

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

**Seventy-Sixth Session
May 17, 2011**

The Committee on Transportation was called to order by Vice Chair Jason Frierson at 3:21 p.m. on Tuesday, May 17, 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:

Assemblyman Jason Frierson, Vice Chair
Assemblyman Kelvin Atkinson
Assemblywoman Teresa Benitez-Thompson
Assemblyman Steven Brooks
Assemblyman Richard Carrillo
Assemblywoman Olivia Diaz
Assemblyman John Hambrick
Assemblyman Scott Hammond
Assemblyman Joseph M. Hogan
Assemblyman Randy Kirner
Assemblywoman Dina Neal
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

Assemblywoman Marilyn Dondero Loop, Chair (excused)
Assemblyman Mark Sherwood (excused)

GUEST LEGISLATORS PRESENT:

Senator James A. Settlemeyer, Capital Senatorial District

Minutes ID: 1237

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STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Shirley Stevens, Private Citizen, Dayton, Nevada
Karina Stevens, Private Citizen, Dayton, Nevada
Rhonda Bavaro, Administrator, Division of Central Services and Records,
Department of Motor Vehicles
Ed Gobel, representing Chapel of Four Chaplains and Go West Institute
Linda West Myers, representing Chapel of Four Chaplains and Go West
Institute
Cheryl Blomstrom, representing Nevada Motor Transport Association

Vice Chair Frierson:

[Roll was called. Rules and protocol were stated.] I am going to preside over our meeting today. We have two bills to hear. I will open the hearing on Senate Bill 154.

Senate Bill 154: Provides for the issuance of special license plates for family members of persons who died as a result of injuries sustained while on active duty in the Armed Forces of the United States. (BDR 43-700)

Senator James A. Settelmeyer, Capital Senatorial District:

Senate Bill 154 started out from an email a constituent sent me. When I looked at the email for a while, I realized she was not even my constituent. Then I was knocking door to door for my Senate campaign, and I realized she would be my constituent. That made me realize I needed to solve this issue. What happened was her son passed away, and she was very interested in getting a Gold Star license plate. I contacted U.S. Representative Heller and U.S. Senator Reid to try and figure out what the problems were. The federal government said it was a state problem; the state government said it was a federal problem. In talking with the Legal Division and tracking down the answer, the issue is the definition of a Gold Star member. Gold Star members are very adamant that it is only for family members of individuals who have passed away while in military service. Their opinion is if your son or daughter had the ability to come home and you had the opportunity to say goodbye, you had the ability Gold Star members did not. They are adamant with their rules, and I do not have the courage or desire to go up against Gold Star members.

What do you do to honor military loved ones who pass away due to a military injury, but not while being active in the U.S. Armed Forces? They had the ability to come home and be discharged. It is clear that they passed away from a military injury, but what do we do? Other states have solved this by creating departed soldier plates. I started speaking with the Department of Motor Vehicles (DMV) and the Nevada Veterans' Services Commission to try to figure out a resolution. I also came across several fathers who were interested in a plate.

How many plates are we talking about each year? If we are lucky, none, but there will be a few applications each year. I remember when I first ran for the Senate four years ago, I went into a meeting where there was a room of 30 Pearl Harbor survivors; the next year the number of survivors went down to 20; last year there were only 5 survivors. The odds are that they are probably not driving anymore. We have a lot of situations where the numbers of plates are starting to cause problems because we want to honor these individuals for their service, but there may not have been enough plates purchased to meet the numbers required to keep them.

Some individuals may say we have too many license plates as it is; in that defense I brought in a license plate ([Exhibit C](#)). This license plate is a 1916 Nevada license plate. In the old days, they actually sent a new license plate each year. Every single year from 1916 to 1950 individual license plates were sent out. Under Nevada law, these plates can actually still be used, and remakes of them can be made if it is a 1916 vehicle. That is nearly 50 plates on file, and the concept of adding one more to try and address honoring those individuals who have passed away does not seem too problematic. The DMV feels that this would not cost anything. It would not be a problem for them to do. I can answer questions now. My constituent and her daughter are in the audience, and they will discuss the issue too.

Vice Chair Frierson:

Thank you. We are not talking about a Gold Star plate?

Senator Settlemeyer:

Correct.

