

**MINUTES OF THE
SENATE COMMITTEE ON TRANSPORTATION**

**Seventy-sixth Session
April 11, 2011**

The Senate Committee on Transportation was called to order by Chair Shirley A. Breeden at 4:35 p.m. on Monday, April 11, 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:

Senator Donald G. Gustavson, Washoe County Senatorial District No. 2
Senator Joseph (Joe) P. Hardy, M.D., Clark County Senatorial District No. 12
Senator David R. Parks, Clark County Senatorial District No. 7

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Louis Barlow
Russell M. Rowe, Esq., The Capitol Company
Timothy G. Rowe
David Revzin

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Paul Brooksbank
Ryan Pretner
Lee Pretner
Daniel Sanders
Jim Twomey
Steve Raucher
Ruth Furman
Ken Branch
Troy Dillard, Deputy Director, Department of Motor Vehicles
Lou Toomin, Las Vegas Township Constable's Office
Bruce Breslow, Director, Department of Motor Vehicles
Patti Chipman, Nye County
David Manning, Chief, Roadway Systems Division, Nevada Department of Transportation
Kyle Davis, Nevada Conservation League

CHAIR BREEDEN:

We will open the hearing on Senate Bill (S.B.) 179.

SENATE BILL 179: Provides for the issuance of special license plates indicating support for Second Amendment rights. (BDR 43-787)

SENATOR DONALD G. GUSTAVSON (Washoe County Senatorial District No. 2):
I am presenting this bill ([Exhibit C](#)) in response to overwhelming support I have had from Senators and State citizens for a special license plate supporting the Second Amendment of the U.S. Constitution. The right to bear arms is protected by the Second Amendment. A firearm was an everyday implement in early American society, and without it, all other constitutional amendments become meaningless.

U.S. Constitution author Thomas Jefferson promoted the Second Amendment. The right of the people to keep and bear arms is enshrined in the Bill of Rights on equal footing with freedom of speech, religion and the press and trial by jury. Article 1, section 11 of the Nevada Constitution states, "Every citizen has the right to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes."

The license plate design ([Exhibit C](#)) is proposed to allow sports enthusiasts to demonstrate their support for the Second Amendment and raise scholarship

money for tuition and school expenses of dependent children of law-enforcement officers or other emergency personnel killed in the line of duty. A trust fund already exists for the education of those workers' dependent children, pursuant to *Nevada Revised Statutes* (NRS) 396.545.

CHAIR BREEDEN:

Why did you not take this proposal to the Nevada Legislature Commission on Special License Plates in October 2010?

SENATOR GUSTAVSON:

I was unsure when that commission met, or I would have done so. Since I am a Legislator and this can be done as a legislative act, I decided to do it this way. I have a letter of support ([Exhibit D](#)) for S.B. 179 from the Stillwater Firearms Association.

CHAIR BREEDEN:

We will close the hearing on S.B. 179 and open the hearing on S.B. 302.

SENATE BILL 302: Prohibits the sale of black powder and smokeless gunpowder to certain persons. (BDR 42-981)

SENATOR JOSEPH (JOE) P. HARDY, M.D. (Clark County Senatorial District No. 12):

This bill was brought forward after a young man was killed when a homemade cannon packed with smokeless gunpowder exploded due to an inadequate understanding of the substance's use. Ex-Senator Warren B. Hardy had constituents affected by the explosion.

LOUIS BARLOW:

My son, Casey Barlow, age 22, was killed July 4, 2010, by the lack of adequate control of the purchase of smokeless and black-powder gunpowder by young adults. The men loaded a homemade cannon with about 6.4 ounces of smokeless gunpowder. When lit, the explosion destroyed a car and severely damaged a home. Shrapnel tore through Casey's heart, killing him.

The young men easily bought two pounds of gunpowder—five times the amount they used in the cannon. They could have leveled the neighborhood with the amount purchased. Despite these times of security forced upon us, anyone can purchase unreasonable amounts of gunpowder.

I am not here to judge the young men's actions but to show how easy it is to obtain large quantities of gunpowder with little legal control or knowledge of the product. Gunpowder vendors should have a basic knowledge of which powder should be used for certain applications before they sell it. That lack of knowledge likely contributed to my son's death. My wife and I hope that stricter laws for selling and purchasing gunpowder will help prevent catastrophic accidents like my son's and keep other families from suffering, as we will forever.

