

**MINUTES OF THE  
SENATE COMMITTEE ON TRANSPORTATION**

**Seventy-sixth Session  
April 4, 2011**

The Senate Committee on Transportation was called to order by Chair Shirley A. Breeden at 4:02 p.m. on Monday, April 4, 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

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Maggie Carlton, Assembly District No. 14

**STAFF MEMBERS PRESENT:**

Kelly Gregory, Policy Analyst  
Bruce Daines, Counsel  
Laura Adler, Committee Secretary

**OTHERS PRESENT:**

Erin Russell, Susan G. Komen for the Cure Southern Nevada Affiliate  
Michelle Gorelow, M.A.Ed., Director of Program Services, March of Dimes  
Nevada Chapter  
Zulma V. Muñoz, Mission Manager, Susan G. Komen for the Cure Southern  
Nevada Affiliate  
Bruce Breslow, Director, Department of Motor Vehicles

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Brian O'Callaghan, Government Liaison, Las Vegas Metropolitan Police Department  
Edward Bower, Volunteer, Las Vegas Metropolitan Police Department  
Rhonda Bavaro, Administrator, Motor Carrier Division, Department of Motor Vehicles  
Ed Gobel, CEO, Gowest Institute

CHAIR BREEDEN:

We will open the hearing on Senate Bill (S.B.) 408. The bill increases from 25 to 30 the number of special license plates that may be issued by the Department of Motor Vehicles (DMV).

**SENATE BILL 408**: Revises provisions governing the issuance of special license plates. (BDR 43-1144)

This bill will allow five more deserving charitable causes to participate in the DMV's special license plate program. The selection and approval process for new plates would remain unchanged. The intent is to assist causes in raising funds during these difficult economic times. According to testimony provided to this past interim's Commission on Special License Plates, of which I was vice chair, the next five charitable causes eligible for consideration for special plates are: United States Air Force Thunderbirds, March of Dimes, Teamsters Union Local 631, Susan G. Komen for the Cure and Nevada Airport Managers Association.

ASSEMBLYWOMAN MAGGIE CARLTON (Assembly District No. 14):

This is a simple bill in that it merely changes the cap for special license plates from 25 to 30. Law enforcement said they are comfortable with the increase as long as we do not go too far with it. We are not changing the criteria or the two-thirds to one-third layout of the plate. I typically do not support special license plates but realize how important they are to the State and to nonprofits. Just because the cap would be raised to 30 special license plates does not mean we would go to that many. It takes a special license plate a long time to make it through the queue. This bill would not guarantee anybody a special license plate.

SENATOR MCGINNESS:

Why have a cap? Law enforcement has said if there are too many styles of license plates, it would be hard to keep track of them. It appears we have gone beyond that.

ASSEMBLYWOMAN CARLTON:

Years ago, when Assembly Speaker Richard Perkins brought the idea of a Commission on Special License Plates to the Legislature, there were about nine of us who voted against it, and I was one of them; but majority ruled and it did pass. At that time, the quantity of 25 special license plates was decided. Over the years, I noticed groups waiting a long time, and increasing the number to 30 plates would allow more worthy charities to get a special license plate to provide the needed services to those seeking help in these tough economic times.

ERIN RUSSELL (Susan G. Komen for the Cure Southern Nevada Affiliate):

Since its inception in 1982, Susan G. Komen for the Cure has invested billions of dollars nationally in breast cancer research, awareness, advocacy and support programs. There are a number of worthy organizations in Nevada that would welcome the opportunity to be considered for a special license plate, but must wait due to the statutorily imposed limitation of 25 special license plates. There are 15 organizations on the waiting list that have met the requirements for consideration. Susan G. Komen for the Cure has been waiting nearly four years, and therefore supports S.B. 408.

MICHELLE GORELOW, M.A.ED. (Director of Program Services, March of Dimes Nevada Chapter):

We support passage of S.B. 408, as we have been on the waiting list for almost five years. This bill would also give other wonderful nonprofit organizations the opportunity for a special license plate. My written testimony ([Exhibit C](#)) gives a brief history of the March of Dimes and the services we provide. A specialty license plate would give the March of Dimes the opportunity to educate the general public on who we are and what we are striving to accomplish—that all babies be born healthy.

