

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

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

The Committee on Transportation was called to order by Chair Jim Wheeler at 3:22 p.m. on Thursday, March 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:

None

Minutes ID: 400



STAFF MEMBERS PRESENT:

Michelle L. Van Geel, Committee Policy Analyst
Joan Waldock, Committee Secretary
Trinity Thom, Committee Assistant

OTHERS PRESENT:

Eric Spratley, Lieutenant, Legislative Services, Sheriff's Office,
Washoe County
Brian O'Callaghan, Government Liaison, Office of Intergovernmental
Services, Metropolitan Police Department, City of Las Vegas
Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs'
Association

Chair Wheeler:

[Roll was called and committee protocol and rules were explained.]

We have two bills today, both being presented by Assemblyman Carrillo.

We will change the order and have our work session first. We will start with the work session on Assembly Bill 43.

Assembly Bill 43: Clarifies confidentiality provisions governing certain documents. (BDR 35-377)

Committee members, you have been given an amendment to Assembly Bill 43 (Exhibit C). The amendment has been agreed to by all parties, so it is a friendly amendment. Both parties are here if we have any questions. I will take a motion to amend and do pass.

ASSEMBLYMAN JONES MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 43.

ASSEMBLYWOMAN FIORE SECONDED THE MOTION.

Does anyone have any questions?

Assemblyman Sprinkle:

Under the comment for this amendment, I had concerns with some of the transparency with the bill. This amendment helps with some of those concerns. Simply because of that fact, I will be voting in favor of it.

Chair Wheeler:

Are there any other questions? [There were none.]

THE MOTION PASSED. (ASSEMBLYWOMAN KIRKPATRICK WAS ABSENT FOR THE VOTE.)

Mr. Sprinkle will make the floor statement. We will now move on to Assembly Bill 145.

Assembly Bill 145: Revises provisions governing the registration of vehicles. (BDR 43-54)

Michelle L. Van Geel, Committee Policy Analyst:

Assembly Bill 145 was heard in Committee on February 24. It revises provisions concerning the refund of the registration fee and governmental services tax on a vehicle under certain circumstances. If the owner of a vehicle is seriously ill or has died and if the guardians or survivors have sold or disposed of the vehicle, the bill requires the Department of Motor Vehicles (DMV) to refund to the guardians or survivors the portion of the fees and taxes paid for the remainder of the calendar year or registration period on a pro rata basis. The guardians or survivors must cancel the registration and surrender the license plates not more than 60 days after the vehicle is sold or disposed of, and they must request the refund at that same time ([Exhibit D](#)).

The attached amendment is provided by the Department of Motor Vehicles. It clarifies that the refunds only have to be provided if the amount eligible for refund exceeds \$100. That was a question that had come up during testimony on the bill. Chair Wheeler had indicated that that was the intent. With this amendment, if the Committee agrees to it, the staff of the DMV indicated that rather than the current fiscal note on the bill which would be a loss of revenue of nearly \$500,000, the loss would only be about \$85,000.

Chair Wheeler:

I will take a motion to amend and do pass.

ASSEMBLYMAN SILBERKRAUS MOVED TO AMEND AND
DO PASS ASSEMBLY BILL 145.

ASSEMBLYMAN JONES SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN KIRKPATRICK WAS
ABSENT FOR THE VOTE.)

Mr. Silberkraus will make the floor statement.

We will move on to Assembly Bill 188.

**Assembly Bill 188: Revises provisions governing certain equipment for motor
vehicles. (BDR 43-626)**

Assemblyman Richard Carrillo, Assembly District No. 18:

One of the things I would like to address is that with the extreme number of aftermarket auto parts, many times it is not well controlled as to what is street legal and what is not. [Referred to prepared statement ([Exhibit E](#)).] Before I get into the specifics of the bill, I would like to give you a tutorial on high intensity discharge lights, also known as HID lights ([Exhibit F](#)).

A high intensity discharge light is a type of electrical gas-discharge lamp that produces light by means of an electric arc between tungsten electrodes housed inside a translucent or transparent fused quartz or fused alumina arc tube. The tube is filled with both gas and metal salts.

The visible light spectrum is divided up by a characteristic called color temperature. Color temperature is defined by the temperature of an ideal black body radiator that radiates light equal to its surface temperature. A black body is an object that absorbs all light and emits light dependent on its surface temperature. To boil it down into simple terms, color temperature is the color code given to a particular light source based on how we perceive it with human eyes. This code is stated in units of absolute temperature and is measured in kelvin (K), similar to how we know temperature by Fahrenheit or by Celsius. For example, the sun's color temperature on an overcast day is listed at approximately 7,000 K (blue/white), and on a day with direct light will fluctuate anywhere from 4,300 K to 6,500 K. The fluorescent lights in this room are approximately 5,000 K.