Vice Chair Frierson:

We are talking about a new plate with an unlimited number of purchasers?

Senator Settlemeyer:

Yes. We are talking about a very narrow category of individuals who unfortunately have slipped through the system as it currently exists, a very low number of individuals, but I feel adamant about the concept of honoring them.

Vice Chair Frierson:

My concern is with the fiscal note. I recognize it is a small number, but it seems to me that the fiscal note was expressly based on the assumption that it is the Gold Star plate.

Senator Settlemeyer:

The DMV will have the ability to elaborate on it within its testimony. In the Senate, we had testimony from them. They said that it is a very small number, and it would not cost them anything. It is *de minimis*, meaning that it falls well below the \$2,000 threshold that triggers a fiscal note, and therefore, they entered the fiscal note as zero. They felt this was the right thing to do because they agreed it was proper to honor this select, very narrow category of individuals.

Vice Chair Frierson:

I hope someone is here from the DMV because I want to make sure. Are there any more questions from the Committee?

Assemblyman Kirner:

Is it any veteran who passed away or is it a veteran who had a combat-related injury then later passed away?

Senator Settlemeyer:

This bill was intended and designed to deal with individuals who have passed away due to a military injury, but they were discharged at the time.

Assemblyman Kirner:

It could be a World War II veteran who lived for many years and suffered complications from a war-related injury and then passed away?

Senator Settlemeyer:

Maybe he is a Pearl Harbor survivor. When he passes away, it would have to be proven by the information provided on the death certificate that he passed away from a service-related injury. There has to be a direct casual link. Generally, when the survivor is 20 or 30 years discharged, that does not occur, but maybe it would.

Assemblyman Kirner:

Fewer times, but it could occur.

Senator Settlemeyer:

It could; this is a very narrow bill.

Assemblyman Kirner:

I know that people are applying to the United States Department of Veterans Affairs everyday. We talk about Agent Orange from the Vietnam War, and some of those complications do not turn up; it is not an injury, but it is service connected. Are you excluding service-connected illnesses such as Agent Orange?

Senator Settlemeyer:

They are connected. It comes down to the cause of death that is listed by the coroner. If he indicates death was due to a service-related injury, he would be eligible.

Assemblyman Kirner:

Injury is one thing, but Agent Orange is not considered an injury. It is a service-connected disability.

Senator Settlemeyer:

Actually it is considered an injury. It depends on the doctor. We have had discussions about that with numerous doctors, and it really comes down to what the doctor feels the cause of death was. If the doctor feels that it rises to the level of a service-related injury, yes. If the doctor does not feel that it was a direct cause, then no.

Assemblyman Kirner:

So who would make that determination? Is the cause of death the doctor's determination?

Senator Settlemeyer:

To my knowledge, it is the doctor and the coroner.

Assemblyman Carrillo:

We are about policy. I was looking at section 1, subsection 6(b). That section defines *family member* as "a widow, widower, parent, stepparent, grandparent" It goes down the list. Your constituents are the mother and sister. How far down the line does this go? This might be an opportunity to get out of paying fees. We need to look at the big picture.

Senator Settlemeyer:

We were worried about that as well. Due to the simple fact of fiscal solvency in the State of Nevada not being exactly what we would all like it to be, we did an analysis with the U.S. Department of Veterans Affairs and the DMV to try and determine how many individuals we would be talking about. The fiscal note came back as *de minimis*. Even if you extend it out, the DMV felt that a fiscal note would not apply. As we know, most departments are good at making the fiscal note as big as they can. In this case they could not do that and felt that it was *de minimis*.

Assemblyman Carrillo:

I know my father-in-law has Agent Orange complications. He was subjected to Agent Orange in the Vietnam War, and he is feeling the results of it now. I do not know how much longer we will have him around. I lost my mom over 25 years ago, and I did not get to say goodbye to her. I have an empty spot in my heart. I can understand what they are going through—the emptiness—and I do not know if a plate would fill that spot. I am looking at the bigger picture, not just armed services. What about people who lost their mothers or fathers to murder? Where does this stop?