ZULMA V. MUÑOZ (Mission Manager, Susan G. Komen for the Cure Southern Nevada Affiliate):

The special license plate would give us the opportunity to educate the community and increase awareness of our mission. Seventy-five percent of

funds stay in the community where they are raised. The remaining 25 percent is used for research.

BRUCE BRESLOW (Director, Department of Motor Vehicles):

We know the increase in the number of special license plates is doable and there would be no additional cost to DMV. There are too many legacies on the waiting list, and the increase would allow two major charities, Susan G. Komen for the Cure and March of Dimes, to obtain plates. It also allows others to move forward once they have gone through the screening and have the bond, etc. The minimum quantity to qualify for a special license plate is 1,000 people signed up, which can take time to gather. The DMV supports S.B. 408.

SENATOR MANENDO MOVED TO DO PASS S.B. 408.

SENATOR SCHNEIDER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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VICE CHAIR SCHNEIDER:

We will now open the hearing on S.B. 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):

The reason I support this bill is that I am a caregiver to my elderly parents. It is difficult to find handicapped parking spaces. Also, one day I was shopping with a friend who pulled into a handicapped parking space. When I asked what she was doing, she replied that she had her dad's handicapped parking placard, and he had passed away. I told her she could not park in a handicapped parking space, especially with me there. This was part of the emphasis for S.B. 244. I worked with DMV, law enforcement and volunteer parking monitors who write citations for misuse of disability placards for this bill. This bill should help to educate people that misuse of handicapped parking placards and spaces is totally unacceptable.

I have prepared a summary of S.B. 244 ([Exhibit D](#)) and urge your support of this measure.

BRIAN O'CALLAGHAN (Government Liaison, Las Vegas Metropolitan Police Department):

We can take the placards if they are fraudulent or misused. Many times it is at the discretion of the officer, if the placard is still good but the people misusing them are family members or relatives. Many times a citation is given and then the placard is returned because it is not fair to the person left at home who may not know the placard is being misused. Also, a vehicle that is not that person's, but the plates are registered to the vehicle and the plates are good, I would not remove the plates, so there is discretion. We are in support of S.B. 244.

EDWARD BOWER (Volunteer, Las Vegas Metropolitan Police Department):

The main problem the Las Vegas Metropolitan Police Department (Metro) volunteers have 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. We cannot do anything about it as volunteers because we have no authority. Most of the tickets we write are for people who do not properly display the placard on the rearview mirror as they should. The placards last about five years in the sun before disintegrating, and people do not get a new placard at the DMV, for which there is no charge. About one-third of the tickets we write are for people who are ashamed to be handicapped or afraid to do anything and do not display their placard. They will say it is under the dashboard cover or in the glove box, which means we cannot read it. In some ways, the handicapped people are as much at fault as those who use other people's placards, which is done all the time. We frequently see young people jump out of the car, put up a placard, then run into the store, making us wonder if the placard is theirs or not, but we cannot do anything about it. The State put out letters at one time, and we cannot ask to see the letters, stating the person holding it can use a handicapped placard. As volunteers, we are not to cause any problems for anybody, and sometimes that is hard to do. It is the people using the placards illegally that usually argue about their use.

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RHONDA BAVARO, (Administrator, Motor Carrier Division, Department of Motor Vehicles):

The DMV still issues the letters authorizing use of the placard. With the handicapped plate, the person has to keep the letter in the vehicle, and with the placard, they have to keep the letter on their person.

SENATOR LEE:

Every year, as proof of registration, a different colored sticker is issued to affix to the license plate. Could that be done for placards where one year they are blue and the next year they are orange, indicating the placard is current.

MS. BAVARO:

That can be done. There may be a small additional cost.

SENATOR LEE:

I can see these placards being transferred around. If it is not the year of the blue one, then the placard is no longer any good. That might be a question for the director of DMV.

MS. BAVARO:

We can use a different colored sticker, but by statute the placard color has to be blue.

