

**MINUTES OF THE  
SENATE COMMITTEE ON TRANSPORTATION**

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

The Senate Committee on Transportation was called to order by Chair Shirley A. Breeden at 4:55 p.m. on Thursday, May 19, 2011, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Shirley A. Breeden, Chair  
Senator Michael A. Schneider, Vice Chair  
Senator John J. Lee  
Senator Mark A. Manendo  
Senator Dean A. Rhoads  
Senator Mike McGinness  
Senator Elizabeth Halseth

**STAFF MEMBERS PRESENT:**

Kelly Gregory, Policy Analyst  
Bruce Daines, Counsel  
Patricia Devereux, Committee Secretary

**GUEST LEGISLATORS PRESENT:**

Assemblyman Pat Hickey, Assembly District No. 25

**OTHERS PRESENT:**

Troy Dillard, Deputy Director, Department of Motor Vehicles  
Marlene Lockard, Nevada Collision Industry Association  
Bernie Carter  
Jennifer J. DiMarzio, Attorney at Law, Lionel Sawyer & Collins; Resort Gaming Group, LLC

Senate Committee on Transportation  
May 19, 2011  
Page 2

William Arent, Director, Economic and Urban Development Department, City of Las Vegas  
Scott Rawlins, P.E., C.P.M., Deputy Director, Chief Engineer, Nevada Department of Transportation  
Brian O'Callaghan, Government Liaison, Office of Intergovernmental Affairs, Las Vegas Metropolitan Police Department

CHAIR BREEDEN:

Our first work session bill is Assembly Bill (A.B.) 2.

[ASSEMBLY BILL 2 \(1st Reprint\)](#): Revises provisions relating to emissions testing for certain vehicles. (BDR 43-134)

KELLY GREGORY (Policy Analyst):

As outlined in the work session document ([Exhibit C](#)), A.B. 2 would provide for exemptions for emissions inspections for older vehicles with certain special license plates indicating the vehicles are "old-timers," street rods or classic cars. Owners must certify their vehicles have not been driven more than 5,000 miles the previous year.

The measure requires owners to pay a fee equal to the cost of a certificate of emissions compliance (CEC) to the Department of Motor Vehicles (DMV). The fees will be deposited into DMV's Pollution Control Account.

The bill was heard in Committee on April 28. Assemblywoman Marilyn Kirkpatrick submitted a proposed mock-up amendment, [Exhibit C](#), which would accomplish four things. It adds Assemblyman Randy Kirner as a sponsor of the bill. It references a \$6 fee in *Nevada Revised Statute* (NRS) 445B.830, so if the CEC fee is increased, the Pollution Control Account fee would rise accordingly. It adds the "smog-dodger" amendments from Clark County and changes the bill's effective date from July 1, 2011, to October 1, 2011.

SENATOR RHOADS:

Do the bill's provisions have a population cap?

MS. GREGORY:

The program has only been adopted in counties with populations of 400,000 or more.

Senate Committee on Transportation  
May 19, 2011  
Page 3

TROY DILLARD (Deputy Director, Department of Motor Vehicles):

The four license plates affected by A.B. 2 are available in all counties. The emissions-standards portion only applies to Clark and Washoe Counties. The bill would not change that.

SENATOR HALSETH:

Who determines the pollution-control fee?

MR. DILLARD:

That fee is housed in DMV's Nevada Emissions Control Program. It is the funding source for six different entities, most of which are State agencies, including the Division of Environmental Protection, State Department of Conservation and Natural Resources, the DMV and the State Department of Agriculture. There are funding avenues for Clark and Washoe Counties, which contribute to the fund plus receive \$1 from each CEC sold.

SENATOR HALSETH:

I am concerned about whether the registration fee would change if the Pollution Control Account fee increased from its current \$6. Is that correct?

MR. DILLARD:

The reference is to NRS 445B.830, which governs the fee charged for a CEC. If that fee rose or dropped, the bill would match it. Another bill was considered to change the emissions-test requirement to every other year and charge a \$12 fee every two years. If that fee is changed, the bill would match it.

