

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

**Seventy-Sixth Session
April 5, 2011**

The Committee on Transportation was called to order by Chair Marilyn Dondero Loop at 3:23 p.m. on Tuesday, April 5, 2011, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 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 Joseph M. Hogan
Assemblyman Randy Kirner
Assemblywoman Dina Neal
Assemblyman Mark Sherwood
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman Pete Goicoechea, Assembly District No. 35
Assemblyman John Ellison, Assembly District No. 33

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Mark Froese, Administrator, Management Services and Programs Division,
Department of Motor Vehicles
K. Neena Laxalt, representing Nevada Cattlemen's Association
Kelly Clark, Board Member, Muscle Powered—Citizens for a Walkable and
Bikeable Carson City
Jim Crompton, Private Citizen, Carson City, Nevada
Timothy G. Rowe, Bicycle Advocacy Coordinator, Alta Alpina Cycling
Club
Erin Breen, Director, Safe Community Partnership Program, Transportation
Research Center/University Transportation Center, Howard Hughes
College of Engineering, University of Nevada, Las Vegas
Michael Geeser, representing AAA Nevada
Brian O'Callaghan, Government Liaison, Office of Intergovernmental
Services, Metropolitan Police Department, City of Las Vegas
Javier Trujillo, Intergovernmental Relations Specialist, City of Henderson

Chair Dondero Loop:

[Roll was called. Rules and protocol were stated.] We were scheduled to hear four bills today, but there is a change to the agenda. Assemblyman Goedhart has pulled Assembly Bill 302 from the hearing schedule today.

Assembly Bill 302: Authorizes off-highway vehicles to be operated on highways under certain circumstances. (BDR 43-893)

[This bill was not heard.]

We will not have a work session today. I will open the hearing on Assembly Bill 247.

Assembly Bill 247: Revises the circumstances under which a person is exempt from obtaining a license to drive a road machine, farm tractor or implement of husbandry on a highway. (BDR 43-300)

Assemblyman Pete Goicoechea, Assembly District No. 35:

This bill has been the most problematic I have had this session and maybe even in my career. It was written in the wrong chapter of the *Nevada Revised Statutes* (NRS), and because the deadline for committee bill introductions was March 28, I wanted it to be introduced, so I went ahead and brought it forward. The original bill talks about driver's licenses for farm implements. I received a lot of emails from people who were confused about the bill.

I brought Assembly Bill 247 forward for the sheep industry. Most sheep operations start at the Idaho-Nevada border and end up in central Nevada around Tonopah. A typical sheep operation has an old pickup truck or tractor pulling a sheep wagon, a commissary wagon behind it, and maybe a couple saddle horses. Unfortunately, the implements of husbandry and farm equipment cross a couple of interstates and a number of major highways. Most of the time they are on two-track, sagebrush roads. Most of these vehicles are not registered, although the operator or the owner of the vehicle carries \$1 million worth of liability insurance. The issue is whether the liability insurance covers a vehicle that is unregistered. That is the intent of this bill. We are going to bring it forward with the cooperation of the Department of Motor Vehicles (DMV). Mark Froese from the DMV is here with me. We have worked on this bill and amended it three times; I provided you the most recent amendment ([Exhibit C](#)). It still needs more work, but I will walk you through the bill.

This bill deals with any implement of husbandry that is currently exempt from having to be registered pursuant to NRS 482.210. There are times they will be operating on a county road, state highway, or interstate. The question is if they are not registered, are they covered by the current \$1 million public liability and property damage insurance coverage? This bill only enables legislation; it is not required. If the owner would feel more comfortable with registering his farm equipment and implements of husbandry, he could.

As we worked with the DMV, we decided to extend the bill to include license plates, which would be put on tractors or implements of husbandry to insure the liability insurance covered the equipment while it was being pulled down the road. We narrowed it down to a motorized unit. Whatever is supplying the power to the farm equipment or implements of husbandry would need to have a license plate. It is not necessary to have 15 license plates for every piece of farm equipment or implement of husbandry owned.