SENATOR BREEDEN:

While working on developing this idea, the previous DMV director said there would be a fiscal note. The idea of a sticker has merit.

MS. BAVARO:

The DMV originally submitted a fiscal note for computer programming for the implementation of S.B. 244. After meeting with our information technology staff, it was decided we could incorporate the programming with existing projects and therefore remove the fiscal note.

SENATOR MANENDO:

Would the Metro volunteers be able to make the determination, or only police?

MR. O'CALLAGHAN:

That is what the volunteers are out there to do. They can make that assessment on location.

SENATOR MANENDO:

I remember when we passed legislation about 14 years ago authorizing volunteers to issue tickets for unauthorized use of handicapped parking spaces. I recall that Metro was concerned about confrontations and included in that bill certain rules to which volunteers must adhere, such as not getting aggressive with anyone. Now we are saying they would question the eligibility for the placard, because it says somebody would be determining whether that person, " ... a law enforcement officer who has probable cause to believe that a person possesses any special license plate ... ," is eligible for the placard.

MR. O'CALLAGHAN:

Volunteers cannot approach a person, because we do not want a confrontation. They are not armed and are not there for a battle. The volunteers just have to walk away.

SENATOR MANENDO:

I love this bill. My dad was disabled since I was born. Until he passed away in 1999, we had a heck of a time with finding available handicapped parking. This is one reason I supported that bill several sessions ago.

MR. O'CALLAGHAN:

The placards have dates, so the sticker may not matter. The problem is they hide the expiration date portion of the placard under the dashboard cover, showing only the rest of the placard. If those dates are hidden or expired, then the volunteers can cite for that.

ED GOBEL (CEO, Gowest Institute):

If S.B. 244 is fully implemented, it will solve about 4 percent to 8 percent of the handicapped parking problem. Having the DMV letter in a person's possession has been a dismal failure in solving the problem. As with anything else, it is enforcement implementation. Unfortunately, I have to take my sister with me at all times, because the vehicle side-loading wheelchair lift space is not being enforced. We keep hearing about changes to the law, but there is no change except the DMV letter, which is not effective. It is my hope this bill will be a step toward solving the problem of people using the placard of their brother,

sister, father, mother, grandfather, grandmother or any other relative. If the volunteers are going to do a lot of the enforcement, they need the authority to take care of it. Without people like you on this Committee, we would be nowhere. People like myself would not want to continue to live the way I have to live. I cannot drive myself to a doctor, to a store or anywhere, because I cannot park without that wheelchair space next to my vehicle.

SENATOR MANENDO MOVED TO DO PASS S.B. 244.

SENATOR HALSETH:  
Has the fiscal note been removed from the bill?

VICE CHAIR SCHNEIDER:  
Yes, it has.

SENATOR HALSETH SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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VICE CHAIR SCHNEIDER:  
We will now open the hearing on S.B. 274.

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

SENATOR BREEDEN:  
During the interim, I served as vice chair for the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs. On April 13, 2010, the Committee heard specific testimony relating to Office of Veterans Services' (NOVS) Legislative Symposium, women veterans in Nevada and the Veterans Court Calendar in Clark County and Washoe County. The NOVS estimates there are about 339,000 veterans in Nevada representing 12 percent of the State's population. It is interesting to note that Nevada's veteran population is 4 percent higher than the national average. Based on testimony presented, the Committee voted to honor Nevada's female veterans by making an alternative version of the current special license plates available to specify the veteran is



female. This bill also affords veterans the option of indicating on the license they are disabled, provided the disability meets certain criteria.

SENATOR LEE:

To how many female veterans would S.B. 274 apply?

SENATOR BREEDEN:

I looked for that information, but do not have it in my notes. I can get that for you.

SENATOR LEE:

Would this be something to go on the current license plate or would it be a new license plate that would say female veteran?

CHAIR BREEDEN:

The discussion in Committee was they want a female image, so it would have to be a new license plate.

MR. BRESLOW:

This is something the DMV would not oppose, but no plans have been made as yet. I would caution that if you are now going to separate genders, you would have the in-betweens coming forward with other versions of genders. Be careful, if you open the door, to make sure that is what you want to do. We can do whatever kind of license plate you want, but a sticker would not suffice. I know the veterans fought hard for the license plate they have now and assume the female veterans came forward wanting the distinction. I understand there are also Assembly bills to do the same thing. I suggest setting a new precedent in case other people come forward in the future.

