

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

**Seventy-Sixth Session  
May 24, 2011**

The Committee on Transportation was called to order by Chair Marilyn Dondero Loop at 3:30 p.m. on Tuesday, May 24, 2011, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/76th2011/committees/](http://www.leg.state.nv.us/76th2011/committees/). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Marilyn Dondero Loop, Chair  
Assemblyman Jason Frierson, Vice Chair  
Assemblyman 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  
Assemblyman Mark Sherwood  
Assemblywoman Melissa Woodbury

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Senator Shirley A. Breeden, Clark County Senatorial District No. 5

**STAFF MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Rhonda Bavaro, Administrator, Division of Central Services and Records,  
Department of Motor Vehicles  
Brian O'Callaghan, Government Liaison, Office of Intergovernmental  
Services, Metropolitan Police Department, City of Las Vegas  
Ed Gobel, representing Chapel of Four Chaplains and Go West Institute  
Linda West Myers, representing Chapel of Four Chaplains and Go West  
Institute  
Tracy Larkin-Thomason, P.E., P.T.O.E., C.P.M., Assistant Director,  
Planning, Director's Office, Department of Transportation  
Jason Van Havel, Assistant Chief, Transportation/Multimodal Planning  
Division, Department of Transportation

**Chair Dondero Loop:**

[Roll was called. Rules and protocol were stated.] We will be hearing two bills today. Both bills were referred to this Committee last week after being passed out by both the Senate Committees on Transportation and Finance. The bills are exempt from deadlines. I will open the hearing on Senate Bill 244.

**Senate Bill 244:** Revises provisions governing special license plates and parking placards for persons with disabilities. (BDR 43-656)

**Senator Shirley A. Breeden, Clark County Senatorial District No. 5:**

I want to share with you what Senate Bill 244 does. It enhances enforcement of Nevada's laws related to the use of disability parking placards and license plates. The bill allows law enforcement to confiscate a disability placard, sticker, or license plate if the officer has probable cause to believe that the person using it is not eligible to do so. [Continued to read from ([Exhibit C](#)).]

The reason I brought this bill forward as a Committee bill was because I was shopping with a girlfriend and she was driving. She pulled into a

handicapped parking spot and I asked her what she was doing; she said she was going to use her dad's placard. Her dad had passed away. I told her we could not do that. She asked me why and explained to me that she had surgery on her knee. I told her we really could not park there. The placard had six months left until it expired. That is when I realized there are many people misusing these placards. [Continued to read from ([Exhibit C](#)).]

I found out about fake placards from some friends who volunteer with the City of Las Vegas Parking Enforcement Unit. They can issue citations. They see the abuse as well. There are 17 volunteers who are assigned and work with the Las Vegas Metropolitan Police Department. We are trying to curb the abuse of the placards. [Continued to read from ([Exhibit C](#)).]

**Chair Dondero Loop:**

Are there any questions from the Committee?

**Assemblyman Kirner:**

You mentioned that other states were looking at doing this. Are there any other states that already have this legislation in place?

**Senator Breedon:**

I do not have the list in front of me, so I do not know, but I can get the information to you.

**Assemblyman Kirner:**

Do you have a sense of how many states?

**Senator Breedon:**

I think there were six or seven.

**Assemblyman Carrillo:**

What steps would be taken to enforce this law? You may see an individual who looks perfectly healthy on the outside, but he has gone through the steps to get a placard because of a condition that may not be seen on the outside, and to the general public that individual may look healthy. Is there paperwork that is required to be carried at all times to show proof of the placard?

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

Yes, they have to fill out an application and it has to be signed by their physician. There are specific criteria the applicant has to meet. Once he meets the criteria, we give him either the handicapped license plate or placard, and a

letter he has to carry in the vehicle and on his person, identifying the person it was issued to.

**Assemblyman Carrillo:**

The misconception is someone who looks healthy; for instance, my wife might take my mother-in-law to the grocery store, and they park in the handicapped spot. I know that placard sits in my wife's car; she does not use it as Senator Breeden said her friend has used it because she knows the purpose is for her mother. My mother-in-law may not carry the paperwork. I do not know if the placard is supposed to have the name on it to show who is supposed to have it. Most of the time the handicapped person is a passenger in the car and he might not have any identification. I think this bill is great because it is a privilege that is being abused by people who are perfectly healthy. In the same aspect, how do you determine the separation? If I decided to go to the store with my mother-in-law and she did not have any identification, am I in violation of this law because she could not identify herself? I am concerned if the individual cannot prove it is his placard and law enforcement decides to take it away—he may have been through hoops to get the placard because of his health condition—you might be taking the placard away from a disabled person in which you cannot see the disability on the outside, but it is a disability. How do you differentiate between that? Our law enforcement officers are not doctors; they cannot determine if someone is healthy or not.