An annual application will be submitted to the Motor Carrier Division of the DMV. The initial application must include a nonrefundable fee of \$10.50, which would be paid every year. The decal would expire December 31. If someone decided not to renew the registration or the farm equipment was sold, the license plate and decal would be required to be surrendered or returned to the DMV. I will let Mark Froese discuss with you why they decided to do this process through the Motor Carrier Division. I was hoping doing this through the DMV would be easier, but I guess it would not work well with the kiosk system.

Section 2 may need to be changed. We wanted to make sure people applying for license plates were in fact farmers or ranchers. Otherwise, I could see some guy in Silver Springs having ten of these little license plates on all the equipment he owns for a 5-acre piece of property. The DMV brought this part of the bill forward. Farmers and ranchers have to show at least two-thirds of their gross income from the previous tax year that was obtained from agriculture. I would like to change this. Most people from the rural part of the state are familiar with something called agriculturally deferred. The county assessor will designate the property as agriculturally deferred, which means the owner of the property has generated at least \$5,000 worth of income on the property. I have a concern with how this section is currently written. Many of the farmers and ranchers probably will not want to bring their previous income tax forms to the Motor Carrier Division to determine in fact two-thirds of their income came from agriculture. The Motor Carrier Division probably will not want to look at the income tax forms either. Mark Froese said we could put them on an honor system, but I think we need to have some kind of verification. I believe I will be bringing another amendment to change the language to say the farmers and ranchers have to be agriculturally deferred in order to qualify.

Section 4 requires \$300,000 of bodily injury and property damage insurance coverage. I am not sure, and I will defer to your legal counsel, if this makes it look like you have to have this specific policy for every particular piece of equipment. That is not the intent. What we are saying is you have to have at least \$300,000 of bodily injury and property damage insurance coverage in place. It is required to be able to provide an insurance certificate. I want to make sure the bill is not narrowed down to where every piece of equipment has to have a particular policy or coverage in place.

The license plate is a motorcycle plate. It would be attached to the power unit. I am assuming it would be put on the right-hand fender of the piece of equipment the power is generated from, whether it is a tractor, swath, harrow bed, or squeeze; there are so many implements of husbandry.

I will let Mark Froese talk about this. The DMV anticipates about 3,000 applications, but I think we will go far beyond that amount. Some people are nervous about driving their implements of husbandry on highways. If they are on the road once a year, \$10 is safe coverage. If you are out on the highway and somebody runs into you, whether you are at fault or not, you are covered. Today, at this point, I believe if you do not have a registration in place, you are probably guilty by default.

I know this is a policy committee, but I want to talk about the fiscal note. The fiscal note has been all over the board, from \$98,000 to \$168,000. If we do not implement this bill until January 2014, it gives the DMV time to catch up its programming and there will not be a fiscal note. I would challenge that the fiscal note is a little high because the DMV is going to generate at least \$30,000 a year, and that is only counting the 3,000 applications. I think there will be substantially more applicants than 3,000. I am not going to cause further impacts to the state budget, so in the worst case scenario, we will drop back the effective date to January 2014.

Chair Dondero Loop:

Are there any questions from the Committee?

Assemblyman Frierson:

Is there anything similar to this provision in other states?

Assemblyman Goicoechea:

I should defer to Mark Froese; he has probably completed a lot more research than I have. Texas, Nebraska, Idaho, and Utah have farm license plates. I am not going to go that far. I just want this effective for implements of husbandry. Texas has a \$20 tag, and it can be put on any vehicle that is on the farm. I do not think we can stand that kind of hit, so we are not going there.

Chair Dondero Loop:

Are there any questions from the Committee?

Assemblyman Hammond:

You mentioned there is a tag. What kind of tag is it?

Assemblyman Goicoechea:

The DMV is proposing a motorcycle license plate. It would be small, screw onto the fender, and be permanently attached. It would need a new decal every year.

Chair Dondero Loop:

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

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

We have been working with Assemblyman Goicoechea for quite a while. This is our third suggested language to him. Originally how the bill was produced, we did supply a fiscal note which was \$168,000. Based on the new suggested language we provided Assemblyman Goicoechea, the number has dropped down to under \$100,000.