You have a sheet in front of you ([Exhibit G](#)) that gives more of a breakdown of the color temperature from 3,000 kelvin (K) up to 12,000 K. It goes higher than 12,000 K, but I wanted to give you a narrower spectrum. At 3,000 K, there is a yellow light often used in place of halogen fog lamps. I will not go through each description, but if you go from 3,000 K to 12,000 K, you will see a violet light. This color has the least light output and should not be used for nighttime driving. You have probably seen some of these lights out on the roadway, but they are not designed for that application. You have a copy of this sheet and it has been put on Nevada Electronic Legislative Information System (NELIS) so that the public will also have access to both.

This is a color spectrum for actual vehicle lights. Higher color temperatures are known as cool colors—5,000 K and up—and produce bluish white to violet light while lower color temperatures—5,000 K and below—are called warm colors and produce yellowish white to red light. You lose a lot of the contrast from computer-generated picture to seeing it in person.

Factory HID systems use 4,300 K bulbs while a majority of aftermarket systems use 5,000 K or 6,000 K bulbs. Going above 8,000 K or below 4,300 K decreases light output significantly and should only be used in show cars that would not be for highway or street use. The slides show examples that you may have seen on the street, which are the ones I am referring to.

These would more commonly be used as fog lights, not as actual headlights. They would be used secondarily. The biggest problem with these is their reduced output of light and the fact that they are a distraction. There are so many variations in the spectrum out there. The premise for A.B. 188 is to provide specifics for aftermarket lighting.

Many people believe that color temperature of a HID light is based on how bright it is—the higher the kelvin temperature, the brighter it is—but this is false. The higher the kelvin temperature rating, the more blue/violet the light becomes and the less useable light output there is. If you look at the chart that I put on NELIS as well as what is on the slide presentation, you can see the color spectrum as it applies to actual vehicle lights. I did not want to preempt federal law which already has requirements for vehicles coming from the factory. Section 1, subsection 4 states that "the provisions do not apply to the extent preempted by federal law." I did not want to touch what federal law covers. I wanted to make sure that we did not go near the factory side of it, so this would only apply to aftermarket lights.

Now you have been given the crash course on HID lights. The presentation addresses the sections of the bill, which applies to aftermarket HID lights and not factory-installed vehicle or motorcycle HID lights.

Assemblywoman Spiegel:

If I understand the bill correctly, those blue lights that blind you as they are coming toward you would mostly be prohibited?

Assemblyman Carrillo:

The light spectrum from 5,000 to 6,000 K creates light that appears whitish with a slight tint of blue. That is what we want to keep. We are not trying to get into the higher spectrum of 8,000 K and above, which will start getting into the blue light. You might see a lot of these aftermarket lights, but there is currently no regulation covering them. I do not know if law enforcement can speak on that. I am not talking about that side of it. There is nothing in *Nevada Revised Statutes* (NRS) that addresses that. There could be ordinances put forth, but at this point there is nothing that is in statute.

Assemblywoman Spiegel:

If we are exempting the things that are under federal purview and only talking about aftermarket lights, how does law enforcement know the difference? As a consumer I know that if I am buying aftermarket headlights, I am only buying what they are selling to me, but if something is installed on my car, it is whatever comes with the car. If the original car had 8,000 K lights, how would law enforcement know whether the lights were original to the car, falling under federal purview, or if they were aftermarket?

Assemblyman Carrillo:

Car manufacturers have to keep in line with federal law; I did not interfere with that. Vehicles with factory lights are not going to have the dark blue colors; they are going to stay within their cycle of color. If you went to somebody to change the lights, he could modify them to pink or deep blue lights, which would be 8,000 K or above. Currently there is nothing to prevent you from using them.

Chair Wheeler:

Mr. Carrillo, having been in the aftermarket parts business for most of my life, maybe I can clear this up. There is a big difference between a replacement light and an aftermarket light. A replacement light actually fits in the original socket of the headlight. That falls under federal law. Are you talking about an aftermarket light or a replacement light?

Assemblyman Carrillo:

What we are looking at is aftermarket. If somebody had a car that did not come with HID setups, and they wanted to install them, this bill would cover that. I want to go over the different colors—the greens, pinks, purples, yellows—that people see on cars in oncoming traffic or in their rearview mirrors. Constituents have called me asking what can be done about these headlights that hurt their eyes. It is an issue that needs to be addressed, which is why I brought this bill before you.

Assemblyman Jones:

I am confused on the purpose behind this bill. Are we going to be in violation of federal law because someone gets his lights done in California and drives here? We have a lot of people coming over Interstate 15 who do not know these rules. Where does this fit in with the whole program, other than people calling you and saying they do not like the yellow or purple lights. Are there statistics that these lights are bad? What is the main impetus behind this? What are you trying to accomplish with this bill?

