

**MINUTES OF THE  
SENATE COMMITTEE ON TRANSPORTATION**

**Seventy-Seventh Session  
May 31, 2013**

The Senate Committee on Transportation was called to order by Chair Mark A. Manendo at 8:24 a.m. on Friday, May 31, 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 Richard Carrillo, Assembly District No. 18

**STAFF MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Kyle Davis, Nevada Conservation League  
Terri L. Carter, Administrator, Management Services and Programs Division,  
Department of Motor Vehicles  
Anne Macquarie, Board Secretary, Muscle Powered  
Troy L. Dillard, Interim Director, Department of Motor Vehicles  
Fred Harrell, Chair, Advisory Board on Motorcycle Safety, Office of Traffic  
Safety, Department of Public Safety  
Peter Vander Aa, Program Administrator, Program for the Education of  
Motorcycle Riders, Office of Traffic Safety, Department of Public Safety

**Chair Manendo:**

I open the hearing with Assembly Bill (A.B.) 145.

**ASSEMBLY BILL 145 (2nd Reprint)**: Provides for retrofitting of roads and streets in consideration of different types of users. (BDR 43-662)

**Assemblyman Richard Carrillo (Assembly District No. 18):**

I will read my written testimony ([Exhibit C](#)).

**Kyle Davis (Nevada Conservation League):**

We support A.B. 145. Provisions in the bill would make more of our streets accessible to those using different modes of transportation and make for more sustainable communities. Assembly Bill 145 was heard in the Assembly Committee on Transportation and referred to the Assembly Committee on Ways and Means because it initially included a fiscal note. We worked with the Department of Motor Vehicles (DMV) to remove the fiscal note. Implementation of the bill will depend on the availability of funding.

Section 1 of A.B. 145 describes how the funds for Complete Streets would be distributed to the local entities. Monies will be returned to the counties from which they are collected. Each jurisdiction, whether the regional transportation commissions or the local boards of highway commissioners, would spend the funds for Complete Streets projects.

Sections 2 and 3 detail the voluntary contributions. Section 2, subsection 3, paragraph (h) says, in part:

The application form must state in a clear and conspicuous manner that a contribution for a Complete Streets program is voluntary and is in addition to any fees required for registration, and must include a method by which the applicant can indicate his or her intention to opt out of making such a contribution.

We included the option to opt out because it tends to allow for jurisdictions to predict potential revenues as time goes on, and it allows for the funds to be used as matching funds and bond against the fund as well as to leverage federal funds.

Because using the Internet is more cost-effective and accessible, and because more vehicle owners are registering their vehicles online, funds to Complete Streets would be collected via the DMV Website and DMV kiosks. Contributions would not be collected via mail or in person.

Section 4 details information to verify the monies collected will fund Complete Streets programs. Section 4.8, subsection 4 defines a Complete Streets program as follows:

... a program for the retrofitting of roads that are under the jurisdiction of the board of county commissioners for the primary purpose of adding or significantly repairing facilities which provide road access considering all users, including, without limitation, pedestrians, bicycle riders, persons with a disability, persons who use public transportation and motorists. The term includes the operation of a public transit system as part of a Complete Streets program, but the term does not include the purchase of vehicles or other hardware for a public transit system.

This language was included when we began drafting the bill. It was written pursuant to consultations we had with officials from the Regional Transportation Commission of Southern Nevada and the Regional Transportation Commission of Washoe County as well as with officials from several other counties. Some of the language is repeated throughout the bill to reflect the needs and circumstances of all jurisdictions.

Sections 6 through 9 detail how counties set up and collect funds for Complete Streets. Participation is voluntary. Jurisdictions not participating in Complete Streets would not be able to access these funds. Most jurisdictions have Complete Streets programs or are in the process of developing them.

Sections 10 through 16 detail additional technical changes to the Complete Streets programs and relevant sections of the *Nevada Revised Statutes* (NRS). Sections 16.5 and 17 include transitory language that would allow for the implementation of the Complete Streets program. The program will be implemented upon certification from the DMV and when the resources are available. The resources may not be available over the biennium. The provisions in sections 16.5 and 17 would give the DMV flexibility to implement the program only when resources are available. The provisions would also give

those of us in the advocacy community time to obtain other funding resources for start-up funds. If the funding cannot be obtained, the DMV would not be required to implement the Complete Streets program in the next biennium.

