

**MINUTES OF THE
SENATE COMMITTEE ON TRANSPORTATION**

**Seventy-sixth Session
February 8, 2011**

The Senate Committee on Transportation was called to order by Chair Shirley A. Breeden at 3:41 p.m. on Tuesday, February 8, 2011, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 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
Laura Adler, Committee Secretary

OTHERS PRESENT:

Nancy Wojcik, Administrator, Division of Field Services, Department of Motor Vehicles
Allen Lichtenstein, General Counsel, American Civil Liberties Union
Orrin J.H. Johnson, Office of the Washoe County Public Defender
Tierra D. Jones, Office of the Clark County Public Defender

CHAIR BREEDEN:

I will open the meeting with introduction of staff and Committee and a review of the Senate Committee on Transportation Committee Rules – 76th Session ([Exhibit C](#)).

SENATOR RHOADS MOVED TO ADOPT THE SENATE COMMITTEE ON
TRANSPORTATION COMMITTEE RULES – 76TH SESSION.

SENATOR SCHNEIDER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

KELLY GREGORY (Policy Analyst):

I will go over the Senate Committee on Transportation Committee Brief ([Exhibit D](#)). The introduction lists all staff in case you need to contact any of us. I know you are all aware of deadlines, but to make others aware: April 15 and May 20 will be heavy deadlines for this Committee and the other policy committees. Plan to have longer meetings around those times to consider all the bills before the deadline passes.

Generally, this Committee has jurisdiction over a wide range of issues that involve Nevadans. During the 2009 Session, this Committee considered 85 bills. At that time, the Committee was the Senate Committee on Energy, Infrastructure and Transportation. Since some of those issues have moved over to the Senate Committee on Commerce, Labor and Energy, we can expect to have fewer bills than in the last Session. Anticipated topics for this Session include one vetoed bill, A.B. 503 of the 75th Session.

ASSEMBLY BILL 503 OF THE 75TH SESSION: Creates an advisory committee to develop recommendations for the funding of highways in this State. (BDR S-954)

We have 10 prefiled bills to consider. Other topics to be considered are: funding transportation infrastructure, traffic safety, registration and titling of off-highway vehicles, and special license plates. Over the 2009-2010 interim, members of the Legislature worked on several topics related to transportation. One is the Commission on Special License Plates. The final report of that Commission is LCB Bulletin No. 11-20, *Commission on Special License Plates, January 2011*.

There was also a Subcommittee to Study the Development and Promotion of Logistics and Distribution Centers and Issues Concerning Infrastructure and

Transportation during the past interim. The final report of the study is LCB Bulletin No. 11-05, titled, *Logistics and Distribution Centers, January 2011*. These and all other bulletins can be found on the Research Division's page on the Legislative Counsel Bureau's Website.

I would like to reference the Nevada Vision Stakeholder Group, which was another study held over the interim that did not have legislators in the group. However, a large portion of the group's report deals with transportation. A copy of that report can be found on the Webpage for the Nevada Vision Stakeholder Group called *Envisioning Nevada's Future*.

We can expect to see reports from the Nevada Department of Transportation, the Department of Motor Vehicles, as well as the Advisory Board on Motorcycle Safety.

The two addendums to the brief are a list of prefiled bills for 2011, as well as a list of key contacts listing the Governor's Website and contact information, contacts for all the different divisions with the Department of Motor Vehicles, Department of Transportation, Department of Business and Industry, Airport Authorities, Regional Transportation Commissions and selected interest groups. This resource may be helpful as you are trying to locate information from different agencies throughout the Session.

CHAIR BREEDEN:

We will now go to Senate Bill (S.B.) 15.

SENATE BILL 15: Requires the Department of Motor Vehicles to cancel the driver's license of a person convicted of driving under the influence of intoxicating liquor or a controlled substance under certain circumstances. (BDR 43-487)

NANCY WOJCIK (Administrator, Division of Field Services, Department of Motor Vehicles):

The Department of Motor Vehicles (DMV) submitted this as a cleanup bill about the civil penalty fee.

SENATOR LEE:

Subsection 2 of section 1 states "... unless the civil penalty is paid within 30 days after the date on which the Department receives that notice." Is there a

notice sent with a return receipt requested so people know something is happening to their license? There have been problems with people who had been stopped and their insurance was not showing as being in effect in DMV records because of computer problems. Can you address these situations?

Ms. WOJCIK:

Notification is sent to the customer prior to cancellation or suspension of the license once the DMV receives notification from the courts. By statute, we have to allow a certain amount of time to the customer to rectify the suspension prior to it going into action. As for the insurance, we are working on that.

SENATOR LEE:

Is it because the DMV has not been quick to rectify the problem with people who are not credited with having insurance because it does not show on the computer? My concern is when someone pays their bill within the 30-day period, but it does not show on the system. Is the payment immediately put on the system and easily tracked by law enforcement, or do people need to carry their receipts with them for a period of time?