Assemblyman Carrillo:

This is an attempt to establish a standard in lighting so that we do not have such variety in the color of headlights. Having green headlights may be a personal preference, but it creates a distraction to opposing traffic. If you are a businessman, advertising on your vehicle is fine. When drivers focus on your lights instead of the road or when their eyes are irritated by your lights, that is a problem.

Assemblyman Jones:

Do you have any statistics that these lights are causing more accidents? There is also the jurisdictional question. We have many cars coming from California and Utah. Is this law in effect there? If we do this, how are people going to know if they are not compliant with the law? Most people probably do not monitor the kelvin of their lights.

Assemblyman Carrillo:

When I was 18 years old, I drove to California and got a ticket because the windows in my car were tinted too dark to be legal in that state. I did not know the law there, but ignorance of the law is not an excuse. I learned the hard way. When California required that cell phone use be hands-free, I complied when driving there, even before it became law in Nevada. In the same way, if someone drives here from Utah, which does not have a law regarding hands-free cell phone use, they still have to abide by our law.

Most of the different colored lights you see are above the federal limit of 4,300 K. The purpose of this bill is to regulate them. I have an aftermarket headlight setup. I have talked to many people who have these lights, as well as different automotive groups, including the Specialty Equipment Market Association (SEMA). I have also talked with people who hate the lights.

There is a reason bills are generated, usually because something happened to someone. An idea is taken to Legal. They research statistics and what other states are doing about the issue. That is how this bill came about. Other jurisdictions in the United States currently regulate aftermarket lights. This bill follows standards they have in place.

Assemblyman Sprinkle:

Along those lines, from the testimony I just heard and reading this bill, I am not quite sure how this is standardizing. It is more along the lines of permitting. The way I am reading it, "a motor vehicle may be equipped." It is not saying it has to be equipped or that you cannot have things outside those parameters. It says, such headlights between 5,000 and 6,000 kelvins may be equipped. It is allowing them. Maybe I am misreading it, but I am not sure how this is mandating something. This is more along the lines of allowing them.

Assemblyman Carrillo:

I know that "may" and "shall" are always sticking points. "May" leaves a little more wiggle room than the "shall." "Shall" mandates something. "May" indicates that some vehicles might have them, some might not. That is how I am looking at it. I do not want to split hairs on this. What are your thoughts on it? What I was looking at, Assemblyman Sprinkle, is that this gives the aftermarket industry a way to still use this type of headlight instead of not being able to use it at all. Other jurisdictions allow them. That is why I felt that people should be able to utilize them here, thus the "may" versus the "shall."

Assemblyman Sprinkle:

That is a little bit different than what I understood you to say in your earlier testimony. Trying to allow these headlights in statute is how I read this. Through the "may," this law is permissive—you are now allowed to use these.

Assemblyman Carrillo:

There is currently nothing in statute so everybody can use them. This establishes a standard for HID lights. The ones I am looking at are in the 5,000 to 6,000 K range, which is as close as we can get to the factory headlights specification. The range has been established in other jurisdictions.

Assemblyman Silberkraus:

I am trying to get a sense of the legislative intent. Is it in trying to restrict the color of the light emitted, or is it just restricting on the bulbs?

Assemblyman Carrillo:

Many of these bulbs do not have a high light output. They are more for show, for show cars. The Green Lantern actually has green headlights on his car. It is a show car. You would not normally see this type of superhero car running around the streets of Las Vegas. If it is sitting in a car show, the headlights are not a problem. There is currently no regulation whatsoever on it. The intent was to have some type of standardization for HID headlights. There is quite a spectrum of them. By using statutes from other jurisdictions as the model, we were able to stay close to factory limits while still allowing wiggle room to the aftermarket industry. The 5,000 to 6,000 K range gives them enough options and wiggle room.

Assemblyman Silberkraus:

In doing research about this, I found that a lot of the aftermarket chat rooms talk about using some of the lower temperature bulbs, but adding colored lenses or gels to create the same effect. Do you perceive that might be a problem going forward if you restrict this to the 6,000 K bulb, but then somebody gets a purple lens, creating the exact same thing? It is something to think about if the intent is to keep that color palette in the whiter range.

Assemblyman Carrillo:

If they are within the correct kelvin range, they are legal. Headlights still must produce a certain number of lumens. Putting a colored cover on it might be skirting the law, resulting in a fix-it ticket. It is hard to say. It would be up to the discretion of law enforcement. We have halogen lights that are 5,000 K that can have yellow-tinted fog light covers. They are legal for use when driving through fog.

