

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

**Seventy-Sixth Session
May 3, 2011**

The Committee on Transportation was called to order by Chair Marilyn Dondero Loop at 4:20 p.m. on Tuesday, May 3, 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/. 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:

Assemblywoman Marilyn Dondero Loop, Chair
Assemblyman Jason Frierson, Vice Chair
Assemblywoman Teresa Benitez-Thompson
Assemblyman Steven Brooks
Assemblywoman Olivia Diaz
Assemblyman John Hambrick
Assemblyman Scott Hammond
Assemblywoman Dina Neal
Assemblyman Mark Sherwood

COMMITTEE MEMBERS ABSENT:

Assemblyman Kelvin Atkinson (excused)
Assemblyman Richard Carrillo (excused)
Assemblyman Joseph M. Hogan (excused)
Assemblyman Randy Kirner (excused)
Assemblywoman Melissa Woodbury (excused)

GUEST LEGISLATORS PRESENT:

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

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
David Revzin, Private Citizen, Henderson, Nevada
Ryan Pretner, Private Citizen, Las Vegas, Nevada
Lee Pretner, Private Citizen, Las Vegas, Nevada
Paul Brooksbank, Private Citizen, Las Vegas, Nevada
Steven Raucher, Private Citizen, Las Vegas, Nevada
Michele Shafe, Private Citizen, Las Vegas, Nevada
Timothy G. Rowe, Bicycle Advocacy Coordinator, Alta Alpina Cycling Club
Michael Spears, Cochairman, Advisory Board on Automotive Affairs
Robert L. Compan, representing Farmers Insurance Group
Peter Krueger, representing Emission Testers Council and Capitol Partners, LLC
Jeanette K. Belz, representing Property Casualty Insurers Association of America
Michael Geeser, representing AAA Nevada
D. Neal Tomlinson, Regulatory Counsel, Frias Transportation Management
James Wisniewski, Chief Information Officer, Frias Transportation Management
John Hickman, Chief Operating Officer, Frias Transportation Management
David Goldwater, representing Desert Cab Incorporated and Nellis Cab Company
Gary Milliken, representing Yellow Checker Star Transportation
Morse Arberry, Private Citizen, Las Vegas, Nevada

Chair Dondero Loop:

[Roll was called. Rules and protocol were stated.] We will hear three bills today. Senator Parks is not with us; he is in another committee meeting, so we will pull Senate Bill 323 (1st Reprint) from the agenda.

Senate Bill 323 (1st Reprint): Revises provisions relating to motor vehicle liability insurance and registration. (BDR 43-421)

[This bill was not heard.]

Chair Dondero Loop:

I will open the hearing on Senate Bill 248.

Senate Bill 248: Revises provisions governing traffic laws relating to overtaking and passing bicycles and electric bicycles. (BDR 43-794)

Troy Dillard, Deputy Director, Department of Motor Vehicles:

This is not a Department of Motor Vehicles (DMV) bill. The DMV does not have a position on this bill. Due to Senator Parks' absence, I have been asked to present this bill to you today. It is a fairly simplistic bill. I was present during the testimony that occurred on this bill in the Senate Committee on Transportation, so I will relay the story I heard. I believe there are individuals in Las Vegas who will be providing testimony specifically regarding this bill; there was a rather large contingent in the Senate Committee on Transportation.

The bill changes the current law regarding the safe passage of bicycles when a car is traveling in the same direction a bicycle is riding. It changes the language to actually provide a definition, meaning that a vehicle must move to the left-hand lane when overtaking a bicycle if the left-hand lane is available; and if not, the vehicle must move more than three feet away from the bicycle and cannot move back until it has safely passed the bicycle. I think the intent was to give definition to what was otherwise a bit of subjective language in safely passing a bicycle. There were numerous individuals who provided testimony about the encounters they have had with vehicles while they were riding their bicycle, and I believe some of them are here today.

Chair Dondero Loop:

Thank you. I will now allow the people in Las Vegas to testify; please come to the table.

David Revzin, Private Citizen, Henderson, Nevada:

I am an avid cyclist. I want to speak briefly to explain why our cycling club and community feel that this law is important and how it came about. You will be hearing from Ryan Pretner; he is one of our riders who was riding in the bicycle lane and was hit by a mirror from a truck and sustained very significant injuries that had him in a coma for quite some time. As soon as you hear about an accident, you wonder who it is and you also want to know how it can be prevented, so it does not happen to you.

I was thinking about that going down Green Valley Parkway Sunday morning on my way to my club ride—which is three lanes in one direction, three lanes in the other direction, and there is not a bike lane. More often than not, there is a car sharing the lane with me. I wonder why that is. I think to myself that I can

have a blowout, rider error, get caught in an expansion crack, or get caught in the lip in the asphalt and the concrete, and if I do, I can have an injury like Ryan had, a very serious one, because I am riding unprotected on a bicycle. I am not encased in 2,000 pounds of metal.

As I was thinking about that, I coincidentally had a trip to Colorado, and in Colorado I had a completely different experience. In Colorado the cars move over significantly or change lanes as they go by you. They are so considerate. I was wondering what the difference between Nevada and Colorado was. I did some research, and I learned that Colorado is a bicycle-friendly state. They have more bicycles per capita than elsewhere. Motorists are well educated in dealing with cyclists. Most importantly they have a law that people are very aware of, which is the three-foot law.

Thinking about that, I wondered if we could have a law like that here in Nevada and educate drivers about it. We realize if we pass the law and people are not educated, nothing will change. We could educate people by going to the DMV and having them put it on their test. Ryan's situation was covered previously on television and a follow-up story for his miraculous recovery would be a great agenda to advertise the law; we have access to newspapers, and our cycling community has over 5,000 cyclists on their email list that they could make aware of the law having passed and ask them for their help and support in spreading the word. There are many avenues we have to educate people. I am just an ordinary citizen, but luckily one of our avid cyclists, Michele Shafe, knew about this process and helped us get started formulating the law, and here we are today. That is how we began, and I will answer any questions.