The proposed amendment to A.B. 145 details that the voluntary contributions to Complete Streets would be nonrefundable ([Exhibit D](#)). This is because the single contribution amount would be \$2 and would cost the DMV more than \$2 per refund. The proposed amendment also states the DMV would retain a 1 percent commission to cover the costs of collecting and distributing funds to the local governments participating in Complete Streets.

The concept for the Complete Streets program originated with the Outside Las Vegas Foundation. Mauricia M. M. Baca, executive director of the foundation, could not be here today to speak in favor of A.B. 145. She asked me to submit her written testimony ([Exhibit E](#)). Additionally, representatives from the Nevada Bicycle Coalition and the AARP have asked me to tell you of their support for A.B. 145.

**Chair Manendo:**

Are any Complete Streets programs already established in Nevada?

**Mr. Davis:**

Yes. Our two largest counties have established Complete Streets programs funded by other means. The aim of A.B. 145 is to find ways to advance the programs through further funding.

**Chair Manendo:**

There is one in Sparks. How was it funded?

**Mr. Davis:**

I do not know the specifics, but my understanding is they use traditional sources such as gas tax funds. Gas taxes fund other road projects and programs as well. We want to find additional resources to fund Complete Streets better.

**Senator Gustavson:**

How much money do you anticipate the DMV could raise under the provisions of A.B. 145?

**Mr. Davis:**

That is a good question. Contributions from vehicle owners donating when registering their vehicles is not guaranteed. We estimate \$500,000 to \$1 million could be raised per year in Clark County. It would be much less in smaller counties.

**Senator Gustavson:**

I am confused. The bill states a \$2 fee will be charged if it is voluntary. If it is voluntary, why is there a provision for opting out? Would it be voluntary if those registering their vehicles did not opt out?

**Mr. Davis:**

That is correct. When vehicle owners register their vehicles online, they will be asked whether they want to pay the \$2 fee. The box to pay the \$2 fee would be auto-filled with a check mark. Vehicle owners who want to opt out of paying the fee would click to uncheck the box. If they did not uncheck the box, they would be charged the fee.

**Senator Gustavson:**

If that is the case, I suggest unchecking the box that is the default position and adding another option to enable contributors to donate, say, \$2, \$5, \$10 or "other." Such a format would lessen the possibility that refunds would need to be issued. I suspect users could argue that they did not see the checked box. It could also allow more money to be raised.

**Mr. Davis:**

We designed the simpler format because making it more complicated would increase administrative costs. I understand your point that users could later assert they did not agree to pay the fee. We included specific language in A.B. 145 to indicate the notice must be stated in a clear and conspicuous manner and include wording specifying that making a contribution is voluntary.

**Senator Gustavson:**

The wording and format at the Website would be better for the consumer if the options were made very clear, as in the way I described. If formatted the way you described, it would be confusing to many people.

**Senator Atkinson:**

I agree with Senator Gustavson. I do not think it would be reasonable to give users the option to opt out. It would be confusing. I have been charged for things I did not realize I was opting to purchase online. Was there discussion with the DMV regarding what it would cost to format the options more clearly than as you described, Mr. Davis?

**Mr. Davis:**

We did not discuss it at length because the way the bill was originally drafted was with the provision detailing the choice for users to opt out. We designed the format with the choice to opt out because we thought doing so could help us make the revenue projections. Since the revenue is a source that could be bonded against, or for which there could be matching funds, having it be more predictable seemed the better choice.

**Senator Hardy:**

What would happen to the funds collected in counties not participating in the Complete Streets program?

**Mr. Davis:**

I do not know. The bill is not clear on this, but I believe the money would remain with the DMV. The DMV could answer this better than I could. My guess is it would accumulate until the counties affected put Complete Streets programs in place.

**Senator Hardy:**

I agree with Senators Gustavson and Atkinson that the choice to opt out is confusing. If the checkbox on the Website and at the kiosks were defaulted to the "yes" option, users will have to click on it to change the choice to "no." If the options were clearly defined by having boxes labeled "yes" and "no," users could click on the option of their choice. That brings me to the issue of bonding. Do other States have similar programs and experiences? If so, are you using their models to formulate the Complete Streets funding concepts?

**Mr. Davis:**

Other States are considering such programs, but I do not know of others in existence.