SENATOR BREEDEN:

I request we close the hearing on S.B. 274 as Assemblyman Anderson has a similar bill to which I signed on.

VICE CHAIR SCHNEIDER:

We will close the hearing on S.B. 274 and open the hearing on S.B. 303.

**SENATE BILL 303**: Revises provisions governing the issuance of special license plates, special parking placards and special parking stickers to persons with a permanent disability. (BDR 43-1100)

SENATOR MIKE MCGINNESS (Central Nevada Senatorial District):

On the last day of bill requests, I was asked to put this forward. I was not completely sold on it until I received additional information on disabled parking spaces.

MR. GOBEL:

I am representing the Chapel for Chaplins and Gowest Institute, Transportation Infrastructure Division. On a personal note, I know what it is like when confined to home, never able to go see the doctor, never able to go to the grocery store or a movie or anything else. Because, as you heard today, we are not enforcing the law regarding vehicles with side-loading wheelchair lifts. Even though strides have been made today to minimize use of fraudulent placards and the issue with people supposedly selling placards, we have not heard of any additional enforcement the volunteers would be able to do.

Senate Bill 303 is a relatively uncomplicated piece of legislation regarding restoring freedom to all handicapped Nevadans. The bill restores freedom to those who qualify for handicapped plates, placards or stickers to utilize existing handicapped parking spaces while maintaining their independence. I refer to *Nevada Revised Statute* (NRS) 482.3835 which states the criteria for a person with a disability that limits the ability to walk. If nothing is done, it will cost Nevada between \$55 million to \$128 million by having to meet current Americans with Disabilities Act (ADA) guidelines by either providing attendants or paratransit service. We arrived at those amounts based on 400,000 to 500,000 active handicapped parking permits in the State. The total number of handicapped parking spaces in Nevada is under 300,000. According to the ADA, 1 out of every 25 parking spaces must be designated handicapped; that is 4 percent. Adding up the number of plates, placards and stickers, we would have to have over 10 million parking spaces in Nevada to satisfy that requirement, and we do not. Our handout ([Exhibit E](#)) explains further how we arrived at these calculations.

We reached an agreement today with the DMV director because the existing DMV-supplied Form SP-27 doctors sign does not conform to NRS 482.3835. The form states "If restricted by a lung disease," and the NRS states a specific

test that must be done with a spirometer and states how it must be measured, and that is not followed. The DMV is committed to changing that discrepancy immediately.

Records show there are approximately six handicapped license plates, placards and stickers issued for each person actually disabled. Colorado is close to Nevada in having that kind of record.

Under S.B. 303, physicians would be required to supply positive scientific medical evidence as proof of meeting Nevada's "best in the nation" objective criteria to qualify for handicapped parking permits. Right now, doctors are making it part of their business by charging from \$25 to \$100 to fill out the form which requires one check mark and their signature. No medical evidence is supplied to justify qualification. Since the last Session, active handicapped parking permits have increased by 100,000.

This bill totally destroys the myth that if someone runs from a vehicle parked in a handicapped parking space, no one is permitted to question that person's status or if there is an invisible disabling condition. The NRS clearly states that if you can walk 200 feet or more without stopping to rest, you do not qualify to have a handicapped parking permit. Nobody is enforcing this statute, and I do not know if they will in the future.

We did a survey by putting six people in four different locations around Clark County. The locations were Costco Wholesale in Summerlin, Las Vegas Premium Outlets across from the Clark County government center, the government center and the DMV office on Decatur Boulevard. The chart, [Exhibit E](#), shows the difference with people who cannot walk 200 feet. They were observed and interviewed. The total shows the number of people parked in handicapped parking spaces over a four-hour to six-hour period; and those who were not eligible admitted it, but their doctor had signed the form. A legislative policeman told me today that his wife's doctor would not sign the SP-27 form, so she went to a different doctor who charged her for signing the form. We hear story after story, and see the abuse again and again with people "running" into stores after parking in a handicapped parking space.

