

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

**Seventy-Sixth Session
May 19, 2011**

The Committee on Transportation was called to order by Chair Marilyn Dondero Loop at 3:33 p.m. on Thursday, May 19, 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
Assemblyman Kelvin Atkinson
Assemblywoman Teresa Benitez-Thompson
Assemblyman Steven Brooks
Assemblyman Richard Carrillo
Assemblywoman Olivia Diaz
Assemblyman John Hambrick
Assemblyman Scott Hammond
Assemblyman Randy Kirner
Assemblywoman Dina Neal
Assemblyman Mark Sherwood
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

Assemblyman Joseph M. Hogan (excused)

GUEST LEGISLATORS PRESENT:

Senator David R. Parks, Clark County Senatorial District No. 7
Senator James A. Settlemeyer, Capital Senatorial District

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Jeff Richter, Administrative Services Officer II, Records Management and
Over Dimensional Vehicle Permitting, Administrative Services
Division, Department of Transportation
Jeanette K. Belz, representing Property Casualty Insurers Association
of America
Richard Perkins, representing Frias Transportation Management
Troy Dillard, Deputy Director, Department of Motor Vehicles

Chair Dondero Loop:

[Roll was called. Rules and protocol were stated.] We are having a work session today. It is not customary for the Committee to take testimony or otherwise rehear the bills during a work session, but rather to take action on the bills. If a technical issue arises, I may ask for clarification for other Committee members. Our Committee Policy Analyst, Jennifer Ruedy, will take us through the work session. We will start today with Senate Bill 323 (1st Reprint).

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

Jennifer Ruedy, Committee Policy Analyst:

Senate Bill 323 (1st Reprint) was heard by the Committee on May 10, 2011. It reduces from 60 to 30 the number of days a new resident of this state has to register his or her vehicle with the Department of Motor Vehicles (DMV). [Continued to read from ([Exhibit C](#)).]

Chair Dondero Loop:

I would like to entertain a motion.

ASSEMBLYMAN KIRNER MOVED TO AMEND AND DO PASS
SENATE BILL 323 (1st REPRINT).

ASSEMBLYWOMAN WOODBURY SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMEN BENITEZ-THOMPSON
AND NEAL VOTED NO. ASSEMBLYMAN HOGAN WAS ABSENT
FOR THE VOTE.)

I will assign the floor statement to Mr. Kirner. Is there any discussion?

Assemblywoman Neal:

I do not like the amendment proposed by Mr. Sherwood. I am a proponent of the 60 days a new resident has to register his vehicle. I do not like the second amendment either. I do not like that they are going to withhold the registration until the person pays his fines. I feel that the person will never get his car back. I know someone who went through this, and he has been without a car for at least six months.

Assemblyman Atkinson:

Does the sponsor agree to the first amendment? Is it something the sponsor and the constable feel is workable?

Senator David R. Parks, Clark County Senatorial District No. 7:

The change from 10 to 30 days is acceptable. It is the better thing to do because it makes the number of days consistent.

Assemblyman Atkinson:

The constables believe it is workable as well?

Senator Parks:

Yes, this was a request that was submitted by the Henderson Constable's Office and the Las Vegas Constable's Office. It was a discussion item that took place last session; however, nothing ever got finalized. Currently, there are interlocal agreements that permit local government to withhold the re-registration of vehicles if the DMV is informed a person has too many outstanding citations. The intent is to make the individuals who have racked up significant numbers of citations accountable to resolve the citations before they re-register their vehicle.

Assemblyman Atkinson:

I know Senator Parks has worked hard throughout the years, and if he is comfortable, then I am comfortable.

Chair Dondero Loop:

Is there any other discussion? We will move on to Senate Bill 48 (1st Reprint).

Senate Bill 48 (1st Reprint): Revises provisions relating to permitting and enforcement of standards for oversize and overweight vehicles operating on Nevada highways. (BDR 43-485)

Jennifer Ruedy, Committee Policy Analyst:

Senate Bill 48 (1st Reprint) was heard by the Committee on May 5, 2011. It revises various provisions regarding the regulations of overweight vehicles and oversize vehicles. [Continued to read from ([Exhibit D](#)).]

Chair Dondero Loop:

The amendments are contradictory, so take them one at a time. I would like to entertain a motion.