SENATOR HALSETH:

Is this provision necessary to include in the bill? I supported it without it, but now I am on the fence.

MR. DILLARD:

This is not the DMV's bill, and we are neutral on it.

MS. GREGORY:

In the original bill, the fee was just \$6. The proposed amendment creates a reference to that. If the fee is changed, this statute would not have to be altered. Again, the proposed amendment was submitted by the bill's sponsor.

SENATOR LEE MOVED TO AMEND AND DO PASS AS AMENDED A.B. 2.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

MS. GREGORY:

As outlined in the work session document ([Exhibit D](#)), A.B. 53 was sponsored by the Assembly Committee on Transportation on behalf of the Nevada Department of Transportation (NDOT).

**ASSEMBLY BILL 53**: Revises provisions governing informational signage and other programs to provide information concerning commercial attractions and services along highways. (BDR 35-482)

It was heard by this Committee on May 3.

CHAIR BREEDEN:

I want to wait to consider that bill. We will open the work session on A.B. 152.

**ASSEMBLY BILL 152 (1st Reprint)**: Creates an advisory committee to develop recommendations for the funding of highways in this State. (BDR S-180)

MS. GREGORY:

As outlined in the work session document ([Exhibit E](#)), A.B. 152 was heard in Committee on April 28 and sponsored by Assemblyman Kelvin D. Atkinson. It would create an advisory committee to develop recommendations for State highway funding.

The bill would create an eight-member advisory committee to develop recommendations for increasing funding for highway construction and maintenance. The committee would be authorized to ask voters in the 2012 General Election for their advice on the recommendations. Three committee members would be appointed by the Senate Majority Leader and three by the Assembly Speaker. Not more than one appointee may be a member of either House, respectively. One member each must be appointed by the Senate and Assembly Minority Leaders. To the extent practicable, appointments to the committee must reflect the State's geographical diversity.

This bill is nearly identical to A.B. No. 503 of the 75th Session, which was vetoed by the Governor. During the Committee's hearing on A.B. 152, the Nevada Chapter of the Associated General Contractors of America submitted a letter indicating it would be responsible for providing administrative support to the new committee, thus eliminating a fiscal impact.

SENATOR MANENDO MOVED TO DO PASS A.B. 152.

SENATOR RHOADS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR HALSETH VOTED NO.)

\* \* \* \* \*

MS. GREGORY:

As outlined in the work session document ([Exhibit F](#)), A.B. 204 was sponsored by the Assembly Committee on Transportation and heard in Committee May 12.

ASSEMBLY BILL 204 (1st Reprint): Revises provisions regarding salvage vehicles and total loss vehicles. (BDR 43-265)

The bill would provide that if a licensed auto wrecker procures and files an additional bond with DMV, the wrecker may use a new, streamlined procedure for processing certain salvage vehicles as parts or scrap metal. The wrecker—not DMV—would assume any liability arising from the processing of salvage vehicles. The DMV would issue a non-repairable certificate of title for such vehicles.

The measure would revise the definition of "total-loss vehicle" to exempt from repair costs replacement of major electronic components, in accordance with manufacturers' specifications, and towing charges. Also exempt from "total-loss vehicles" would be recovered-theft vehicles with no structural damage but missing tires, wheels or audio or video equipment. The DMV testified the fiscal impact was removed with the adoption of an amendment in the Assembly.

SENATOR LEE:

Why has the definition of "total loss" changed since the Committee heard the bill?

Senate Committee on Transportation  
May 19, 2011  
Page 6

MARLENE LOCKARD (Nevada Collision Industry Association):  
Assembly Bill 204 does not have a proposed amendment on the Senate side. Its provisions are the same as when it was voted out of the Assembly. My organization's portion of the bill would add exemptions for determining total loss besides painting and materials. We added exemptions for electrical items. We have worked with all interested parties, and they are now satisfied with the bill's form. Previous concerns and issues have been resolved.