Chair Dondero Loop:

Thank you. As a mother of a bicycle rider in New York City, it gives me about a half of a heart attack hearing about this.

Ryan Pretner, Private Citizen, Las Vegas, Nevada:

My name is Ryan Pretner, and I was hit by a truck while I was riding my bike in the bike lane on Saint Rose Parkway on January 12, 2009. I was an accomplished cyclist and that was taken away from me in a split second. I almost died. I am having trouble doing the most important things in my life: I cannot work, drive my car, play sports, or parent my two kids. I used to be an advocate for people, and now I need to be taken everywhere by others. If there was a safety bike law, maybe this would not have happened to me. With a bicycle safety law, if just one person would be safe and not have to go through what I and countless others including their families have gone through, I would sure be happy.

Chair Dondero Loop:

Thank you very much. I really appreciate you taking your time to come in.

Lee Pretner, Private Citizen, Las Vegas, Nevada:

My name is Lee Pretner and I am Ryan's father. My son was hit by a truck that illegally entered the bicycle lane while he was riding in the bike lane on Saint Rose Parkway on January 12, 2009. That terrible incident changed our family's lives forever. He almost died. He has been in and out of six different major brain injury facilities over the last 28 months for serious rehab and continuous therapy that is ongoing weekly. I am here today to tell you how his accident negatively impacted our family. Ryan was a serious cyclist, very active in sports, a parent, and had ties to the community. All of that was taken from him, and now he has trouble doing most things in his life.

He cannot work, drive, play sports, or parent his two kids. He needs to be taken everywhere by others. I was a senior advocate for the elderly when I worked for Catholic charities for six years. After the incident I had to leave my job and become an advocate for my son. My life was changed because I had to go with Ryan to various traumatic brain injury facilities. The stress on his family—his sister, wife, and me—was overwhelming.

Ryan was liked and respected by the cycling community that organized a benefit ride in March of 2009. Ryan could not attend as he was in the hospital fighting for his life. If there was a safety bike law, maybe this would not have happened to our family and could keep other families from this type of tragedy. I thank the people who have come here today in support of Ryan and the safety bike law. I also would like to thank the Committee for giving me the time to express my feelings and would ask you to do the right thing and pass the law for future bike riders.

Chair Dondero Loop:

Thank you. Are there any questions from the Committee?

Assemblyman Hammond:

It says in the bill that there has to be three feet between a passing vehicle and a bicyclist if they are on the road going the same direction. It does not talk about bicycle lanes in the bill. Is it your intent that no matter what if a bicyclist is in a bike lane or sharing the road with a car, there still needs to be three feet in between the passing vehicle and the bicyclist?

David Revzin:

That is correct. The way it is written there will always be three feet regardless of whether a bike lane exists or not. Ryan's accident is a classic example of

someone being in the bike lane and still getting hit by a vehicle. A biker can be on the edge or in the middle of the bike lane and if the vehicle moves to the edge of the bike lane, it can be closer than three feet, and that is what happened to Ryan. Both the vehicle and the bike were legally in their proper spot, but the vehicle did not leave a proper amount of room, and thus the accident was caused.

Assemblywoman Neal:

On this bill there are not any penalties or an effective date. How is notice going to be given to motorists about the three-foot law?

David Revzin:

Since it revises an existing law, there are penalties already. I should know them, but I do not. Nothing would change as far as the penalties that exist now. The difference is right now the law says you must safely pass a bicyclist, but it is not more specific than that. This bill will make it very specific on how to safely pass a bicyclist.

What you brought up is really the crux and the most important part of the bill. If you pass the law, nothing is going to change. Education is going to change things. We have had cyclists speak to people at the DMV who do the testing, and one of the things they are very open to doing is putting this new law on their test. All new motorists would have to study, read, and learn how to safely pass a cyclist. We have had television coverage on Ryan's accident, and we have contacted them and they are very excited to do a follow-up story, which would include Ryan Pretner's law, which is this bill. The *Las Vegas Review-Journal* is interested in advertising this law. The Regional Transportation Commission is very much behind this bill. They sponsor a lot of commuter ridership programs, and in meeting with them, they have an extensive email list we can use. The Regional Transportation Commission sponsors rides that contain thousands of cyclists. I think once we get together and get imaginative, there will be many ways to get the message out. Our own email list consists of between 4,000 to 5,000 riders out of just one of the bicycle shops. We think we can do a good job of advertising.

Assemblyman Frierson:

I think culturally we have become hurried and entirely too prone to not paying attention. I think this is definitely an effort to bring attention to that issue. I have a couple of practical or technical questions. In the bill, subsection 2 of section 1 says: "(a) If there is more than one lane for traffic proceeding in the same direction, move the vehicle to the lane to the immediate left, if the lane is available and moving into the lane is reasonably safe; or (b) If there is only one lane for traffic proceeding in the same direction, pass to the left of the bicycle

or electric bicycle at a safe distance, which must be not less than 3 feet between any portion of the vehicle and the bicycle or electric bicycle, and shall not move again to the right side of the highway until the vehicle is safely clear of the overtaken bicycle or electric bicycle." What is not in the bill is if there is more than one lane, but there is not a safe opportunity to move over. I think that needs to be addressed. It might be a scenario that was technically left out of the drafting. Section 1, subsection 2(b) says "If there is only one lane for traffic proceeding in the same direction." Can we change it to say, "If there is only one lane for traffic proceeding in the same direction or the lane immediately to the left was not safe", or something that would take it into consideration, so we are not leaving it out? I do not know if that is consistent with the intention of the bill, but it was just a thought.