ASSEMBLYMAN ATKINSON MOVED TO AMEND AND DO PASS
SENATE BILL 48 (1st REPRINT) WITH THE AMENDMENT FROM
THE NEVADA DEPARTMENT OF TRANSPORTATION.

ASSEMBLYMAN BROOKS SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN HAMBRICK, HAMMOND,
KIRNER, SHERWOOD, AND WOODBURY VOTED NO.
ASSEMBLYMAN HOGAN WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Mrs. Diaz.

Chair Dondero Loop:

Is there any discussion?

Assemblywoman Diaz:

Can the amendment be clarified? I am not sure what we are accepting.

Chair Dondero Loop:

Mr. Richter, can you please explain the amendment to us?

Jeff Richter, Administrative Services Officer II, Records Management and Over Dimensional Vehicle Permitting, Administrative Services Division, Department of Transportation:

There are three major changes. Section 16 clarifies the definition of a "longer combination vehicle." We deleted the lines that included a permit from the Department of Motor Vehicles because it does not apply to the definition we

were looking for in the first place. Whether Assembly Bill 188 passes or not, the definition can stand on its own because we would still be permitting some types of longer combination vehicles. The language of permitting is elsewhere in the chapter.

Questions came up about section 29, and when we rewrote that section of the chapter, we were trying to put all the exceptions to the oversize and overweight vehicle rules in one section because they were scattered all over the place. At the same time, we included certain farm tractors and implements of husbandry to move on our roads without permits up to a certain size. Section 29, subsection 4, clarifies Senator Settlemeyer's issue. There would not be permit requirements for that group of farm equipment.

One of the things we were trying to accomplish is in section 25. It is not part of the amendment, but I wanted to point it out because section 25 has a blanket exemption for all oversize and overweight farm equipment that operate on roads other than interstates. [Continued to read from ([Exhibit E](#)).]

The last change in section 32 was the proposal by Clark County to make sure it can recover costs if the damages were on its roads. It wanted some insurance, and there was not a problem with that from our perspective.

Chair Dondero Loop:

Is there any more discussion?

Assemblyman Kirner:

Was there a motion on the second amendment proposed by Senator Settlemeyer? You mentioned there was a conflict between the two amendments.

Chair Dondero Loop:

Ms. Ruedy, can you clarify?

Jennifer Ruedy:

The first part of Senator Settlemeyer's amendment was addressed in the amendment by the Nevada Department of Transportation. The question was whether to exempt all farm and ranch permittees from permit fees or not. Section 30, subsection 1, states the size criteria for a permit, and subsection 2 states the fee waivers intended only for some farmers.

Chair Dondero Loop:

Is there more discussion? [There was none.] We will move on to Senate Bill 140 (1st Reprint).

Senate Bill 140 (1st Reprint): Prohibits the use of a cellular telephone or other handheld wireless communications device while operating a motor vehicle in certain circumstances. (BDR 43-45)

Jennifer Ruedy, Committee Policy Analyst:

Senate Bill 140 (1st Reprint) was heard by the Committee on May 12, 2011. It prohibits the operator of a motor vehicle from manually typing, entering, or reading text using a cellular telephone or similar device. [Continued to read from ([Exhibit F](#)).]

Chair Dondero Loop:

Is there any discussion?

Assemblyman Atkinson:

Because we have two similar bills, I wanted to ask if this bill does pass out of this Committee, will you allow me to meet with Senator Breeden? There are some exemptions we had in our bill that are not in this bill. I do not mind yielding to the Senator and letting her have the bill, but I would like to meet with her to combine some of the language.

Chair Dondero Loop:

Absolutely.

Assemblyman Kirner:

I would like to concur with Mr. Atkinson. I am unclear as to whether or not the amateur radio operators are exempted from this, or if they have to apply for an exemption. If that is the case, do they have to apply one by one, or is it a category that the Director of the Department of Public Safety can make? I am concerned that we do not have the specifics in an amendment. Without the specifics, I am unsure where to go with this bill.

Chair Dondero Loop:

Is Frank Adams here? [There was no response.]

Assemblyman Hammond:

I will not be supporting this bill. I look at the bill, and it does not explain things well enough. It does not explain if we can use our cell phones if we are at a stoplight or pulled over. It seems to me this bill is too broad, and I am not happy with how the language turned out.

Chair Dondero Loop:

Is there more discussion? [There was none.] I would like to entertain a motion.