CHAIR BREEDEN:

Why is the fine for selling gunpowder to minors "not more than \$500"?

SENATOR HARDY:

After working with Counsel Bruce Daines on researching this bill and talking to Mr. Barlow, I realized it was a challenge to understand what are the gunpowder-sales laws and regulations. That is why section 1, subsection 1 of S.B. 302 provides that if a person sells gunpowder to someone under age 21, that person "... is guilty of a misdemeanor and shall be punished by a fine of not more than \$500." Then I heard from people who had bought gunpowder at age 18, which lead me to investigate the actual regulations.

There are two types of gunpowder. Smokeless gunpowder—also called rim-fire—is regulated differently by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) than is black powder. The latter is not as quick-burning but is also explosive. Federal regulations of both gunpowders are schizophrenic. If you are under age 21, you can only buy smokeless gunpowder to reload a rifle or shotgun. If you are buying gunpowder for a handgun, you must be at least 21. Federal law generally requires that gunpowder purchasers be at least 21, and then leaves up to states the rest of the regulations. Nevada does not have a statute addressing gunpowder purchase by people under age 21.

My proposed conceptual amendment ([Exhibit E](#)) would reduce the age limit to buy smokeless gunpowder to 18, if its intended use is in a rifle or shotgun; and reduce the age limit to 18 to buy black powder. We do not have an age from which to reduce the age limit, so we need to replace "reduce" the age limit to 18 with "establish as."

In a convoluted way, everyone in the Nation and all who use the Internet understand that the age limit to buy gunpowder is 18, so no one will sell it to

minors. However, Nevada does not have a statute to this effect—even though everyone thinks we do—because gunpowder dealers do not sell to minors. I discovered a lack of definition in statute, so I proposed age 18 instead of the federal age 21. This would make Nevada’s regulation consistent with the federal one and otherwise leave it at age 21, as in the bill.

Ex-Senator Hardy sought regulations requiring that gunpowder buyers show identification (ID), which is included in the bill. We also need to establish an age at which gunpowder may be bought, which is in the bill and the proposed amendment. There must be a penalty if these criteria are not met. There must also be a discussion between buyers and sellers about the gunpowder’s intended use. There is an ATF form that buyers of large amounts of gunpowder must fill out which includes a statement of the item’s intended use.

There is no ATF-paperwork requirement for buying smokeless gunpowder. A gun dealer told my staff, “Buying gunpowder is as easy as buying toilet paper,” except you must show ID. The lack of interaction between dealer and buyer concerning the gunpowder’s purpose can lead to a young man saying, “I am going to put this in my homemade cannon on the Fourth of July.” Had a dealer known that Casey’s cannon were to be filled with smokeless gunpowder, the dealer would have sold the men less-explosive black powder. There were many complications in the incident involving Mr. Barlow’s son, but we can use it as a vehicle to prevent further tragedy. The \$500 penalty will get dealers’ attention. I did not know how to include in the bill a provision mandating a discussion of the gunpowder’s use, because one can buy small amounts of gunpowder without filling out the ATF form.

SENATOR RHOADS:

What is the age requirement to buy regular ammunition?

SENATOR HARDY:

You must be age 18.

SENATOR RHOADS:

Is there a penalty for teens who illegally buy gunpowder? Would that not be an additional deterrent?

SENATOR HARDY:

I would take your counsel on that issue.

CHAIR BREEDEN:

Would the ATF police illegal gunpowder sales?

SENATOR HARDY:

We would not know that until an illegal sale takes place. It is like speeding; you do not get a ticket until you get caught. Sellers could be penalized after sting operations, like they are for selling cigarettes and alcohol to minors.

SENATOR MANENDO:

Do you buy gunpowder in gun stores? I cannot believe a person under age 18 can buy it. Is it not mandated by statute that gun shops must post signs stating that ammunition buyers must be over 18? Consumers expect to be and are comfortable with being "carded" for certain purchases. This should relieve some tensions Senator Hardy may be observing about the gunpowder issue.

SENATOR HARDY:

That is correct. Even though no signage exists, everyone thinks gunpowder buyers must be age 18 and that dealers are asking for IDs, but that is not the law. Still, dealers do not sell gunpowder to youths under age 18.