**Senator Hardy:**

We have heard many bills whose tenets include funding programs in which the DMV or other entities can accept gifts, grants or donations. If we included in A.B. 145 a provision for gifts, grants or donations, people who have passion for bike lanes and walking space would have the opportunity to participate fully. There could be a provision for donating by credit card. After all, those registering their vehicles online or at a DMV kiosk would have their credit cards at the ready to pay their vehicle registrations. They could also designate the amount of their donations. The bonding concept is quite enterprising.

**Senator Spearman:**

The biggest hurdle is how to design the choices to opt in or opt out of donating. Some users may not be Internet savvy enough to understand the options as proposed in A.B. 145. Having the opt-in choice as the default may confuse some people, especially senior citizens. A \$2 fee may not affect me, but it could mean a lot to those on fixed incomes. Are you considering changing the format?

**Mr. Davis:**

We can consider all your ideas and suggestions.

**Anne Macquarie (Board Secretary, Muscle Powered):**

We are a local nonprofit and have approximately 200 members. We support A.B. 145. I have worked with local governments to further improvements to roads for bicycling and walking and have found it does not take much money to make improvements. The U.S. Department of Transportation, Federal Highway Administration, Transportation Alternatives Program (TAP) is a new funding source, especially for rural counties. The TAP requires funding be matched. If the bill is passed and Complete Streets is funded through TAP, rural areas like Carson City would benefit.

**Terri L. Carter (Administrator, Management Services and Programs Division, Department of Motor Vehicles):**

The DMV is neutral on A.B. 145. I would need to check with our information technology personnel, but I think the DMV could lay out the donation options for our Website and kiosks according to the ideas discussed by the Committee.

**Senator Hardy:**

Would users be able to give more than the \$2 donation—an option for gifts, grants and donations?

**Ms. Carter:**

We do not have that ability at present. I would have to consult our personnel in our Division of Information Technology regarding what it would take to set up such an option.

**Senator Hardy:**

Has the DMV ever refused large donations because the Department did not have the technology to accept them?

**Ms. Carter:**

I am not aware of any gifts, grants or donations that have been given to the DMV.

**Senator Hardy:**

Neither am I.

**Chair Manendo:**

Please let us know what you find out from your IT Division regarding the capabilities for accepting donations.

**Senator Spearman:**

Can you also check regarding Senator Gustavson's suggestion about unchecking the box and creating another box for fixed amount and "other" donations?

**Ms. Carter:**

Yes, I can ask them if it is possible to include boxes for preset amounts and "other."

**Senator Hardy:**

Does the DMV apply for grants?

**Ms. Carter:**

Yes, the DMV does utilize grant funding.

**Senator Hardy:**

If provisions for gifts, grants or donations were added to A.B. 145, would the DMV be able to accept grants for Complete Streets? Would the DMV be able to



accept grants for Complete Streets if we did not include provisions for gifts, grants or donations?

**Ms. Carter:**

I do not know, but I will find out.

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

My recommendation is specific authority be given to the DMV within the bill for this purpose. With the authority established, the Department can set up the structure for accepting the funds and transferring them to Complete Streets. It will entail personnel time and effort to oversee. If the Committee wishes for this to be done, the DMV authority needs to be clarified.

**Senator Hardy:**

We need to include language in the bill to allow the DMV to pass such gifts, grants or donations to a Complete Streets programs already in place at municipal and county levels so new systems to do not need to be established. Is that a fair summary?

**Mr. Dillard:**

The bill already defines the purpose of the \$2 amount. Changing the amount as designated by a registrant appears to be within the language of the bill. Donations outside of this context would require the bill to specify the DMV's authority to work with these funds.

**Senator Hardy:**

Do you have language you can propose for this purpose, or would you need to consult the DMV's legal staff?

**Mr. Dillard:**

I assume the Committee's counsel would be more expeditious in that task than the DMV could be.

**Darcy Johnson (Counsel):**

Do you want the DMV to accept the gifts, grants and donations or the entities with existing Complete Street accounts to have the authority to accept these funds?

**Senator Hardy:**

Yes.

**Ms. Johnson:**

Then your answer is "Maybe."

**Senator Spearman:**

It is quite different for the DMV to accept these funds and manage them internally than for it to transfer them immediately to the entities for which they were intended. More time and personnel would be needed in the first case.

**Mr. Dillard:**

The word "grant" brings into play several issues. Strings, such as reporting requirements, are usually attached to grants. In the context of A.B. 145, the money is really a donation. This simplifies the matter. The bill uses the DMV as the envoy to accept and transfer the donations. We believe the authority to do this is written into the bill, regardless of the amount of each donation. The DMV already has estimated its programming costs. We would need to revisit the estimate, however, if registrants are given the option to change the donation amount. As long as the amount of programming is not increased substantially, this should not be a material factor.