ASSEMBLYMAN ATKINSON MOVED TO AMEND AND DO PASS
SENATE BILL 140 (1st REPRINT).

ASSEMBLYMAN FRIERSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN HAMBRICK, HAMMOND,
KIRNER, SHERWOOD, AND WOODBURY VOTED NO.
ASSEMBLYMAN HOGAN WAS ABSENT FOR THE VOTE.)

We will move on to 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)

Jennifer Ruedy, Committee Policy Analyst:

[Read from ([Exhibit G](#)).] Senate Bill 154 was heard on May 17, 2011. It requires the Department of Motor Vehicles to develop a special license plate for family members of a person who died as a result of injuries sustained while on active duty in the Armed Forces of the United States. No amendments were provided.

Chair Dondero Loop:

Is there any discussion?

Assemblyman Kirner:

I have a lot of empathy for servicemen who are injured; many of my own men have come home injured. I am concerned for people who were in the Vietnam War and exposed to Agent Orange and may suffer illnesses and injuries later in life and ultimately die from those injuries. It is cloudy to me as to whether or not this bill would allow illnesses to qualify for the special license plate. At the same time, I feel that those who are injured in a combat zone are eligible for the Purple Heart, which serves to recognize the individual. I do think there is a difference between a Gold Star license plate and a person who is injured in combat. I have a lot of difficulty with this bill, and I am going to oppose it.

Assemblywoman Diaz:

I recall that it was not clear if we were going to supply the license plate to people who come out of state as well as Nevadans. Are we going to embrace all the people who are coming from other places, or is it strictly for people who are from Nevada?

Chair Dondero Loop:

This is for citizens in Nevada who want a Nevada license plate. They are family members whose children had been discharged from the Armed Forces and subsequently died afterwards. They are not eligible for a Gold Star license plate, which was passed last session, because their children were not in the service at the time of their death. Their car would have to be registered in Nevada in order to get a Nevada license plate.

Assemblyman Kirner:

Suppose I am the serviceperson and I am from California, but my parents and siblings live in Nevada. The family members would be able to get a license plate, but the soldier was not even from Nevada.

Assemblywoman Diaz:

That is what I was alluding to. The language is not clear enough.

Chair Dondero Loop:

We are still parents no matter where we live or where our kids live. Our kids could be from anywhere; we are still parents in Nevada and still Nevada residents.

Assemblyman Frierson:

I remember that question, and I thought there was some discussion about it. When someone moves to Nevada and gets a Lake Tahoe license plate, he could have moved here from Mars. If he gets a driver's license and has a car and he wants to drive in Nevada, it is just what the plate looks like. I do not think there has ever been a consideration of where people are from. We got clarification that this was not the Gold Star license plate, which was some of the concern that we would take away from the significance. This is not a fundraiser; this is simply a license plate with a design on it. My personal opinion is if someone has died for this country, I do not care where he is from, I am honored to be his neighbor, and I do not see how this is an inconvenience to anyone.

Assemblyman Hammond:

You said the serviceperson may have died, but was no longer in the service. I do not think that is correct; I think they meant he did not die on the battlefield. He could die two years after he returned home and still be in the service and still qualify for the plate.

Chair Dondero Loop:

Maybe Senator Settlemeyer can clarify this.

Senator James A. Settelmeyer, Capital Senatorial District:

This plate was designed and intended for individuals who did not die in the field of combat or in active duty. Currently, you could get a Gold Star plate if the serviceperson dies due to war-related injuries and he is still in the service. If the serviceperson is discharged and then passes away from the injuries, you could not get a Gold Star license plate. This bill was intended for that very narrow category of individuals who did not fit in with the Gold Star license plate.

Chair Dondero Loop:

Thank you.

Darcy Johnson, Committee Counsel:

I just wanted to clarify: the requirement that the deceased serviceperson be from Nevada or have a Nevada connection is not included in the Gold Star license plate either. It was never the intent. It is for the living heirs of the serviceperson who are Nevada residents and want to register a vehicle in Nevada.

Chair Dondero Loop:

I would like to entertain a motion.

ASSEMBLYMAN BROOKS MOVED TO DO PASS
SENATE BILL 154.

ASSEMBLYMAN ATKINSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN KIRNER VOTED NO.
ASSEMBLYMAN HOGAN WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Mr. Hammond. We will jump ahead to Senate Bill 322 (1st Reprint) while Senator Settelmeyer is here.

