

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

**Seventy-Eighth Session
March 12, 2015**

The Committee on Transportation was called to order by Chair Jim Wheeler at 3:19 p.m. on Thursday, March 12, 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
Assemblywoman Marilyn K. Kirkpatrick
Assemblyman P.K. O'Neill
Assemblyman Stephen H. Silberkraus
Assemblywoman Ellen B. Spiegel
Assemblyman Michael C. Sprinkle
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

None



GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Doreen M. Rigsby, C.P.M., DMV Services Manager II, Division of Central Services and Records, Department of Motor Vehicles
Terri L. Albertson, C.P.M., Administrator, Division of Management Services and Programs, Department of Motor Vehicles
Mark E. Trafton, Attorney, Trafton and Chatlin, Ltd.

Chair Wheeler:

[Roll was called. Committee protocol and rules were explained.] We will change the agenda slightly. We will open the hearing on Assembly Bill 250.

[Assemblywoman Dickman assumed the Chair.]

Assembly Bill 250: Revises provisions relating to special license plates.
(BDR 43-1071)

Assemblyman Jim Wheeler, Assembly District No. 39:

Assembly Bill 250 is a clean-up bill from last session and from earlier in this session. We spoke about this during the hearing on Assembly Bill 103, regarding a special license plate for veterans awarded a Silver Star or Bronze Star Medal. Assembly Bill 250 does the same thing we have done for Bronze Star, Silver Star, Congressional Medal of Honor, and Purple Heart recipients. This bill allows a Pearl Harbor survivor to add the international symbol for the handicapped to their specialized license plate, and—if they have a 100 percent service-connected disability—exempts them from the same parking restrictions that the Silver Star, Bronze Star, and Congressional Medal of Honor recipients are exempt from.

Vice Chair Dickman:

Are there questions from the Committee?

Assemblyman Sprinkle:

At the very end of section 1, subsection 5, it says "other than the United States." I do not understand what that means.

Assemblyman Wheeler:

Neither do I. I am going to defer to Legal on this. I think the intent is that any parking fee anywhere would be exempt. If you were at a parking meter on federal property or even an embassy, you would not get a ticket for not paying the meter.

Assemblyman Jones:

That wording may be for military bases. So it applies to the state but not on military bases, because military bases are their own jurisdiction.

Assemblyman Wheeler:

It could also be for military bases overseas, when you have had your car transferred.

Vice Chair Dickman:

We have an answer from Legal on that.

Michelle L. Van Geel, Committee Policy Analyst:

The language on page 4, line 15, is copied from current language already in the statutes.

Assemblyman Wheeler:

That does not clear it up. What we have to do now is find out who wrote that.

Assemblyman Silberkraus:

I was thinking that could include military bases, protectorates, or non-state entities that the United States is recognizing.

Vice Chair Dickman:

Are there any more questions from the Committee?

Assemblyman Wheeler:

I do have one more thing to add. This morning I was contacted by the Department of Motor Vehicles. We will add an amendment to make this effective "as resources become available, on or before June 1, 2018." The reason for that is it will not involve any more computer programming

if they do it as they are doing other plates. That will save us from having a fiscal note on this.

Vice Chair Dickman:

Ms. Van Geel has additional information.

Michelle L. Van Geel:

We cannot exempt people from paying fees to the federal government. The state cannot exempt people from federal laws or rules, thus the language, "other than the United States."

Vice Chair Dickman:

Is there testimony in support of A.B. 250?

Doreen M. Rigsby, C.P.M., DMV Services Manager II, Division of Central Services and Records, Department of Motor Vehicles:

After our conversation with Assemblyman Wheeler, we agree with the bill. The amendments were enough to allow us to complete each plate consecutively by a deadline.

Vice Chair Dickman:

Is there any other testimony in support? [There was none.] Is there testimony in opposition? [There was none.] Is there any neutral testimony? [There was none.] Assemblyman Wheeler, do you have any closing comments? [He had none.] We will then close the hearing on Assembly Bill 250.

[Assemblyman Wheeler reassumed the Chair.]

