

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

**Seventy-Seventh Session
May 14, 2013**

The Committee on Transportation was called to order by Chairman Richard Carrillo at 4:05 p.m. on Tuesday, May 14, 2013, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at nelis.leg.state.nv.us/77th2013. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Richard Carrillo, Chairman
Assemblyman Joseph M. Hogan, Vice Chairman
Assemblyman Paul Anderson
Assemblyman David P. Bobzien
Assemblywoman Maggie Carlton
Assemblyman John Hambrick
Assemblyman James W. Healey
Assemblywoman Ellen B. Spiegel
Assemblyman Michael Sprinkle
Assemblywoman Heidi Swank
Assemblyman Jim Wheeler
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

Assemblywoman Lucy Flores (excused)
Assemblyman Crescent Hardy (excused)



GUEST LEGISLATORS PRESENT:

Senator James A. Settelmeyer, Senatorial District No. 17

STAFF MEMBERS PRESENT:

Vance Hughey, Committee Policy Analyst
Sean McCoy, Committee Policy Analyst
M. Scott McKenna, Committee Counsel
Jacque Lethbridge, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Sean P. McDonald, MBA, Administrator, Division of Central Services
and Records, Department of Motor Vehicles
John Madole, representing the Nevada Chapter, Associated General
Contractors of America, Inc.
Marlene Lockard, representing the Nevada Chiropractic Association

Chairman Carrillo:

We have a work session today and will start with that.

**Senate Bill 109 (1st Reprint): Revises provisions relating to off-highway
vehicles. (BDR 43-467)**

Sean McCoy, Committee Policy Analyst:

Senate Bill 109 (1st Reprint) makes various changes concerning off highway vehicles (OHV) ([Exhibit C](#)). The bill creates an OHV dealer plate, similar to an automobile dealer plate. The plate allows dealers to operate unregistered vehicles for the purposes of demonstrations or test drives. The bill makes other changes regarding the operation in regulation of OHVs. There are two proposed amendments to S.B. 109 (R1). They are both incorporated into a single mock-up, which is in your work session documents.

The first proposed amendment is made by Assemblyman Bobzien and proposes to do two things: first, require the size of the decal be at least 3 inches high by 3½ inches wide and display not more than 4 characters that are at least 1¼ inches high; and second, amend section 4, subsection 3, paragraph (c), to decrease from 60 to 15 days the time an OHV registered or certified in another state may be located in Nevada before it must be registered.

The second proposed amendment is made by Assemblywoman Carlton and proposes to extend the effective date of the bill to January 1, 2014.

Assemblyman Bobzien:

I want to speak to the two amendments. On the first, I want to thank Senator Settemeyer for working with me on this. We have had a number of OHV issues come before this committee and there is some good emerging policy. On the second, I would suggest it is not needed.

ASSEMBLYMAN BOBZIEN MOVED TO AMEND AND DO PASS
SENATE BILL 109 (1ST REPRINT) WITH AMENDMENT NUMBER 1.

Assemblywoman Spiegel:

Can you explain why you do not want to accept Assemblywoman Carlton's proposed amendment?

Assemblyman Bobzien:

The policy that is found in these amendments is important enough and this program is important enough that once we make these changes, we should make them effective as soon as possible.

Assemblywoman Spiegel:

Do you think there will be enough time for the Department of Motor Vehicles and others to comply?

Assemblyman Bobzien:

Yes.

**Sean P. McDonald, MBA, Administrator, Division of Central Services
and Records, Department of Motor Vehicles:**

Assemblywoman Carlton brought that up during the hearing. We anticipate 383 hours of programming, plus there are some regulations involved. We stepped forward and appreciated the possibility of doing a January 1, 2014, implementation date.

Chairman Carrillo:

Does that answer your question Assemblywoman Spiegel?

Assemblywoman Spiegel:

Yes.

ASSEMBLYMAN SPRINKLE SECONDED THE MOTION.

Assemblyman Paul Anderson:

By keeping the date as is in the bill, will that put any fiscal cost to it with programming? Will we have to bump other projects in order to program this? Was the intent of pushing that date out so that we could fill that in with other projects we had going on?

Sean McDonald:

With the current bills, we have quite a bit of demand on our information technology section. We will be using existing staff to do that work. We are not looking at contracting additional programmers. The demands for the July 1, 2013, implementation just pushes it forward a little.