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

Jennifer Ruedy, Committee Policy Analyst:

Senate Bill 322 (1st Reprint) was heard by the Committee on May 17, 2011. The bill revises existing law related to officers who enforce weight limits on vehicles. [Continued to read from ([Exhibit H](#)).]

Chair Dondero Loop:

Is there any discussion?

Assemblyman Brooks:

I think this bill is straightforward. I would have appreciated having this data when we were looking at the triple trailers. I think an effort like this needs to be implemented.

Chair Dondero Loop:

I would like to entertain a motion.

ASSEMBLYMAN BROOKS MOVED TO DO PASS
SENATE BILL 322 (1st REPRINT).

ASSEMBLYWOMAN DIAZ SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN HOGAN WAS ABSENT
FOR THE VOTE.)

I will assign the floor statement to Mr. Brooks. We will move on to Senate Bill 234 (1st Reprint).

Senate Bill 234 (1st Reprint): Revises provisions relating to motor vehicle dealers. (BDR 43-386)

Jennifer Ruedy, Committee Policy Analyst:

Senate Bill 234 (1st Reprint) was heard by the Committee on May 5, 2011. The bill makes various changes pertaining to motor vehicle dealers. The bill prohibits a manufacturer from requiring a dealer to construct or alter facilities under certain circumstances. [Continued to read from ([Exhibit I](#)).]

Chair Dondero Loop:

The amendment is friendly. I would like to entertain a motion.

ASSEMBLYMAN HAMBRICK MOVED TO AMEND AND DO PASS
SENATE BILL 234 (1st REPRINT).

ASSEMBLYMAN BROOKS SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN HOGAN WAS ABSENT
FOR THE VOTE.)

I will assign the floor statement to Mr. Hambrick. We will move on to Senate Bill 238 (1st Reprint).

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

Jennifer Ruedy, Committee Policy Analyst:

Senate Bill 238 (1st Reprint) was heard by the Committee on May 3, 2011. The bill modifies the number of members in composition of the Advisory Board on Automotive Affairs, adding one representative each for licensed operators of emissions stations, motor vehicle dealers, and motor vehicle insurers. [Continued to read from ([Exhibit J](#)).]

Several insurance representatives were concerned about possibly having the Advisory Board on Automotive Affairs regulating insurance providers. An amendment was provided at the Committee hearing by Robert L. Compan, representing Farmers Insurance Group. My understanding is the amendment within ([Exhibit J](#)) was agreed upon by the interested parties and it deletes the phrase "insurer of motor vehicles" from section 1, subsections 6(a) and 6(b). That is the only amendment included.

Chair Dondero Loop:

Is there any discussion?

Assemblyman Kirner:

Does the amendment address Ms. Belz's concern?

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

Yes, our concern was that the charge of the Advisory Board was overly broad to include things that the Division of Insurance in the Department of Business and Industry would be responsible for. I believe it was Mr. Frierson's suggestion to articulate all of the various operators of salvage pools, and we are fine with it.

Chair Dondero Loop:

I would like to entertain a motion.

ASSEMBLYMAN KIRNER MOVED TO AMEND AND DO PASS
SENATE BILL 238 (1st REPRINT).

ASSEMBLYMAN FRIERSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN HOGAN WAS ABSENT
FOR THE VOTE.)

I will assign the floor statement to Mr. Frierson. We will move on to Senate Bill 321 (1st Reprint).

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

Jennifer Ruedy, Committee Policy Analyst:

Senate Bill 321 (1st Reprint) was heard by the Committee on May 3, 2011. It requires the Nevada Taxicab Authority to establish a system for the use of radio frequency identification or other electronic means to verify and confirm compliance with any terms and conditions placed on the allocations of taxicabs made by the Authority. [Continued to read from ([Exhibit K](#)).]

Chair Dondero Loop:

Is there any discussion?

Assemblyman Carrillo:

I have a concern regarding section 1 of the bill. I know it was amended, but I wanted clarification as to the actual electronic medallion.

Richard Perkins, representing Frias Transportation Management:

The current desired method is to determine the validity of the particular medallions. I believe the question that was posed once before was whether or not it was a measure to determine validity, or if it was going to be used as a tracking device. It is purely for the Nevada Taxicab Authority to determine the validity of the electronic medallions.