Assemblyman Flores:

In anticipation of coming to Carson City, I bought some HID headlights that would serve as fog lights. I am going to check the kelvin scale on them, to make sure they are okay.

The intent of what you are doing now is not new. There was a craze for awhile where people put lights under their cars. They were very distracting to other drivers. Regulations were enacted that prohibited them. We often regulate lights for specific reasons. Why is this bill necessary? This is a trend. We have been regulating lights for a long time.

Assemblyman Carrillo:

Ultimately, HID lights are better in quality. Compared with halogen or incandescent, they produce a better quality light and shed light farther ahead of a car. The problem is that there are no regulations governing them. At one time the only people who could afford them were buying Mercedes-Benzes and BMWs that came from the factory with HID headlights. They have become so affordable that you can get a set of aftermarket HIDs for as little as \$75. At the same time, you have youthful drivers not even thinking about the color side of it. Colored HID lights look cool to them, but to other drivers they are a distraction.

Chair Wheeler:

Mr. Carrillo, we have an answer from Legal on the "may" and "shall" question.

Michelle L. Van Geel:

Melissa Mundy has messaged me a response. I will try to explain this. Without the bill, anybody can use any of these lights because use is not expressly prohibited. With passage of this bill, if the Committee chooses to pass it, the "may" means that if someone decides to use this type of light, they would have to follow the guidelines that are in the bill. Mr. Sprinkle, I hope that clears this up a little bit for you. We can have Ms. Mundy provide further explanation.

Chair Wheeler:

Yes, please, have her send an e-mail to everyone to let them know.

Assemblyman O'Neill:

Mr. Carrillo, I like the bill and want to thank you very much for it. Up until recently, I was very active with my motorcycle club. The safety officer, my good friend, and I were building some bikes for show—choppers. When we were building one of the bikes, we put on some high intensity blue lights. They were marked "not approved for highway usage" and quoted a Code of Federal Regulations (CFR) number that I do not remember. In conversation with the dealer, we discovered these lights emit a very bright light that is distracting, but it does not illuminate far enough down the road to be legal. We knew we could not take the show bike out on the road. I have seen some of the auto clubs choose a color of these high intensity lights that they like to put on their cars so they can easily identify who is driving at night. This would limit them from being a street-legal and safe vehicle. Is that the intent of your bill?

Assemblyman Carrillo:

You are referring to the car clubs that will have the same color headlights on all of their cars so that they identify they are members of the same car club. This bill has a section that applies to motorcycles as well. If you are on

a motorcycle, you want to be seen by other drivers, and as you approach cars, you do not get bigger, you keep the same size. With headlights on a motorcycle, it is almost like you want to irritate people so that they will see you. On the other hand, there needs to be a standard in the industry.

Regarding output of the lights, it does not serve much purpose for them to be bright but not let you see farther down the road. The pink lights do not illuminate as well as the bright white ones. That is why the car manufacturers put a lot of money into the design of these lights. They know exactly what is the best for cars. They have put a lot of research and development (R&D) and engineering into these things. Aftermarket lights do not have the same level of research that BMW, Mercedes, GM, and Ford have behind them. However, HID lights are a better product for motor traffic. They help.

Mr. Flores bought HID lights because he knew he was going to be in northern Nevada, where there are not lights everywhere. I have seen people driving around Las Vegas at night without their headlights on because it is so well lit you do not realize you are driving without your headlights. Here in Carson City, HID headlights are an advantage. Using HID lights can increase safety; whether you are on a motorcycle or in your family car, you are ensuring that you are going to have better visibility down the road. These are better lights. Right now there is just nothing to regulate their use.

I had not realized that there was nothing in statute until I researched it. I found out what other states are doing. Legislators have resources that are available so that we do not have to reinvent the wheel when it comes to legislation.

Chair Wheeler:

What is the maximum on kelvin that federal law allows?

Assemblyman Carrillo:

It is 4,300 K. That is why vehicle manufacturers keep it at that. The reason this bill allows 5,000 K to 6,000 K is that those are the limits other states have imposed. This keeps it within the Federal Motor Vehicle Safety Standard 108 study. I would be more than happy to give Committee members the breakdown of the study for backup.

Chair Wheeler:

The other question I have might be better answered by law enforcement people. Do you know if they have any method of measuring kelvins? How will they know whether or not you are in compliance?

Assemblyman Carrillo:

I cannot answer that. There is nothing that is in statute now. They will be looking at color—if headlights are not shining light that is white to bright white with a bluish tint, and if they see a blue or yellow light, it will be obvious that the kelvin is too high. If they are looking at 3,500 K headlights, it will be apparent that they are within the limits.