SENATOR LEE MOVED TO DO PASS A.B. 204.

SENATOR MCGINNESS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\*\*\*\*\*

MS. GREGORY:

As outlined in the work session document ([Exhibit G](#)), A.B. 212 would revise provisions relating to NDOT's design-build contracts.

ASSEMBLY BILL 212 (1st Reprint): Revises provisions relating to design-build contracts entered into by the Department of Transportation. (BDR 35-851)

The bill was sponsored by Assemblywoman Melissa Woodbury. It would decrease from \$20 million to \$10 million the threshold at which NDOT is authorized to enter into design-build contracts. The bill would increase from once to twice each fiscal year the number of projects with an estimated cost between \$5 million and \$10 million for which NDOT is authorized to enter into design-build contracts.

SENATOR MCGINNESS MOVED TO DO PASS A.B. 212.

SENATOR HALSETH SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\*\*\*\*\*

MS. GREGORY:

As outlined in the work session document ([Exhibit H](#)), A.B. 232 would revise provisions governing payment of certain fees for permits to operate oversized and overweight vehicles on State highways.

**ASSEMBLY BILL 232 (1st Reprint)**: Revises provisions governing the payment of certain fees for permits to operate certain oversized and overweight vehicles on the highways of this State. (BDR 58-868)

The bill was presented to the Committee by Assemblywoman Woodbury on May 3. It authorizes payment of annual payment fees for certain-combination vehicles to be made during registration cycles established by NDOT. The fees must be reduced by 1/12 for each month that has elapsed since the beginning of each cycle. The fiscal note was withdrawn after the bill's first reprint.

SENATOR RHOADS MOVED TO DO PASS A.B. 232.

SENATOR MCGINNESS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

MS. GREGORY:

As outlined in the work session document ([Exhibit I](#)), A.B. 277 would provide for special license plates honoring Nevada's female veterans.

**ASSEMBLY BILL 277 (1st Reprint)**: Provides for special license plates honoring female veterans. (BDR 43-810)

Assembly Bill 227 was sponsored by Assemblyman Elliott T. Anderson and heard in Committee on May 5. The bill would require DMV to make an existing special plate for veterans available to female veterans with an optional image representing them. That image shall be provided to DMV by the Nevada Veterans' Services Commission, Office of Veteran Services. The DMV testified the fiscal note was removed upon adoption of an amendment in the Assembly.

Senate Committee on Transportation  
May 19, 2011  
Page 8

Senator Breeden proposed the amendment, [Exhibit I](#), before you for a license plate honoring disabled female veterans ([Exhibit J](#)). Senate Bill 274, passed by the Committee, provided for special plates for disabled female veterans.

**SENATE BILL 274**: Revises provisions relating to certain special license plates issued to veterans. (BDR 43-161)

The proposed amendment would add that language to A.B. 277.

CHAIR BREEDEN:

The amendment was proposed based on a recommendation by the Commission on Special License Plates and a request by the Nevada Women Veterans Summit and by ex-Assemblywoman Kathy McClain. Assemblyman Anderson allowed us to add it to the bill.

SENATOR HALSETH:

This proposed amendment does not restore the bill's fiscal note. Is that correct?

MR. DILLARD:

That is correct. There is no fiscal note.

SENATOR HALSETH MOVED TO AMEND AND DO PASS AS AMENDED  
A.B. 277.

SENATOR MANENDO SECONDED THE MOTION.

SENATOR MANENDO:

I appreciate your proposed amendment. I never knew my Korean War veteran father as a healthy man. He was a disabled veteran with a license plate indicating that. I commend Assemblyman Anderson for bringing the bill forward.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

MS. GREGORY:

As outlined in the work session document ([Exhibit K](#)), A.B. 328 would enact provisions relating to vulnerable highway users.