Chair Wheeler:

Before we move on to Assembly Bill 204, can I get a show of hands? Do you want to vote on this bill? I will take a motion to suspend the 24-hour rule.

ASSEMBLYMAN SILBERKRAUS MOVED TO SUSPEND
RULE NO. 57 OF ASSEMBLY RESOLUTION 1.

ASSEMBLYMAN CARRILLO SECONDED THE MOTION.

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

Let us move into a work session.

Michelle L. Van Geel:

Assembly Bill 250 was just heard. The only amendment is to change the effective date from the default October 1 deadline. It would change it to "as resources become available on or before June 1, 2018."

Chair Wheeler:

I will take a motion to amend and do pass.

ASSEMBLYMAN SILBERKRAUS MOVED TO AMEND AND DO
PASS ASSEMBLY BILL 250.

ASSEMBLYMAN CARRILLO SECONDED THE MOTION.

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

Assemblyman Carrillo will make the floor statement.

We will now open the hearing on Assembly Bill 204.

**Assembly Bill 204: Revises provisions governing motor vehicle licensing.
(BDR 43-571)**

Assemblyman Richard Carrillo, Assembly District No. 18:

Before I go through the bill, I would like to start with a little history. In 1817, the first school for disabled children in the western hemisphere was founded in Hartford, Connecticut. [Read from prepared statement ([Exhibit C](#)).]

All of these issues have one thing in common. They were all about accessibility. What is accessibility? By definition it is the quality of being at hand when needed. This bill is about access as well. In my mind, any time an able-bodied person fraudulently utilizes a parking placard they are potentially limiting someone else's access. We put aside these parking spots for those who legitimately have disabilities. Not as a privilege, but rather a necessity in order for these citizens with disabilities to have the access that we all deserve. This bill is in response to those who utilize a placard belonging to a relative or a friend, one that has been purchased illegally, or even one that has been stolen when the person that placard is intended for is not present.

If you look at the PowerPoint on the wall, you will see an example of the placard. You should have a copy of it on your desk ([Exhibit D](#)). The purpose of this is to allow the person who was assigned the placard to have his personal photograph on the placard itself. This would prevent the misuse by anyone

who would use it just to get a parking place closer to where they are going. There is a large misuse of these placards.

The intent is to keep misuse of the placard to a minimum. If it is personalized with a photo, which can then be hidden behind a privacy sleeve, it would be more difficult for someone other than its owner to use it. In talking to the Department of Motor Vehicles (DMV), I discovered these placards are stolen and resold. It is a bigger issue than I realized. This is not just a feel-good bill. This is to keep the intended user in mind.

I do have an amendment that we have discussed with DMV. It changes the bill a little bit. Sometimes when you are trying to do a good thing, the unintended consequence is a fiscal note.

Chair Wheeler:

I do not see a copy of the amendment on my desk or on the Nevada Electronic Legislative Information System. Do you have copies of that?

Assemblyman Carrillo:

That is forthcoming. I am still working with DMV on that. They are extremely busy trying to get other things out of the way, so this did not get out in time. I would hate to see a bill with such good intentions fall by the wayside over a fiscal note.

When an individual is issued a placard, he is given paperwork which must accompany it. That paperwork will most likely be carried in the glove box or with the registration and proof of insurance. If he is stopped by law enforcement or by a law enforcement volunteer and he is not carrying identification with him, he could prove the placard is his by showing his backup paperwork. If the placard or the paperwork were personalized with a photo, it would indicate that he is the user. This could prevent the fraudulent use of placards.

I do not know if you want to go with any questions right now. I do not want to bring up DMV to talk about the fiscal note. I know this is a policy committee. The point here is to try to keep this bill alive without the unintended consequences of a fiscal note.

Chair Wheeler:

We are not going to speak about the fiscal note as we are a policy committee.

Assemblyman Jones:

What happens when a person with a placard is riding in a different car? It is easy to take the placard with you, but I do not know about the paperwork. Have you thought about that?

