

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

**Seventy-Eighth Session
May 5, 2015**

The Committee on Transportation was called to order by Chair Jim Wheeler at 3:22 p.m. on Tuesday, May 5, 2015, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 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 www.leg.state.nv.us/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Jim Wheeler, Chair
Assemblywoman Jill Dickman, Vice Chair
Assemblyman Nelson Araujo
Assemblyman Richard Carrillo
Assemblywoman Victoria A. Dooling
Assemblywoman Michele Fiore
Assemblyman Edgar Flores
Assemblyman Brent A. Jones
Assemblyman P.K. O'Neill
Assemblyman Stephen H. Silberkraus
Assemblywoman Ellen B. Spiegel
Assemblyman Michael C. Sprinkle
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

Assemblywoman Marilyn K. Kirkpatrick (excused)

GUEST LEGISLATORS PRESENT:

Senator James A. Settelmeyer, Senate District No. 17

Minutes ID: 1093



STAFF MEMBERS PRESENT:

Michelle L. Van Geel, Committee Policy Analyst
Melissa M. Mundy, Committee Counsel
Henri Stone, Committee Secretary
Trinity Thom, Committee Assistant

OTHERS PRESENT:

Amy McKinney, Administrator, Administrative Services Division,
Department of Motor Vehicles
A.R. (Bob) Fairman, representing ARF Corporation
Kimberly Maxson-Rushton, representing the Livery Operators Association
of Las Vegas
Jonathan Leleu, representing the Nevada Bus and Limousine Association
Andrew J. MacKay, Chair, Nevada Transportation Authority

Chair Wheeler:

[Roll was taken. Protocol was explained.] We will begin by hearing
Senate Bill 127 (1st Reprint).

Senate Bill 127 (1st Reprint): Revises provisions relating to the Department of
Motor Vehicles. (BDR 43-601)

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

Senate Bill 127 (1st Reprint) originates, like many bills, from our constituents. I was contacted by numerous constituents with various problems. This bill, in particular, is for a constituent's husband who was not doing well health-wise and decided that he had to buy a Harley-Davidson motorcycle before he passed away. It was sentimental more than anything. He rode it for about a month and, unfortunately he passed away. The spouse saw no reason to keep the Harley so she decided to sell it. Upon doing that, she was told by the Department of Motor Vehicles (DMV) that she was allowed a credit on the account. She had ten months that were not utilized. Those ten months escheated at a rate of 1/12th at a time for the remainder of the ten-month period. Her next registration was not for 11 months, so she would lose all of that value. Later she purchased another vehicle, but by that time she had lost half the credit at the DMV because it was six months later.

This bill seeks to allow individuals, if they have a credit, to keep that credit in full to the length of the original registration. In this individual's case, it would have been ten months during which she would have had the full value to apply

to another vehicle for that ten-month period rather than having it escheat away at a 1/12th rate. That is basically the gist of the bill. There is a friendly amendment ([Exhibit C](#)) from the DMV wanting to delay the implementation date until practical. If they are able to get the new computer system they desperately need, they may be able to do it sooner. If the budget does not work out so the DMV can get the new computers, they may be delayed and will need more time. It is that simple. I am willing to change the effective date of the legislation.

Assemblyman Carrillo:

Last session we had a bill making it possible to register trailers for up to five years. How would that work out in this case? If you have a trailer that is a \$24 fee per year and that is five years, it would be over \$100. So two years into it, would you still be able to credit that fee money back to whatever other vehicle you might have coming up for registration or renewal? Is that how it works?

Senator Settlemeyer:

That would be my understanding. This would allow someone to keep the balance for the remainder of their time frame. If you had a trailer that had a two-year lease and you are a year into it, you have only half of that money left. You would be given what is left of that year before it had to be applied or transferred to another DMV-related registration. This is not for everything; it is only for registration of vehicles and things of that nature. If you have other expenditures, that does not qualify. There are some payments that must be made to the DMV that are not registration expenses.

Assemblyman Sprinkle:

This was not heard in the Senate Committee on Finance because it was not referred to them—I notice there is a fiscal note on this bill from the DMV.

Senator Settlemeyer:

Correct. It was felt that it was de minimis. It was a situation where these individuals were owed this money. It is just a question of when they were able to get it back.

Assemblyman Sprinkle:

How often does this happen?