The item attached to the motorized or self-propelled implement of husbandry would be the size of a motorcycle license plate with a decal which would be attached to the license plate. It would be up to the farmer or rancher to attach the license plate to the back end of the vehicle, so as law enforcement approached from behind, they would be able to see it clearly.

We chose the Motor Carrier Division to handle this because it currently has programs in place where plates and tags expire December 31, so we thought we would mirror that system.

To further elaborate, even though the bill says the application would be supplied to the Motor Carrier Division, farmers and ranchers would not necessarily have to go into one of those offices. They could go to one of the DMV offices or offices that do business on our behalf, and it would be forwarded to the Motor Carrier Division for processing.

We were able to secure a census to help us decide on an amount for the insurance policy minimums. The number we were able to extract from the census seemed to indicate between 3,000 and 4,000 motorized and self-propelled implements of husbandry. That is how we came up with \$300,000.

Based on the new language the fiscal note is lower, but it is still there.

Chair Dondero Loop:

Each piece of motorized equipment would have its own license plate, but the insurance could cover multiple motorized pieces of equipment. Am I correct?

Mark Froese:

It would be the motorized or self-propelled implements of husbandry.

Chair Dondero Loop:

Each one would have to have its own specific plate, correct?

Mark Froese:

Yes.

Chair Dondero Loop:

Are there other questions from the Committee? [There were none.] Is anyone in support of A.B. 247?

K. Neena Laxalt, representing Nevada Cattlemen's Association:

I will make this brief. We strongly support Mr. Goicoechea's bill, A.B. 247.

Chair Dondero Loop:

Thank you. Are there any questions from the Committee? [There were none.] Is anyone opposed to the bill? [There was no one.] Is anyone wishing to testify neutral? [There was no one.]

Assemblyman Goicoechea:

This is to protect my industry and the motoring public. Clearly there is no argument as to whether a person is in fact carrying liability insurance on his farm equipment and implements of husbandry. I want to ask for your support of this bill. Thank you.

Chair Dondero Loop:

Thank you. I will close the hearing on A.B. 247, and I will open the hearing on Assembly Bill 328.

Assembly Bill 328: Enacts provisions relating to vulnerable highway users.
(BDR 43-844)

Assemblywoman Teresa Benitez-Thompson, Washoe County Assembly District No. 27:

The original bill was 25 pages; what I would like you to refer to is the 3-page handout titled "Vulnerable Highway Users Conceptual Amendment" ([Exhibit D](#)). This is now the entirety of the bill. I want to walk through the bill, so everyone has a good understanding of what the bill does and does not do.

[Read from [Exhibit E](#).] This bill defines pedestrians and bicyclists as vulnerable highway users. The intent of this bill is to acknowledge what we all know, which is people who are pedestrians or bicyclists on our roadways are at a disadvantage when they come into contest with motor vehicles. They are not encased in steel. They have the right-of-way to use the road.

The second part of the bill lowers the standard by which a driver can be ticketed under the reckless driving statute for causing substantial bodily harm and death by striking a person with a car. As members of the community and I worked through the statutes that pertained to pedestrians, we found language throughout the statutes saying if a pedestrian had substantial bodily harm or if they were killed, then fines were imposed. There were no fines for the simple act of striking a person. What you will hear in testimony from members of the community is oftentimes pedestrians and cyclists are struck by cars. They might be injured, not substantially injured, but they would still like to see a ticket issued in those situations. This bill applies the reckless driving statute fine structure to drivers who strike a pedestrian in a crosswalk, near a school bus, or when failing to yield the right-of-way. The conceptual amendment ([Exhibit D](#)), section 1, paragraph (d), lists the statutes we referenced that deal with pedestrians and motor vehicles: pedestrians in a crosswalk, pedestrians near a school zone, and pedestrians around a bus.

I want to be very clear about what this bill does not do. People feel that someone might throw himself in front of a car, or a bike will turn in front of a car. They want to make sure the driver of the motor vehicle will not get a ticket. This bill does not alter the existing rules of the road. We are not changing fault. If a pedestrian or cyclist is using the roadway in an illegal manner and he is struck, this does not assign fault to the driver. This also does not interfere with the incident reporting process that law enforcement officers have to complete. This bill does not interfere with the way a police officer goes about his investigation to determine fault.