**Ms. Johnson:**

Another issue, Senator Hardy, with allowing large donations for Complete Streets from outside organizations, the DMV staff would not know how to disperse the funds to the counties. Registration forms include the county on them indicating to staff where to send the money.

**Senator Hardy:**

As I understand the bill, the DMV has a pooled account divided among the engaged entities or counties with their own accounts. I think there are two accounts—one at the DMV and one at the county level. We could amend the bill's language to indicate people can give directly to the county or to the DMV. We could clarify what the DMV would do with donated funds that are not targeted to a specific county. This is how I envision it.

**Chair Manendo:**

At times, Legislators receive emails from organizations asking for donations to causes. People may want to set up their own accounts with email lists. I think

this is a wonderful program and an important piece of legislation. However we can set up the process, we should try to do it. We could form a small working group to consider revisions in the next day to help move the bill forward.

**Senator Spearman:**

An alternate approach could be for us to pass the bill as it is and return in the 2015 Session to consider what more can be done.

**Chair Manendo:**

That is a possibility, but we still have 4 days until the end of this Session. I do not know if this bill will move forward in its current format.

**Senator Hardy:**

If I were to give a conceptual amendment, I would have two boxes for the option, include the proposed amendments and authorize the DMV and local entities to accept donations. This could serve the program better initially and might even provide a better bonding opportunity and predictability. I would hate for the bonding to delay a project that could be completed with relatively little money. This is the concept I have in mind.

**Chair Manendo:**

I will close the hearing on A.B. 145.

SENATOR HARDY MOVED TO AMEND AND DO PASS AS AMENDED  
A.B. 145 WITH THE CONCEPTUAL AMENDMENT.

**Jered McDonald (Policy Analyst):**

Under your proposal, the DMV would not accept donations. People would send them directly to the county level.

**Senator Hardy:**

Correct.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

**Chair Manendo:**

I will open the hearing on A.B. 256.

**ASSEMBLY BILL 256 (1st Reprint)**: Makes various changes relating to motorcycles. (BDR 43-661)

**Assemblyman Richard Carrillo (Assembly District No. 18):**

I will read my written testimony ([Exhibit F](#)).

**Fred Harrell (Chair, Advisory Board on Motorcycle Safety, Office of Traffic Safety, Department of Public Safety):**

The Advisory Board on Motorcycle Safety supports A.B. 256.

**Chair Manendo:**

Do you want to walk us through the bill?

**Mr. Harrell:**

Yes. Sections 1 and 2 of A.B. 256 deal with trimobile vehicles. They were created in the 1980s as rear-wheel-drive vehicles. Some trimobles today have front-wheel drive, with two of the three wheels in the front. The language in these sections clarifies this point and distinguishes trimobles from sidecars.

Section 3 concerns eyewear standards. Federal standards exist for helmets but not for eye protection. The rule is that eye protection must be worn. We are not opposed to this, but confusion exists at the DMV and with the public about what is standard eye protection. The bill's language removes the wording about standards for eye protection because no federal standards have ever been written. Section 5 clarifies the height requirement for reflectors mounted on the back of motorcycles. We recommend elimination of a height measurement and inclusion of a requirement that reflectors be visible within 300 feet from the back of the vehicle.

Section 6 clarifies protection of the fund for the Account for the Program for the Education of Motorcycle Riders. This program, created in 1991, is funded by the addition of \$6 to each motorcycle registration. To address the State budget shortfall last Session, \$126,000 was taken from the Account. Motorcyclists felt they had been shortchanged. Section 6 also will help protect receipt of federal matching funds.

Section 7, subsection 2 raises the tuition cap for the Program for the Education of Motorcycle Riders from \$100 to \$150 to reflect the increase in costs since the fee's establishment in 1991. This is not a fee. The Governor recommended the tuition be raised to prevent supplementation of tuition with funds needed elsewhere. Another part of section 7 of the bill allows active duty members of the Armed Forces of the United States stationed in Nevada to take the course.

Section 8 involved the height of motorcycle handlebars. In 1971, chapter 486 of the NRS was created after a series of what I call "classic bad motorcycle movies" were produced. Nothing in the NRS until then pertained to motorcycles. I have researched the laws in neighboring states concerning handlebar height. Oregon and Idaho do not mention it in statute. Other states limit the height to shoulder height. The general height in statutes across the Country, and the height manufacturers seem to prefer, is no more than 6 inches above the shoulders. Members of the Advisory Board consider this height a good compromise for all types of riders.