Was the scenario considered where a road may be too narrow so that moving over three feet would either make it unsafe or put the vehicle in the lane of oncoming traffic? I was wondering if there had ever been anything contemplated for circumstances where the road was too narrow to accommodate the three feet, but still allow the car to stay in its lane.

David Revzin:

It is interesting you bring that point up because, getting back to the Colorado story, many of its lanes are just as you stated. If there is a cyclist and a car coming the other way and a car going with the cyclist and there is not enough room for everybody, with the three-foot law, what they actually do in Colorado is slow down and pass the cyclist with a three-foot cushion once the oncoming car goes by. What very often happens in Nevada is instead of slowing down, the vehicle leaves it up to the cyclist to figure out where exactly he needs to go so all three vehicles can fit at the same time. The people of Colorado know if they cannot leave a three-foot cushion, they need to slow down and wait the extra second until the oncoming car or cars pass by.

Chair Dondero Loop:

Thank you. Are there any other questions from the Committee? [There were none.] Is anyone else in support of S.B. 248?

Paul Brooksbank, Private Citizen, Las Vegas, Nevada:

I am here in two capacities today: one, as an emergency medical services provider for the last 17 years with Henderson Fire Department; and two, as an avid bicyclist and bicycle commuter. We heard earlier from Ryan Pretner, and he suffered a brain injury secondary to a collision with a vehicle. In my capacity as a fire rescue person, I just wanted to let you be aware that this is not a rare occurrence. I can point to at least two fatalities I have responded to in the last

12 months. One day in March, we had four accidents that involved bicycles and vehicles in one 24-hour shift.

As a bicycle commuter I frequently find myself being passed by vehicles very closely, within two or three inches of my left shoulder. This is obviously alarming to me, and I find myself treated on the road as a second-class citizen. I think bicycle commuting has its place in the community. We are struggling to become energy independent. Gas is coming towards \$5 a gallon, and I think it would be good for the community for more people to get out there and ride their bikes. Essentially this law asks that a vehicle traveling potentially 55 miles per hour passes no closer than my arms length from me. If I extend my arm from my left shoulder out, that is how close we want the vehicles to stay.

Chair Dondero Loop:

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

Steven Raucher, Private Citizen, Las Vegas, Nevada:

I am here in the capacity of a business owner in Las Vegas and a 20-year veteran of cycling. My business is a marketing services firm that provides marketing to the hotel casino industry. One of my big clients is the Las Vegas Convention Center. What we noticed is that in a recent article in a bicycling magazine, Las Vegas was voted one of the worst and unsafe places to ride a bicycle. Being in my business, I know that recently we have some very large events that help drive tourism in this town that are bicycle related, such as the Regional Transportation Commission ride. We are bringing in the Nevada Silverman Triathlon—which has been in Henderson for several years, and there was an international-level triathlon this year. I think with the change in the three-foot rule, we can expand this part of the industry and bring in more tourism. We have a city where you can ride a bicycle 12 months a year; why not capitalize on that by filling hotel rooms essentially?

I have spoken with Mayor Andy A. Hafen about this. He developed the Regional Transportation Commission trail which is the River Mountain Loop Trail in Henderson. It goes through the park and it has been a great place to safely ride a bike, but you have to get to the trail through the normal streets. If we can change that reputation nationally, I think that would make it a destination; it is quite a trail to ride on.

I think in addition to the revenue we can generate from this bill, it would be nice to move Nevada off the worst list and move up to where the other 14 states who have this law in our country—Colorado, Arizona, et cetera—are. We should make it safe to ride a bike on our roads. Thank you, I appreciate your time in allowing us to speak today.

Chair Dondero Loop:

Thank you very much. Are there any questions from the Committee? [There were none.]

Michele Shafe, Private Citizen, Las Vegas, Nevada:

I am a member of the Green Valley Cyclists and I love to cycle. I have been hit by a vehicle in the past, and it is a very scary thing. Once it happens to you, every time a vehicle is even within a foot or two it is very terrifying. With the economy the way it is, I have noticed there are more and more people commuting to work on their bicycle everyday, and it would be wonderful if we could get this law passed, get the education out there, and not have anything happen, like what happened to Ryan Pretner, to anyone else. I am in support of this bill as a cyclist. Thank you.

Chair Dondero Loop:

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

Timothy G. Rowe, Bicycle Advocacy Coordinator, Alta Alpina Cycling Club:

[Read from [Exhibit C](#).] I have been an avid cyclist here in Carson City for the past 23 years, and I am in support of this bill mainly because of the increased education and awareness of drivers. It will give drivers a quick and easy reference in how to pass cyclists. I ride in Carson City all the time, and people come way too close. This bill would really help, thank you.

Chair Dondero Loop:

Thank you. Are there any questions from the Committee?

Assemblywoman Neal:

Can you give me an example of intentional interference with the movement of a person who is traveling on a bike?

Timothy G. Rowe:

People come way too close. Over the last month, I was passed on my lunch ride. The person came so close to me that I could feel the heat from the exhaust pipe on my leg. That is way too close.

Assemblywoman Neal:

Would that be described as intentional?

Timothy G. Rowe:

It sure felt intentional. I have a mirror and I can watch them behind me. I can see them get close to me then move back over after they pass me. That is intentional.

Chair Dondero Loop:

Thank you. One of the issues I think some of us have been wondering about is bicycle tipping. I know in the past there have been some incidents of bicycle tipping; would this bill help prevent that? I know Ms. Neal was touching on some of that, but I wanted to head it straight on.

Timothy G. Rowe:

I know one instance in Reno. Yes, this bill would help. Bike tipping is intentional, someone coming and pushing a bicyclist over. I have had people in my bike club, which is the Alta Alpina Cycling Club, that have been touched as they are riding. For a person to be able to touch a rider, he is pretty darn close.