[ASSEMBLY BILL 328 \(1st Reprint\)](#): Enacts provisions relating to vulnerable highway users. (BDR 43-844)

The bill was presented to the Committee by sponsor Assemblywoman Teresa Benitez-Thompson on May 5. It would provide that a driver violating rules of the road relating to cyclists, pedestrians, crosswalks, school crossing guards, school zones or speeding who is the proximate cause of a collision with a pedestrian or cyclist has committed the offense of reckless driving. Senator Lee submitted the proposed amendment, [Exhibit K](#), which clarifies that pedestrians in or near a bus stop or shelter or transit stop are considered vulnerable highway users for purposes of the bill.

CHAIR BREEDEN:

Assemblywoman Benitez-Thompson agrees with the proposed amendment.

SENATOR LEE MOVED TO AMEND AND DO PASS AS AMENDED  
A.B. 328.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\*\*\*\*\*

MS. GREGORY:

As outlined in the work session document ([Exhibit L](#)), A.B. 374 would revise provisions concerning purchase of certain mobile equipment by NDOT.

[ASSEMBLY BILL 374 \(2nd Reprint\)](#): Revises provisions governing the purchase of certain mobile equipment by the Department of Transportation. (BDR 35-852)

Sponsor Assemblywoman Woodbury presented the bill to the Committee on May 10. The bill would require that before the NDOT Board of Directors purchases mobile equipment costing more than \$50,000, NDOT must prepare a cost-benefit analysis of purchasing, versus leasing, the equipment to justify the board's decision.

On or before February 1 in odd-numbered years, the NDOT director must submit a report to the Governor and Legislature concerning all mobile equipment purchased or leased in the preceding two years. The report must include any cost-benefit analyses, justification for the purchase or lease decisions, and any other information required by the NDOT director related to the purchases or leases.

During the bill's hearing, a proposed amendment was submitted to add Assemblyman Atkinson as a primary sponsor.

SENATOR MCGINNESS:  
Does the bill have a fiscal note?

MS. GREGORY:  
The NDOT and the Department of Administration submitted a fiscal note of zero.

SENATOR MCGINNESS:  
Almost every piece of equipment purchased by NDOT would cost more than \$50,000, entailing a report to be made for every one. How can NDOT's staffing not be affected by that?

SENATOR RHOADS MOVED TO AMEND AND DO PASS AS AMENDED  
A.B. 374.

SENATOR LEE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS HALSETH AND MCGINNESS  
VOTED NO.)

\* \* \* \* \*

MS. GREGORY:  
As outlined in the work session document ([Exhibit M](#)), A.B. 384 would revise provisions governing locomotive engineers.

ASSEMBLY BILL 384 (1st Reprint): Revises provisions governing certain duties of engineers who drive locomotives. (BDR 58-978)

The bill was presented to the Committee by sponsor Assemblyman Pat Hickey on May 10. It would exempt locomotive engineers from the State law requiring ringing of bells or sounding of whistles while driving trains through federally established quiet zones.

SENATOR MANENDO:

This bill contains a lot of safety issues. Trains are pretty big, and even if they are going 10 miles per hour (mph) or 15 mph through cities, they are very dangerous. I have watched multiple online videos of devastating crashes involving trains going from 10 mph to 40 mph. I understand bell or whistle noises affect people's ears, but they can save lives.

SENATOR SCHNEIDER:

Why would engineers not ring bells or blow whistles when they went through certain neighborhoods?

ASSEMBLYMAN PAT HICKEY (Assembly District No. 25):

This bill is enabling legislation as a result of a City of Reno study to determine if it should implement federally regulated quiet zones. It would entail following 63 pages of federal regulations to establish them safely, including erection of vehicle barriers. Should the City of Reno pursue qualifying for a quiet zone, it would have to deal with a 1911 statute requiring engineers to blow whistles or ring bells.

Should Reno implement the federal regulations, all the bill would do is remove the 1911 NRS requirement. The bill would not prohibit engineers from using bells and whistles. Safety considerations are taken into account when the zone is established.