Eric Spratley, Lieutenant, Legislative Services, Sheriff's Office, Washoe County:

I did not sign in to support this bill. I had not read through it and did not think it had application. It does. I want to get it on the record that I support this bill and its intent. I have no statistics for Assemblyman Jones saying we have had any accidents relating to the different colored headlights. In my time on patrol and driving around at night, I know we had trouble measuring headlights and distances to begin with. By statute, they are required to shine 100 feet out for low beam and 300 feet out for high beam. I did not know why this was an issue until Mr. Carrillo presented this. The headlights do not project out far enough, they are bright, and they annoy other drivers. Anecdotally, the reason they are more annoying is that in not projecting out far enough, people will aim them higher to try to get more distance out of them. When they are cranked up higher, they are coming at you, right in your eyes, versus being down at the level specified by car manufacturers. First, the color attracts your attention, then the brightness distracts your vision. I support standardizing white lights in the front.

The argument those of us in law enforcement hear is that the old halogen headlights are more of a yellow-white and these are white-white. Just because my lights are more blue-white, they are still white. Now we have pink-white, green-white, purple-white. They are all essentially white lights of different shades. I certainly would not mind having a range where we could say, they looked pink as you were passing by, so we will let a court figure it out and you can prove that they were whatever kelvins. I do not know if there is a measuring device available for law enforcement. To "land the plane," from a law enforcement perspective, it is difficult to check the distance lights are projecting because figuring out where the light actually ends in the middle of the night is hard.

Chair Wheeler:

In other words, there is no measuring device you can use for this.

Eric Spratley:

Yes. I want to get it on the record that I support this bill, offering some anecdotal evidence.

Chair Wheeler:

Are there any other questions? [There were none.] We will take testimony in support of Assembly Bill 188.

Brian O'Callaghan, Government Liaison, Office of Intergovernmental Services, Metropolitan Police Department, City of Las Vegas:

In light of what Mr. Carrillo brought forward, we will support this bill.

Chair Wheeler:

Is there anyone else in support of A.B. 188? [There was no one.] Is there anyone in opposition to this bill? [There was no one.] Is there anyone neutral on the bill? [There was no one.] We will move on. We will now open the hearing on Assembly Bill 168.

Assembly Bill 168: Revises provisions governing mopeds. (BDR 43-12)

Assemblyman Richard Carrillo, Assembly District No. 18:

I am here today to take you through Assembly Bill 168, including some of the history behind the bill. [Mr. Carrillo read from a prepared statement ([Exhibit H](#)).] During the last legislative session in 2013 we had a bill addressing mopeds come before this Committee. During testimony for that bill, several members of Las Vegas Metropolitan Police Department (Metro) testified before the Committee about multiple issues facing them in Clark County. In one instance a Committee member asked about whether there were any restrictions on where mopeds can ride. One of the Metro officers responded, "This is another problem that we have with these specific vehicles on the roadway, because they have become more of a hazard in these faster 45 to 50 miles per hour speed limit zones. I have seen them everywhere, except for the freeways, of course, because those are posted."

We have addressed this issue in A.B. 168 in Section 3 on page 3, line 27 through page 4, line 4. This section would limit mopeds to driving as far to the right hand side of the road as feasible and practicable while prohibiting them from utilizing the bicycle lane. It also prohibits mopeds from riding abreast of or overtaking or passing another vehicle within the same traffic lane. It requires using the same rules as a bicyclist when making a left turn.

Keep in mind, Committee members, this bill came forward primarily to address the issues that we had last session. After having some conversations with Metro, these are the issues I am addressing in this bill.

I also believe that this will address Metro's concerns about those operating a moped look-alike that is actually above and beyond the characteristics that define a moped under *Nevada Revised Statutes* (NRS) 486.038:

“Moped” means a motor-driven scooter, motor-driven cycle or similar vehicle that is propelled by a small engine which produces not more than 2 gross brake horsepower, has a displacement of not more than 50 cubic centimeters or produces not more than 1500 watts final output, and:

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and
2. Is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged.

The definition of a motorcycle under NRS 486.041 is every motor vehicle equipped with a seat or a saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, excluding an electric bicycle as defined in NRS 483.067, a tractor, and a moped.

Restricting the areas where these mopeds can drive and these definitions should help alleviate some of the issues Metro was concerned about in that recognizing motor vehicle, or in other words a motorcycle, will be much easier as it will be more difficult for a person driving a motorcycle to maintain themselves at a slower speed and on the far right side of the road to avoid notice. If you have someone trying to pretend they are riding a moped, it will be hard for them to maintain the 30 miles per hour or less speed limit even if the motorcycle is hopped up, with a bore kit. They can try to pretend that their bike is under 50ccs so they can avoid having it considered a motorcycle and having to go through the process of registering it as a motorcycle. [Mr. Carrillo returned to reading from ([Exhibit H](#)).]