Chair Dondero Loop:

Thank you. Are there additional questions from the Committee? [There were none.] Is anyone else in support? [There was no one.] Is anyone in opposition to S.B. 248? [There was no one.] Is anyone neutral? [There was no one.] I will now close the hearing on S.B. 248 and I will open the hearing on Senate Bill 238 (1st Reprint).

Senate Bill 238 (1st Reprint): Revises provisions concerning the Advisory Board on Automotive Affairs. (BDR 43-994)

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

I am a fan of bicycles. I have ridden bikes before and I have had some close calls. Thank you for hearing that bill as well. Mr. Spears is in Las Vegas, and he is going to talk about the Advisory Board on Automotive Affairs. In my day job I work in the collision industry, which is why they came to me to sponsor the bill. In the interest of time, I will answer questions at the end.

Chair Dondero Loop:

Thank you.

Michael Spears, Cochairman, Advisory Board on Automotive Affairs:

I was asked by fellow board members to request this bill, and as a result, I am here today to ask for your support and passage of Senate Bill 238 (1st Reprint). I feel that perhaps the Legislature may not be aware of the valuable resources available through the Advisory Board on Automotive Affairs, which was created by the 73rd Legislative Session. Some of our accomplishments in the past include helping to develop the language for a Class A collision-repair license bill, which is a higher level of licensing and accountability for body shops. The Class A collision-repair license bill was added to the *Nevada Revised Statutes* (NRS) in 2007. Our board has also been helpful in the analysis of customer complaints and the methods used in those investigations and any disciplinary

actions that may be needed. We provided input and recommendations on several legislative bills over the past couple of sessions as well. We are currently tasked with studying, analyzing, and advising the Department of Motor Vehicles (DMV) on matters relating to the automotive industry. As such, one of our requests in S.B. 238 (R1) is to bring our recommendations and studies to the attention of the Chairs of the Assembly and Senate Committees on Transportation. We feel legislators are in the best position to decide the need for any proposed legislation that may result from the board's advice.

The Advisory Board on Automotive Affairs is currently made up of seven members. However, it is missing vital representation by three members of the auto industry. This bill would add one representative from the auto emission stations, one representative from the insurer of motor vehicles, and one representative from the new and used car dealers. With the addition of these members, the Advisory Board will be more able to fully represent the automotive industry. This bill provides the ability for any current board members to serve out their terms in the event those members do not meet the new prerequisites for appointment.

Brought to my attention yesterday was the fact that a few of those in the insurance industry had issues with the language regarding the ability of the board to study and analyze each of these industries represented by the members. They felt that it was too broad of a scope, and as a result, a friendly amendment ([Exhibit D](#)) was worked out to ease that concern for some of the parties involved. This was just submitted to the Committee by email. I hope everyone has a copy of it.

Chair Dondero Loop:

Yes, we have a copy. The protocol is all amendments from all parties need to be submitted 24 hours before the meeting. In the future, they will not be accepted late. Thank you.

Michael Spears:

In the amendment, the first change is correcting the Advisory Board on Automotive Affairs intentions regarding our chair's vote. We were not going to change that since it was passed out of the Senate in that form, but if there is a chance this amendment might be added, then our board would like to make this correction allowing our chair to vote in all matters, but still retain the deciding factor in tied votes. The change is that we added the words, "as it relates to the automotive collision repair industry," to help define the scope of what the board is studying and analyzing when it comes to insurers of motor vehicles. In closing, I would like to thank you for your time and hopefully your support.

Chair Dondero Loop:

I apologize. I believe we do not have your amendment. Did you submit copies of it? We have one amendment from Farmers Insurance Group ([Exhibit E](#)).

Michael Spears:

That would be one in the same.

Chair Dondero Loop:

The amendment from Mr. Compan is also your amendment?

Robert L. Compan, representing Farmers Insurance Group:

This is the amendment I had discussed with Mr. Spears this morning prior to issuing it to your Committee prior to the deadline. My apologies to the Committee.

Chair Dondero Loop:

Thank you. Mr. Compan, would you please go through the amendment?

Robert L. Compan:

I really have to apologize; in recent hours we became aware of the scope of the language in the bill. We are assured that it is an advisory board, but we felt that the board had the ability through its advisory to advise the Governor to authorize the DMV to execute data calls and things of that nature, which are usually relevant to the Division of Insurance in the Department of Business and Industry rather than the DMV; therefore, we offered up the amendment with simple language stating "as it relates to the automotive collision repair industry."

Chair Dondero Loop:

Are there any questions from the Committee?

Assemblyman Sherwood:

I have a question for the sponsor. How would this bill limit competition? Is there a potential for limiting competition, or is it not even an issue?

Senator Manendo:

I do not think it would have any impact at all.

Chair Dondero Loop:

Thank you. I do not know who wants to answer this question. I have three pieces of paper here; I have one from Mr. Compan ([Exhibit E](#)), one from Mr. Spears ([Exhibit D](#)), and another one from Mr. Rataj ([Exhibit F](#)) from the

National Association of Mutual Insurance Companies (NAMIC). How do all of these papers fit together?

Robert L. Compan:

This morning a series of emails started to stir throughout the industry. Farmers Insurance Group is not a member of NAMIC. However, I do work with the Nevada Insurance Council, which is an ad hoc group, so we kind of communicate. Interest in the language was prevalent this morning and generated a lot of email chatter, and I believe Mr. Rataj is addressing what we addressed in our amendment.

Chair Dondero Loop:

Just to confirm so I have this straight: this bill was heard in the Senate Committee on Transportation and voted on; it was heard on the Senate Floor and voted on; it came to the Assembly Floor; it has been on the Assembly Committee on Transportation's agenda; and today at 12 p.m. everybody decided on an amendment. It took until today?