What this bill does do is simply say if someone is riding his bicycle, obeying all of the rules of the road, riding in a manner that is legal, and a car does strike him, when an officer comes to the scene it clearly lays out that the officer does have permission to issue a ticket if he finds the driver at fault for striking that person. The bicyclist does not need to have a broken arm or a severe head injury. He does not need to be bleeding; he just has to have been struck by the vehicle. We would like to include the option for the driver to be fined. The idea behind this is that it will create greater awareness. You are going to hear from a couple of people today who have been hit and law enforcement did not respond, or if they did respond, they did not issue a citation. My understanding is law enforcement officers, many times, do issue citations. We think this language will help them be better in being more consistent. This community will feel better protected and feel like people will have more recourse when a car does collide with them.

Chair Dondero Loop:

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

Kelly Clark, Board Member, Muscle Powered—Citizens for a Walkable and Bikeable Carson City:

This bill is modeled after the Oregon vulnerable user law. New York and Delaware have also adopted similar regulations. I am here today to encourage you to pass A.B. 328. As one of the cofounders of the vulnerable highway users law, my intent is to enhance safety for pedestrians and cyclists, enhance penalties for motorists who strike vulnerable users, and enhance safety education for both motorists and vulnerable users. We must create a real awareness of the problem we have in this state of not seeing vulnerable users. [Continued to read from ([Exhibit F](#)), which briefly explained ([Exhibit G](#)).]

There is one particular citation in the *Pedestrian Traffic Fatalities by State: 2010 Preliminary Data* about a young victim: a “young man, 12 years old, who was crossing at a signalized intersection; he waited for his light and as he crossed the street to pick up his younger sibling at the elementary school he was hit by a truck driver who reported to law enforcement ‘yes I saw the boy, but I thought he’d stop for me.’”

Cyclists are now threatened by a new activity called “bike tipping.” I spoke this morning with a young woman who was hit. She was riding her bike in south Reno, and a car full of teenagers pushed her over and yelled, “Bike tipping!” She was not able to attend this meeting today, but she has submitted testimony ([Exhibit H](#)). Her name is Hannah Flynn; she wanted to come, but she was unable to.

What I am asking is that we change the atmosphere on the street. We need cyclist, pedestrians, and motorists to be aware of the laws of the state. We need to make the street safer. Please approve A.B. 328.

Chair Dondero Loop:

Thank you. I have a daughter who rides a bike and she has been hit, so I hope they have this law in New York where my daughter lives.

Jim Crompton, Private Citizen, Carson City, Nevada:

I am here to speak in favor of amending A.B. 328 to include vulnerable highway users. As a regular bicycle commuter for more than 30 years, I would like to relate to you my up-close encounters with motor vehicles. I have been hit by cars twice and an RV once. [Continued to read from ([Exhibit I](#)).]

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:

I belong to Alta Alpina Cycling Club; I have been on the board for 20 years. I am also a member of the Lake Tahoe Bicycle Coalition, Muscle Powered—Citizens for a Walkable and Bikeable Carson City, the Nevada Bicycle Advisory Board, and the League of American Bicyclists. I am an avid cyclist, and I support A.B. 328. I think the bill will provide the possibility of increased safety for bicyclists and pedestrians in Nevada. The bill has the opportunity to increase education awareness of drivers along Nevada highways and also act as a possible deterrent to avoid future accidents with vulnerable users. I have not been hit directly, but I have had many close calls in my 24 years of riding in Carson City. I feel I would be safer if drivers were aware of me being there.

Chair Dondero Loop:

Thank you. Are there any questions from the Committee?

Assemblyman Brooks:

Are you a member of a Bikes Belong coalition in the City of Las Vegas?

Timothy G. Rowe:

No, I am not.