Throughout the testimony, Las Vegas Metro repeatedly pointed to the problem of returning stolen mopeds back to their rightful owners. It was pointed out that oftentimes the tow lots in Metro's jurisdiction are full of mopeds that have been stolen, but the owners do not have the proper documentation to prove that they actually own the moped in question. It was stated by Metro that mopeds come with 17-character serial numbers, much in the way my television

set comes with a serial number that could be traced back to me if it were to be stolen.

The amendment I have submitted to Section 10 of the bill ([Exhibit I](#)) will allow counties to determine whether they want to register these mopeds through their sheriff's departments, much in the way Clark County currently registers handguns. This will allow counties to make a decision for themselves to build a registry of mopeds that will alleviate the problem of returning stolen property. It also requires that if a county chooses to register mopeds, all owners of mopeds must register them. It will not be an option for owners. [Mr. Carrillo returned to reading from ([Exhibit H](#)).]

I felt it was important to give the counties of Nevada a choice as to whether they wished to implement this or not since Las Vegas Metro was the only jurisdiction that came to the table on this during the 2013 Legislative Session. It also seemed better for people in the rural counties where there may not be a Department of Motor Vehicles (DMV) office in close proximity to go to their sheriff's office to register their vehicle. In this manner, the counties are able to decide and no exemptions need to be included in the NRS due to county population.

I would also like to add that this concern has been brought to me by my constituents on a regular basis. Never has the concern been anything other than why do moped operators get to drive in any lane they want. My constituents simply want mopeds to stop obstructing the flow of traffic as they currently have the right to do.

Assemblyman Araujo:

Mr. Carrillo, I am not very familiar with mopeds. Do you know what is the average speed capacity they have? The reason I ask is, would it create a hindrance when someone can only drive 40 miles per hour but the speed limit is 55?

Assemblyman Carrillo:

Your question is what the speeds are?

Assemblyman Araujo:

I was curious if there is an average speed.

Assemblyman Carrillo:

By law, mopeds that are under 50cc cannot exceed 30 miles per hour. If they exceed that speed, they are not considered mopeds; they have been modified, would be considered illegal and need to be registered as motorcycles.

Assemblyman O'Neill:

I like the concept of registering and protecting the owners of mopeds, but it is arbitrary from county to county. If Clark County enacts this registration and I am up here in Carson City and steal a moped, I can take it to the Clark County sheriff's office and register it. I can go anywhere. It is my moped; I can sell it legally. I am laundering stolen property with the assistance of the sheriff's office. I appreciate your concept. I wonder if it should be a statewide requirement so that we can protect owners.

Assemblyman Carrillo:

The concept was to leave it up to each county. I do not know if there is a national database for this.

Assemblyman O'Neill:

I was the state criminal justice information systems officer for several years. You are right—if you have a serial number, the agency you report the theft to can enter it into the national database that is maintained by the Federal Bureau of Investigation (FBI) in Clarksburg, West Virginia. Many people do not even keep the serial numbers of their firearms, let alone their mopeds. I think that is the issue we are trying to address, some kind of registration. I would like to see it for the protection of the owners. The individual sheriff's offices do not have the capability to interface their local record systems into the national system. The Department of Motor Vehicles (DMV) does. You can tie in from all 50 states and Canada into the DMV database for any type of vehicle. I like the intent. This is a huge problem. Having been in law enforcement for years—and mopeds have been around for years—I would like to find a good solution to this. I would like to see what the Nevada Sheriffs' and Chiefs' Association has discussed.

Chair Wheeler:

They have signed in to speak.

**Brian O'Callaghan, Government Liaison, Office of Intergovernmental Services,
Metropolitan Police Department, City of Las Vegas:**

You are right, Assemblyman O'Neill. You have answered that question. There is another one that came up earlier during testimony. It is a statewide problem. Assemblyman Jones, I do have statistics. They will come from Sparks/Reno, Henderson, and Las Vegas Metro. There are statistics available from the National Insurance Crime Bureau. Nevada is number 11 for moped thefts in the United States.

Chair Wheeler:

Mr. O'Callaghan, we are still in positive testimony. Let us allow Mr. Carrillo to complete his section. I have some questions for him as well, then we can get you back up for the opposition.

When I was young, we made mopeds. Even when my children were young, once their bicycles became blasé for them, I would stick a lawnmower engine on them. Obviously they did not have serial numbers. I realize this would be rare, but out in the rurals, we do things like that. How would you register those?