Assemblywoman Benitez-Thompson:

The people from the Law Office of Snell and Wilmer were kind enough to provide me with language talking about the fact that the bill would not allow the Nevada Taxicab Authority or anyone to track or monitor taxicabs using global positioning, satellite technology, or other electronic means. I think that went a long way to declare any type of concerns I had.

Chair Dondero Loop:

I would like to entertain a motion.

ASSEMBLYMAN ATKINSON MOVED TO AMEND AND DO PASS
SENATE BILL 321 (1st REPRINT).

ASSEMBLYMAN FRIERSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN HOGAN WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to myself. We will move to our last bill of the day, Senate Bill 387 (1st Reprint).

Senate Bill 387 (1st Reprint): Revises certain provisions governing off-highway vehicles. (BDR 43-211)

Jennifer Ruedy, Committee Policy Analyst:

[Read from ([Exhibit L](#)).] Senate Bill 387 (1st Reprint) was heard by the Committee on May 10, 2011. This bill came out of the Legislative Committee on Public Lands. The bill authorizes the Department of Motor Vehicles to issue a distinguishing number to an off-highway vehicle that lacks a vehicle identification or serial number, whether it has never been issued a number or the number has been defaced, removed, obliterated, or altered. The bill allows the Department to charge a fee for the cost of issuance.

Chair Dondero Loop:

Is there any discussion?

Assemblywoman Neal:

Was this the bill where if someone created a vehicle, we would be paying a \$12 fee? They said there was a gap between how much they were able to cover. My concern is the man-made vehicles; they are not even good for the road in the first place.

Troy Dillard, Deputy Director, Department of Motor Vehicles:

The issue was that the bill itself assesses a \$2 fee for the issuance of the vehicle identification number to be assigned to the vehicle. The actual cost for the Department to do so is \$9. There is a \$7 gap between the two. From the fiscal issue we discussed, there is a \$7 deficiency that ultimately would have to be made up by the Fund for Off-Highway Vehicles to offset the cost of the State Highway Fund.

Assemblywoman Neal:

You said the Fund for Off-Highway Vehicles just started and there was a low amount of money in it. Will you deplete the Fund for Off-Highway Vehicles with the man-made vehicles?

Troy Dillard:

The initial start-up funds are only \$500,000, but the way the bill passed last session was in the first year, when all the registrations and titling takes place, a

larger portion is actually maintained by the Department to get this program established and running. In the second year, it changes and we only keep 15 percent; I believe we keep 85 percent the first year. In the first year it is fine, and that is when most of the vehicles will have to have vehicle identification numbers assigned because they are from the existing stock that is already out there. After that, we project a very small number per year.

Chair Dondero Loop:

I would like to entertain a motion.

ASSEMBLYMAN BROOKS MOVED TO DO PASS
SENATE BILL 387 (1st REPRINT).

ASSEMBLYMAN FRIERSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN HAMMOND, KIRNER,
SHERWOOD, AND WOODBURY VOTED NO. ASSEMBLYMAN
HOGAN WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Ms. Neal.

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Is there any public comment? [There was none.] Are there any comments from the members? [There were none.] We are going to recess because we may need to have a meeting behind the bar of the Assembly Floor. We are in recess [at 4:35 p.m.].

Chair Dondero Loop:

I would like to reconvene the Assembly Committee on Transportation [on May 23, 2011 at 11:05 a.m.] to adjourn. We are adjourned [at 11:05 a.m.].

RESPECTFULLY SUBMITTED:

Jordan Neubauer
Committee Secretary

APPROVED BY:

Assemblywoman Marilyn Dondero Loop, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Transportation

Date: May 19, 2011

Time of Meeting: 3:33 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 323 (R1)	C	Jennifer Ruedy	Work Session Document
S.B. 48 (R1)	D	Jennifer Ruedy	Work Session Document
S.B. 48 (R1)	E	Jeff Richter	Testimony
S.B. 140 (R1)	F	Jennifer Ruedy	Work Session Document
S.B. 154	G	Jennifer Ruedy	Work Session Document
S.B. 322 (R1)	H	Jennifer Ruedy	Work Session Document
S.B. 234 (R1)	I	Jennifer Ruedy	Work Session Document
S.B. 238 (R1)	J	Jennifer Ruedy	Work Session Document
S.B. 321 (R1)	K	Jennifer Ruedy	Work Session Document
S.B. 387 (R1)	L	Jennifer Ruedy	Work Session Document