Robert L. Compan:

Respectfully, you are correct.

Chair Dondero Loop:

I just wanted to make sure I had that correct. Senator Manendo, do you have any additional information for us?

Senator Manendo:

I apologize as well; I was not aware of any concerns other than the original clean bill. I know that you and this Committee will make the best policy decision on this bill. On behalf of everybody, we apologize for the lateness of the amendment. I saw it for the first time today as well.

Chair Dondero Loop:

So nobody came and talked to you either?

Senator Manendo:

Not until today.

Chair Dondero Loop:

Well, I didn't get talked to at all, so you are one up on me. Ms. Diaz, do you have a question?

Assemblywoman Diaz:

I see that you are carrying this bill by request, and I do not know who you are carrying it for. Who wants this legislation?

Senator Manendo:

In my day job I work in the collision industry, and I am vaguely familiar with the Advisory Board on Automotive Affairs. People that I know have served on the Advisory Board on Automotive Affairs in the past. Current members have also filled me in about what they have done, and we have seen some of the products that have been brought forth to the Legislature in the past. They felt that an expansion of the Advisory Board on Automotive Affairs would be in our best interest because information is vital. Not everyone does what I do for a living. Even in my capacity, I do not know everything in the industry, so I felt that expanding the Advisory Board on Automotive Affairs was worthy of debate. The Advisory Board on Automotive Affairs came to me to ask for expansion in this particular area.

Assemblyman Frierson:

I am looking at the amendment ([Exhibit E](#)) and it adds "as it relates to the automotive collision repair industry." I am wondering if that is defined anywhere or should be?

Senator Manendo:

Maybe Research or Legal might know something; I have not researched it.

Darcy Johnson, Committee Counsel:

To my knowledge, automotive collision repair industry is not defined in the NRS; it might be in the *Nevada Administrative Code*, but I doubt it.

Jennifer Ruedy, Committee Policy Analyst:

I agree with Legal Counsel.

Chair Dondero Loop:

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

Peter Krueger, representing Emission Testers Council and Capitol Partners, LLC:

I am in support of the bill. I am not in support of the late amendment. Let me try to address a couple of questions from the Committee regarding the collision industry. It is not defined; it is a loose group. The smog testers are supporting the bill because it broadens the make-up or the membership of the Advisory Board on Automotive Affairs.

I will give you a little background. The Advisory Board on Automotive Affairs is a product of the 72nd Legislative Session as a way to have allied industries that are involved with three or four particular business groups—such as the collision industry, auto body shops, and a couple of others—to meet on a quarterly basis with the DMV. The person who has overseen that for a number of years is Mr. Dillard. It is an opportunity where industry representatives come together and discuss trends in the industry and complaints, which is the biggest reason the board was formed.

This bill was a product of former Speaker Barbara Buckley because she was and continues to be interested in consumer affairs and issues. The board meets and looks at customer complaints; in fact, I am aware there was a complaint that came to the board last meeting. The result of this bill without the amendment expands the role of advisory. I want to emphasize that it is an advisory board; it has no standing as to regulation. It simply does the things that Mr. Spears outlined. They meet, advise the DMV on issues, listen to customer complaints, and present appropriate bill drafts to the two committees that oversee transportation.

We, as the emissions industry, are please to be included in this because it is another consumer function. We all have to have our cars emissions tested, at least in Clark and Washoe Counties. We think this bill is a good move, and including an insurance individual is important. I just do not understand the idea that somehow with the amendment the scope is too broad. I think the amendment will also delay the process in the importance of getting this bill through the session. Thank you.

Chair Dondero Loop:

So you sort of support the bill?

Peter Kruger:

I support the bill without the amendment.

Chair Dondero Loop:

Are there any questions from the Committee? [There were none.] Is anyone opposed to S.B. 238 (R1)? [There was no one.] Is anyone neutral?

Jeanette K. Belz, representing Property Casualty Insurers Association of America:

I am in support of the bill with the amendment. I would like to first of all address the amendment that Mr. Compan addressed ([Exhibit E](#)) and Mr. Kruger's opposition to it. Section 1, subsection 6(a) says: "Study the regulation of garage operators, automobile wreckers, operators of body shops,

operators of salvage pools, operators of authorized emissions stations, insurers of motor vehicles and new and used motor vehicle dealers” To Mr. Compan’s point, the regulatory authority of the insurance industry really rests with the Division of Insurance. That language caused some concern because it was extremely broad, and the Insurance Division has nothing to do with this particular chapter of the NRS or this Committee. I believe that is why he was offering some kind of language that would help to define what the scope of the group was, and we support that effort. I do not know if his particular language is defined enough in terms of the automotive collision repair industry, but some language to define it better would be helpful.

Also, this afternoon I had the chance to speak with Mr. Spears myself because the Property Casualty Insurers Association of America had a call this morning, and as we looked the bill over further, it became clear that the requirements for insurer representatives were limited to the point where you had to have someone who was a resident of the state for at least five years. For some other businesses that might not be an issue, but we were hoping to get someone who had overall insurance association responsibility. We find it is a good way to get information to the Committee and also back to the industry to try and be more collaborative. This really restricts us not to be able to do that; for example, the group I represent is regionally organized, and the Nevada office is combined with California, and the gentleman who is responsible is based out of Sacramento, California. He would not be able to meet this requirement. I chatted with Mr. Spears earlier today to see if there was a possibility of expanding that or somehow addressing it. He said he was unable to do that because he needed to talk with members of the board, which I understand, but at this point I was hoping we would still be able to work something out. We are neutral with the amendment.

Chair Dondero Loop:

Thank you.

