

**MINUTES OF THE
SENATE COMMITTEE ON TRANSPORTATION**

**Seventy-Seventh Session
May 17, 2013**

The Senate Committee on Transportation was called to order by Chair Mark A. Manendo at 8:14 a.m. on Friday, May 17, 2013, in Room 2135 of the Legislative Building, Carson City, 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 Mark A. Manendo, Chair
Senator Kelvin Atkinson, Vice Chair
Senator Pat Spearman
Senator Joseph P. Hardy
Senator Donald G. Gustavson

GUEST LEGISLATORS PRESENT:

Assemblyman John C. Ellison, Assembly District No. 33

STAFF MEMBERS PRESENT:

Jered McDonald, Policy Analyst
Darcy Johnson, Counsel
Melodie Swan-Fisher, Committee Secretary

OTHERS PRESENT:

Troy Dillard, Interim Director, Department of Motor Vehicles
Doreen Rigsby, Manager, Central Services Division, Department of
Motor Vehicles
John P. Sande III, Nevada Franchised Auto Dealers Association

Chair Manendo:

I open the meeting with Assembly Bill (A.B.) 14.

ASSEMBLY BILL 14 (1st Reprint): Makes various changes relating to motor vehicles. (BDR 43-369)

Troy Dillard (Interim Director, Department of Motor Vehicles):

Assembly Bill 14 is a cleanup bill with existing language. It addresses issues that would benefit both the automobile dealer industry and the public. This bill deals with issues regarding salesmen, the lack of insurance on vehicles and fines imposed on individuals whose insurance has lapsed under legitimate circumstances for more than 30 days.

The Nevada Franchised Auto Dealers Association has proposed an amendment to this bill, which is to remove the amendment proposed by the Assembly and return the bill to its original form. The Department of Motor Vehicles (DMV) is in concurrence with the amendment. The amendment addresses issues that affect salespersons. If adopted, the amendment would raise concerns within the industry and automobile dealerships' sales forces. Dealers and the public would be exposed to unnecessary risks. We are addressing this because DMV officials were not consulted regarding the amendment proposed by the Assembly. We plan to discuss this with the appropriate persons in the Assembly to facilitate communication and ensure understanding.

At present, a salesperson holding a temporary permit to sell vehicles can work for an auto dealership. If he or she does not finish the licensing process and is not consistently employed for 6 months, the temporary permit is suspended, after which the salesperson cannot work in a sales capacity for 6 months.

Assembly Bill 14 would eliminate the requirement for salespersons not consistently employed for 6 months to relinquish their temporary licenses, as long as the cause of the employment inconsistency is not their fault. The bill would not impact those whose permanent licenses have been suspended or revoked.

Assembly Bill 14, section 4, subsection 6 would also affect *Nevada Revised Statute* (NRS) 485.317, which applies to liability insurance for motor vehicles. The provision is critical to the bill and to ensuring State residents are not subject to unnecessary fines.

Doreen Rigsby (Manager, Central Services Division, Department of Motor Vehicles):

Assembly Bill 14 would do cleanup from the 76th Legislative Session, during which a bill that added fines for lapses in liability insurance coverage was passed. The bill would require the DMV to remove the suspension and reduce

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the fines imposed on owners of dormant vehicles, as long as owners could prove the vehicles had been dormant during the suspension period.

Senator Gustavson:
I support the bill.

Senator Hardy:
Would owners of dormant vehicles not be fined? Would the DMV have the flexibility to lessen the fines and fees?

Ms. Rigsby:
Under current law, if a vehicle owner's liability insurance has lapsed more than 30 days, we must impose a fine of \$250. Under A.B. 14, if the owner could prove the vehicle had been dormant during the 30-day period, the DMV could uphold the original \$50 fee and waive the \$250 fine. The total fine would be only \$50, instead of \$300 to \$500.

John P. Sande III (Nevada Franchised Auto Dealers Association):
The Nevada Franchised Auto Dealers Association supports A.B. 14 in its original form.

Chair Manendo:
I close the hearing on A.B. 14.

SENATOR GUSTAVSON MOVED TO AMEND AND DO PASS AS
AMENDED A.B. 14.

SENATOR ATKINSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Manendo:
I open the work session with A.B. 176.

ASSEMBLY BILL 176 (1st Reprint): Revises provisions relating to the emissions testing of certain consigned vehicles. (BDR 40-964)

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Jered McDonald (Policy Analyst):

Please see the work session document on A.B. 176 ([Exhibit C](#)).