Assemblyman Carrillo:

If it is homemade, it would probably be over 50cc. I grew up in a small town. I put a 3.5 horsepower Briggs and Stratton motor on a bicycle. I do not remember how many cc that was, but it was definitely more than 50, so my bike would not have qualified as a moped. You would not really be able to register something like that as a moped. When I grew up, we called those "minibikes." They had pull starters; they did not have taillights or brakes. They would not have had serial numbers.

Talking with many moped sellers during the interim, I got information about punching out cylinders to make mopeds go faster. If you buy a moped, you are given paperwork that has the serial number on it. To register it, you would take that paperwork with you to the sheriff's office, in the same way that if you purchased a handgun from a dealer or a private party you would take your blue card with you to register the purchase. The handgun's serial number would be recorded on the blue card. In this case, you would register the serial number from a moped. If the moped did not have a serial number—it had been shaved off or the plate was removed—you probably would not be going down to Metro to register it. In that case, it would be questionable where it came from; it could have been stolen. What I am trying to address is the property ownership issue. If I had a 70-inch television, it would have a serial number on it. The burden of proof is on me to verify with a copy of the receipt or the registration card I sent to the manufacturer. If someone stole it, this would be my proof that this particular television belonged to me.

Chair Wheeler:

Are there any other questions for Mr. Carrillo? [There were none.] Do you have any more testimony, Assemblyman?

Assemblyman Carrillo:

No, I do not.

Chair Wheeler:

We would like to invite testimony in favor of A. B. 168. [There was none.]

We invite testimony in opposition to A. B. 168.

Eric Spratley, Lieutenant, Legislative Services, Sheriff's Office, Washoe County:

I would actually like to defer to Mr. O'Callaghan. He is the one behind this.

Brian O'Callaghan:

Registration is a good concept. Assemblyman O'Neill addressed some of our concerns. Our major concern is that, if it is up to the county to do it and have the sheriff's department implement it, we do not have the database, so there will be a fiscal impact. We do not have inspectors for vehicle identification numbers (VINs) or titling services like the DMV has. It affects the whole state, north and south.

Assemblyman Jones:

Are you only opposed to the registration aspect? What about the other things covered in this bill, such as riding to the right of the road?

Brian O'Callaghan:

There is a problem with that. Most of the time when you see mopeds/scooters, they are running illegally on the roadway, being above two horsepower. The homemade mopeds you talked about, Chair Wheeler, would not pass as mopeds on the roadway without safety gear and lights. Even back then, you were illegal on the road. Assemblyman Jones, we are not against the rest, although putting mopeds on the side of the road in the bicycle lane would be an issue. It is a good idea to get them out of the roadway.

Assemblyman Sprinkle:

Section 5, subsection 1(a) says, "Is responding to an emergency call or the peace officer is in pursuit of a suspected violator of the law." Could you explain to me when a police officer riding a moped might be in pursuit of someone?

Brian O'Callaghan:

He could possibly be in pursuit; we have had pursuit of people on horseback and on tractors. Pursuit would have to be used with discretion.

Assemblyman O'Neill:

Nevada has historically been in the top ten nationwide in motorcycle thefts. That included everything from large 1800cc to 2500cc motorcycles all the way

down to mopeds. Do you have any information regarding theft numbers in the various counties just for mopeds?

Brian O'Callaghan:

Yes. I will get that to Committee members ([Exhibit J](#)). This was supposed to be for a presentation to the Senate regarding registration of mopeds.

To give you an example, if you look at these numbers, there is a group in there called TaoTao. In these crime statistics, TaoTaos are considered motorcycles, but they are actually a moped/scooter. They are currently up 84 percent in thefts in the United States. There are others in here that are up 50 percent. The thefts are broken down for you.

To get back to your question about per county, I do have them broken down for you. Thefts have increased in the north and the south of the state, and even in the small rural counties. We are currently number 11 in the United States in moped thefts.

Eric Spratley:

I would like to be in support of this bill. I do not have problems with any sections other than section 10, not even section 5 which allows emergency medical technicians (EMTs) and police to drive mopeds in a pursuit. We would use them at a special event at one of the parks, especially somewhere like Rancho San Rafael Park in Reno, where we use quad all-terrain vehicles. A moped might become an option someday. Section 10 as originally worded or with the amendment is what I oppose. We are not in the business of creating more databases; it is cumbersome for us to maintain those in our technology services. We recommend that DMV register mopeds for whatever small fee would be appropriate. That way, we could access their database statewide. The scenario of a moped being stolen in one jurisdiction and arriving in another can be easily checked through DMV. It can also be checked in other states. Our opposition can be rectified if section 10 is removed.

Assemblyman Jones:

Mr. Carrillo mentioned that impound yards are filling up because owners cannot give proof of ownership. If the moped is licensed and has a number, why has that become a problem?