Senator Settlemeyer:

I appreciate your concern. It was a situation where we as a state have already decided on the policy issues of Gold Star plates. We have decided that we wanted to do something special to honor those individuals' sons and daughters who have paid the ultimate sacrifice to defend our freedom. Out of respect, this is just an extension off of existing policy trying to address a very narrow category. I do understand what you are indicating. Sadly my father passed away my first session, and I can see where you are going with that. This situation is meant to address a loophole or a small category that is missing in existing law to allow for the honoring of dead soldiers.

Assemblyman Hambrick:

When you say the armed services, would you envision it for the members of the U.S. Army, the U.S. Air Force, the U.S. Navy, the U.S. Marine Corps, and the U.S. Coast Guard?

Senator Settlemeyer:

It applies to anyone who has been in the service of the military who was discharged.

Assemblyman Hambrick:

Would you envision separate designs for each category or just a generic plate?

Senator Settlemeyer:

This bill is allowing for the concept; the DMV would develop a plate and decide on the design. Many other states have used a departed soldier or something of that nature to fill the narrow category of individuals that did not qualify for other plates.

Assemblyman Brooks:

Is there any type of financial gain someone can get out of this license plate? Is that the subject of any kind of scrutiny? Do they get a discount on their fees or is this just a special license plate?

Senator Settlemeyer:

They get the plates for free, but they still have to pay the registration fees that are required.

Assemblyman Brooks:

It is just a plate to show these fallen soldiers, and only a direct relative can get it?

Senator Settlemeyer:

Correct. The exact categories are in the bill.

Assemblyman Brooks:

I certainly support your intent. I know where your heart is, and I thank you for bringing this bill for our fallen soldiers.

Senator Settlemeyer:

Thank you, sir.

Assemblywoman Diaz:

Is this plate already designed? Who is going to be in charge of designing it?

Senator Settlemeyer:

The DMV will design the plate. They said it would be similar to what other states have done in the form of departed soldiers or things of that nature. It would be up to them to establish the design of the plate. This bill is just to allow for the plate to be created. If we followed traditional *Nevada Revised Statutes* (NRS), we would have to have a certain number of people getting this category of plates and I believe all of our hopes are that there will never be enough to qualify for the threshold.

Vice Chair Frierson:

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

Senator Settlemeyer:

I would appreciate it if you would allow Ms. Stevens and her daughter to speak.

Vice Chair Frierson:

Ms. Stevens, will you please come to the table?

Shirley Stevens, Private Citizen, Dayton, Nevada:

I started this bill because I thought at one time I was eligible for a Gold Star plate, and I found out I was not. My son contracted amyotrophic lateral sclerosis (ALS), which is Lou Gehrig's disease. He was an anti-terrorist chief in the United States Navy for 26 years. They forced his retirement and the United States Department of Veterans Affairs has his death registered as smoke inhalation from Saddam Hussein's oil fires. He died about two and a half years after his retirement. People like my son are lost; they have fallen through the cracks. I think there should be something—not only for my daughter and myself—but for anybody else. I want people to look at my plate and say they are proud of my son.

When I was trying to research this, I talked to a veterans affairs hospital in Virginia and there is a whole ward of ALS patients there. There is an extraordinary amount of military personnel coming home from the Iraq War that are inflicted with ALS. These people volunteered for the military and they gave their lives, and I think to make a license plate is the least we can do. I was offered an emblem to put on my car. I have had an emblem on my car for 26 years; I do not need an emblem. I want a license plate not only for my son, but for anybody who dies from war-related injuries. Military personnel is going to come home from the war we are in now and some of them are not going to live a long time, and they should be included in getting a license plate too, no matter where they live.

Assemblyman Brooks:

I have seen a license plate that has inspired me. The Volunteer Firefighter license plate, which I think our Speaker created. It is a picture of a firefighter walking out of flames. I understand; I have a lot of family that has served in the military, and it transcends all colors and creeds, and these men died for us and our freedom. I think that is what the difference is; it is a death that is greater than one person when you lay down your life for the multitude of others. I think there would be a sense of pride to have a plate. Where would the money go? Would it go to an ALS fund or a charitable organization? Special license plates derive money, and I was wondering where the money would go.

Shirley Stevens:

I do not know if that would be up to me or the DMV.