Assemblyman Carrillo:

The paperwork is supposed to follow the placard. If you are taking the placard from one vehicle to another, the paperwork should follow. It ties the placard to that user. I do not know if the placard itself has personal information such as a name on it. I know there is writing or an expiration date on it. If you move from one vehicle to another, you should take that paperwork with you. Law enforcement would request it if they wanted proof that the placard belonged to you. If you did not have it, you would have to go to court later on to prove it was yours by providing the paperwork. That is existing law. The purpose of the photo is to make it harder for someone else to use the placard. Two states, Massachusetts and New Mexico, already provide placards with photos and privacy sleeves.

Assemblywoman Spiegel:

I think this bill has great intentions. I know of some senior citizens who have and use placards, but due to their age and other infirmities, they have given up their driver licenses. Instead, they carry state-issued identification (ID) cards. Would it be possible to have the bill also allow for people to use the photo from their state-issued ID if they do not have a driver license?

Assemblyman Carrillo:

I was told by DMV that those photos are all in the same database, so it would not make a difference whether it was for an ID or driver license.

Assemblywoman Spiegel:

Page 3, lines 16 through 18, say "Have placed on it the photograph of the holder of the specialized parking placard which appears on the driver's license of the holder." If a senior citizen has given up his driver license, I would hate for him to not be able to have a placard.

Assemblyman Carrillo:

That is a very good point, Assemblywoman Spiegel. In fact, that is something we might look to amend to ensure that anyone who has accessibility issues and does not drive can have a placard.

Assemblyman Silberkraus:

I agree that this is a well-intentioned bill. What is the possibility of having the paperwork stored digitally? If you had your phone with you, you would actually have that paperwork usable on that, as opposed to a hard copy you have to take from car to car.

Assemblyman Carrillo:

That is something we may have to address. This might be a good time to bring DMV up.

Terri L. Albertson, C.P.M., Administrator, Division of Management Services and Programs, Department of Motor Vehicles:

I think that is an excellent question, as far as making this available digitally. I do not know that we have the capability of doing that at this time. As we continue to work with the Assemblyman on the potential amendments for this bill, it is something we can take into consideration.

Assemblyman Silberkraus:

We have spoken about the possibility of just taking a photograph of the paperwork and carrying it on your phone. This would not be something DMV actually issued, but we could present a photo of it.

Assemblyman O'Neill:

Are all these logos going to be on this placard? What are they? I do not even recognize them.

Terri L. Albertson:

That is simply a prototype we obtained from the vendor. It is an example of what we could have on our placard. The design would be done specifically for Nevada.

Chair Wheeler:

I have some questions. What is the difference in procedure from getting the current placard to getting the new one? What additional steps would someone have to go through?

Terri L. Albertson:

This is what the actual placard that comes from DMV looks like as it comes from the vendor ([Exhibit D](#)). Rather than having a hard copy like the one we issue today, this would have to be fed through a printer. Once the individual information was printed onto the placard, it then peels off this form. You would fold it in half, then present it to the customer. The customer could fold it himself. In the instance when there was a mail-in renewal, we would print the photograph and information on the placard, and then mail it to the customer. There is not really a big change in process for Department personnel, other than the time it would take to run this through a printer and fold it.

Chair Wheeler:

Will the customer have a different procedure for this placard versus the current one?

Terri L. Albertson:

No.

Chair Wheeler:

Are we or are we not putting a photo on the placard? If so, why do we need accompanying paperwork?

Assemblyman Carrillo:

If we were to stay with the photo on the placard, the fiscal note would be astronomical. The current placard costs 16 cents. The one with the photo costs 91 cents. Instead of killing the bill altogether because of the fiscal note, DMV suggested putting the photo on the paperwork instead. It will still have a fiscal note, but it will be much smaller. It will lessen the chance of fraudulent use of the placard. If two individuals were in a vehicle using the placard illegally and they were called on it, they could try to say the placard belonged to one of them. The current paperwork shows a name. I do not know if they would go as far as to show a fake driver license or ID card. These things are rampantly traded, used, and sold. Personalizing it with a photo makes it harder to use a placard fraudulently.