SENATOR SCHNEIDER:

Is the bill seeking to bring the State into compliance with the federal regulations? Could Reno then say, "We are going to meet the federal regulations and make all of Sparks a quiet zone"?

ASSEMBLYMAN HICKEY:

No, the zone would be in specific areas along railroad tracks in central Reno. Reno initiated the study to determine if, should it implement the federal regulations, the quiet-zone regulation would have to be removed from NRS. Removal would not come before a lengthy and involved process of establishing

quiet zones. Given the struggling economy, this is not likely to happen soon. Again, the bill is enabling legislation.

SENATOR LEE:

In Clark County, you can take a train ride from Union Plaza toward California Street. Las Vegas has designated quiet zones behind some hotels. Discussions began with the Clark County Board of Commissioners after hotel owners complained about hearing train bells at 2 a.m. There are now so many overpasses, engineers do not have to ring bells or blow whistles. Trains can run straight through without stopping. Quiet zones are usually established for the comfort of residents or tourists. They work well in Clark County.

BERNIE CARTER:

I am a private citizen associated with this issue through the City of Reno. Clark County is violating NRS by requiring quiet zones because train overpasses are at-grade public road crossings. Reno is simply seeking the ability to establish the zones without violating NRS. A national risk analysis is applied to each railroad crossing. Federal guidelines indicate risk thresholds must be met before quiet zones can be sought.

SENATOR MCGINNESS MOVED TO DO PASS A.B. 384.

SENATOR LEE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR MANENDO VOTED NO.)

\* \* \* \* \*

CHAIR BREEDEN:

We will return to discussing A.B. 53.

MS. GREGORY:

As outlined in the work session document, [Exhibit D](#), A.B. 53 would revise provisions governing informational signage and other programs providing commercial attractions and services along State highways. The bill was sponsored by the Assembly Committee on Transportation on behalf of NDOT. It was heard in Committee on May 3.

The bill would revise the methods by which fees are determined by NDOT for authorizing the use of trademarks or symbols indentifying individual enterprises on certain signs and providing information about commercial attractions and services. Instead of basing fees only on market values in larger counties, the bill would require fees to be based on statewide market values.

The bill would also authorize the NDOT director to recommend programs to the NDOT Board of Directors to provide information to travelers. The programs would be funded by the Account for Systems of Providing Information to the Traveling Public, which is in the State Highway Fund. The Account supports motorist-information programs such as the 511 road-conditions number.

The proposed amendment ([Exhibit N](#)) was submitted by Brin Gibson and Jennifer DiMarzio of Lionel Sawyer & Collins.

JENNIFER J. DIMARZIO (Attorney at Law, Lionel Sawyer & Collins; Resort Gaming Group, LLC):

Our proposed friendly amendment to A.B. 53 was vetted by NDOT, the Office of the Attorney General and the Office of the Governor. Signage in redevelopment areas advertising businesses and activities within the areas would be exempt from the prohibition on advertising within 660 feet of a federal byway. The goal is to generate revenue and promote business in redevelopment areas.

WILLIAM ARENT (Director, Economic and Urban Development Department, City of Las Vegas):

The Las Vegas Redevelopment Agency has a bill—No. 2011-25—working through its legislative process concerning signage. The language in A.B. 53, a State-level bill, will help us create a level playing field as to our downtown signage. It will allow us to help property owners adjacent to interstate highways better compete with downtown property owners. We support A.B. 53 with the amendment. The bill will shift the burden of administering signage requirements from the federal to the local level. There would be no impact to the State. This is about a federal law prohibiting signage within 660 feet of interstate highways.

SCOTT RAWLINS, P.E., C.P.M. (Deputy Director, Chief Engineer, Nevada Department of Transportation):  
We would consider Ms. DiMarzio's proposed amendment as friendly if the Committee deems it appropriate.