Senator Settlemeyer:

This is not a special license plate; it is very similar to the Gold Star plate. There is no special fee that then creates a fund. It is just a way to honor those individuals who have passed away. There is not a special fee for the license plate.

Assemblyman Brooks:

I believe every time we do a special plate . . .

Vice Chair Frierson:

Mr. Brooks, if I can interrupt you, since we have someone from the DMV here that has not testified yet, let us wait to ask. Are there any more questions from the Committee? [There were none.]

Karina Stevens, Private Citizen, Dayton, Nevada:

I feel strongly about this. I feel there are a lot of men and women with war-related injuries. I feel strongly that we should have something to honor them. I think you will be surprised about how many more people there are. I mentioned to Senator Settlemeyer that I am an artist, so if I have to design the license plate and work with the DMV for free, I will. It is a matter of principle and not just honoring my brother, but everyone else too. Thank you.

Vice Chair Frierson:

Are there any questions from the Committee? [There were none.] Is anyone else here to testify in favor of S.B. 154? [There was no one.] Will someone from the DMV come to the table?

Assemblyman Brooks:

On page 8, section 6, subsection 1(a)(2), lines 15 through 17 say, "The charitable organization may resell such souvenir license plates at a price determined by the charitable organization." To my understanding, with any type of special license plate, there is a certain fee that is charged, and that fee can go towards the charity. What charity would this go to?

**Rhonda Bavaro, Administrator, Division of Central Services and Records,
Department of Motor Vehicles:**

For this particular plate it would work the same as the Gold Star plate. There is not a fee for the plate, and therefore, there would not be any money going towards any organization.

Vice Chair Frierson:

I will also point out that section 6, subsection 1 explains that Gold Star plates and these plates will be excluded from the specialty fee.

Rhonda Bavaro:

Yes, that is correct. In addition, if they needed a duplicate plate—if the plate was lost or stolen—there would be a \$5 fee.

Vice Chair Frierson:

Are there any questions from the Committee?

Assemblywoman Diaz:

I see that certain family members are entitled to have access to the plates, but I was wondering who is going to request the plates? Can everybody that is listed request it? Are there only certain people that will be able to request it?

Rhonda Bavaro:

There are only certain family members that can request it: a widow, parent, sibling, and grandparent, I believe.

Assemblywoman Diaz:

If only two pairs of plates can be issued per family, how are you going to prioritize the order of the family members that request them? Maybe there are four family members who want the plates—the widower, parent, grandparent, and child—so who will get the plates?

Senator Settlemeyer:

Section 1 of the bill states that each family member will be allowed to have a set of plates. There would not be a priority. Each individual family member within the discussion on page 3, lines 6 through 8 would have the ability to acquire a set of plates. We allow the Gold Star plates the same discretion. This bill is trying to replicate what is in the NRS for the Gold Star plates.

Assemblyman Kirner:

If there is a widow, parent, and sibling, how many sets of plates can be issued? Is it unlimited as long as they fit the requirement?

Rhonda Bavaro:

Each family member can have two sets of plates. Currently we have only issued 142 of them.

Assemblyman Kirner:

That is 142 too many.

Vice Chair Frierson:

I think what Mr. Kirner was trying to say is we wished that no one in Nevada was suffering from being victimized under these circumstances.

Ms. Bavaro, I called you out of order; the DMV is neutral?

Rhonda Bavaro:

Yes, the DMV is neutral on this bill. You were correct on the fiscal note. We originally did submit it assuming we were using the Gold Star plate; however, in working with Senator Settlemeyer, we expect there to be a minimal amount of these plates, and therefore, there would be no fiscal impact.

Vice Chair Frierson:

What does the DMV do if we have an unexpected influx of more than we expect?

Rhonda Bavaro:

That has never happened. We have given out 142 Gold Star plates. Once we have the plate designed and in place, the cost is very minimal; I believe a set of 50 plates would cost the department under \$200. Once we have the design done, we can run them out at minimal cost.

Assemblywoman Diaz:

Someone who seeks this plate is not exempt from paying registration fees, correct? They just will not have to pay an additional fee as you would for a special license plate?

Rhonda Bavaro:

There would not be a fee for the plate itself; there would not be a personalized plate fee or a specialty plate fee. They would have to pay the registration, governmental services tax, et cetera.