SENATOR HARDY MOVED TO DO PASS A.B. 176.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Manendo:

I open the hearing on A.B. 198.

ASSEMBLY BILL 198: Revises provisions governing taxicabs in certain counties.
(BDR 58-86)

Mr. McDonald:

Please see the work session document on A.B. 198 ([Exhibit D](#)).

Senator Spearman:

I still have some reservations regarding the lack of a limit on each taxicab's total mileage. I can understand the rationale behind lowering requirements for less populated counties, but the mileage limit should not be removed.

Senator Hardy:

As I recall, the Taxicab Authority is willing and able to regulate, so I feel comfortable supporting passage of A.B. 198.

SENATOR ATKINSON MOVED TO DO PASS A.B. 198.

SENATOR GUSTAVSON SECONDED THE MOTION.

Senator Spearman:

I agree with Senator Hardy, but I would like to see progress; therefore, I reserve the right to change my vote on the Senate Floor.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Manendo:

I too reserve the right to change my vote on the Senate Floor. I open the hearing on A.B. 165.

ASSEMBLY BILL 165 (1st Reprint): Limits the purposes for which the Director of the Department of Motor Vehicles is allowed to release certain personal information. (BDR 43-995)

Mr. McDonald:

Please see the work session document on A.B. 165 ([Exhibit E](#)).

SENATOR HARDY MOVED TO DO PASS A.B. 165.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Manendo:

I open the hearing on A.B. 236.

ASSEMBLY BILL 236 (1st Reprint): Makes changes to the rules of the road regarding motorcycles. (BDR 43-659)

Mr. McDonald:

Please see the work session document on A.B. 236 ([Exhibit F](#)).

The mock-up Proposed Amendment 8982 was drafted at the request of the Chair. Two changes to section 3 are proposed. The first change would limit lane splitting to instances in which adjacent vehicles are stopped. The second would limit to 10 miles per hour the speed at which speed motorcyclists can travel while lane splitting.

SENATOR ATKINSON MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 236.

SENATOR HARDY SECONDED THE MOTION.

Senator Spearman:

I am not convinced this is the right thing. I will vote for it now, but I reserve the right to change my vote on the Senate Floor.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Manendo:

I open the hearing on A.B. 189.

ASSEMBLY BILL 189 (1st Reprint): Provides, under certain circumstances, for the Department of Motor Vehicles to issue a separate tier of five new special license plates. (BDR 43-1086)

Mr. McDonald:

Please see the work session document on A.B. 189 ([Exhibit G](#)).

Senator Atkinson:

What is the amount of the bond required for the organizations represented on the existing 30 special license plates?

Senator Gustavson:

The bond for the existing 30 is \$5,000.

Senator Atkinson:

How much would the bond be for those on the additional tier proposed in A.B. 189?

Mr. McDonald:

The bond would be \$20,000.

SENATOR HARDY MOVED TO DO PASS A.B. 189.

SENATOR SPEARMAN SECONDED THE MOTION.

Senator Gustavson:

I am not happy with this bill. It gives some organizations special preference. All organizations should be required to go through the same process. I will be voting no on the bill.

THE MOTION CARRIED. (SENATOR GUSTAVSON VOTED NO.)

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Senator Atkinson:

I have voted in support of the bill, but I reserve the right to change my vote on the Senate Floor.

Chair Manendo:

I open the hearing on A.B. 305.

ASSEMBLY BILL 305 (1st Reprint): Revises provisions relating to highways.
(BDR 35-1030)

Mr. McDonald:

Please see the work session document on A.B. 305 ([Exhibit H](#)).

SENATOR HARDY MOVED TO DO PASS A.B. 305.

SENATOR GUSTAVSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Manendo:

I open the hearing on A.B. 263.

ASSEMBLY BILL 263 (1st Reprint): Revises provisions governing bidding on certain highway projects. (BDR 35-792)

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Mr. McDonald:

Please see the work session document on A.B. 263 ([Exhibit I](#)).

SENATOR HARDY MOVED TO DO PASS A.B. 263.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Manendo:

I open the hearing on A.B. 453.

ASSEMBLY BILL 453 (1st Reprint): Excludes certain fleet vehicles from the insurance verification system. (BDR 43-1199)

Mr. McDonald:

Please see the work session document on A.B. 453 ([Exhibit J](#)).

SENATOR ATKINSON MOVED TO AMEND AND DO PASS AS AMENDED A.B. 453.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Manendo:

I open the hearing on A.B. 21.