THE MOTION PASSED. (ASSEMBLYMEN FLORES AND HARDY WERE ABSENT FOR THE VOTE.)

Chairman Carrillo:

I will give the floor statement to Assemblyman Bobzien.

Senator James A. Settelmeyer, Senatorial District No. 17:

Thank you.

Senate Bill 170 (1st Reprint): Revises provisions governing the charges for storage of motor vehicles that are imposed by body shops. (BDR 43-582)

Vance Hughey, Committee Policy Analyst:

Senate Bill 170 (1st Reprint), which was heard on May 7, 2013, authorizes a body shop, under certain circumstances, to impose a charge for storage of a motor vehicle that is in the possession of the body shop for repairs ([Exhibit D](#)). Any such charge for storage of a motor vehicle must not exceed an amount that is 1½ times the average prevailing rate for storage charged by body shops in the same geographical area.

In cases of nonconsensual tows, a body shop must make a reasonable attempt to contact the vehicle's owner and notify the owner of the vehicle's location and charges imposed for storage. The measure also requires body shops to report vehicle storage rates to the Department of Motor Vehicles via an online survey.

A mock-up of proposed amendments to this bill is included in your work session document. There are two primary amendments.

The first proposed amendment was offered by Robert L. Compan, representing the Farmers Group. He proposed the word "reviewed" be deleted from

section 2. This change is intended to reduce the incentive of an insurer to avoid storage charges by claiming that it was "reviewing" the estimate.

The second proposed amendment was from Assemblywoman Spiegel, who proposed body shops and garages be required to notify customers of the forms of payment they accept and whether there is an additional charge for using a credit card or a discount for paying with cash. These changes are primarily in sections 3 and 3.5, with conforming changes to various other sections of the bill.

ASSEMBLYMAN SPRINKLE MOVED TO AMEND AND DO PASS
SENATE BILL 170 (1ST REPRINT).

ASSEMBLYWOMAN SWANK SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN FLORES AND HARDY
WERE ABSENT FOR THE VOTE.)

Chairman Carrillo:

I will give the floor statement to Assemblyman Sprinkle.

Senate Bill 217 (1st Reprint): Revises provisions relating to the manner of performing work on roads in smaller counties. (BDR 35-925)

Sean McCoy, Committee Policy Analyst:

Senate Bill 217 (1st Reprint), which was heard on May 2, 2013, provides that if the probable cost of a road or bridge construction project does not exceed \$100,000, counties, except Clark and Washoe, may advertise for bids and let contracts pursuant to existing statute or may perform the work with county employees or day labor and with county equipment ([Exhibit E](#)). If the probable cost of the work exceeds \$100,000, such a county is required to advertise for bids and let contracts pursuant to local government purchasing or public works statutes, except that, in a county whose population is less than 45,000, the board of county highway commissioners may instead determine to perform the work with its own resources if the estimated cost of the project is between \$100,000 and \$250,000.

There is an amendment from Paul McKenzie and Jack Mallory, Building and Construction Trades Council, that is included in your work session documents. The amendment adds "pursuant to NRS 338" to section 1, subsection 3, paragraph (a), subparagraph (2).

ASSEMBLYWOMAN SWANK MOVED TO AMEND AND DO PASS
SENATE BILL 217 (1ST REPRINT).

ASSEMBLYWOMAN SPIEGEL SECONDED THE MOTION.

Assemblyman Hambrick:

This bill has been worked very effectively by members of the American General Contractors of America in talking to members of this committee. There have been questions about maintenance, so I would like to get the definition of maintenance on the record because of some of the implications of the bill.

John Madole, representing the Nevada Chapter, Associated General Contractors of America, Inc.:

Churchill County maintains 273 miles of road that includes potholes, guardrail repair, less than significant chip seal, short overlay, and blade maintenance. We are glad to put on the record that those are things we are not concerned with.

THE MOTION PASSED. (ASSEMBLYMEN FLORES AND HARDY
WERE ABSENT FOR THE VOTE.)

Chairman Carrillo:

I will give the floor statement to Assemblywoman Swank.