Vice Chair Frierson:

Are there any more questions from the Committee? [There were none.] Is anyone else in support? [There was no one.] Is anyone in opposition?

Ed Gobel, representing Chapel of Four Chaplains and Go West Institute:

I want to thank everyone here, especially Mr. Kirner and others who brought up the plight of Vietnam veterans and how much suffering many of us have gone through. I am proud to say that I am a Vietnam veteran. I am a member of the Screaming Eagles of the 101st Airborne Division. I have gone through a lot of these things. I have submitted a presentation ([Exhibit D](#)) which you should have.

Senate Bill 154 on the surface sounds like a tremendous piece of legislation. It authorizes the issuance of new specially designed license plates for all family members including dependents of a member of the armed forces who dies as a

result of injuries he or she sustained while on active duty, although death may have occurred many years later. [Continued to read from [Exhibit D.](#)]

Vice Chair Frierson:

If I can interrupt you, we have your testimony. You do not need to read the whole report; we have it. I am looking forward to hearing from you on your position of the bill.

Ed Gobel:

I also included in my presentation a reference to the bill that was passed two years ago, which was for the Gold Star license plate. The person had to die during his time in service. [Continued to read from [Exhibit D.](#)]

We are not talking about an insignificant amount of these plates. None of this is defined in the bill as it is presented today. The definition of "injury" versus "illness" is unclear. Are post-traumatic stress disorder, Agent Orange complications, and Gulf War syndrome all illnesses or injuries? Should the bill say, "If the United States Department of Veterans Affairs determined the veteran who died had a 100 percent service connection for their disability"? Today, we are changing the number of veterans' families that will be eligible. The DMV said there were 146 Gold Star plates, which is about 21 to 25 families. We are going to increase this; the number of disabled people who received the veterans property tax exemption is between 70,000 and 125,000. These people are eventually going to die from their injuries. I hate it to happen, but I am going through it right now. This bill does not state that the veteran who passed away as a result of something that happened to him in service had to ever have lived one day in Nevada. Just the family members have to live here. The veteran who passed away could have lived in Virginia or anywhere. We are talking about 70,000 to 120,000 based on the figures we have currently and maybe ten plates on the average for each one. This is if we include every veteran in the entire country who has a relative in the State of Nevada. Just so you know, Nevada has the highest concentration of veterans in any state in the nation. We are proud of that factor.

The fiscal note was predicated upon the Gold Star plate, which is beautiful and serves a great purpose for the people who died on the battlefield. We also included a chart on page 3 ([Exhibit D](#)) that shows the increase of the number of eligible families from 25,000 to possibly 125,000. Learning today and listening to the testimony, it could be a lot higher than that because we include veterans in any state in the nation who have a relative here.

Vice Chair Frierson:

Mr. Gobel, I wanted to remind you that this is a policy committee. You started your testimony representing the Go West Institute, and I am wondering how this bill affects the Go West Institute. The fiscal note is something the DMV has to deal with.

Ed Gobel:

This has nothing to do with the Gold Star plate. This has to do with someone wanting to be a member of the Gold Star plate and was not eligible, so she wants a new plate created. This has to do with veterans who were injured while in service and died a number of years after they were discharged; therefore, the whole bill is predicated upon something, which is not stated in the bill. There is a policy point of whether we include injury and illness. If we leave it as injury, the constituent would not even qualify. Are we going to provide plates to veterans' families who lived in other states? In veterans bills we usually address veterans who live in the State of Nevada. This is the first piece of legislation in the history of the State of Nevada that addresses veterans who may never have spent one day in Nevada. We are talking about an exponential increase in the number of plates.

Vice Chair Frierson:

Thank you. Are there any questions from the Committee?

Assemblyman Kirner:

I want to thank you for your service. I am also a Vietnam-era veteran and a Screaming Eagle.

Ed Gobel:

Thank you. I am proud of all the Screaming Eagles even the Eagles who soared—who have passed on. They get a license plate frame instead of a license plate.