SENATOR MANENDO:  
I do not see where the proposed amendment fits into the bill. I need to know if this 11.5-hour amendment is absolutely germane.

BRUCE DAINES (Counsel):  
"I have checked with Legislative Counsel, and this is germane."

SENATOR MANENDO:  
Are local governments saying they agree with the bill's provisions? This would presumably pave the way for more billboards, which has been a long-term major issue for local governments, especially in southern Nevada. Local ordinances restrict the number of billboards. Do the cities of Henderson and Las Vegas and Clark County support the proposed amendment?

MR. ARENT:  
There are only three active redevelopment agencies in southern Nevada: Las Vegas, Henderson and North Las Vegas. The Las Vegas redevelopment area is the largest and has the most land adjacent to freeways and interstate highways that falls within the 660-foot limit. The bill would most impact downtown Las Vegas, where we are trying to install attractive wrap signage on existing multistory buildings.

SENATOR MANENDO:  
I am sure that is true. Are there testifiers from the other two jurisdictions that would be impacted?

MS. DIMARZIO:  
Section 5.5, subsection 7, paragraph (c) of the proposed amendment contains billboard-proliferation protections. Signs must be approved by agencies governing the redevelopment projects, and "would not result in a concentration of outdoor advertising that will have a negative impact on the safety or aesthetic quality of the community." The exemption for the 660-foot limit will end after ten years or the completion of the redevelopment project. The bill is meant as a temporary fix to aid the redevelopment of certain areas.

SENATOR MANENDO:

I do not see this as a "fix." This is just an opportunity for people to do more advertising in areas in which the public has clearly indicated it does not want billboards.

SENATOR HALSETH:

Why was the amendment proposed?

MS. DiMARZIO:

The proposed amendment would allow signage within redevelopment areas advertising businesses and activities within those areas.

SENATOR SCHNEIDER:

What is the maximum size of redevelopments affected by this bill? Would it only apply to one redevelopment area?

MS. DiMARZIO:

Only three redevelopment areas would be affected by the bill. I do not know their sizes.

MR. ARENT:

The Las Vegas redevelopment area is 3,900 acres. Through Bill No. 2011-25, we have designated just the core of downtown—one-third of the total acreage—as a potential site for signage wraps on tall buildings. The proposed amendment would allow us to do so on all taller downtown buildings, even if they are within the 660-foot radius of an interstate highway. There are important southern Nevada projects, like the Zappos IP, Inc. project, already using wrap signage, and it is common in the western states. The signs will be an amenity, and aesthetic safeguards governing them are in place. Local redevelopment agencies, in partnership with cities, will be able to control signage through zoning codes.

SENATOR SCHNEIDER:

Could wrap signs appear on downtown buildings like Furniture Mart or Main Street Station?

MR. ARENT:

Yes. The signs would only be allowed on taller buildings. The City of Las Vegas would not allow the signs on vacant buildings, so it cannot be a

revenue-grabbing vehicle for property owners. This is simply about businesses with an active downtown presence marketing downtown goods and services to potential consumers.

CHAIR BREEDEN:

The Union Plaza building has had huge advertisements (ads) hanging from it. The bill's provisions may not be different than that.

SENATOR HALSETH:

What types of wrap signs would be allowed? If approved, would the bill allow more showgirls—in all their glory—plastered onto buildings?

MS. DIMARZIO:

That would come within the purview of local redevelopment agencies and city codes.

SENATOR MANENDO:

The bill does not state its provisions would only apply to wrapping of tall buildings. It does not say owners of five-story buildings cannot install the ads. Is this a Nevada Constitution issue? Granted, there are protections concerning the type of ads, and I understand Senator Halseth's concern. We will end up seeing more billboards.

CHAIR BREEDEN:

If billboard restrictions are already in place and the wrapped signs would only be allowed on tall buildings, is that not within the purview of redevelopment agencies?