Michael Geeser, representing AAA Nevada:

I want to echo Ms. Belz’s comments and reiterate that we are honored to be asked to be a part of this, and I can tell you the Advisory Board on Automotive Affairs truly does good work here in the State of Nevada. It is a good bill and a good board, but the problem is we are unclear where we fit in when it comes to regulation since it is the Division of Insurance instead of the DMV that actually regulates our industry. I appreciate Mr. Spears being willing to speak with me today to try and hash things out, but we still have not arrived fully at what our role would be in the way of them studying the regulation, which is why we are neutral on the bill. Make no mistake, as far as the board goes, this is a good

thing. It is good we have this and we talk about the issues; we are just trying to figure out where our industry fits in. Thank you.

Chair Dondero Loop:

Are there any questions from the Committee?

Assemblywoman Neal:

I am curious about the amendment. Mr. Geeser is neutral on the amendment, and Ms. Belz is supporting the amendment. Why are we going to support an amendment that focuses on the collision industry? Senator Manendo was at the table, and he said it was part of his job, life, and business. It seems like there is going to be a significant influence by the Advisory Board on Automotive Affairs on an industry that may directly effect or benefit the sponsor. Why is it so narrow or why are we adding that language in the bill? If I brought a bill like this, that question would be asked.

Jeanette Belz:

If you look at the original language in the bill—for example, section 1, subsection 6(a), page 3 starting on line 11—the group currently, since its inception, has been studying the regulation of garage operators, auto wreckers, and body shop operators, which is the collision industry. I do not believe that by defining that we are doing anything other than saying, relative to insurance, it is about that same topic. Insurance is much broader than that. We are just talking about the original charge of the Advisory Board on Automotive Affairs, which is to look at matters relating to the collision industry, whether it is garage operators, auto wreckers, or body shops. I do not believe that is narrowing or specific to your comment.

Assemblywoman Neal:

If it is redefining it, fine, but we have had a couple bills that came through the Committee on the Assembly side that dealt with collision. At that time we were able to get a picture of what that industry was doing, what kind of changes it was looking for, and now we get the Senate bill that redefines or puts into the scope dealing with collision. I am just curious—I am not stating anything directly or indirectly—I just want to know why this is such a huge issue if there is not some kind of financial benefit.

Assemblyman Frierson:

I have a question about the amendment. Has the Advisory Board on Automotive Affairs made recommendations or given advice regarding something other than the industry, which I think, is a vague term? Is there some function that the board has served that this amendment would prevent from serving? Or is there some area that the Advisory Board on Automotive Affairs has made a

recommendation on that was inappropriate? Are we really trying to fix something that is wrong? I am wondering if the amendment is necessary. I am not entirely sure what kind of recommendations the Advisory Board on Automotive Affairs makes, but a garage operator might not necessarily be related to a collision. It is not that it is clarifying what is already there; some of these other areas such as salvage pool might not have anything to do with a collision. It might just be a junk vehicle that somebody decided they did not want to fix. Are there recommendations that are being made that we are trying to prevent from happening with this amendment, or are we trying to fix a problem that does not exist?

Jeanette Belz:

I cannot speak to what the Advisory Board on Automotive Affairs has done; I have only attended a few meetings, but I could not sit here and tell you what its last report contained. Maybe we picked the wrong language—I will admit that up front—but the new language in S.B. 238 (R1) says, “Study the regulation of,” and one of the groups they are studying the regulation of is insurers of motor vehicles. If you just take that phraseology, it causes concern because the Advisory Board on Automotive Affairs is under the auspices of the DMV. The regulation of insurance, per se, is not under the auspices of the DMV; it is under the auspices of the Division of Insurance. Taken in parts, that is beyond what this group should be doing from a DMV board perspective, but to the extent that it relates to how insurance plugs into things that these groups do, that is where we can offer some assistance to the group. I believe that is why we were included as the insurance industry. Where we come in is usually in collision. As it translates to this group, we might have picked the wrong language because I see where this is going; we might be further defining what they are looking at, which we do not intend to do. If you look at that language, it is very broad and it is beyond what this group should do. Somehow we wanted to wrap our arms around it; it looks like we did not do that very well.

Chair Dondero Loop:

I have a question for Mr. Dillard. I would like to know from the DMV’s perspective, does it already regulate these groups mentioned in the bill and the amendment? If not, why do we put them in? If so, what happens?

Troy Dillard, Deputy Director, Department of Motor Vehicles:

We do regulate all of the industries mentioned in the bill with the exception of the insurance industry. I believe the recommendation of the board that was given in the drafting of this bill was to add those new positions; the language that says that the board will study the regulation of insurers was the Legislative Counsel Bureau’s language added to the bill to make it match the above, and I think that is the issue that is being debated now. I do not ever recall any

discussion with the board where the intent was to look at the regulations of the insurers rather than to use their valuable input to assist with the basis of the automotive industry as a whole.

Chair Dondero Loop:

Are there any other questions from the Committee?

Assemblywoman Benitez-Thompson:

I want to hear from the bill sponsor about his thoughts on the amendment. I did not feel like I understood whether or not this language would fit in with the intent of the bill. I understand what Mr. Compan and Ms. Belz are getting at.

Senator Manendo:

I think the amendment is fine. I do not know how much more we can go on this. I apologize this came so late, but I think the amendment is going to fit the intent. The two sides should have talked days ago or last month.

I want to address some of the comments from Ms. Neal. This is an advisory board. They are not paid, I am not on it, I am not paid, and this does not benefit me one way or another. Even in the industry, whether one car comes through the shops I work for or zero, I am not on commission; I do marketing and public relations work. This bill has absolutely no effect on me personally. I know from serving in the Legislature, the board has been beneficial to consumer protections. They came to me because I am in the industry. I just wanted to clarify that.