CHAIR BREEDEN:

We will close the hearing on S.B. 302 and open the hearing on S.B. 248.

SENATE BILL 248: Revises provisions governing traffic laws relating to overtaking and passing bicycles and electric bicycles. (BDR 43-794)

SENATOR DAVID R. PARKS (Clark County Senatorial District No. 7):

Senate Bill 248 provides for a three-foot cushion between motor vehicles and bicycles on roadways. Ten years ago, Senator McGinness introduced a bill that dealt with roadway requirements of slow-moving vehicles. Eight years ago, then-Assemblyman Bob Beers sponsored a bill to create a cushion between police vehicles flashing their lights and vehicles on the roadway. Those pieces of legislation were implemented, with Assemblyman Beers's bill passing both Houses unanimously.

We would like to secure that cushion for cyclists on the roadway who are constantly subjected to near hits by vehicles. It would require an education effort.

RUSSELL M. ROWE, Esq. (The Capitol Company):

I support S.B. 248 in my capacity as a citizen, not necessarily as a lobbyist. I became involved in this bill through my neighbor, David Revzin, who is an avid cyclist. My business partner, John Griffin, is another avid cyclist. He is testifying before another committee, or he would have expressed his support for S.B. 248 today on behalf of other northern Nevada bicycling enthusiasts.

TIMOTHY G. ROWE:

I live in Carson City and have ridden at least 3,000 miles per year on my bicycle for more than 24 years. This bill could increase safety for cyclists on all Nevada roadways by educating drivers that they must pass cyclists at three feet, not three inches. That is what happened when I was riding to an errand at lunchtime today. When I can feel the heat of a vehicle's exhaust on my leg, that is a little too close. This bill would help remedy that.

I am a member of the Alta Alpina Cycling Club, the Lake Tahoe Bicycle Coalition, Muscle Powered in Carson City and the League of American Bicyclists. I am on the Nevada Department of Transportation's (NDOT) Bicycle Advisory Board.

SENATOR RHOADS:

What is the penalty if a driver violates the three-foot space?

SENATOR PARKS:

The bill does not contain a penalty, but it would be consistent with the penalty for failing to move over for a police vehicle that is flashing its lights.

DAVID REVZIN:

I live in Henderson and am an avid cyclist, riding with three bicycle clubs and logging in tens of thousands of miles since 2006. I would like to discuss the bill's rationale and how it came about. Cyclist Ryan Pretner had a serious bike accident here. When someone has a serious accident in the cycling communities, two questions are immediately asked: who was the victim, and how did it occur? Part of the "how" question is, "What can I do differently as a cyclist so this does not happen to me?"

I was pondering this question as I rode down Green Valley Parkway, which has three lanes in each direction. It was early morning, and light traffic was going 35 miles per hour (mph). Cars tried to share the bike lane with me, even though

there were two other lanes and traffic was light. Drivers are simply not conscious that cyclists are extremely vulnerable. Cyclist cannot wear protective clothing, as do motorcyclists; are not encased in 2 tons of steel; and do not have airbags. Touching us lightly with a vehicle can be catastrophic.

Setting aside cyclist error—which does happen—I have seen crashes caused by blowouts of front tires, road obstructions going unnoticed because of a cyclist riding in front, tires getting caught in pavement-expansion cracks and asphalt lips overlapping concrete. If a car is too close to a cyclist in any of these circumstances, a major problem develops.

On a recent vacation in Colorado, I experienced something completely different than in Nevada. Cars move over to the left lane when they pass cyclists. If that is unavailable, they will straddle the middle line, leaving broad cushions for cyclists. If there is oncoming traffic, cars will wait to pass cyclists. What is the difference between Nevada and Colorado? Colorado is the most bicycle-friendly state in the Union, with the most number of cyclists per capita and a population educated about cyclists' vulnerability. Colorado has a three-foot law, as do many other states.

Several members of the Henderson cycling community joined to promote a three-foot law in Nevada as a perfect start to educating drivers about our vulnerability and how to make roads safer for everyone. We learned about the political process from Henderson Mayor Andy Hafen and Clark County Assessor Michele Shafe, an avid cyclist who introduced us to Senator Parks. If this bill passes, we would have safer roads and fewer accidents and be proud to be part of promoting a law that saves lives with no cost or downsides for private citizens.