Brian O'Callaghan:

Currently they are not being registered. One of our impound yards has more than 200 mopeds/scooters in it because we cannot get to the owners. The number of stolen vehicles does not include those in the impound yards. We have three yards full of mopeds.

Chair Wheeler:

You said moped thefts are up 84 percent.

Brian O'Callaghan:

That is true for TaoTaos, a moped/scooter, across the United States. The numbers you see include all motorcycles, even Harley Davidsons. The moped/scooters have the highest increase in theft rate. This could be because they are not being registered.

Chair Wheeler:

Is the big increase mainly because there is no registration of these vehicles? Would this bill, creating registration, actually help?

Brian O'Callaghan:

Let me clarify that. Most states register scooters. In 1983, we combined mopeds and scooters by removing wording regarding pedal power from the definition of mopeds. Moped means "motorized with pedals." In our state, we morphed them together, calling them mopeds; they are actually scooters. Some states register scooters; some do not register true mopeds, 2 horsepower and under. If mopeds were registered, it would help us to get them back to their owners.

Assemblyman O'Neill:

Do you know of any state that requires registering mopeds? Has it decreased the theft rate of mopeds from before registration to after?

Brian O'Callaghan:

I do not have that information. I only have the statistics that are given out nationally.

Assemblyman Jones:

I had a condo in Florida. We used scooters and registered them with the DMV. They had license plates on them. The only regulation was that we use eye protection while riding them.

Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association:

We have no issues with the bill, except with section 10. The way it is written, it would be up to each county sheriff to decide whether or not he wants to have moped registration. It would be extremely difficult to share information. The sheriff in Lincoln County could call over to White Pine County to see if they had any information because they would not be able to access each other's data. The DMV would be a central source for all the registrations, and mopeds

would follow the normal vehicle registration and titling procedures. They use highways.

With regard to registering vehicles and reduction of thefts, cars are registered, but I do not think that affects the rate of thefts; however, it is a way to recover stolen vehicles and return them to their owners. I am personally involved with an organization in which a lot of people without a lot of money get back and forth on scooters. It is not uncommon to hear someone say they bought a new one because their old one was stolen. There is no tracking. It seems as if registration through DMV would bring everything together.

Chair Wheeler:

Are there any questions for Mr. Roshak? Seeing none, are there any others who would like to speak in opposition to A.B. 168? [There were none.] Is there anyone who is neutral? Seeing no one, we will close the hearing on A.B. 168.

Mr. Carrillo, would you like to make a closing statement?

Assemblyman Carrillo:

I want to follow up on something Mr. O'Callaghan mentioned about the bicycle lane. Mopeds are not going to be riding in the bike lane; they are to stay in the far right lane. That is the point of this. I do not want them to interfere with the bike lane. Bicyclists should be able to continue riding their bikes safely and not worry about a moped being in the same lane overtaking them.

Regarding registration with DMV, that is a concern. I asked DMV to bring forth the locations of all their offices throughout the state. There are fewer locations, even including kiosks, than one would suppose. That was a factor in having registration be done with the local sheriff's office. Most people ride mopeds because they are cheaper to operate than cars. They are not leaving their Corvettes in the garage in order to ride their mopeds. I know people in my district who work at 7-Eleven. The moped is their mode of transportation to and from work. They make sure they lock their moped so that it will not be stolen. The cost of registration came up last session. I have to keep in mind what my constituents have told me about where these vehicles are on the roadway. I want to watch for the safety of those riding them, as well as other drivers.

Chair Wheeler:

Now we will open the floor to public comment. Seeing none, we will close today's hearing. We are adjourned [at 4:54 p.m.].

RESPECTFULLY SUBMITTED:

Joan Waldock
Committee Secretary

APPROVED BY:

Assemblyman Jim Wheeler, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Transportation

Date: March 5, 2015

Time of Meeting: 3:22 p.m.

| Bill | Exhibit | Witness / Agency | Description |
|----------|---------|--|-----------------------------------|
| | A | | Agenda |
| | B | | Attendance Roster |
| A.B. 43 | C | Michelle Van Geel/Policy Analyst | Work Session Document |
| A.B. 145 | D | Michelle Van Geel/Policy Analyst | Work Session Document |
| A.B. 188 | E | Assemblyman Carrillo | Introduction Presentation, Part A |
| A.B. 188 | F | Assemblyman Carrillo | Introduction Presentation, Part B |
| A.B. 188 | G | Assemblyman Carrillo | Handout |
| A.B. 168 | H | Assemblyman Carrillo | Introduction Presentation |
| A.B. 168 | I | Assemblyman Carrillo | Proposed amendment |
| A.B. 168 | J | Brian O'Callaghan/Las Vegas Metropolitan Police Department | PowerPoint Presentation |