Assemblyman Brooks:

I am aware that a lot of local municipalities are beginning to increase the number of bike lanes, so they can have routes that increase throughout the city. They can actually connect and start little communities as well as have a bike exchange program where, if you do not own a bike, you can borrow one as long as you return it. They have it in California, and I hear it works well. It is good for beating childhood obesity. Bicycling is a good way for Americans to stay healthy. I support this endeavor by Assemblywoman Benitez-Thompson. It would be good to offer some protection for bicyclists that utilize the bike routes.

Assemblyman Hammond:

I think this bill is great. Riding a bicycle, even in Las Vegas, seems like a gamble. You never know what is going to happen. My wife rode her bike around for a long time. Having said that, I am concerned about one part of the language. Section 1, paragraph (a), says, "Drive a vehicle in willful or wanton disregard" I think most of us know what "willful" and "wanton" mean, but I do not see where it explains it in here. I am concerned; I think it is too open.

Kelly Clark:

It is a separate piece; section 1, paragraph (d), refers to vulnerable highway users that would apply to pedestrians and cyclists. Willful and wanton disregard is not required.

Assemblywoman Benitez-Thompson:

The language is existing statute. That is the exact type of ambiguity we have run into. What is willful and wanton? Those exact conversations were had. It puts the burden on the community to prove that someone was intentionally trying to hurt them. By adding the language under section 1, paragraph (d), it is simply a matter of collision without having to prove that someone was intending to collide with them.

Assemblyman Hammond:

Where it says defined by NRS?

Assemblywoman Benitez-Thompson:

Yes. Section 1, paragraph (d) is the new language. It is the only new language. We are adding it to define the vulnerable highway user. The vulnerable highway user will encompass the statutes that define a pedestrian and a bicyclist, which are NRS 484A.165 and 484A.025. The statutes you see preceding it are statutes which address pedestrians in different situations, but for which there are no fines.

Assemblyman Hammond:

Thank you. I did look at that online; I thought that was what it was saying, but I was not sure. Thank you for clarifying.

Chair Dondero Loop:

I want to clarify for the new people on the Committee, NRS Chapter 484B covers all the pedestrian information. Are there any other questions from the Committee? [There were none.]

Erin Breen, Director, Safe Community Partnership Program, Transportation Research Center/University Transportation Center, Howard Hughes College of Engineering, University of Nevada, Las Vegas:

I reside in Clark County, Nevada and I have for 48 years. I do not like to admit it, but I say it today only by way of saying that there was a time when it was safe to walk and bike in Clark County. I am the Director of the University of Nevada, Las Vegas Safe Community Partnership, a program dedicated to lessening the burden of traffic crash fatalities and injuries for all road users in Clark County. I am also the Chair of the Pedestrian Safety Committee, one of the five emphasis areas under Nevada Department of Transportation's Strategic

Highway Safety Plan. Most importantly, I walk. I am here today to speak about the importance of A.B. 328. [Continued to read from ([Exhibit J](#)).]

For the record, Nevada's pedestrian fatalities are roughly 85 to 90 percent locals each year, both drivers and victims. [Continued to read from ([Exhibit J](#)).]

Driving is a privilege, not a right. The law states it is incumbent up on the motorist to see what is there to be seen, which simply means we are responsible for watching out for those who cross the street on foot or on bicycle. [Continued to read from ([Exhibit J](#)).]

When Kelly Clark was testifying, I had to smile because we both chose the same exact example to give you today. The 12-year-old little boy who was killed at Bonanza Road and Eastern Avenue was the impetus to the misdemeanor manslaughter bill in Nevada. The person driving the Republic Services, Inc. truck was issued a \$190 ticket for failure to yield the right-of-way. I can think of two other examples that are just as critical. There was a young man in a crosswalk on his way to school, the first two lanes of traffic stopped for him, and a person in the second lane on her cell phone did not want to stop, so she pulled into the third travel lane and hit the young man. He is still in a vegetative state. I personally lost a friend last month who, four years ago, was struck by a vehicle as he legally crossed the street. It did such damage to his heart that he lost his struggle for life on February 24, 2011. [Continued to read from ([Exhibit J](#)).]

Chair Dondero Loop:

Thank you. Would bike tipping be covered by this bill?