**Senator Gustavson:**

Since Senator Hardy had to leave for a few moments, I will ask his question about reflectors. Recently, we heard about the danger of rear-end accidents when cars following too closely hit motorcycles. Why would people want to place reflectors higher or lower if rear-end accidents are so common? I assume it has something to do with vehicle design. We want to ensure motorcycle safety. Please explain the reason you want to change the height of the reflector.

**Mr. Harrell:**

A few companies are making motorcycles with reflectors lower than required in the NRS. The members of the Advisory Board considered the situation and decided to recommend that reflectors be visible from 300 feet behind the vehicles. This is the result we believe supports safety, regardless of the height of the reflectors. Visibility behind the vehicle is more important in this regard. We cannot change what the manufacturers are producing in the United States and worldwide.

**Senator Gustavson:**

You said the tuition being changed from \$100 to \$150 for the motorcycle training class is not a fee. The NRS states it is a fee. I do not argue with increasing the amount to remain up to date with today's prices. Should we

change section 7, subsection 2 of the bill? It states, "The Director shall establish a fee of not more than \$150 for the Program."

**Mr. Harrell:**

I helped draft the 1991 legislation that created the program. We thought a fee or tuition of \$100 would be sufficient for a long time. Not only have prices increased for gasoline and motorcycle maintenance, today several private enterprises also conduct classes similar to the one we have through the community colleges. I work for Harley-Davidson. My company offers a training program called Rider's Edge. Our fees are set by what we provide the riders, which includes helmets and meals. Our tuition is \$275 per class. We are in competition with a public entity—the community college system—that offers its classes in the \$100 to \$150 range. I would like to see the tuition eliminated from my company's program. The community college staff members are concerned that people will stop taking the classes if the tuition cap is eliminated altogether. I do not believe that will happen because the classes have a successful history of teaching people to ride safely. The Advisory Board members asked for the cap to be \$200, but the Governor requested \$150. This amount is a good start to help the community colleges fund the program. They may have to increase the tuition for the program.

**Senator Gustavson:**

The bill does say "fee." I do not have a problem with it, but other Legislators might, as it will require a two-thirds majority vote. That may make it more difficult to pass the bill. I thought it was passed last Session because we have discussed this fee before. Apparently, it did not pass.

Section 3, subsection 1 of the bill states, "The Department shall adopt standards for protective headgear ..." You wish to delete the words "and protective glasses, goggles or face shields" because of the confusion between what is approved and not approved. Is there not the same confusion about NDOT-approved helmets?

**Mr. Harrell:**

No federal or national eyewear standards exist that the State could adopt, unlike standards for motorcycle windshields and helmets.

**Senator Gustavson:**

I know there is much confusion in the State about approved headgear. We might eliminate the wording about headgear in this bill as well.

**Chair Manendo:**

I have seen trimobiles on the roadways. How fast can they go?

**Mr. Harrell:**

Initially, the trimobile was manufactured with a car engine placed over the rear axle. This model can reach street speeds. The new Can-Am Spyder model made by Bombardier Recreational Products has the two wheels in front. It can reach street speeds as well.

**Chair Manendo:**

Must a trimobile be licensed, insured and registered?

**Mr. Harrell:**

Yes.

**Chair Manendo:**

Must a driver of a trimobile wear a helmet?

**Mr. Harrell:**

There has never been a helmet requirement for trimobiles.

**Chair Manendo:**

Can these vehicles travel on highways at highway speeds?

**Mr. Harrell:**

Yes.

**Chair Manendo:**

Would a person need a regular driver's license to drive Can-Am Spyder?

**Mr. Harrell:**

The DMV provides a test for drivers of trimobiles who can take classes at the community colleges or through private providers.

**Peter Vander Aa (Program Administrator, Program for the Education of Motorcycle Riders, Office of Traffic Safety, Department of Public Safety):**

The current trimobile definition is of a vehicle with two rear-drive wheels. The Can-Am Spyder only has one rear wheel, so it is considered to be a motorcycle requiring an M-class license and wearing a helmet. Changing the definition of a trimobile to say it has three wheels on the ground, regardless of which wheels are the drive wheels, will put models like the Can-Am Spyder in the trimobile category. Helmets no longer would be required for drivers of these vehicles.