ASSEMBLY BILL 21 (1st Reprint): Revises provisions relating to public safety. (BDR 43-364)

Mr. McDonald:

Please see the work session document on A.B. 21 ([Exhibit K](#)).

SENATOR GUSTAVSON MOVED TO DO PASS A.B. 21.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Manendo:

I open the hearing on A.B. 18.

ASSEMBLY BILL 18 (1st Reprint): Revises provisions governing the relinquishment of state highways to local governments and the relinquishment of local roads to the Department of Transportation. (BDR 35-363)

Mr. McDonald:

Please see the work session document on A.B. 18 ([Exhibit L](#)). Chair Manendo is proposing an amendment. There is no mock-up, but I will describe the proposed changes, which are in section 1, subsection 10. On line 28, the words "develop a" would be replaced with "adopt regulations governing." The word "document" would be changed to "documents." The sentence on line 30, beginning with "The Board must approve ... ," would be struck.

Section 10 would read, "The Department, in cooperation with local governments, shall adopt regulations governing procedural documents which address the process by which highways and roads are relinquished."

SENATOR ATKINSON MOVED TO AMEND AND DO PASS AS AMENDED A.B. 18.

SENATOR SPEARMAN SECONDED THE MOTION.

Senator Hardy:

Would the Department be allowed to adopt regulations?

Chair Manendo:

Yes.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Manendo:

I open the hearing on A.B. 379.

ASSEMBLY BILL 379 (1st Reprint): Revises provisions governing the disposal of abandoned recreational vehicles. (BDR 43-593)

Mr. McDonald:

Please see the work session document on A.B. 379 ([Exhibit M](#)).

Senator Atkinson:

I do not remember whether the DMV said this is a practice already in place or something new.

Assemblyman John C. Ellison (Assembly District No. 33):

We worked with the DMV on this bill. In Reno and Las Vegas there are procedures for recreational vehicle (RV) disposal. It is more difficult in the rural counties. Officials from rural counties helped draft the concepts for A.B. 379.

Senator Atkinson:

Does the DMV already issue letters of abandonment?

Assemblyman Ellison:

Yes, the DMV already issues the letters.

Chair Manendo:

Who pays for the disposal of RVs?

Assemblyman Ellison:

This bill was brought to me by former Assemblyman John Carpenter. Several RVs have been abandoned in his trailer park, and the residents have been grappling with how to dispose of them. Many of the RVs are ruined and filled with garbage. Recreational vehicles have been abandoned in the desert and even on side streets.

Assembly Bill 379 was drafted to find solutions for disposing of abandoned RVs. The property owners where the RVs have been abandoned are willing to foot the bill to have them crushed and converted to scrap metal.

Chair Manendo:

Section 5, line 39, reads, "A municipal solid waste landfill shall accept a recreational vehicle for disposal if" It continues with the conditions under which the landfill shall accept RVs. There is no condition stating the person disposing of the RV must pay a fee. Landfills usually charge a fee for disposal, according to weight. Is that correct?

Assemblyman Ellison:

We must also dispose of the motor oil in the crankcase, radiator fluids and the like, which all must be drained from the RVs. You are correct. We must also pay for disposal of the RVs according to their weight.

Senator Hardy:

Who has to pay for the RVs' disposal, the State or the persons turning them in for disposal?

Assemblyman Ellison:

The persons who turn in the RVs to the landfills.

Senator Hardy:

Are you saying the persons who find abandoned RVs in their lots are stuck with paying for their disposal?

Assemblyman Ellison:

Yes. The people are having to obtain cargo trailers and haul the RVs to Reno or Las Vegas. Under A.B. 379, they will be able to have them disposed in local landfills, which would be more convenient and less expensive.

Senator Hardy:

Would the landfills need to absorb the cost of disposing of the RVs?

Assemblyman Ellison:

No.

Senator Gustavson:

Do the landfills in the rural counties not accept RVs for disposal now? If not, why?

Assemblyman Ellison:

No. The landfill owners will not accept them because those who brought them in for disposal could not prove ownership; they did not have titles to the vehicles. Some people even tried taking RVs to a recycling facility in Carlin, but the workers would not accept them because the property owners relinquishing the RVs did not have titles to them, and because the vehicles contained so much garbage.

Senator Hardy:

I think we need to add something to section 5, subsection 1 stipulating the person disposing of the vehicle will pay the cost of the disposal.