CHAIR BREEDEN:

How will drivers become educated about this bill?

SENATOR PARKS:

There are a number of bicycle-awareness programs at both ends of the State, including by the Regional Transportation Commission of Southern Nevada (RTCSNV) and Regional Transportation Commission of Washoe County. When I worked at RTCSNV in the 1990s, the Citizens Area Transit bus system had bike racks mounted on front of the buses. Both commissions have educational

programs and the facilities in which to conduct them. Public-service announcements (PSAs) would go a long way to inform the public.

SENATOR MANENDO:

Other educational programs are Safe Routes to School and Look Out Kids About. If the Department of Motor Vehicle's (DMV) bill passes to allow advertising and PSAs on DMV kiosks, that would help get out the word. I used to do 100-mile bike rides, and conditioning rides were scary when I rode by Sam Boyd Stadium, even in the days when traffic was light. There were multiple lanes, but drivers did not want to move over to give me a cushion. I had to steer onto the dirt shoulder or risk getting run over.

PAUL BROOKSBANK:

I am an avid cyclist who has lived in the Las Vegas Valley for 24 years. I have been a fire captain and first-responder emergency medical service provider for 17 years. During my career, I have been called out multiple times for accidents between cars and cyclists. Approximately three weeks ago, we had four such events in one day. It is very common for cyclists to be hit by cars, and typically, the victims' injuries are severe.

I commute 20 miles round-trip to work on my bike, and rarely a day goes by when I am not threatened in some way by a vehicle. This usually happens in intersections or on roads without bike lanes. I am often treated by drivers as an intrusion in the road and as a second-class citizen. The cause of cycling has progressed a lot in southern Nevada with the introduction of a bike-lane system and bike routes. We are getting close to a critical mass in which officials treat cyclists as valid parts of the transportation system.

I just returned from a trip to England, where, even though the roads are narrow and heavily congested, I felt safe riding. Since there are so many cyclists using the road, drivers are used to seeing them and treat them as equals on the road. This bill could take us one step closer to that ideal, would stimulate the southern Nevada economy and increase our energy independence.

If you extend your arm to its fullest extent to the side, that is the three-foot cushion this law seeks. We are asking that a vehicle traveling at perhaps 55 mph faster than a cyclist pass no closer than an arm's length. That is not too much to ask.

RYAN PRETNER:

On January 12, 2009, I was hit by a truck while riding in a bike lane on Henderson's St. Rose Parkway. I was an accomplished cyclist, but those skills were taken away from me in a split second. I almost died, and I am now having trouble doing most important things in my life. I cannot work, drive, play sports or parent my two children like I used to. I used to be an advocate for disabled people, and now I need to be transported everywhere by others.

If there were better bike-safety laws, maybe my accident would not have happened. If S.B. 248 passes and just one person and family can be spared the experience of what I and countless others have endured, I would be happy.

CHAIR BREEDEN:

Thank you for sharing your story. For those of us who do not ride bicycles, it further explains why this bill is so important.

LEE PRETNER:

I am Ryan Pretner's father. My son was hit by a truck driving illegally in the bike lane. That terrible incident changed our family's life forever. Ryan almost died, has been in and out of six major brain-injury facilities and has had serious rehabilitation and weekly therapy over 28 months.

I am here to tell you how negatively our family has been impacted. Ryan was a serious cyclist, active in sports, a reasonable parent to his children and had ties to the community. All of that was taken from him, and he now has trouble doing most things in his life. I was an advocate for the elderly at Catholic Charities for six years, but after the accident, I had to leave my job and become an advocate for my son. I had to take Ryan to various traumatic-brain-injury facilities. The stress on me, my wife and Ryan's sister was overwhelming.

Ryan was well liked and respected by the cycling community, which organized a benefit ride for his care in March 2009. He could not attend because he was in a hospital fighting for his life. If there were a proper bike-safety law, maybe this would not have happened to our family and others could be spared this type of tragedy. Do the right thing and pass S.B. 248 to protect future cyclists.

DANIEL SANDERS:

I am a full-time bicycle commuter. This legislation has significance beyond the three-foot cushion; it is critical to making drivers more aware of bicycles. This

morning, I twice experienced what the lack of a three-foot space can cause. I was clipped by a sport-utility vehicle's mirror on the historic route of Alta Drive, and an RTCSNV passed just inches from my shoulder while I was in a bike lane.