Assemblywoman Spiegel:

If someone has a placard, can they take it and use it when they are a passenger in a car?

Terri L. Albertson:

That is correct, Assemblywoman Spiegel. As the system exists today, for an individual receiving a disabled placard it is transferable to any vehicle in which they ride. With the exception of the photo on the prototype, this is the

authorization that coincides with the disabled placard. The disabled person can take the placard and the letter placing them in any vehicle, as long as they are present.

Chair Wheeler:

Are there any further questions? [There were none.] Is there testimony in favor of A.B. 204?

Terri L. Albertson:

We will continue to work with Assemblyman Carrillo on this. Assemblywoman Spiegel brought up a good point about adding the identification card to this. We would propose that the driver authorization and the commercial driver license be added to that list as authorized users as well.

Chair Wheeler:

Is there anyone in Las Vegas in favor of A.B. 204? [There was no one.] Is there anyone in Carson City in favor of A.B. 204? [There was no one.] Is there any opposition to A.B. 204? [There was none.] Is there any neutral testimony on A.B. 204? [There was none.] We will close the hearing on A.B. 204.

We are now going to go into work session.

Assembly Bill 175: Revises provisions relating to the use of safety belts in taxicabs. (BDR 43-703)

Michelle L. Van Geel, Committee Policy Analyst:

Assembly Bill 175 was heard in Committee on March 3. Assembly Bill 175 removes provisions providing that failure by a passenger in a taxicab to wear a safety belt may not be considered: (1) as negligence or as causation in any civil action or as negligent or reckless driving; or (2) as misuse or abuse of a product or as causation in any action brought to recover damages for injury to person or property resulting from the manufacture, distribution, sale, or use of a product ([Exhibit E](#)). As the Committee will recall, Mark Trafton proposed an amendment that would retain most of the language that originally was going to be deleted and would only remove the word "not" in subsections (b) and (c). This amendment would expressly provide that failure by a passenger in a taxicab to wear a safety belt may be considered in the actions described above.

Chair Wheeler:

I will accept a motion to amend and do pass.

ASSEMBLYWOMAN DICKMAN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 175.

ASSEMBLYMAN SILBERKRAUS SECONDED THE MOTION.

Chair Wheeler:

Is there any discussion on the bill?

Assemblywoman Kirkpatrick:

In order for the legislative record to be clear, this in no way says that the seat belt becomes the overriding issue if a car accident occurs. That is the legislative intent, correct?

Chair Wheeler:

That is correct, Assemblywoman Kirkpatrick. The idea here is that it can be a mitigating factor. It is in no way the overriding factor. We have Mr. Trafton in Las Vegas, if he would like to also put that on the record and explain it any further.

Mark E. Trafton, Attorney, Trafton and Chatlin, Ltd.:

The intent, from my perspective, was not to make this the overriding factor in an accident. It is just one factor, in conjunction with the actions or inactions of anyone else involved in the accident, for example, the driver of a taxicab. Those actions are clearly going to continue to be scrutinized in a lawsuit, as well as those of the driver of any other vehicle. This merely addresses the actions or inactions of a passenger who fails to wear a seat belt.

Assemblywoman Kirkpatrick:

If the seat belts are not accessible, that can be brought to light as well?

Chair Wheeler:

That definitely is a mitigating factor as well. The intent of this bill was to make sure that all factors were introduced. Is there any further comment? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN FLORES VOTED NO.)

I will have the floor statement. I will now close the work session and open the floor to public comment. Seeing none, this meeting is adjourned [at 4:00 p.m.].

RESPECTFULLY SUBMITTED:

Joan Waldock
Committee Secretary

APPROVED BY:

Assemblyman Jim Wheeler, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Transportation

Date: March 12, 2015

Time of Meeting: 3:19 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 204	C	Assemblyman Richard Carrillo	Bill Introduction
A.B. 204	D	Assemblyman Richard Carrillo	Sample placard
A.B. 175	E	Michelle L. Van Geel, Legislative Counsel Bureau	Work session document