteed an approval; they have to come before the commission, ask for the approval; and meet all of the criteria. There are no guarantees that all the organizations will meet the criteria, but I know a number of them will. I believe at this time special license plates will be very popular and they will generate a lot of money that will go to some very worthy causes in this state and do some very good things for our constituents.

**Chair Dondero Loop:**

Thank you. Are there any questions from the Committee?

**Assemblyman Brooks:**

I like the bill. I think we should increase the cap. Why was it capped at 25? I never understood that. It seems this would be an excellent resource for many nonprofit organizations. It seems like if it does not generate money, then so be it; it does not hurt anyone.

**Assemblywoman Carlton:**

I was here the session the commission was created. We looked at the amount of plates that were on the street and what we thought the capacity was. There was discussion with the Nevada Highway Patrol and law enforcement. I believe the author of the bill thought 25 was a good number to work from, keeping in mind that once you get a special license plate it is not guaranteed forever. If you do not sell enough plates, you do not stay on the list. We do have one or two plates every biennium fall off the list because they have not sold enough plates or kept the threshold they need and there is a high criteria to get a plate. The safeguards are built in.

**Assemblyman Carrillo:**

There must be a certain amount of people requesting the special license plate or else the cap would not go from 25 to 30. Everybody wants to have their special license plate; it is a fund raiser, and it puts money into something that is going to better the community and people. Why was the cap at 25? I wish law enforcement were here to give a little bit more detail because you said Nevada Highway Patrol and law enforcement were talking about it.

**Assemblywoman Carlton:**

It was former Speaker Richard Perkins' bill. He created the commission, and I believe it was basically to slow down special license plates. If we only have a couple come out every year, then law enforcement and the DMV have the time to get them drawn up. They have to be approved by the Nevada Highway Patrol, planned out, and the officers have to get used to seeing them on the street. I think it was to keep 15 plates from hitting the street in one year. It is a progression.

**Assemblyman Carrillo:**

What you are saying is it might progress next session; it might change from 30 to 35?

**Assemblywoman Carlton:**

I would give my commitment to this Legislature that next Legislature I will not bring a bill that increases the cap. I think 30 is a reasonable number.

**Assemblyman Carrillo:**

The reason I ask is because you stated that some plates are going to fall off because no one is buying their license plate. I know there are certain entities that have sold a few hundred license plates.

**Assemblywoman Carlton:**

Yes, and they will fall off the list.

**Assemblyman Carrillo:**

In other words, we are not going to be stuck with these same 30 entities. What is the time limit for the fall off?

**Assemblywoman Carlton:**

People can be in the queue for up to four or five years. I believe in this next round, there is going to be more fall off because some other things are going on, but we do lose a couple and gain a couple. Right now we are at the cap of 25, and if a couple fall off, that means there will be 2 spots available; and if we raise the cap to 30, there might possibly be 7 spots available. It would be up to the Commission on Special License Plates to review the people that are in the queue to see if they are still willing to get a plate, if their organization is still in existence, if they have met the criteria, and if they get approval from the commission.

**Chair Dondero Loop:**

Are there additional questions from the Committee? [There were none.]

**Michelle Gorelow, Director, Program Services, March of Dimes Nevada Chapter:**  
[Read from ([Exhibit D](#)).] I am here in support of S.B. 408. The March of Dimes, as many of you know, is one of the best-known charities. We were founded by President Franklin D. Roosevelt in 1938, and we are the only charity to succeed in its first mission by conquering polio. We have had many successes since 1938: we established that drinking alcohol during pregnancy causes birth defects, we have funded research that led to the discovery of surfactant therapy to treat respiratory distress syndrome in preterm infants, and we have educated women about the importance of taking folic acid before and during pregnancy. Although March of Dimes has a great reputation, the foundation does struggle with mission awareness. Besides the specialty plate giving us the ability to earn more income, it is also an opportunity to educate the general public on who we are and that we are striving to have a day when all babies are born healthy.

Currently there are 15 organizations on the waiting list, and March of Dimes has been on the waiting list since March 2007. We have been on the waiting list for a little over four years. Because of that reason, we are supporting S.B. 408 to increase the number of specialty plates from 25 to 30. It will also give other nonprofit organizations the opportunity to obtain a specialty license plate.

**Chair Dondero Loop:**

Thank you. Are there any questions from the Committee? [There were none.]  
Is anyone else in support of S.B. 408?

**Erin Russell, representing Southern Nevada Affiliate, Susan G. Komen for the Cure:**

Since its inception in 1982, Susan G. Komen for the Cure has invested in breast cancer research, awareness, advocacy, and support programs. We would like to thank the Chairwoman of the Committee for considering S.B. 408 and lend our support to this particular legislation. There are about 15 organizations on the waiting list. Susan G. Komen is another one of those organizations that has been on the waiting list for nearly four years.

**Chair Dondero Loop:**

Thank you. Are there any questions from the Committee? [There were none.] Is anyone else in support? [There was no one.] Is anyone opposed? [There was no one.] Is anyone neutral? [There was no one.] I will close the hearing on S.B. 408. Is there any public comment? [There was none.] Are there any comments from the members? [There were none.] We are adjourned [at 4:31 p.m.].

RESPECTFULLY SUBMITTED:

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Jordan Neubauer  
Committee Secretary

APPROVED BY:

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Assemblywoman Marilyn Dondero Loop, Chair

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

**EXHIBITS**

**Committee Name:** Committee on Transportation

**Date:** April 28, 2011

**Time of Meeting:** 3:24 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
S.B. 130 (R1)	C	Senator Rhoads	Written Testimony
S.B. 408	D	Michelle Gorelow	Written Testimony