Assemblywoman Benitez-Thompson:

In Kelly Clark's specific example, law enforcement was called, but there was not a citation issued. My hope is that the reckless driving fine would apply in those situations. I think it could possibly fall under willful and wanton, but as long as a ticket is issued, I am happy. I would like to mention in the examples we heard in the testimony today, citations were not issued.

Assemblyman Frierson:

In that example, was the citation not issued because the occupants of the vehicle were not located? In my experience, it is often a battery with a deadly weapon charge.

Assemblywoman Benitez-Thompson:

We have had many examples where the cyclist or the pedestrian is not able to get a license plate number. This community is working diligently to educate

members of the community about that. I am not familiar with the situations. In some situations law enforcement was called, and I think oftentimes the reason for not issuing a citation is because the driver did not see the person. My argument to that is a person can be speeding in a school zone and the argument of not seeing the school zone does not apply; you get a citation anyway. The next time the person drives through a school zone, he is more aware. Creating awareness is our intent with this bill.

Assemblyman Sherwood:

My concern is distinguishing between people who are reckless towards pedestrians and people who are just reckless. I am sure Nevadans ranks high for running red lights and running into everyone. If the accident would have been with another vehicle, it would have been a minor accident, but because the person was on a bike and not in a vehicle, more injury occurred. It is an inherently dangerous thing to travel in a car and travel with cars, so I would hate to ruin the life of a junior in high school who hates pedestrians and bicyclists. This would create a category B felony on his record. I think we should give discretion to law enforcement and not tie their hands just because someone is a pedestrian or on a bike.

Assemblywoman Benitez-Thompson:

This bill does not interfere with the judicial process at all. The judge would have all the discretion in the world to work through the citation system. The first offense is punishable by a fine of not less than \$250 and not more than \$1,000 or by both fine and imprisonment in the county jail for not more than six months. I have all due faith in the judicial system that the judge would issue a fine accordingly or consider a fine and imprisonment depending on the nature of the crime. Certainly this is not to be so heavy-handed that people are issued an enormous fine and going away to jail for many years on a first offense; it is a tiered system.

Assemblyman Sherwood:

Thank you. With conceptual amendments we should keep it that way, so we do not get a dragnet of moms taking their kids to school and then going away to jail for a year, losing their license, or whatever else.

Assemblyman Frierson:

It appears to me this bill simply proposes to put in language to send a message. I have not heard a scenario that, if the person driving a car had not been apprehended, would not be able to be applied today under our reckless driving statute. I looked up NRS Chapter 484B, and it talks about exercising due care. In a state where people are often going to work at any time of the day and often in a hurry during nontraditional hours, it seems to me this bill seeks to

send a message more than anything because we could probably do a lot of this with existing statute, but we have not been able to communicate that to our communities' drivers. Am I off base?

Assemblywoman Benitez-Thompson:

The intent of this bill is to have less ambiguity in the statute and some place that very clearly and plainly spells out that a person can be issued a ticket and pay a fine for colliding with a pedestrian. The proponents feel that many times tickets were not issued because the pedestrian or the cyclist was not injured enough. A broken collarbone has not lead to a citation in the situations where these people have been hit. People did not think it rose to the level of substantial bodily harm. Law enforcement does an amazing job trying to prevent these accidents, and you heard from Erin Breen about all the hard work they do throughout the state. We feel this bill will give more clarity, less ambiguity, and lower the threshold to a collision.

Chair Dondero Loop:

Thank you. Are there any other questions? [There were none.] Is anyone else in support of A.B. 328? [There was no one.] Is anyone opposing A.B. 328? [There was no one.] Is anyone neutral? [There was no one.] I will close the hearing on A.B. 328. I will now open the hearing on Assembly Bill 341.

Assembly Bill 341: Revises provisions governing penalties for violations of certain traffic laws. (BDR 43-941)

Assemblyman John Ellison, Assembly District No. 33:

There is a lot of confusion about this bill, and I would like to bring it forward. I provided you an amendment ([Exhibit K](#)) with three items, and I will discuss them. The biggest concern is that we are creating speeding in Nevada, which is not true. Section 7 of this bill is an existing law that used to be called wasted resources; they do not use that name anymore. What brought this bill to light is in rural Nevada in Eureka, Esmeralda, and Nye Counties people are being pulled over by law enforcement for speeding 4 or 5 miles per hour over the speed limit, and they are being issued citations. We got with the Nevada Highway Patrol and looked at the bill and decided to clean it up.