**Brian O'Callaghan, Government Liaison, Office of Intergovernmental Services, Metropolitan Police Department, City of Las Vegas:**

Currently, we are allowed to take placards under *Nevada Revised Statutes* (NRS) 482.155. This bill codifies that. Through the investigations we can determine probable cause; we have to put totality of circumstances together. If the totality of circumstances is not there, we will not remove the placard.

**Chair Dondero Loop:**

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

**Brian O'Callaghan:**

Regarding the handicapped license plate, if the vehicle is parked, the handicapped license plates belong to the vehicle, and they are current license plates, we would not remove the license plates from the vehicle. If someone who is not handicapped took the vehicle, he would get a ticket, but as a police officer and since the bill language says "may," I would not take the license plates. If we take the license plates, the vehicle is stranded and there may be a person at home who might need the plates and vehicle.

**Assemblyman Frierson:**

I have a question that is tangentially related. Over the past weekend I saw a car in a shopping center parking lot that said City of Las Vegas Parking Enforcement; would they be authorized to take a license plate or remove a placard from a car? If they saw someone park and go into the grocery store and they knew that person was not disabled, would this bill authorize them to do anything extra? If you know, can you tell me about that program? This was the first I have seen of it.

**Brian O'Callaghan:**

Currently, it is in the NRS. They can issue citations, but, no, they cannot remove or confront the person because they are not law enforcement.

**Assemblywoman Diaz:**

Will they have to surrender their placard the first time they are cited? How is this going to work? When will we pull away the placard, and how are we going to penalize these people? How is this going to make sense to law enforcement?

**Brian O'Callaghan:**

Law enforcement will not know. It will go through the court. It would not be law enforcement; they are only for giving the citation.

**Assemblywoman Diaz:**

They will be cited with a ticket, then have to go to court, and the judge would have to take further action?

**Brian O'Callaghan:**

That is correct. Once we give the citation, it will be up to the courts if it is a first, second, or third offense. On the back of the citations there is a declaration of arrest and the officers can fill it out in more detail for the judge, and they can determine from that also.

**Chair Dondero Loop:**

Can you clarify the piece about taking the license plate off of the car and what happens?

**Brian O'Callaghan:**

If the license plate belongs to the vehicle, it is registered, and it is a good license plate, I will not remove the license plate from the vehicle. If it is determined through my investigation that the person operating the vehicle is not allowed in the handicapped parking, I will give him a ticket. I will not remove the license plate. If I do, I cause more problems because now the vehicle is

disabled; it cannot move, and it is illegally parked. Now the person who really needs that vehicle and license plate is without one.

**Rhonda Bavaro:**

The Department of Motor Vehicles (DMV) originally submitted a fiscal note on this bill because it required regulations and computer programming; however, upon further analysis the DMV has determined that it can incorporate this into existing projects, and therefore, the fiscal note can be eliminated.

**Assemblywoman Diaz:**

I believe in the bill it specifies if someone is deceased, the DMV will be cross-checking with the Nevada Department of Health and Human Services, Office of Vital Statistics. You mentioned that it was going to be tied into other projects, so I just wanted to know how often you will cross-check and how you are going to work on who has passed away and should not have use of the permit.

**Rhonda Bavaro:**

We currently get a weekly list from the Office of Vital Statistics, so we will be using that list to update our records.

**Chair Dondero Loop:**

Are there any more questions from the Committee? [There were none.] How often do law enforcement officers ticket people for something like this? I have a feeling it might not be a priority with other things going on, but how often do people get caught? Can you give me some sort of idea?

**Brian O'Callaghan:**

I do not have the numbers for that. I have cited people on several occasions and I have removed placards. We do not break in windows. I have written a citation for the placard not being properly displayed. The date has to be shown on the placard; some people hide the date. I do not have the total number of citations.

**Chair Dondero Loop:**

Are there any more questions? [There were none.] Is there anyone else in support of S.B. 244? [There was no one.] Is anyone opposed to S.B. 244?