MS. DIMARZIO:

Billboards could not be erected in contravention to city codes. The bill is not meant to add new signs where prohibited by city codes; it is meant to allow signs within 660 feet of federal highways.

SENATOR MANENDO:

If a small-business owner of a two-story building along a federal highway in a redevelopment area wanted to erect a sign, would that be disallowed because the structure was not over a certain height? The bill does not include a height restriction.



MS. DiMARZIO:

The signage would be what is currently allowed under city codes. New billboards could not be constructed if they are forbidden under city codes. The proposed signs would be allowed were it not for the federal prohibition for properties within 660 feet of interstate highways. The bill would lift that restriction.

SENATOR MANENDO:

If a property is within the 660 feet, could new signage be erected under the bill?

MS. DiMARZIO:

Yes, but not signage otherwise prohibited under city codes, unless it was "grandfathered in."

SENATOR MANENDO:

Las Vegas has a moratorium on new billboards.

MS. DiMARZIO:

That is correct. The bill would not allow new billboards in contravention of the moratorium.

SENATOR MANENDO:

Why is the bill necessary?

MS. DiMARZIO:

Certain signage, like wrapped buildings, is allowed under the Las Vegas city code. Certain properties would be allowed to post wrapped ads, but not if they are within the 660-foot zone. The bill would even the playing field for all downtown properties.

SENATOR MANENDO:

Are Las Vegas small-business owners not allowed to advertise on their buildings? Letting them do so would level the playing field.

MS. DiMARZIO:

If the businesses are within 660 feet of an interstate highway, certain ad restrictions apply.

Senate Committee on Transportation  
May 19, 2011  
Page 18

CHAIR BREEDEN:

I interpret the bill as creating additional revenue for the Las Vegas Redevelopment Agency.

SENATOR SCHNEIDER MOVED TO AMEND AND DO PASS AS AMENDED A.B. 53.

SENATOR LEE SECONDED THE MOTION.

SENATOR LEE:

The wrapped advertising would look like the one on the Rio Casino Resort advertising the Penn & Teller show. I understand Senator Manendo's aesthetic concerns.

SENATOR SCHNEIDER:

I have seen these types of wrapped ads in other cities and in Las Vegas. Senator Manendo is correct in questioning where it could lead. When a business is spending advertising dollars, it must be close to a freeway. I would not spend my advertising dollars at the intersection of Fremont and Bruce streets where there is not enough traffic for me to make money. Instead, I would pay a lot for a wrapped ad high on a tall building. I understand Senator Manendo's concerns, but I do not think his issue is there.

THE MOTION CARRIED. (SENATOR MANENDO VOTED NO.)

\* \* \* \* \*

MS. GREGORY:

As outlined in the work document ([Exhibit O](#)), A.B. 463 would provide an expedited process for forfeiture of certain vehicles seized by law-enforcement agencies.

[ASSEMBLY BILL 463 \(1st Reprint\)](#): Provides an expedited process for the forfeiture of certain seized vehicles. (BDR 43-1128)

The bill was sponsored by the Assembly Committee on Judiciary and presented by a representative of the Las Vegas Metropolitan Police Department (Metro). It authorizes law-enforcement agencies to remove seized vehicles for storage or disposal, if the latter is authorized by NRS. If not, the bill would authorize

law-enforcement agencies or the DMV to file a civil action for forfeiture. The courts are required to hold hearings on such actions within seven days and order the release of the vehicles to their owners or title holders or order vehicles to be destroyed or disposed of.

Assembly Bill 463 would authorize officers without warrants to seize vehicles if they have probable cause to believe they have been altered illegally so as to impair their structural integrity.

SENATOR LEE:

Where does the bill state it would "authorize officers without warrants to seize vehicles if they have probable cause to believe vehicles have been altered illegally"? It seems officers' discretion could be used to their benefit.

BRIAN O'CALLAGHAN (Government Liaison, Office of Intergovernmental Affairs, Las Vegas Metropolitan Police Department):

Statute decrees if vehicles are stolen or already seized, officers must file a report within 30 days if the vehicles have been altered structurally so as to appear dangerous to put back on the street.