Passage of S.B. 248 would be the equivalent of a PSA similar to campaigns against drinking and driving. It would put drivers on notice and raise their awareness of cyclists. Enacting this law would remind the public that cyclists do exist, and that giving us space is a courtesy. Now, we are not necessarily recognized or seen, and the law would raise awareness of us.

JIM TWOMEY:

I own JT's Bicycles in Henderson and was a cofounder of Green Valley Cyclists, which has more than 300 members. My shop supports amateur racing teams for men and women and, in the last three Octobers, has provided a rest stop for RTCSNV's Viva Bike Vegas ride. We are expecting about 5,000 participants in that event this year. I have spoken with RTCSNV Transit Mobility Coordinator and State bicycle-safety instructor Jim Shampoe and RTCSNV General Manager Jacob Snow. They have given me permission to tell the Committee that RTCSNV supports S.B. 248.

Speaking from my daily contact with cyclists, Green Valley Cyclists and bicycle teams, we would all appreciate this law for our own safety, and because many people who want to participate in cycling are afraid to ride on roads with cars that pass too closely and cause accidents. This bill could help alleviate that fear and get more people into a healthful sport. This Nation has a problem with obesity, and cycling is a good way to combat that.

STEVE RAUCHER:

I am an avid cyclist who has been involved with the marketing of Las Vegas and Henderson for 20 years. This law is another way for us to move up in the rankings of bike safety. Las Vegas is rated one of the least-safe cities in which to ride. Mr. Revsin mentioned how Colorado is one of the safest places to ride due to drivers' high awareness of cyclists.

This law is an opportunity to diversify southern Nevada's economy by encouraging bike rides. I spoke with Mayor Hafen about hosting an international triathlon in Henderson, and the 2011 Viva Bike Vegas event could attract 5,000 riders. Given our current bike trail system, S.B. 248 could send a

message that we are committed to being a safe-cycling community. I have had many close calls on a bike, and I speak for all of us in saying that a simple three-foot law would create a margin of safety.

RUTH FURMAN:

I am not a cyclist; however, I have embraced a more active lifestyle in the last couple of years, have friends and family who ride bikes, and volunteer for cycling events, including the Silverman Triathlon. This bill makes so much sense, because common sense is not enough. We need to ask ourselves, "Why not create a three-foot cushion between cars and bikes?" I heartily embrace this bill.

SENATOR LEE:

I strongly support this bill but want to make the point to my friends—the Las Vegas testifiers—that cyclists have some traffic-safety responsibility. Cyclists are gregarious and want to ride in large groups and take over the road. We need to ride responsibly in single file. This bill does not relate to two or three people clogging bike lanes. This is a single-file-cyclist bill, and I do not want it misconstrued that riders can grab vehicle lanes.

MR. REVSIN:

You make a valid point with no counterpoint to it. People riding three or four abreast cannot expect a three-foot law to protect them. Cyclists know we are not perfect and need to follow the rules

Clark County Assessor Michele Shafe has allowed me to express her wholehearted support for this bill. She is an avid cyclist and member of Green Valley Cyclists.

MR. SANDERS:

The DMV does allow cyclists and motorcyclists to ride two abreast. An NRS provision pertaining to cyclists addresses lane sharing, in which two people can be in a single lane when passing.

KEN BRANCH:

I lived in the Las Vegas Valley from 1973 to 1979 and have been cycling for about 50 years, racing all over the Country. I had a bike accident in Washington State while riding five feet off the road when a driver hit me from behind then hit me with the fifth-wheel trailer he was towing. Washington law states that

cyclists and vehicles must follow the same rules of the road. Cars must give us the right-of-way because we are, in essence, another car. However, this does not happen. Senate Bill 248 would be more of a help than a hindrance.

CHAIR BREEDEN:

We will close the hearing on S.B. 248 and open the hearing on S.B. 323.