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

We started out supporting this bill until we heard the Senate Committee on Transportation's testimony. The license plates and placards are not going to be taken away from the people because there may be someone who needs it. The whole point of this bill is to take the license plate and placard away. If someone

fraudulently uses the license plate and placard of another, someone has to pay the price and that is what I thought this bill was all about.

Edward Bower is a volunteer for the City of Las Vegas Parking Enforcement, and in his testimony on April 4, 2011, he said the main problem is that the laws keep changing as to what we can do. An example would be if a space was designated for a side-loading vehicle; we used to be able to write tickets if someone parked in the space beside the handicapped parking space preventing use of the chair lift. Now we cannot write tickets for that, so people park their vehicles in those spaces, and people with wheelchairs cannot use the handicapped spaces. That was one of the problems. We have not had any change in the law since October 1, 1999 when it first went into existence. I know because I helped author it.

The real problem we are facing is enforcement, not only for law enforcement, but also the DMV. We looked at the application for disabled persons license plates and/or placards from the DMV that the doctors fill out. It states the reasons someone could qualify; it tells you what you can use for reason. One reason is that the applicant cannot walk 200 feet without stopping to rest. Another reason is the applicant is restricted by lung disease. Unfortunately, that is not what the statute says. *Nevada Revised Statutes* 482.3835 says: "Is restricted by a lung disease to such an extent that the person's forced expiratory volume for 1 second, when measured by a spirometer, is less than 1 liter, or the arterial oxygen tension is less than 60 millimeters of mercury on room air while the person is at rest." A lot of phenomenal legislators wrote this bill, so Nevada has the most objective criteria for a handicapped parking permit of any state in the nation.

Unfortunately, out of the 343,000 active handicapped parking permits that have been issued, over 40 percent were written under the option on the DMV form that the applicant is restricted by a lung disease and it did not include all of the objective criteria. That is why we have over 100,000 new handicapped parking permits issued in the last year. There are at least 343,000 active handicapped parking permits issued; the total number of parking spaces of any type—whether they be handicapped or regular—is just under 300,000. The United States Department of Justice Americans with Disabilities Act requires 1 out of every 25 parking spaces—which is 4 percent—be handicapped parking spaces. To meet the number of handicapped parking permits we have active and issued, we would have to have somewhere in the vicinity of 9 million to 10 million parking spaces, which would then mean that convenience stores would be required to build 300 parking spaces.

The answer is clear; we need to give accountability to the doctors. What our amendment ([Exhibit D](#)) conceptually says is that the doctors would be held accountable for what they sign. They would have to meet the criteria of NRS 482.3835 and then would have to state those criteria on the form instead of marking a shortened version of the statute. If they do not follow that, the first occurrence would be a \$500 fine and taking a class on how to know when you can sign an application for approving a handicapped parking permit. We believe some of this is already in the statute, but if it is just coming back to find a new way to enforce this and law enforcement is saying they are not going to take the placard because someone at home might need it, then we are going to be doing this every session and there are too many important things that you are considering that we do not have the time to do this. Less than 5 percent are because of fraudulent use of the placards, but it is because of doctors not being held accountable. Many doctors are charging between \$25 and \$100 for each application they fill out. Thank you for your time.

**Chair Dondero Loop:**

Thank you. Are there any questions from the Committee? [There were none.] Is anyone else opposed to S.B. 244?

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

Our amendment ([Exhibit D](#)) requires the physicians to do no harm. It is fairly simple; it restores freedom for those who qualify for handicapped plates, placards, or stickers to utilize existing handicapped parking spaces while maintaining their independence. [Continued to read from ([Exhibit D](#)).]

The charts in our amendment show the dramatic difference in the number of people who cannot walk 200 feet—as is the requirement in statute—and the total number of people who were not eligible; some people who were unable to find a parking space left. We interviewed people using NRS 482.3835 as our guideline in devising our charts. It is phenomenal to see the number of people who run from their vehicles to their destination when they park. If you cannot walk 200 feet, you qualify; otherwise you do not.

We found that the City of San Francisco has faced similar problems and impact of misuse of authority by physicians. In their situation they could not understand why they were only collecting an average of \$4 a day per meter when the meters were costing them \$3 an hour to maintain. Other places have studied this and experienced the same problem. The State of Colorado commissioned Cornell University to study this issue, and again the number of actual disabled was very small compared to the number of plates and placards issued. [Continued to read from ([Exhibit D](#)).]