Assemblyman Frierson:

I think I have my hands wrapped around what is trying to take place here and why you are fine with it. Your testimony today indicates the intention was for insurers of motor vehicles to fall under the purview of this board only with respect to garage operators, automotive wreckers, operators of body shops, and operators of salvage pools. You do not have a problem with it because that was your intention anyway?

Senator Manendo:

Correct.

Assemblyman Frierson:

This might be repetitive, but I am wondering if instead of accepting the amendment how it is, we say "as it relates to" and then list those other things that are already in there to make it clear that is what we are trying to do—which is study and analyze insurers as they relate to those previous items, but nothing else.

Senator Manendo:

I think that can work too.

Chair Dondero Loop:

Are there any more questions? [There were none.] Is anyone else neutral? [There was no one.] I would encourage more work on this bill and more communication. I will close the hearing on S.B. 238 (R1). I will open the hearing on Senate Bill 321 (1st Reprint).

Senate Bill 321 (1st Reprint): Revises provisions governing taxicabs.
(BDR 58-997)

D. Neal Tomlinson, Regulatory Counsel, Frias Transportation Management:

[Read from [Exhibit G](#).] We are here representing Ace Cab Company, Union Cab Company, A-North Las Vegas Cab, Vegas Western Cab Company, Virgin Valley Cab Company, Las Vegas Limousines, and Airline Limousine Corporation. The purpose of this bill is to keep the taxicab industry and its regulators up to date with current technology.

Section 1 of the bill is simply to establish a system to electronically verify and confirm the validity of all taxicab allocations. When the Nevada Taxicab Authority allocates a taxicab to the industry, it issues what is called a medallion. It is actually a license plate, and I brought one here with me today ([Exhibit H](#)). When there is an allocation of one cab, this license plate is what they are talking about. It is a medallion plate that by regulation must be affixed to the left side of the taxicab.

Section 1 provides for a radio frequency identification (RFID) asset tag. It is an electronic sticker ([Exhibit H](#)) that is to be affixed to the back to the medallion plate. The purpose for this is for the regulators to confirm that it is a valid medallion. Each medallion is color-coded and number-coded to tell the regulators where they belong and when they can operate. For example, some taxicabs can only operate in certain geographic areas, some taxicabs can only operate certain days of the week, and some can only operate certain hours of the day. All that information would be put onto an RFID asset tag. For your reference the Las Vegas Valley Water District just did this with all its equipment. It is just a device to confirm it is valid and what it is.

Section 1 simply enables the Nevada Taxicab Authority to draft regulations to have these identifiers put on the medallion, so the regulators could simply scan the sticker with a hand-held gun, or they could drive through a transponder and read it to make sure the medallions are valid and being operated in the right place, so there is no counterfeit, illegal, lost, or stolen medallions out on the

road. The proposed amendment to section 1 is simply to correct a drafting mistake that occurred in the Senate ([Exhibit I](#)).

Section 1.5 simply clarifies and updates what is meant by radio communications, which is not currently defined in *Nevada Revised Statutes* (NRS) Chapter 706. It is the same definition that exists in other places in the NRS. The proposed amendment to this is to delete the word “two-way,” which is outdated terminology.

Section 2 is a provision that provides for the use of an electronic seal for taximeters as opposed to the traditional metal or wire hand-sealing method. We also brought with us today a typical taximeter ([Exhibit H](#)). It is what is currently installed in most taxicabs. It is a Centrodyne model. These are affixed to each taxicab. Currently, there are 2,217 taxicab medallions in Clark County that are operating. Each of those have a meter that is attached to the vehicle. When you add the additional cars and spare cars that are around for extra events and for mechanical issues, there are about 3,000 taximeters in Clark County.

Whenever there is a meter change, meaning the Nevada Taxicab Authority authorizes some change to some component of the rate, these meters have to be changed manually, and what happens is the regulators have to go out to each of the 3,000 taximeters and they have to remove the metal wire seal to change the taximeter and then reseal it. It is a very time-consuming process. It takes about \$26,000 and three days for the Nevada Taxicab Authority to do it.

Recently, the Taxicab Authority authorized the implementation of a temporary fuel surcharge because of the spike in fuel. What had to happen was the regulators had to go out to each of the taxi companies. They did it overnight—from midnight to 9 a.m. or later—and they physically went out and went through the same process I just described. It is very uneconomical, time-consuming, and burdensome not only on the industry, but also on the regulators. Section 2 is designed to allow the taxicab administrator to have another way to do this because there are going to be meters coming onto the market that can be sealed electronically.

Another advantage of having that available to the administrator would be the time lag. We had the hearing on the fuel surcharge on April 6, and it was not until April 26 that they were able to start changing the meters. If we were to have this bill passed, it would allow the administrator the opportunity to seal them electronically. It could have been done much sooner than three weeks because it is very critical. During that time the fuel prices kept spiking. By the time the meters were changed, it was almost time to change the meters.

Section 3 permits the taxicab companies to keep their daily trip sheets in electronic form, as opposed to the old paper and pencil method. Right now, each driver is required to keep a handwritten trip sheet to identify where he was, who he picked up, the time, et cetera. With the technology that is available, we want to add these provisions in section 3 just to allow that an electronic trip sheet can be kept. The other burden is there is a lot of paper generated. For every shift that is out on the road, there is a trip sheet and those must be stored for three years at the company by regulation. Being able to do this electronically will save the companies a lot of money.

Section 4 updates the disciplinary statute to provide for penalties if someone attempts to use an invalid medallion. If he tries to counterfeit or use an invalid medallion, the RFID asset tag would indicate that.

I am told that Marc Gordon, who is the General Counsel from Yellow Checker Star Transportation, was in Las Vegas, but he had to leave and he has authorized me to say that they are in full support of this bill, as is the industry. We would ask on behalf of the seven Frias Transportation companies we represent that you would respectfully support S.B. 321 (R1) and the proposed amendment ([Exhibit I](#)). We would be happy to answer any questions.