SENATE BILL 323: Revises provisions relating to motor vehicle registration.
(BDR 43-421)

SENATOR PARKS:

We are all painfully aware there is a lack of compliance with registering vehicles in Nevada. We have tried to increase penalties for failure to register, including provisions in the failed Assembly Bill (A.B.) No. 291 of the 75th Session, brought forward by ex-Assemblywoman Ellen B. Spiegel. Many vehicle owners realize registrations are inadequately enforced. If they are cited for lapsed registration, they register their cars, tell judges they are registered and then get off with a slap on the wrist.

We have all had neighbors with unregistered vehicles with out-of-state tags for years. They renew that out-of-state registration instead of paying Nevada registration fees. Tens of millions of dollars of revenue is lost to the State. The bill also seeks to outlaw the practice by individuals of creating personal LLCs in states like Montana solely to buy, register and own vehicles. The city manager of Boulder City had two vehicles with Montana license plates that would have entailed high Nevada sales tax and registration fees.

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

Senate Bill 323 has a legal-interpretation issue in section 1, subsections 1 and 5. The exceptions in subsection 5—particularly paragraphs (a), (b) and (c)—may be overridden by language in subsection 1. Senator Parks's aim in authorizing the bill was that the intent of subsection 5, paragraphs (a), (b) and (c), was that they be exemptions not counteracted by legal interpretations of the use of "except" in subsection 1, subsections 5 and 7. The Legislative Counsel Bureau (LCB) will work out the proper legal interpretation.

The issue in DMV's proposed amendment ([Exhibit F](#)) came to light during our budget hearing. The DMV informed Legislators that, according to the insurance-verification program, if drivers have let their insurance lapse, a

\$250 reassessment fee is imposed before vehicles can be reregistered. People cited for non-maintenance of insurance do not respond to DMV notices, get their vehicles registered, or pay the reassessment fee, opting instead to wait until the registration renewal is due. Once people obtain and apply their insurance-authorization stickers, their license plates look valid. When law enforcers "run" the plates, they come up as suspended for failure to maintain insurance.

There is a fiscal incentive not to purchase insurance and instead pay the \$250 fine. Approximately 50,000-plus people have performed this scam. My attachment ([Exhibit F](#)) states there were about 60,000 reinstatements in fiscal year (FY) 2009 and in FY 2010 for which reinstatement fees were paid. More than 52,000 in FY 2009 and almost 58,000 in FY 2010 were reinstatements for which there was no insurance until the renewal. The number of uninsured motorists running around with tags that looked valid exceeded the combined populations of Fallon, Elko, Hawthorne, Winnemucca, Yerington and Tonopah. This is a significant problem.

Our proposed amendment, [Exhibit F](#), includes a graduated sanction for such violations, based on their frequency and the length of the insurance lapse. The bill contains a construct error, which we propose to amend. For a first-offense lapse of 1 to 30 days, the penalty would remain \$250. A lapse of 31 to 90 days would incur the \$250 reinstatement fee and a \$250 fine. The reason DMV retained the \$250 fine for up to 30 days is that it applies to individuals who did not intend to circumvent the law but just failed to maintain their insurance. If the lapse is longer, there is arguable intent to circumvent the law, so the penalties become graduated.

For a second offense, the penalty for an insurance lapse of 1 to 30 days would be a \$500 reinstatement fee. There are no additional \$250 or \$500 fees for a first offense. Effectively, the pertinent lines in NRS 482.480 section 6, paragraphs (a) and (b) could be stricken and the bill's construct would be correct.

Lou TOOMIN (Las Vegas Township Constable's Office):

The Las Vegas Township Constable's Office does enforce the registration law. We cite 20 to 30 cars per day for out-of-state plates. We would recommend a vote of do pass as amended on S.B. 323, which would help our officers cite more vehicles and generate a lot more money for the State.

SENATOR PARKS:

I will return S.B. 323 to have a mock-up constructed to accommodate the concerns of Mr. Dillard.

CHAIR BREEDEN:

We will close the hearing on S.B. 323 and begin our work session. We will open the work session on S.B. 441 with a work session document ([Exhibit G](#)).

SENATE BILL 441: Revises provisions governing the processing at self-service terminals or kiosks of certain transactions with the Department of Motor Vehicles. (BDR 43-1184)

BRUCE BRESLOW (Director, Department of Motor Vehicles):

This bill would allow DMV to change the funding source for its kiosks from the State Highway Fund to being self-funded. Kiosks would then not be subject to a funding cap. We could grow the program by bringing “DMV in a box” to neighborhoods and schools instead of forcing people to drive to DMV offices in urban corridors.