I want to point you to our exhibits that show other areas, including other states and our neighboring nation Canada, experiencing the same problems with so many handicapped parking permits and too few parking spots. There are not any easy answers, but physicians can provide a partial solution by treating these applications with the same vigilance they apply to other important medical documents.

**Chair Dondero Loop:**

Thank you. Are there any questions from the Committee? [There were none.] Is anyone else opposed to S.B. 244? [There was no one.] Is anyone neutral? [There was no one.] Senator Breeden, do you have any concluding remarks?

**Senator Breeden:**

Thank you. I would like to follow up on Mr. Gobel's comments. The Senate Committee on Transportation heard the same presentation and when this bill came up for a vote, the committee members did not feel as though we could mandate the number of applications that a medical doctor could write. We did not address that issue. We did work with the DMV to change the application Mr. Gobel was referencing. We tried to incorporate his concerns. During this time, we could not amend this bill with his amendment because of the fiscal note. I would appreciate the Committee's passage of this bill.

**Chair Dondero Loop:**

Thank you. Is there anyone else wishing to testify on S.B. 244? [There was no one.] Does anyone have any comments?

**Brian O'Callaghan:**

I just wanted to speak to Mr. Gobel's comments about not taking the placards. In our investigation if there is enough probable cause in the totality of all the circumstances, the placard will be taken. If the license plates are good and they belong to the vehicle, we will leave them on the vehicle because it causes more trouble when the license plate gets removed. If the placard is fraudulently being used and we determine that, we will remove it.

**Chair Dondero Loop:**

Thank you. Are there any questions from the Committee?

**Assemblyman Carrillo:**

What is the determination between the placard and the license plate? Who determines it? I know the application shows a request of either/or, but who has the ultimate say? If it is a temporary condition, I imagine it would be a temporary placard. If it is a permanent disability, I would assume it would be the license plate.

**Rhonda Bavaro:**

If it is a permanent disability, there is the choice of getting a license plate or a placard. If it is a temporary disability, you would get the placard.

**Chair Dondero Loop:**

Are there any more questions? [There were none.] Thank you. I will close the hearing on S.B. 244. I will open the hearing on Senate Bill 475.

[Senate Bill 475](#): Makes various changes relating to transportation.  
(BDR 35-1193)

**Tracy Larkin-Thomason, P.E., P.T.O.E., C.P.M., Assistant Director, Planning, Director's Office, Department of Transportation:**

I am going to give you a summary of Senate Bill 475. It provides for the consolidation of the Nevada Bicycle and Pedestrian Programs within the Department of Public Safety (DPS) and the Nevada Department of Transportation (NDOT) by moving one position with the associated budget from the Office of Traffic Safety within DPS to the Nevada Bicycle and Pedestrian Program within NDOT. This position will work with the Nevada Bicycle and Pedestrian Program primarily to educate people and eliminate overlapping goals and leverages. An overlapping goal is the education and training goals, which are for the interaction of bicycles, pedestrians, and motorized vehicles. Seventeen percent or almost one in five fatalities in Nevada involves bicycles and pedestrians. Training is needed for all the modes along with the driver to properly interact amongst them. This program leverages programs such as Nevada's Safe Routes to School, which currently resides with NDOT and covers kindergarten through eighth grade and also areas within two miles of the school. By bringing this program over, it makes it much larger because it will cover all ages.

This bill is requesting the Driver's Education and Safety Officer position and the associated budget, which is Budget Account 4689, to be transferred from DPS to NDOT. We have space for the position, and there are not any relocation costs.

**Chair Dondero Loop:**

Thank you. Are there any questions from the Committee?

**Assemblywoman Neal:**

In section 2, it says they are going to develop an educational program; is this already being done? I have been watching commercials since I was 12 years old about bicycle safety. I know you mentioned it deals with enlarging the group, but this has been going on for 15 or 20 years now. Why do we need to

enlarge the program, or is it the issue of getting more money to fund the program?

**Tracy Larkin-Thomason:**

Everyone is always growing up, so we always have new kids coming into the program. Training the younger group is an ongoing thing as the generations come through. As far as the adults, we are talking about people with different cultural backgrounds that are not fully aware of the rules in our state. When we say “share the road” most drivers think it means the bike needs to share the road with the cars. That is a perception we need to change.

**Assemblywoman Neal:**

A lot of the language is new; why do we need a new bill for the same program? You can do a regulation now to expand your focus. You can say now we have different cultural groups, which has been a reality for ten years, and now we would like to make sure we have a bilingual program. Why do we need to pass a law—which probably is already regulated—to do the same exact thing?