Senate Bill 262: Makes various changes relating to vehicles used for advertising. (BDR 43-887)

Sean McCoy, Committee Policy Analyst:

Senate Bill 262, which was heard on April 30, 2013, prohibits the operation of a vehicle upon the highways of Nevada if the vehicle is equipped with a dynamic display unless the vehicle is also equipped with a display management system that limits when and where screen content may change ([Exhibit F](#)). The bill exempts the use of dynamic displays for purposes other than advertising.

Senator Cegavske has proposed an amendment to this bill, and a mock-up is included in your work session document. The amendment:

- 1) Prohibits the operation of any vehicle equipped with a dynamic display, except for a taxicab equipped with a display management system;
- 2) Clarifies that dynamic displays may be used on any vehicle for personal noncommercial purposes; and
- 3) Limits the use of dynamic displays by taxicabs to no more than three monitors, screens, or viewers and the displays must not project or otherwise show moving images, information, or other content; must not exceed a total of 7½ square feet for each monitor, screen, or viewer; and are not allowed to be changed in a turnout.

ASSEMBLYMAN BOBZIEN MOVED TO AMEND AND DO PASS
SENATE BILL 262.

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN FLORES AND HARDY
WERE ABSENT FOR THE VOTE.)

Chairman Carrillo:

I will give the floor statement to Assemblyman Paul Anderson.

Senate Bill 317 (1st Reprint): Revises provisions relating to franchises for sales of motor vehicles. (BDR 43-942)

Sean McCoy, Committee Policy Analyst:

Senate Bill 317 (1st Reprint) clarifies that it is an unfair act or practice for a manufacturer or distributor of vehicles and certain related entities to require a dealer to agree to any terms or conditions of a franchise agreement that waive certain provisions of Nevada law governing franchises for sales of motor vehicles ([Exhibit G](#)). The bill further provides that any waiver of such provisions is void and unenforceable. There are no proposed amendments for this bill.

ASSEMBLYMAN WHEELER MOVED TO DO PASS
SENATE BILL 317 (1ST REPRINT).

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN FLORES AND HARDY
WERE ABSENT FOR THE VOTE.)

Chairman Carrillo:

I will give the floor assignment to Assemblyman Wheeler.

Senate Bill 335: Revises provisions relating to taxicabs. (BDR 58-1064)

Vance Hughey, Committee Policy Analyst:

Senate Bill 335, which was heard on April 25, 2013, requires that a person seeking to be employed or to enter into a contract or lease to drive a taxicab in a county under the jurisdiction of the Nevada Transportation Authority (NTA) obtain a medical examiner's certificate indicating the prospective driver meets certain health requirements ([Exhibit H](#)). The bill also adds a chiropractor to the list of medical professionals who can provide a medical examiner's certificate for any prospective taxicab driver under the jurisdiction of the Taxicab Authority or the NTA. No amendments have been proposed.

ASSEMBLYMAN HAMBRICK MOVED TO DO PASS
SENATE BILL 335.

ASSEMBLYMAN PAUL ANDERSON SECONDED THE MOTION.

Assemblywoman Carlton:

This is the same basic medical certificate that you would have to have in southern Nevada if you are doing a taxicab. This is just for the NTA, so it is for all other taxicabs in the rest of the state. Is that correct?

Marlene Lockard, representing the Nevada Chiropractic Association:

The same medical examiner's form is required by the federal government and is already used throughout Nevada. It is given out by the Department of Motor Vehicles. This would allow taxicab drivers in Clark County to get a physical by a chiropractor, as is already allowed in the rest of the state.

THE MOTION PASSED. (ASSEMBLYMEN FLORES AND HARDY
WERE ABSENT FOR THE VOTE.)

Chairman Carrillo:

I will give the floor statement to Assemblyman Hambrick. Is there any public comment? [There was none.]

The meeting was adjourned [at 4:29 p.m.].

RESPECTFULLY SUBMITTED:

Jacque Lethbridge
Committee Secretary

APPROVED BY:

Assemblyman Richard Carrillo, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Transportation

Date: May 14, 2013

Time of Meeting: 4:05 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 109 (R1)	C	Sean McCoy, Committee Policy Analyst	Work session document
S.B. 170 (R1)	D	Vance Hughey, Committee Policy Analyst	Work session document
S.B. 217 (R1)	E	Sean McCoy	Work session document
S.B. 262	F	Sean McCoy	Work session document
S.B. 317 (R1)	G	Sean McCoy	Work session document
S.B. 335	H	Vance Hughey	Work session document