Chair Dondero Loop:

Thank you. I cannot tell you how beneficial that was for me and the Committee. I do not know if in all the taxicab information we have heard someone actually showed visuals and I love that.

Assemblyman Sherwood:

The next logical outgrowth from this would be real-time tracking. We could see where everybody is at all times. I know everybody shares data at the end of the month. Will the information that is gleaned from this be open for all competitors to see, or does the Nevada Taxicab Authority keep it for themselves? How do you shield sensitive things? I would think at some point you do not want your competition or some other party to know you are getting all of your pickups at a certain location and you are doing a better job than others. Do you have a concern with that?

D. Neal Tomlinson:

Part of the amendment addresses that exact issue. There was a concern about that. All we are asking at this point is just for the RFID asset tag to determine the validity of the medallion, not to track it. These would be limited to just determining the what, where, and when of the medallion itself. If there was a need to expand on that later, we could. This bill is simply just to determine the

validity of the medallion, and that is part of section 1. Those concerns were raised and that is why we have part of the amendment we do.

Assemblyman Brooks:

In section 3 you discussed the electronic form to track where drivers are going; is this new technology? Is it being used anywhere else?

D. Neal Tomlinson:

It is available right now.

James Wisniewski, Chief Information Officer, Frias Transportation Management:

Yes, not in Nevada but in other jurisdictions around the country. They do use electronic trip sheets, which are generated off various electronics in the car whether it is a mobile computer on the front of the car or the payment processing system they use. The technology is already out there for us to use. We currently have two different systems that we operate that have the capability of doing this very accurately.

Assemblyman Brooks:

You will be leading the charge on this in the state of Nevada and hopefully the other taxicab companies will come up to par?

James Wisniewski:

I hope so.

Assemblyman Brooks:

I commend you all for the vision.

D. Neal Tomlinson:

I would like to add one point to that. Just by way of example with the trip sheets as part of different compliance matters and different applications that appear before the Nevada Taxicab Authority, we are required to produce copies of trip sheets to the board and sometimes to other competitors depending on the situation. What this will allow us to do is provide it electronically instead of going to our warehouse with 25 banker boxes full of trip sheets and having to make copies, which we have done. We have done it on weekends, and it is completely burdensome. This would help us eliminate all that time and effort as well, so I think that would be another benefit of this section.

Assemblyman Brooks:

Once again, I commend you for thinking outside the box and bringing it to the state of Nevada. If people do not do it efficiently and you can alleviate that, why not? Job well done.

Assemblywoman Neal:

In the normal process, do the drivers keep a copy of the trip sheets before they turn them in?

John Hickman, Chief Operating Officer, Frias Transportation Management:

They are not required to keep a copy of their trip sheets; some drivers do as a matter of practice, and most do not.

Assemblywoman Neal:

With this electronic format, obviously the goal is efficiency, so it is going to better help the driver in the calculation of what he earned as far as his rides. Is he going to be allowed to see what the final version was that was turned in?

James Wisniewski:

Yes, all jurisdictions that I have seen that have used electronic trip sheets also implement the ability for the drivers to be able to log in at any time and view their trip sheets, look at their archived trip sheets, et cetera. It basically creates a paper-free environment for the drivers. We believe that if this goes forward, the administrator will also choose to make such a decision as far as allowing the drivers to view their own trip sheets.

Assemblyman Hambrick:

I had a conversation earlier today about this bill. I understand the electronics aspect of the bill and I like the concept, I really do, but when it was first explained to me, I thought it could track time frames—the time frame a particular unit should be on the street and not be on the street. I have lived all over the country—Chicago, Illinois, Washington D.C., Los Angeles, California—where some units are on the streets 24 hours a day, 7 days a week. Will they have the capability to divide the segment up and know ahead of time if the unit would be on the streets beyond the hours you might have thought?

D. Neal Tomlinson:

This bill puts the RFID asset tag on the medallion so it would not provide for the tracking. Most of the companies do that themselves right now, but the Nevada Taxicab Authority does not. All this would do is confirm that it is a valid medallion so they know the taxicab is valid and in the right place.

Chair Dondero Loop:

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

David Goldwater, representing Desert Cab Incorporated and Nellis Cab Company:

We want to support the bill.

Gary Milliken, representing Yellow Checker Star Transportation:

We worked with the sponsors of this bill and we support it.

Chair Dondero Loop:

Thank you.

Morse Arberry, Private Citizen, Las Vegas, Nevada:

I am here to observe and support the legislation.

Chair Dondero Loop:

I never thought we would be on the opposite side of the desk from each other. Thank you. Is anyone opposed? [There was no one.] Is anyone neutral? [There was no one.] I will close the hearing on Senate Bill 321 (1st Reprint). Is there any public comment? [There was none.] Are there any comments from the members? [There were none.] We are adjourned [at 5:45 p.m.].

RESPECTFULLY SUBMITTED:

Jordan Neubauer
Committee Secretary

APPROVED BY:

Assemblywoman Marilyn Dondero Loop, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Transportation

Date: May 3, 2011

Time of Meeting: 4:20 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 248	C	Timothy G. Rowe	Written Testimony
S.B. 238 (R1)	D	Michael Spears	Amendment
S.B. 238 (R1)	E	Robert L. Compan	Amendment
S.B. 238 (R1)	F	Christian Rataj	Opposition Letter
S.B. 321 (R1)	G	D. Neal Tomlinson	Written Testimony
S.B. 321 (R1)	H	D. Neal Tomlinson	Taximeter, Medallion, Sticker
S.B. 321 (R1)	I	D. Neal Tomlinson	Amendment