**Jason Van Havel, Assistant Chief, Transportation/Multimodal Planning Division,  
Department of Transportation:**

The two programs currently exist: one within DPS and one within NDOT. The one inside of DPS is primarily behavior related. The one inside NDOT is infrastructure related. This bill combines those two programs inside of NDOT. By combining those two programs we are able to obtain more efficiency. Seventeen percent or so of our fatalities in our transportation system now are bike and pedestrian related, but only about 12 percent of our trips are bike and pedestrian related, so there is a disproportion of high fatalities for bike and pedestrian activities. By combining these programs inside of NDOT, we will be able to deliver more efficient outreach and education to the general public.

**Assemblywoman Neal:**

Merging the two programs is not going to cost anything? Is NDOT going to pay for the merging of the two programs? How is NDOT going to pay for it? Is there a federal grant?

**Jason Van Havel:**

The current funding in place is 50 cents per issued driver’s license in Nevada goes towards the program. Currently 65 percent of it goes to DPS and 35 percent of it goes to NDOT to help fund these programs. When the programs are consolidated, the 65 percent will be transferred over to NDOT. There will not be a net increase in any expenses. The issue is to obtain efficiencies.

**Assemblywoman Neal:**

There is 50 cents allocated. How is DPS going to make up the 65 percent that they are no longer receiving in their budget?

**Jason Van Havel:**

All the money that DPS was receiving was going towards their program, so they do not have to make anything up because they will no longer have the program. The program will be consolidated under NDOT.

**Assemblyman Kirner:**

Are there two different boards that run this? Are we consolidating them into one board?

**Jason Van Havel:**

Currently there is one statewide board.

**Assemblyman Kirner:**

This would be a continuation of that board? Are these members paid?

**Jason Van Havel:**

No.

**Tracy Larkin-Thomason:**

They do get reimbursed for travel costs, but they do not get paid.

**Assemblyman Kirner:**

Is this board similar to what currently exists, or is there going to be a cost because now we will have a new, larger board? Fourteen members seem big.

**Tracy Larkin-Thomason:**

It is the same board as it was before; there are no additional members or fewer members.

**Assemblyman Kirner:**

Do we need a board that big?

**Jason Van Havel:**

I guess we can ask that question. The representation is intended to facilitate public outreach and allow public feedback into the programs as part of the requirements for federal funding. It serves other purposes than what might meet the eye.

**Assemblywoman Benitez-Thompson:**

Right now it is called the Nevada Bicycle Advisory Board right?

**Jason Van Havel:**

Yes.

**Assemblywoman Benitez-Thompson:**

So, all we are going to be doing is holding them to their function and also having them look at pedestrian issues right?

**Jason Van Havel:**

Yes.

**Assemblywoman Benitez-Thompson:**

I was curious because we have had members from the Nevada Bicycle Advisory Board present in other hearings. Is the membership in support of this?

**Jason Van Havel:**

Yes, they are very much in support of this bill.

**Assemblyman Carrillo:**

I know there are organizations that have paired up with other counties, and it seems like a lot of accidents are in the areas of bus stops and crosswalks, and it is usually during, before, or after school. Is NDOT going to pair up with any organizations who want to ensure the safety of the children and pedestrians?

**Jason Van Havel:**

Yes, currently our Safe Routes to School Program does partner with as many community groups as possible, and we try to facilitate a safe environment for those activities. Our Safe Routes to School Program has gained momentum in recent years and we had Nevada Moves Day, which was phenomenally successful across the state.

**Chair Dondero Loop:**

Are there any more questions from the Committee? [There were none.] Thank you. Is anyone else in support of S.B. 475? [There was no one.] Is anyone opposed to S.B. 475? [There was no one.] Is anyone neutral? [There was no one.] I will close the hearing on S.B. 475. Is there any public comment? [There was none.] Are there any comments from the members? [There were none.] We are adjourned [at 4:24 p.m.].

RESPECTFULLY SUBMITTED:

---

Jordan Neubauer  
Committee Secretary

APPROVED BY:

---

Assemblywoman Marilyn Dondero Loop, Chair

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

**EXHIBITS**

**Committee Name:** Committee on Transportation

**Date:** May 24, 2011

**Time of Meeting:** 3:30 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
S.B. 244	C	Senator Breedon	Written Testimony
S.B. 244	D	Ed Gobel and Linda West Myers	Conceptual Amendment and Presentation