**Ms. Johnson:**

This bill was written so the applicable definition of trimobile for purposes of the helmet law is not amended. This means the earlier tricycle-style trimobile will not require a helmet, but models like the Can-Am Spyder will require helmets.

**Mr. Vander Aa:**

Removing the part of the definition about the two rear-drive wheels automatically would mean models with two wheels in front are trimobiles.

**Ms. Johnson:**

The amended definition only appears in NRS 482. The definition in NRS 486 specifically was not amended for that purpose.

**Mr. Vander Aa:**

I understand.

**Senator Hardy:**

In off-road driving, tricycle models no longer are used because they were unsafe. Quad vehicles are the norm now. Do we have accident, injury and survivability statistics comparing the safety of trimobiles of either model compared to motorcycles or cars?

**Mr. Vander Aa:**

I can research the question and provide the data to you later. Trimobiles have been on the market for a while, but they have become more popular lately as the population ages. Harley-Davidson now is making a trimobile called the Tri Glide. Previously, trimobiles had to be converted from motorcycles through kits. Now trimobiles are considered to be in the mainstream.



**Senator Hardy:**

I am interested in safety factors. I am not sure we have enough information to make safety determinations yet.

**Mr. Vander Aa:**

The wheelbase of a three-wheeled off-highway vehicle was not as long as that for the trimobiles.

**Senator Hardy:**

Can trimobiles tip over like the off-highway vehicles did?

**Mr. Vander Aa:**

Yes, just as a motorcycle can tip over if not operated properly. Classes are available to teach people how to ride trimobiles. It is less likely for a trimobile than a motorcycle to tip over.

**Ms. Johnson:**

I was incorrect. The models with two wheels in front have been added to the definition of trimobile for purposes of NRS 482 and 486. According to the language of A.B. 256, drivers of trimobiles are not required to wear helmets or obtain a motorcycle endorsement on their licenses.

**Chair Manendo:**

The lack of a helmet requirement concerns me when these vehicles can reach highway speeds. Mr. Harrell, could you clarify why you propose to remove eye protection standards from section 3 of the bill?

**Mr. Harrell:**

When the Legislature passed the helmet law, eyewear was included in the wording. Since then, federal standards have been in place for helmets, but no federal standards have ever been developed for motorcycle eyewear. The State has had no reference for requiring eyewear all this time, so we want to remove a requirement from the NRS that cannot be upheld.

**Chair Manendo:**

Committee members have been looking at the Can-Am Website. All riders are wearing helmets.

**Senator Hardy:**

What are the helmet laws for trimoblists in other states?

**Mr. Vander Aa:**

Helmet laws vary from state to state for motorcycles and trimobles. Some states consider trimobles to be motorcycles. Other states, like Nevada, consider them something separate from motorcycles. I can do more research.

**Senator Hardy:**

I want to know which states consider a trimobile to be a motorcycle as well as the helmet laws for trimobles and motorcycles for each state.

**Mr. Vander Aa:**

Yes. I will get that information to the Committee.

**Chair Manendo:**

Would Nevadans be ticketed in other states if the laws regarding handlebar height, headlights and rear reflectors were different in those states?

**Mr. Vander Aa:**

Each state enforces its own laws. Some require quieter mufflers, for example. It is possible that a Nevadan could receive a ticket in another state with different requirements for motorcycles and trimobles. The manufacturers are adding new styles, including four headlights. We have tried to write this bill with all of this in mind.

**Senator Gustavson:**

At least 30 states do not require helmets be worn by motorcyclists. I do not know about trimobile requirements. A motorcyclist coming from Arizona, where helmets are not required, to Nevada will receive a ticket here.

**Chair Manendo:**

I will close the hearing on A.B. 256 and open the hearing on A.B. 405.

**ASSEMBLY BILL 405 (2nd Reprint):** Revises provisions concerning the identification of seasonal residents and establishes provisions concerning the permitting of the motor vehicles of seasonal residents. (BDR 43-414)

**Assemblyman Richard Carrillo (Assembly District No. 18):**

I will read my written testimony ([Exhibit G](#)) in support of A.B. 405.

**Senator Hardy:**

Some people have told me they feel this bill requires them to do something more than what they should have to do. Does this bill provide an exemption to people who otherwise are required to register their cars in Nevada after being in the State 30 days?