There was an article about the San Francisco Board of Supervisors not understanding why the city was collecting only an average of \$4 a day per meter when the meters were costing \$3 an hour to maintain. In San Francisco, if you have a handicapped parking permit, you do not have to put money into the parking meter. Additionally, they discovered gridlock, as all parking spaces were always full. The city discovered that an extremely disproportionate number of their citizenry had been issued handicapped plates, placards or stickers, making San Francisco the most disabled city in America.

The Colorado chart, [Exhibit E](#), shows 1.2 million parking permits, plates, placards and stickers were issued, and there were 186,000 disabled people. Once again, too many handicapped parking permits issued and too few handicapped parking spaces result in chaos. Under current conditions, Nevada would need 9 million to 10 million handicapped parking spaces, and each 7-Eleven store would have to build a 200- to 300-parking space garage to satisfy the requirements based on the number of handicapped parking permits issued by the State.

The answer to this dilemma is in NRS 482.3835, subsection 3, where it says " ... restricted by a lung disease... ." What was left off the SP-27 form is, " ... 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." I am not a doctor; that is an objective criterion that is available to us, but we have to enforce it.

This is something I do not share lightly, but it is hard to keep on going when all you can do is sit around and hope and beg somebody to take you places. You see me here because of the goodness of my sister. She takes me everywhere so I can get out. Without her help, I would have finished what I started about six years or eight years ago, where I wound up in the hospital being pronounced dead because I attempted to commit suicide. You cannot live when you cannot help yourself and drive yourself to your doctor's appointment. I beg you to consider S.B. 303 and to hold doctors accountable for signing these handicapped parking permit forms. Without that accountability, as with anything else, nothing is going to happen. The last bill this body approved is not being enforced. Volunteers are told the law changed and they do not have to follow the vehicle side-loading wheelchair lift law.

There are a few errors in drafting the bill that I would like to cover with a proposed friendly amendment to S.B. 303 ([Exhibit F](#)). We checked out many Websites and there are two Websites where people can report observed handicapped parking violations. One Website is called <handicappedfraud.org> which showed that 94 percent of fraud reported was for able-bodied people with legitimate handicapped parking permits from their doctors all across the country. Another Website is <parkingmobility.com> offering free of charge ways to use android and other phone devices for people to report directly to DMV, thus avoiding confrontations.

SENATOR LEE:  
Do fines go to the DMV account?

SENATOR MCGINNESS:  
I believe that is correct.

MR. BRESLOW:  
The proposed amendment, [Exhibit F](#), is new and does not specify where the money goes. The DMV supports anything we can do to help this situation. There is a requirement in the proposed amendment to create a course for doctors to obtain a certificate of completion. It does not say who administers the course, creates it, pays for it, tracks the course, etc. If it is done by the private sector, there is no impact to DMV. If DMV did the course, we would have to create a fiscal note, because we would have to develop a whole new program. We would rather this course be handled through the private sector, so there is one less thing the government would be doing. As to where the money from fines goes, it should be written into the bill so it best helps the people in need.

MR. GOBEL:  
We did not want to be presumptuous as to say where the money should go. We assumed it would go to DMV. The course could be available through the private sector and could be at no cost. There are three organizations that could teach the course at no cost to the State, if so desired.

CHAIR BREEDEN:  
Could you provide that information to the Committee as to the specific organizations that would teach this course and the course content?

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MR. GOBEL:

We will get that information to you within a couple of days.

CHAIR BREEDEN:

We will close the hearing on S.B. 303. There being no further business before this Committee, the meeting is adjourned at 5:05 p.m.

RESPECTFULLY SUBMITTED:

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Laura Adler,  
Committee Secretary

APPROVED BY:

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Senator Shirley A. Breeden, Chair

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

<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 408	C	Michelle Gorelow	March of Dimes
S.B. 244	D	Senator Breeden	Summary of S.B. 244
S.B. 303	E	Ed Gobel	SB 303: 200 Feet to Freedom
S.B. 303	F	Ed Gobel	Proposed Friendly Amendment