Darcy Johnson, Counsel:

I would suggest we add the additional wording in section 5, subsection 1. It says, "The person disposing of the recreational vehicle provides." Adding the phrase, "appropriate payment for the disposal," after "provides" would satisfy the stipulation. The full line in section 5, subsection 1, would say, "The person disposing of the recreational vehicle provides appropriate payment for the disposal."

Senator Hardy:

Inasmuch as some of the materials from RVs could be recycled, disposing of them would offset some of the cost. Perhaps we could add to the wording Ms. Johnson is proposing something to the effect of "minus any value or advantage the landfill facility would receive."

Senator Gustavson:

The vehicles do have steel frames, and the steel is worth money. The recycling facility would not necessarily buy one vehicle, but if someone had two or three of them, a recycler would probably pick them up. It would help those relinquishing the vehicles recoup some of the cost.

Assemblyman Ellison:

Those relinquishing the vehicles for disposal could remove the vehicles' bodies and take the remaining portions to the landfills, but that would not eliminate the

requirement to show proof of ownership or title. The landfill facilities will accept the steel, but the process becomes more complicated when RVs are being relinquished. It would seem that RVs could be processed like automobiles. They could be put into the crusher or placed in a landfill. The problem lies in the fact that they are filled with garbage.

Senator Hardy:

Do the landfills charge for the disposal of vehicles, or do they not need to because they make money from recycling them?

Assemblyman Ellison:

There is a disposal company outside Elko that accepts them, but the landfill facilities will not.

Senator Hardy:

Do you know of any provision for disposing of vehicles at no cost, as long as they were being recycled?

Assemblyman Ellison:

I do not. The people who want to dispose of the RVs are willing to pay for their disposal. They are scratching off the serial numbers and putting them on city streets.

Senator Hardy:

In those instances, the city would have to pay for removal and disposal.

Assemblyman Ellison:

The city is willing to remove them from their streets.

Senator Atkinson:

It seems they have become a hazard. No one knows what is in them. They pose a danger to children, who are curious and could end up trapped in them.

Chair Manendo:

How much is the per-ton cost to dispose of vehicles?

Assemblyman Ellison:

I am not sure, but I do not think it is much. My guess is it is no more than \$50.

Chair Manendo:

Jered McDonald advises that Douglas County Disposal and Recycling Services charge \$99.68 per ton. How many tons is the average RV? That tells me someone relinquishing an RV could incur a cost of a few hundred dollars.

Holland & Hart LLP, attorneys at law, proposed a conceptual amendment on behalf of the Nevada Housing Alliance and the portable building and commercial coach industry ([Exhibit N](#)). The Committee has been discussing the amendment. There is no one here from Holland and Hart. Did their representatives discuss the amendment with you?

Assemblyman Ellison:

They did contact me and ask about amending the bill. There had been a portion addressing the disposal of manufactured homes, but we removed it. We consulted personnel in the Legislative Counsel Bureau's Legal Division, who advised us the amendment was not germane to the bill, so I did not pursue it any further.

Chair Manendo:

[Exhibit N](#) was given to me a few days ago. At that point, A.B. 379 had changed.

Assemblyman Ellison:

Our aim was to retain the bill in its original form as much as possible.

SENATOR HARDY MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 379 WITH THE LANGUAGE PROPOSED BY SENATOR HARDY.

SENATOR ATKINSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Manendo:

Seeing no further business before the Committee, we are adjourned at 5:57 p.m.

RESPECTFULLY SUBMITTED:

Melodie Swan-Fisher,
Committee Secretary

APPROVED BY:

Senator Mark A. Manendo, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	2		Agenda
	B	3		Attendance Roster
A.B. 176	C	1	Jered McDonald	Work Session Document
A.B. 198	D	1	Jered McDonald	Work Session Document
A.B. 165	E	1	Jered McDonald	Work Session Document
A.B. 236	F	4	Jered McDonald	Work Session Document and Proposed Amendment 8982
A.B. 189	G	1	Jered McDonald	Work Session Document
A.B. 305	H	1	Jered McDonald	Work Session Document
A.B. 263	I	1	Jered McDonald	Work Session Document
A.B.453	J	6	Jered McDonald	Work Session Document and Proposed Amendment
A.B. 21	K	1	Jered McDonald	Work Session Document
A.B. 18	L	1	Jered McDonald	Work Session Document
A.B. 379	M	1	Jered McDonald	Work Session Document
A.B. 379	N	1	Senator Mark Manendo	Proposed Amendment