**Assemblyman Carrillo:**

Yes. This bill allows them an exemption. Their biggest problem is not having a way to show they are seasonal residents, even though they can obtain seasonal identification cards. The premise of A.B. 405 is to provide a way to show they are here legitimately. It would help local law enforcement officials know who is here seasonally as well.

**Senator Hardy:**

Is it against the law for a person to be in Nevada for more than 30 days and not register his or her car here?

**Assemblyman Carrillo:**

I will defer to a representative from the DMV.

**Ms. Carter:**

True seasonal residents are not required to register their vehicles in Nevada.

**Senator Hardy:**

Are the retired snowbirds who stay in Nevada 6 months considered seasonal residents?

**Ms. Carter:**

Certain statutory provisions govern that determination. One is the person must have established residency in another state in which he or she pays taxes. The person must go back to the home state at least 30 days each year. In the scenario you have given, the people are considered seasonal residents in Nevada.

**Senator Hardy:**

If their home state does not have income tax, how is the determination made?  
I have more questions than time to research the answers now.

**Ms. Carter:**

I have all the information in my office and will compile it for you later today. It is complicated.

**Senator Gustavson:**

I have concerns with A.B. 405. Proof of residence in another state needed to obtain the indicia should be enough to prove one is a seasonal resident. Do other states such as Arizona and Florida require similar proof?

**Ms. Carter:**

Other states provide permits such as the ones proposed in A.B. 405. Obtaining indicia as proposed in this bill is voluntary for seasonal residents. The sponsor of the bill is trying to provide a visual indicator so that law enforcement personnel will know who is officially a seasonal resident.

**Senator Gustavson:**

In other words, they have to pay to avoid being harassed.

**Senator Spearman:**

Are there states using memoranda of reciprocity to acknowledge snowbird residents? Is there another way to address the matter than the proposed indicia? Border communities like Laughlin would be hardest hit. People in the military do not have to prove seasonal residency. Would they only need to show military identification to law enforcement personnel? How does that work?

**Assemblyman Carrillo:**

Obtaining the indicia is voluntary. I do not know about the situation for members of the military. Are you asking if this bill will provide a measure of protection against being cited by a constable or other law enforcement official?

**Senator Hardy:**

How does Nevada collect funds to maintain its roads without penalizing people who come here for a few months? How do we advance the advantages of the bill without incurring the disadvantages, the harassment?

**Assemblyman Carrillo:**

It is voluntary now and will not become mandatory. The seasonal residents help our economy. I want to provide something to reduce their worrying about being harassed. They can have seasonal identification cards, but those are not visible to people who see them drive by with out-of-state license plates. People in the community call the Fair Share program to report these out-of-state people, who are then cited with a \$100 fee. Assembly Bill 405 proposes another way to prevent this situation.

**Senator Hardy:**

Section 2 and subsections 1 and 2 state:

A seasonal resident may operate a motor vehicle upon the highways of this State without registering the vehicle in this State pursuant to this chapter if the seasonal resident: 1. Possesses and displays a valid decal, sticker or other indicia of seasonal ... ; and 2. Possesses a valid identification card for seasonal residents that is issued pursuant to section 5 of this act.

They can operate vehicles if a form of identification is on the vehicle or if they carry identification in their wallets. Section 5 provides they can obtain identification to carry in their wallets if they pay \$17. Am I reading this correctly?

It states in section 5, subsection 2, "The Department shall charge and collect the following fees for the issuance of an original, duplicate or changed identification card: ..." That subsection specifies a fee of \$17 for an original or duplicate identification card issued to a seasonal resident. For a renewal of an identification card, the fee is \$17. To have a new photograph taken will cost \$10. Assembly Bill 405 appears to say it will cost \$18 to have something to put on one's car and \$17 to have something to put in one's wallet. Either way, the seasonal resident will pay some amount to not be harassed.

**Ms. Carter:**

You are correct. It is \$18 per year for the permit. The 4-year seasonal identification card is \$17. The DMV submitted a fiscal note late yesterday to cover additional programming costs involved in this and other bills. We informed Assemblyman Carrillo of this change.

**Senator Hardy:**

What is the fiscal note for the indicia and the programming costs?

**Ms. Carter:**

For the first year of contracted programming services and regulations, the cost is expected to be \$86,156. In future biennia, the indicia will generate revenue. We estimate \$147,970 for fiscal year 2014-2015 and \$296,000 each biennium thereafter.