Senator Settlemeyer:

It is not a huge problem; however, it seems to be the right course of conduct for the state to say that you will not lose your money over that time frame. Most of the cases we have run across are individuals who have lost a spouse or

lost the ability to drive. They no longer needed a second or third vehicle. They liquidated that asset but were left in a situation where they did not know what to do with that credit. This gives them more time. Originally, there was discussion of having this bill get them the money back. However, that was far too costly for the State. We pared it back to try to be more reasonable and have a less detrimental effect on the State.

Chair Wheeler:

Are there any further questions for the Senator? Seeing none, I will take testimony in favor of S.B. 127 (R1). Is there anyone in Las Vegas? [There was no one.] I will take testimony in opposition to S.B. 127 (R1) here in Carson City. Seeing none, we will go to Las Vegas. [There was no one.] I will take testimony in the neutral position in either place.

Amy McKinney, Administrator, Administrative Services Division, Department of Motor Vehicles:

I am testifying for the DMV as neutral on this bill. Just to clarify the fiscal impact, the first amendment to this bill revised the fiscal impact and eliminated the programming costs. Right now, the costs outlined in the most current fiscal note represent about a half million dollar loss over the biennium.

Chair Wheeler:

With the amendment, there is no fiscal note and without the amendment, there is? Is that what you are saying?

Amy McKinney:

There was an initial amendment done to change the purpose. Initially, the credit was permitted to be allowed on any other transaction with the DMV. That was amended to change it only to be used toward another registration. The latest amendment changes the implementation date from October 1, 2015, to January 1, 2016. The fiscal note that we had submitted was about \$600,000. With the implementation being moved out another three months, it is less.

Chair Wheeler:

Are there any questions for Ms. McKinney? Seeing none, is there any other testimony in the neutral position? [There was none.] Senator Settlemeyer, would you like to give a closing statement? [He did not.] We will close the hearing on S.B. 127 (R1). We will open the hearing on Senate Bill 376.

Senate Bill 376: Revises provisions relating to motor carriers. (BDR 58-632)

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

The concept for Senate Bill 376 is that if a person has a problem with a division or an agency, it is my opinion that they should have a judicial remedy: the ability to address the issue in a court of law to find a resolution if they have problems within the normal process. That is the effect of this bill. It gives a citizen, regarding "Any decision or action by the [Nevada Transportation] Authority which has the effect of substantially impairing, restricting or rescinding the ability or authorization of a fully regulated motor carrier," the ability to appeal that decision "directly to a court of competent jurisdiction for judicial review."

There have been some discussions with you, Mr. Chair, and several other individuals trying to find things to try to help out the motor carriers in the state of Nevada. I have also had some discussions with Mr. MacKay from the Nevada Transportation Authority to look at the definition of business hours and if we should leave that in the *Nevada Administrative Code* (NAC) or have that go to *Nevada Revised Statutes* (NRS). We have had situations where constituents had the agency come by and say that they were not open during "business hours." Does "business hours" refer to the business's hours or the agency's business hours? Those are discussions that are going on now trying to resolve issues. There are some continuing negotiations trying to find resolutions, trying to help the taxicab industry, and to help all industries in the state of Nevada.

Assemblyman Jones:

This bill only relates to counties with populations of less than 700,000. In Clark County, we have another authority that regulates cabs. Why could we not do both at the same time?

Senator Settelmeyer:

I appreciate that question. The reason I put the bill in as such is for the situation as it happened in my district. Therefore, I asked the Legal Division to prepare something that would effectuate those changes for the constituents in the counties I represent. This was a situation that was occurring within the Nevada Transportation Authority's (NTA) jurisdiction. As you know, the NTA is only present in northern Nevada. If it is at the discretion of this Committee to branch this out to the Taxicab Authority, that would probably seem wise.

Assemblyman Jones:

This is my first time to serve on this Committee. I remember that when I was getting my initial briefing, a Clark County entity said that in 16 years, no other entity had been granted any rights to do anything new. Would this bill directly affect enough that we would open up some free market competition?

Senator Settlemeyer:

The concept is that it would give someone the ability to go to judicial review if they felt that the process was flawed. It does not change the end result. If you feel there was an error in the administrative process, this change would allow you to appeal the decision based on that error but not necessarily the result. It could help in some respects, but it would not necessarily have the effect that you are envisioning.

Chair Wheeler:

Are there any further questions? We will take testimony in favor of S.B. 376 in Carson City.

A.R. (Bob) Fairman, representing the ARF Corporation:

I agree with this bill. I think we should pass it and make it more feasible for the motor carriers. I do have a friendly amendment to submit. I have been asked at this time not to do so.