SENATOR LEE:

What is the definition of "altered"? Would it include illegal installation of hydraulic shock absorbers?

MR. O'CALLAGHAN:

"Altered" means something like converting a car from left-hand-drive to right-hand drive. People cut cars around their cowlings and change their safe structure. If the car goes to DMV for registration, it will be declared unsafe. If its vehicle identification numbers have been changed, the car cannot be released to its owner as it has become contraband which then is towed to the seizure yard. Some vehicles have been in Metro's yard for years, and we are trying to get the cases back into court. Hydraulic shock absorbers are not considered an illegal alteration, only ones that damage vehicles' structure.

SENATOR RHOADS MOVED TO DO PASS A.B. 463.

SENATOR LEE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

MS. GREGORY:

As outlined in the work document ([Exhibit P](#)), A.B. 508 would revise provisions governing mopeds.

ASSEMBLY BILL 508 (1st Reprint): Revises provisions governing mopeds.  
(BDR 43-845)

It was sponsored by the Assembly Committee on Transportation and presented to the Committee on May 12 by a Metro representative. The bill would require mopeds to be registered with and licensed by the DMV, and moped drivers and passengers would be required to wear protective headgear. Anyone who fails to register a moped or wear the headgear while driving or riding on one would be guilty of a misdemeanor.

SENATOR SCHNEIDER MOVED TO DO PASS A.B. 508.

SENATOR RHOADS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS HALSETH AND LEE VOTED NO.)

\* \* \* \* \*

MS. GREGORY:

As outlined in the work session document ([Exhibit Q](#)), Assembly Joint Resolution (A.J.R.) 6 would ask the U.S. Congress and the Federal Highway Administration to designate part of U.S. Route 93 as an interstate highway.

ASSEMBLY JOINT RESOLUTION 6: Requests that Congress and the Federal Highway Administration designate a portion of U.S. Route 93 as an interstate highway. (BDR R-171)

The resolution was sponsored by the Assembly Committee on Commerce and Labor on behalf of the Legislative Commission study on the Development and Promotion of Logistics and Distribution Centers and Issues Concerning Infrastructure and Transportation. The bill was heard in Committee on May 5.

Senate Committee on Transportation  
May 19, 2011  
Page 21

The resolution would urge the U.S. Secretary of Transportation to designate U.S. Route 93 from Phoenix to Las Vegas as an interstate system route as part of the proposed U.S. Interstate Highway 11.

SENATOR LEE MOVED TO DO PASS A.J.R. 6.

SENATOR SCHNEIDER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR BREEDEN:

Seeing no more business before this work session of the Senate Committee on Transportation, I adjourn the meeting at 7:08 p.m.

RESPECTFULLY SUBMITTED:

---

Patricia Devereux,  
Committee Secretary

APPROVED BY:

---

Senator Shirley A. Breeden, Chair

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

<b><u>EXHIBITS</u></b>			
<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance roster
A.B. 2	C	Kelly Gregory	Work session document
A.B. 53	D	Kelly Gregory	Proposed mock-up amendment
A.B. 152	E	Kelly Gregory	Work session document
A.B. 204	F	Kelly Gregory	Work session document
A.B. 212	G	Kelly Gregory	Work session document
A.B. 232	H	Kelly Gregory	Work session document
A.B. 277	I	Kelly Gregory	Work session document
A.B. 277	J	Kelly Gregory	Proposed license plate design
A.B. 328	K	Kelly Gregory	Work session document
A.B. 374	L	Kelly Gregory	Work session document
A.B. 384	M	Kelly Gregory	Work session document
A.B. 53	N	Kelly Gregory	Work session document
A.B. 463	O	Kelly Gregory	Work session document
A.B. 508	P	Kelly Gregory	Work session document
A.J. R. 6	Q	Kelly Gregory	Work session document