**Assemblyman Carrillo:**

I have received many colorful emails about this bill. It is not meant to harass people traveling in recreational vehicles. People can decide to obtain the indicia; it is voluntary. Ultimately, I do not care if people obtain the indicia. I do care that they are cited by police and have to pay \$100 fines. The State will make more money when people who choose not to buy the indicia are cited and pay the fines. We would rather have the \$100 than the \$18 per vehicle. Seasonal residents spend money in Nevada. I am trying to help them show that they are not trying to skirt Nevada law. It is their choice, however. We do not want to stop people in recreational vehicles from coming to Nevada.

**Senator Gustavson:**

I agree with what you are trying to do. It is a good idea up to a point. The bill will generate revenue. Are you willing to make the bill revenue-neutral? The amount of \$18 may not be high for some people, but it might be for others.

**Assemblyman Carrillo:**

The bill will generate some revenue. There are costs involved to produce the indicia and account for their sales. We do not want to create a free-for-all situation. We do need some way to keep track of seasonal residents. I am not sure how we could create the process to be revenue-neutral. The point is not the money but protecting seasonal residents from being cited for having out-of-state plates.

**Senator Gustavson:**

I understand that the DMV must be able to cover its costs. This program is estimated to generate revenue for the State; I am asking if it is necessary to create a revenue-generating program to protect our snowbird residents.

**Assemblyman Carrillo:**

I will repeat that it is voluntary. If no one purchases the indicia, no money will be generated. We may lose money. I did not bring this bill forward to increase the State's revenues but to protect seasonal residents. We would have to discuss with the DMV how to make it revenue-neutral. The largest part of the expense is start-up costs. People who move to Nevada to go to school are exempted from paying for indicia. The bill focuses on traditional seasonal residents. Because they have the option to buy the indicia, the revenue generated may not be as high as it has been estimated.

**Senator Gustavson:**

I understand that nobody likes to be harassed.

**Chair Manendo:**

How will the program be publicized, especially to seasonal residents?

**Ms. Carter:**

About 6,700 seasonal identification cardholders are in the DMV database now. They know such provisions exist. We will include the information on our Website. When people apply for a seasonal identification card, we will inform them about the indicia option. We expect the provisions of the bill to affect southern Nevada more than northern Nevada.

**Senator Spearman:**

Assemblyman Carrillo, my comments are not meant to appear flippant or mocking. They reflect many of the comments I have received from constituents. By asking their questions, we get accurate responses on record and can rebut their objections. Regardless of the number of people with seasonal identification cards, we still will not reach everyone. Is there a way to have the Commission on Tourism share the information with the public? Some of the objections in the emails I received concern retirees and students who cannot afford \$18 for the permit. There must be a way to show they are official seasonal residents. Somehow, based on emails we have received, the message has not reached members of the public.

**Assemblyman Carrillo:**

I do not consider any of your comments as mockery. I appreciate all constructive criticism. This bill is for the people who visit our great State. I want to ensure they are not harassed. We have no avenues to show how we can give

them the information. This is a drawback. Some of the emails I received were not pleasant. My concern is that people visiting Nevada have a way to show they are here legitimately and are not harassed. When a constable tickets a parked vehicle with out-of-state plates, the owner has no way to refute the matter since there is no sticker on the vehicle showing legitimate seasonal residency. Even when someone takes his or her seasonal identification card to the constable's office, nothing can be done. The bill is not meant to generate revenue but to protect the snowbirds who stimulate Nevada's economy.

**Chair Manendo:**

I will close the hearing on A.B. 405.



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**Chair Manendo:**

Seeing no further business before the Committee, we are adjourned at 10:36 a.m.

RESPECTFULLY SUBMITTED:

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Jennie F. Bear,  
Committee Secretary

APPROVED BY:

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Senator Mark A. Manendo, Chair

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

<b><u>EXHIBITS</u></b>				
<b>Bill</b>	<b>Exhibit</b>		<b>Witness / Agency</b>	<b>Description</b>
	A	1		Agenda
	B	2		Attendance Roster
A.B. 145	C	1	Assemblyman Richard Carrillo	Written Testimony
A.B. 145	D	1	Kyle Davis	Proposed Amendment
A.B. 145	E	1	Kyle Davis	Written Testimony from Mauricia M.M. Baca
A.B. 256	F	1	Assemblyman Richard Carrillo	Written Testimony
A.B. 405	G	1	Assemblyman Richard Carrillo	Written Testimony