Vice Chair Frierson:

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

Linda West Myers, representing Chapel of Four Chaplains and Go West Institute:

While doing some research on this bill, I was reminded of the history of our own family and the true cost of freedom. The agony of losing a child at anytime is unrelenting grief for any parent as well as other family members. The American Gold Star Mothers, Inc. channeled the energy of grief into pride for their service and patriotism for this great nation. True American Gold Star Mothers do not have the opportunity to say goodbye to their child, as that child died on the

battlefield. Some never have the remains returned to them for proper burial with full honors due—with thanks of a grateful nation and state.

We never mean to diminish the pride, service, patriotism, or the sense of loss family members of veterans experience when they have the opportunity to sit at the bedside, touch, and say goodbye to their loved ones, but that provides closure that the true Gold Star Mothers are never allowed to experience. Honoring the memory of those family members can be accomplished in so many other ways in which the honors are not diminished. Both as a nation and a state, we have accorded those who gave life to the warriors who have borne our battles and sacrificed their very lives to preserve our nation and our freedom, many of whom waited months for final word of the death of their child on foreign soil. Our lives are changed and our hearts are moved by the brief lives of those who gave their all for us, many of whom were just teenagers when they enlisted or were drafted into the service of this great nation. We do not want to see anything that diminishes the honors that are accorded by having the special Gold Star plate.

There are so many other ways to honor others. They can start an organization that perhaps would qualify for one of the other types of plates that we offer as a state that would provide money for research into ALS, Gulf War syndrome, or the causes of the other types of illnesses that our servicemen and women return home with. Perhaps that would be a better way for these people to honor the memory of their loved ones. Thank you.

Vice Chair Frierson:

Thank you. Are there any questions from the Committee? [There were none.] Is anyone else opposed? [There was no one.] Is anyone neutral? [There was no one.] Senator Settlemeyer, do you have any closing remarks?

Senator Settlemeyer:

I appreciate the information and the testimony that was offered. Current law allows for a memorial plate for certain situations; this bill is merely trying to figure out the situations that unfortunately fell between the cracks. I hope we will never have more than three or five plates, but I think they are very important, and that is why I brought this bill forward and I still stand behind it. The existing law has the exact same thing we are talking about as far as the definition of “family member.” We borrowed it from elsewhere and the same with the rest of the NRS.

Vice Chair Frierson:

Thank you Senator. I will close the hearing on Senate Bill 154. I will open the hearing on Senate Bill 322 (1st Reprint).

[Senate Bill 322 \(1st Reprint\)](#): Revises provisions governing motor vehicles.
(BDR 43-1008)

Senator James A. Settelmeyer, Capital Senatorial District:

Several months back I was contacted by one of the local law enforcement officers in my community, on an issue in Douglas County about the weighing of overweight vehicles. From that point, I contacted some friends in the industry to try and figure out their concerns with weighing overweight vehicles. Currently there are a few federal grants that will help reduce the cost of a police department to obtain the training and equipment necessary to weigh overweight vehicles. The weighing of these vehicles protects the roads and safety of those traveling upon them to ensure we do not have overweight trucks on the road.

The issue that arises in this bill deals with the population cap that was put in a few years back. The population cap was set at 100,000. What is interesting is with the federal grant monies that are being brought forward for officers to learn how to train, it states that they must weigh a certain number of vehicles to ensure that their categorization and certificates are still valid. What that has created is sometimes officers in smaller communities will purposely travel to larger communities to weigh vehicles. Some individuals were bothered by that, and we also wanted to address any other issues.

The bill's intent is to take out the population cap that is unfortunately forcing people to travel outside of their jurisdiction, and we also want to address the issues and concerns of the Nevada Highway Patrol (NHP) that wanted to ensure it had the ability to do what is called "weigh-in-motion" truck weighing in those situations. That is why section 2 is purposely added. Section 2 does not apply to the weigh-in-motion activities that are conducted by the NHP.

This bill is fairly simple; we are trying to give authorization to local law enforcement to weigh local trucks if they deem it is reasonable that the trucks are overweight. We did not want to promote a concept where officers would just be pulling trucks over to check the weight. We want to make sure they have reasonable cause to ensure safety on the highways.

Vice Chair Frierson:

Thank you. Are there any questions from the Committee?

Assemblyman Carrillo:

Is this something local law enforcement already does? I have seen vehicles pulled over. Is the population cap the factor?