Ms. WOJCIK:

It will show on the system immediately upon collection of fees when the record is cleared and shows a valid status.

SENATOR MCGINNESS:

Give me a scenario of how this works. Tell me what the DMV is addressing.

Ms. WOJCIK:

When people are stopped and are found to be exceeding the blood alcohol content, we will automatically take their driver's license for a period of time. They still have to be convicted of driving under the influence (DUI), if that is the charge. We do not know if that conviction has taken place until they satisfy the requirements set by the court, whether it be for fees, time to serve or other. Once that is completed, the court notifies the DMV the citation has been satisfied and the conviction set. Once we get that conviction, it is placed on the driving record and the \$35 fee is assessed.

SENATOR MCGINNESS:

So would they not get their license back until the fee is paid?

Ms. WOJCIK:

Yes, the \$35 fee. Sometimes they can reinstate the license prior to the conviction coming in. In that case, they will get their driver's license back. Once the civil penalty fee comes in or the charge for the civil penalty fee, they come in and get a brand new license with a brand new validation date.

ALLEN LICHTENSTEIN (General Counsel, American Civil Liberties Union of Nevada):
We are not against S.B. 15, but our concern is with lines 12 to 14 on page 2. As it is written, the triggering of that 30-day window to pay the fine is when the court notifies the DMV. That is variable and could take 2 days or 2 weeks. The individual does not know when he or she has that particular time. It is possible someone could pay the fine too early, and the DMV could not take the money because they have yet to be notified or the payment could come too late. We have proposed new language ([Exhibit E](#)) that would trigger the time frame when the person is notified.

CHAIR BREEDEN:

Have you discussed your proposal with DMV?

MR. LICHTENSTEIN:

Yes. I understand changing that line in *Nevada Revised Statute* (NRS) 484C.500 would not cause a problem.

Ms. WOJCIK:

The DMV has no problem with the proposed change.

CHAIR BREEDEN:

I would like to enter into the record a letter on S.B. 15 from the Northern Nevada DUI Task Force ([Exhibit F](#)). We will close S.B. 15 and open S.B. 50.

SENATE BILL 50: Revises provisions relating to the suspension and revocation of drivers' licenses. (BDR 43-493)

Ms. WOJCIK:

The DMV submitted this bill to clean up numerous areas in the sections and subsections of NRS 483 that are addressed in the handout ([Exhibit G](#)).

SENATOR LEE:

On page 5, lines 43 to 45, "... the court notifies the Department that the license is eligible for reinstatement" Can the court notify the Department if I bring my papers to show you that I paid this fine rather than doing an electronic notification? In other words, if you are a working person, can you show your paperwork, get your vehicle and go back to work?

MS. WOJCIK:

Yes. Customers receive a document from the court that they can take to the DMV to start the reinstatement process.

CHAIR BREEDEN:

How long does it take to complete the process? Can they do it in one day?

MS. WOJCIK:

The process can be completed in one day. It depends on the length of the suspension and the requirements for testing.

ORRIN J.H. JOHNSON (Office of the Washoe County Public Defender):

We oppose S.B. 50 because it expands the ways someone's license can get suspended and remain so for a long time. One of our primary jobs is to set people up for success so clients do not remain clients. A barrier to that is when they do not have a driver's license or have trouble getting it back. Often they will drive with a suspended license to get to work. Having a valid driver's license allows them to be employed. By expanding suspension to be affected by a delinquent fine, fee, restitution, etc., people get into the system, certainly through their own actions. This bill would create a cascade effect, preventing them from getting out. This bill prevents people from coming back to the system. In addition to getting people out of the criminal law world, that action winds up creating more costs than the fines do, because people get rearrested, and reapply for a public defender. Those fees should remain separate while making reattempts to collect them. By taking away their driver's license, we make it more difficult for them to obtain employment to pay fines.

TIERRA D. JONES (Office of the Clark County Public Defender):

I agree with Mr. Johnson's comments on S.B. 50.

Senate Committee on Transportation
February 8, 2011
Page 7

CHAIR BREEDEN:

I will close the hearing on S.B. 50. Seeing no further business before the Committee, we are adjourned at 4:22 p.m.

RESPECTFULLY SUBMITTED:

Laura Adler,
Committee Secretary

APPROVED BY:

Senator Shirley A. Breeden, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Transportation

Date: February 8, 2011

Time of Meeting: 3:41 p.m.

Bill	Exhibit	Witness / Agency	Description
	A	Agenda	
	B	Attendance Roster	
	C	Senate Committee on Transportation	Committee Rules – 76th Legislative Session
	D	Kelly Gregory	Committee Brief
S.B. 15	E	Allen Lichtenstein	Written testimony in favor
S.B. 15	F	Northern Nevada DUI Task Force	Written testimony in favor
S.B. 50	G	Nancy Wojcik	NRS 483 sections bill cleans up