Currently, under the law, if you get pulled over, you get a wasted resource ticket. You get a speeding ticket that does not get reported to your insurance, and it will not affect your demerits. This bill says if you get pulled over, you will get a ticket. After the second violation it will be reported to the insurance company, and it will affect your demerits on your driver's license. We are actually helping slow people down.

In section 1, lines 7 through 9 were removed. Under section 2, lines 16 through 18 address the penalties. Under section 3, we lowered the fine from \$1,000 to \$500. I do not know of anybody who has received a \$1,000 fine for speeding 5 to 6 miles per hour over the speed limit. Under section 7, subsection 3, the population cap is 100,000 people; we decided not to change it. We asked for section 9 to be totally removed. We gave the insurance companies more leeway to manage. The amendments make the provisions of the bill not apply to holders of commercial driver's licenses. Item number two limits the provisions of the bill for all other drivers to the first two violations. If you get pulled over for a wasted resource, anywhere from 3 to 7 miles per hour over the speed limit, you get two freebees. After that you will be fined and ticketed; it will go against your insurance and demerits. That is good for 24 months within the demerit cycle. We are not trying to give anyone a pass. We are just trying to clean up the bill. I know there are going to be a lot of people here. There is a lot of confusion. This bill does not allow people to speed in Nevada.

Chair Dondero Loop:

Thank you. Are there any questions from the Committee? [There were none.] Is anyone testifying in support of A.B. 341? [There was no one.] Is anyone opposed?

Michael Geeser, representing AAA Nevada:

I would like to thank Assemblyman Ellison for sitting down with us and listening to some of our concerns, and in fact, that is where some of the amendments have come from. The one concern I would like to bring to everyone's attention is the demerits and when this triggers points against your motor vehicle record, which I am unclear on. I hope we can clear it up in this hearing. According to the bill, on a wasted resource ticket, you would not get demerits until after the second violation. The way I understand this now is wasted resource tickets do not register as points or go on your record, so my question is how would anybody know? The insurance company would not know, the Department of Motor Vehicles would not know, and law enforcement does not register it. If we are waiting for the demerits to show up after someone receives two of these tickets, I am not sure where in the state it gets registered. Assemblyman Ellison has worked with us, so we do not oppose the bill with the amendments; we just have that concern we would like to clear up.

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

Our concerns are the same as Michael Geeser's. The bill might exclude Clark County, but speed still kills. When you do not have demerit points against you, speeding habits carry over into other counties if people are traveling

north and south. Doing joint jurisdictional enforcement, we found that what happens on the highway carries over onto the streets. Eliminating the demerit points allows people to continue speeding.

For some thought on Assemblywoman Benitez-Thompson's bill, Assembly Bill 328, if it passes and speeding carries over to the side streets, then you might have more issues with pedestrians and cyclists.

Javier Trujillo, Intergovernmental Relations Specialist, City of Henderson:

On behalf of the City of Henderson's Police Department, we share the same concerns as the Las Vegas Metropolitan Police Department.

Chair Dondero Loop:

Are there any questions from the Committee? Assemblyman Ellison, is there just one amendment?

Assemblyman Ellison:

There are three amendments, and they were worked out with the Nevada Highway Patrol. Item one was addressing commercial driver's licenses, item two deals with the provisions of citation, and item three deletes section 9.

Chair Dondero Loop:

Do I have those amendments?

Assemblyman Ellison:

Yes. If you want me to, I can address the concerns. I was told the state does have a way to track and report this. This is not for city violations; the violations would occur on rural highways. When you get pulled over, I guarantee they know when you were last pulled over. My secretary was pulled over two times within several weeks between Reno and Carson City, and they knew she was pulled over and let her go with a warning the first time. We are trying to help, not hurt. The insurance companies should be jumping up and down.

Chair Dondero Loop:

They are not in case you noticed.