Chair Wheeler:

Are there any questions for Mr. Fairman? Seeing none, I will take any other testimony in favor of S.B. 376. Seeing none, there is someone in Las Vegas signed in as opposed. If there is anyone in Carson City in opposition, please come up and fill the chairs. We will begin in Las Vegas.

Kimberly Maxson-Rushton, representing the Livery Operators Association of Las Vegas:

The opposition to S.B. 376 was specific to the proposed amendment. Therefore, if that amendment is not going to be tendered, I would simply note that under the provisions as outlined in S.B. 376, those parties that appear before either the NTA or the Taxicab Authority in southern Nevada currently do have a right to have their matters reviewed pursuant to petition for judicial review that goes to the court. What is being proposed is the exemption of a review of the Taxicab Authority's decision by the NTA.

Chair Wheeler:

Are you against the amendment or against the bill? I do not see that in the bill.

Kimberly Maxson-Rushton:

We were opposed to the amendment specifically, but section 8, subsection 2, of this bill states that any final decision of the Taxicab Authority would be made pursuant to and subject to judicial review under NRS 233B.130. Currently, final decisions of the Taxicab Authority go to the Nevada Transportation Authority for consideration.

Chair Wheeler:

I am going to defer to Legal on that and ask if we can clear this up quickly. Is this provision in section 8, subsection 2, for after the NTA has made their decision?

Melissa M. Mundy, Committee Counsel:

No. The language in subsection 2 would take away the ability of a person to have the decision of the Taxicab Authority go to the NTA. It would skip that and instead go to judicial review.

Kimberly Maxson-Rushton:

The ability to have another administrative agency review a matter is less onerous and less burdensome to a party versus going directly to the court. It is also less burdensome on our courts. As this Committee is aware, provisions were recently enacted whereby appellate courts can take some of the obligations off of the lower courts and lessen congestion. This change would otherwise contribute to that. I would respectfully submit that the administrative process currently in place under NRS Chapter 706 is favorable to the parties and allows them a less costly and less burdensome review of their matter versus going directly to the court system for consideration.

Chair Wheeler:

Does anyone have any questions? Seeing none, we will go to Mr. Leleu here in Carson City.

Jonathan Leleu, representing the Nevada Bus and Limousine Association:

I apologize to the sponsor of this bill. I have not yet met with him and usually like to do this to discuss our opposition to the bill.

We are in opposition to the bill. We believe that NRS and NAC already allow for judicial review following final action. We believe that a final action means a final decision rendered by the administrative body. Once the administrative body renders its decision, then the judicial remedies are available to an aggrieved party to the extent that they feel an appeal is necessary. Allowing a party to appeal during the middle of the process based on an action or a perceived action that may substantially impair, restrict, or rescind the ability of that party to do business could lead to some adverse effects with the courts and the process, and lead to less dependable results. We are happy that Senator Settelmeyer is willing to meet with the parties involved to discuss some amendments and we will take him up on that.

Chair Wheeler:

Does anyone have any questions for Mr. Leleu? [There were none.] I want to say that if you do want to put forth any amendments, we would like to see them. We are going to schedule this bill for a work session on Thursday because of the number of bills we have to get out of here before the deadline. I would like the Committee to have a chance to see at least one amendment and have time to digest it.

Is there anyone else in opposition? [There was no one.] I will take testimony in the neutral position.

Andrew J. MacKay, Chair, Nevada Transportation Authority:

I signed in as "if needed."

Chair Wheeler:

Does anyone have any questions for Mr. MacKay? [There were none.]

Chair Wheeler:

Is there anyone in Las Vegas in the neutral position? Seeing none, we will close the hearing on S.B. 376. We will open the floor to public comment. [There was none.] [([Exhibit D](#)) was submitted on NELIS but not discussed, and will become part of the record.] The Committee is adjourned [at 3:45 p.m.].

RESPECTFULLY SUBMITTED:

Henri Stone
Recording Secretary

Erin Barlow
Transcribing Secretary

APPROVED BY:

Assemblyman Jim Wheeler, Chair

DATE: _____

EXHIBITS

Committee Name: Assembly Committee on Transportation

Date: May 5, 2015

Time of Meeting: 3:22 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 127 (R1)	C	Amy McKinney, Department of Motor Vehicles	Proposed Amendment
S.B. 376	D	A.R. Fairman, ARF Corporation	Proposed Amendment