CHAIR BREEDEN:

What does it cost to use the kiosks?

MR. BRESLOW:

Currently, customers can perform only three transactions with a kiosk. Two cost \$1, and the third—registration renewals—costs \$4.95 or \$4.99. The latter cost is high because there is a “hot” printer in the kiosk that prints the actual renewal sticker. The bill mandates that DMV establish fees and regulations, so there would have to be hearings on that.

We have submitted a request for proposal (RFP). Kiosk makers tell us if the program were expanded to neighborhoods where there would be more users, their bids would be more competitive. We told kiosk makers that if they submitted user fees higher than those in the current bids, it would be difficult to even consider the DMV-in-a-box program as there would be a disincentive to use the kiosks. We will not know the fees until the RFP is returned. Kiosks have pass-through fees to amortize their cost and service them. Use of the kiosks would be optional, and the transaction fees would be displayed.

SENATOR MANENDO MOVED TO DO PASS AND REREFER TO THE SENATE COMMITTEE ON FINANCE S.B. 441.

SENATOR LEE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY

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CHAIR BREEDEN:

We will open the work session on S.B. 483 with a work session document ([Exhibit H](#)).

SENATE BILL 483: Authorizes the Department of Motor Vehicles to enter into certain agreements relating to advertising. (BDR 43-1185)

MR. BRESLOW:

This bill would give DMV the right to issue an RFP to pay for flat-screen televisions (TVs) to display advertising at DMV field offices. Other states' programs offer about 70 percent of the TV screens' content as PSAs, messages from the State, Amber Alerts and customers' wait numbers. There is a captive audience, because customers must look at the screens to determine if their numbers have been called.

The DMV's proposed amendment ([Exhibit I](#)) demonstrates how the TVs' cost can be quantified. Typically in other states, 30 percent to 35 percent of the screen content is retained by the vendor who furnished the equipment to present advertising. We would set parameters on that advertising similar to what school districts did with ads on their buses and to ad campaigns by the Department of Wildlife. Other states' departments of transportation approve all screen content a month in advance. We do not intend to censor anything, but tastefulness is important in public settings, especially when children are present.

The purpose of our proposed amendment, [Exhibit I](#), is that DMV sent a bill draft request to the Office of the Governor, and what came back—language from a prior session's bill—was not what we intended. Our proposed amendment strikes out the prior-session bill's language and simplifies the new bill as to our original intent. Senate Bill 483 eliminates the previous bill's contentious sections and answers many of LCB's questions about them.

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SENATOR RHOADS MOVED TO AMEND AND DO PASS AND REREFER TO THE SENATE COMMITTEE ON FINANCE S.B. 483.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR BREEDEN:

We will open the work session on S.B. 49 with a work session document ([Exhibit J](#)).

SENATE BILL 49: Revises provisions governing the authority of a board of county highway commissioners regarding the establishment of certain rights-of-way. (BDR 35-341)

PATTI CHIPMAN (Nye County):

We have two proposed amendments ([Exhibit K](#)) from NDOT.

DAVID MANNING (Chief, Roadway Systems Division, Nevada Department of Transportation):

We worked out these amendments with Nye County. The reason for the second revised amendment was some language in the proposed first amendment referred to Title 23 Code of Federal Regulations part 460, which would require the pertinent roadways to be maintained. The proposed second amendment clarifies the language to coincide with NRS 405.191.

KYLE DAVIS (Nevada Conservation League):

We need to ensure the proposed amendments would not leave the State open to liability issues when it established roadways for purposes of the U.S. Congress's Revised Statute 2477.

MR. MANNING:

The reason for revising the proposed amendment's original language was because of concerns by NDOT that it would have to certify the rights-of-way for the roads. This was not the original intent. Working with Nye County, we acknowledge the roads are public, as per NRS 405.191. We have an

acknowledgment process, and we will make certain that Nye County has properly submitted necessary documents before we accept them.

SENATOR RHOADS MOVED TO AMEND AND DO PASS AS AMENDED S.B. 483.

SENATOR MCGINNESS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR BREEDEN:

We will open the work session on S.B. 144 with a work session document ([Exhibit L](#)).