Senator Settlemeyer:

Currently, the NHP does this. Local law enforcement in jurisdictions that have less than 100,000 people does not have the ability to do this. In communities such as Carson City and Douglas County, what happens is local law enforcement suspects the vehicle is overweight—generally based upon the bulging tires, bowing truck bed, et cetera—and officers will pull over the vehicle and then call the NHP. Local law enforcement will have to wait on the side of the road until the NHP shows up and weighs the vehicle. It is a delay for everyone in that situation. This bill would allow only the individuals who are trained in the North American Standard Driver/Vehicle Inspection Levels, which is the highest training afforded for individuals to learn how to properly weigh vehicles. It is fairly pricey training and so is equipment that one must acquire to carry to weigh the vehicles. They must see a problem in their community to warrant going out and spending this kind of money. Yes, it is currently being done, but right now, in the smaller communities, it is the NHP that has to be called to weigh the vehicles.

Assemblywoman Neal:

I have a question on section 1, lines 7 and 8, and also lines 12 through 15. These lines seem to be in conflict with each other. Is there a requirement for reasonable suspicion before the officer stops the vehicle or not? Lines 12 and 13 say, "Reasonable suspicion is not required before use of any device that weighs a vehicle without requiring the driver to stop the vehicle or leave the roadway." When is reasonable suspicion invoked?

Senator Settlemeyer:

That is pertaining to if an officer wishes to randomly pull over a vehicle. He cannot do that; he has to have reasonable suspicion. If he has a weigh-in-motion program, which is a sight sensor aimed at the tires to check the bulge and is also the concept of having a scale the vehicle can drive over and it weighs the vehicle as it goes through in motion, that would still be allowed.

"Reasonable suspicion is not required before use of any device that weighs a vehicle without requiring the driver to stop the vehicle or leave the roadway." This pertains to weight stations. I will acquire a YouTube video that I know exists on the weigh-in-motion program, and I will email it to the entire Committee, so you can see the concepts we are talking about—the ability to weigh a vehicle while it is in motion. It is almost like in California with the

FasTrak system for toll bridges. You do not have to stop to pay; you can just continue through, and we have that ability to weigh vehicles.

Vice Chair Frierson:

It is worded differently, but "reason to believe" was already in statute, and it looks like that is being changed to "reasonable suspicion," which I think from a legal standpoint is almost the same. That was already there for stopping a vehicle; you are adding "reasonable suspicion is not required" if you do not have to stop the vehicle.

Are there any other questions from the Committee? [There were none.] Is anyone here to testify in support of S.B. 322 (R1)?

Cheryl Blomstrom, representing Nevada Motor Transport Association:

I am here today in support of the bill. With respect to the question about weigh-in-motion, that was put in the bill at the request of the NHP. They do occasional roadside weighs of all of the commercial vehicles that are traveling on our highways. In order to be the least disruptive to the particular form of commerce, the technology exists so that they can weigh the trucks as they roll. They roll slowly over the scale.

The U.S. Department of Transportation Federal Motor Carrier Safety Administration is currently working on enhancing safety for the motoring public and the trucking public. They are providing a different sort of safety analysis. Trucks that are rated less safe will receive more frequent inspections, and those which are rated safer will receive fewer inspections. It is called the Behavior Analysis and Safety Improvement Categories. There are seven categories, and it enhances the motoring public's safety as they motor with trucks. We are in support of this bill.

Vice Chair Frierson:

Are there any questions from the Committee? [There were none.] Is anyone else in support? [There was no one.] Is anyone opposed to the bill? [There was no one.] Is anyone neutral? [There was no one.] Senator Settlemeyer, do you have any closing remarks?

Senator Settlemeyer:

No sir, I do not at this time. Thank you.

Vice Chair Frierson:

Thank you. I will close the hearing on S.B. 322 (R1). We will hold both of these bills for a future work session. Is there any public comment? [There was none.] Are there any comments from the Committee? [There were none.] We are adjourned [at 4:21 p.m.].

RESPECTFULLY SUBMITTED:

Jordan Neubauer
Committee Secretary

APPROVED BY:

Assemblywoman Marilyn Dondero Loop, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Transportation

Date: May 17, 2011

Time of Meeting: 3:21 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 154	C	Senator Settlemeyer	Picture of License Plate
S.B. 154	D	Ed Gobel	Presentation