Assemblyman Ellison:

Yes. I talked to you about not bringing this bill forward, but I was encouraged to do so by some people. This bill actually provides a tracking system. Right now there is no system; people can get 50 wasted resource tickets, and they are not reported. This creates a tracking system, and it gets reported to the insurance company, Nevada Highway Patrol, and the Nevada Sheriffs' and Chiefs' Association.

Chair Dondero Loop:

Are there additional questions from the Committee?

Assemblyman Brooks:

I am trying to get my arms around exactly what this bill is trying to do. It looks like it is stating if you are speeding in the rural areas and you happen to get caught going 5 miles per hour over the speed limit or something of that nature, this fine can exceed more than \$500. Does that also mean no demerit points are given?

Assemblyman Ellison:

Right now, the way the law reads is if you get a wasted resource ticket or a traveling citation, the ticket still has to be paid in full.

Assemblyman Brooks:

You just do not get demerit points?

Assemblyman Ellison:

It does not go against the insurance, and it does not go against your demerit point system. When this law was made years ago, they dropped the speed limit. Senator Rhoads is the one who put it in place. Nevada has one of the highest insurance rates in the nation, so they were trying to clean up a lot of this stuff. What we are trying to do now is say: yes, you will get a ticket, and it will be high, and you will either go to court or pay your ticket. After that happening two times, the third time the insurance company will be informed, and demerits will be given.

Assemblyman Brooks:

Why would this apply to just rural areas and not include the whole state? It seems like it gives people a break.

Assemblyman Ellison:

We were asked to leave it at the population cap. To me it should have been a statewide deal.

Assemblyman Brooks:

So it gives somebody a break the first two times they get caught speeding, it does not get reported to the insurance company, and he still has to pay the fine. The third time it gets reported to the insurance company?

Assemblyman Ellison:

That is right, and the person receives demerits.

Chair Dondero Loop:

Thank you. All the rural areas did not agree with this bill. Am I correct? Churchill County sent in a fiscal note, right?

Assemblyman Ellison:

I did not see that.

Chair Dondero Loop:

I believe I have a fiscal note in front of me from Churchill County. Churchill County has sent in a fiscal note starting in fiscal year (FY) 2011-12 of \$10,000, FY 2012-13 of \$20,000, and future biennia of \$50,000. All the rural counties are not crazy about this bill. Are there additional questions? [There were none.] Is anyone else opposed to A.B. 341? [There was no one.] Is anyone neutral? [There was no one.] I will close the hearing on A.B. 341. Are there additional comments from the members before we adjourn? [There were none.] We are adjourned [at 4:35 p.m.].

[Support letters submitted by Assemblywoman Benitez-Thompson ([Exhibit L](#) and [Exhibit M](#)) and a letter of opposition submitted by Christian Rataj ([Exhibit N](#)) were presented after the hearing, and Chair Dondero Loop asked they be included as exhibits for the meeting.]

RESPECTFULLY SUBMITTED:

Jordan Neubauer
Committee Secretary

APPROVED BY:

Assemblywoman Marilyn Dondero Loop, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Transportation

Date: April 5, 2011

Time of Meeting: 3:23 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 247	C	Assemblyman Goicoechea	Proposed Amendment
A.B. 328	D	Assemblywoman Benitez-Thompson	Conceptual Amendment
A.B. 328	E	Assemblywoman Benitez-Thompson	PowerPoint
A.B. 328	F	Kelly Clark	Written Testimony
A.B. 328	G	Kelly Clark	Nevada Strategic Highway Safety Plan
A.B. 328	H	Kelly Clark	Written Testimony by Hannah Flynn
A.B. 328	I	Jim Crompton	Written Testimony
A.B. 328	J	Erin Breen	Written Testimony
A.B. 341	K	Assemblyman Ellison	Proposed Amendment
A.B. 328	L	Assemblywoman Benitez-Thompson	Support Letter from Nevada ATSSA
A.B. 328	M	Assemblywoman Benitez-Thompson	Support Letter from Nevada Bicycle Advocacy Board
A.B. 341	N	Christian Rataj	Opposition Letter