SENATE BILL 144: Requires certain garages to check and adjust the tire pressure of motor vehicles. (BDR 43-220)

SENATOR SCHNEIDER:

People wanted to amend this bill so garages performed the same functions as they do in Texas—check the windshield wipers, brakes and tires—but I disagreed. This bill is related to saving energy, plus properly inflated tires save lives. Many drivers no longer check their tire pressure regularly.

SENATOR LEE MOVED TO DO PASS S.B. 144.

SENATOR MANENDO SECONDED THE MOTION.

SENATOR MANENDO:

I work for the Collision Authority repair shop. One of the partners told me, "We check tire pressure anyway, because we are responsible. We do not put a vehicle back onto the road unless we have performed 50 checks." When I asked him if this law would be a burden, he said, "Heck, no—we do it anyway. Everybody should check the tires." Asking garages to spend a few more minutes to check air pressure is not a big deal.

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CHAIR BREEDEN:

Before I leave town, I have my car checked and ask the service technicians to check my tire pressure. I am never charged for that.

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

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CHAIR BREEDEN:

We will open the work session on S.B. 274 with a work session document ([Exhibit M](#)).

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

This bill came from the Legislative Committee on Senior Citizens, Veterans and Adults With Needs. It requests a special license plate honoring Nevada's female veterans.

SENATOR HALSETH:

Why does this bill sponsored by you, Madame Chair, contain a fiscal note, while Assemblyman Elliot T. Anderson's A.B. 277 does not?

ASSEMBLY BILL 277: Provides for the creation of alternative special license plates honoring service of female veterans. (BDR 43-810)

MR. DILLARD:

The request for a fiscal note came in only for S.B. 274, even though A.B. 277 has the same fiscal impact. The bills' only difference is when A.B. 277 goes before the Assembly Committee on Transportation on April 12, 2011, Assemblyman Anderson will offer a proposed amendment that will eliminate the fiscal note.

SENATOR LEE:

Is it true there are 24,000 female veterans in Nevada?

MR. DILLARD:

I am not familiar with that statistic.

CHAIR BREEDEN:

Carol Turner, Deputy Executive Director for Veterans' Services, Office of Veterans' Services in Las Vegas, told me there are approximately 24,000 female veterans in Nevada. The request for the special plate was the result of a veterans' symposium.

SENATOR LEE MOVED TO DO PASS S.B. 274.

SENATOR RHOADS SECONDED THE MOTION.

SENATOR HALSETH:

I was a cosponsor of A.B. 277. Because there is a fiscal note on S.B. 274, I will vote against it.

MR. BRESLOW:

Assemblyman Anderson's proposed amendment is critical. As constructed, the bill would have required different license plates for each branch of service, for a total of 53. The amendment proposes creating one plate honoring all female veterans.

CHAIR BREEDEN:

I thought you would propose removing the fiscal note on S.B. 274.

MR. BRESLOW:

The fiscal note was removed from A.B. 277 pending passage of Assemblyman Anderson's proposed amendment. The DMV agreed that a sole plate would have no fiscal impact.

THE MOTION PASSED. (SENATOR HALSETH VOTED NO.)

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CHAIR BREEDEN:

Seeing no more business before the Senate Committee on Transportation,
I adjourn this meeting at 6:16 p.m.

RESPECTFULLY SUBMITTED:

Patricia Devereux,
Committee Secretary

APPROVED BY:

Senator Shirley A. Breeden, Chair

DATE: _____

<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance roster
S.B. 179	C	Senator Donald G. Gustavson	Prepared testimony
S.B. 179	D	Senator Donald G. Gustavson	Stillwater Firearms Association letter of support
S.B. 302	E	Senator Joseph (Joe) P. Hardy	Conceptual amendment
S.B. 323	F	Troy Dillard	Prepared testimony and proposed amendment
S.B. 441	G	Senator Shirley A. Breeden	Work session document
S.B. 483	H	Senator Shirley A. Breeden	Work session document
S.B. 483	I	Bruce Breslow	Proposed amendment
S.B. 49	J	Senator Shirley A. Breeden	Work session document
S.B. 49	K	Patti Chipman	Proposed amendments
S.B. 144	L	Senator Shirley A. Breeden	Work session document
S.B. 274	M	Senator Shirley A. Breeden	Work session document