

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

**Seventy-Eighth Session
March 24, 2015**

The Committee on Transportation was called to order by Chair Jim Wheeler at 3:18 p.m. on Tuesday, March 24, 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, and to Room 114 of McMullen Hall, Great Basin College, 1500 College Parkway, Elko, 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: 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:

Assemblywoman Robin L. Titus, Assembly District No. 38
Assemblyman John Ellison, Assembly District No. 33

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Buzz Harris, representing Medtech Services Inc.
Richard Graver, Owner, Medtech Services Inc., Reno, Nevada
Sean P. McDonald, Administrator, Division of Central Services and
Records, Department of Motor Vehicles
Allen Veil, Private Citizen, Lyon County, Nevada
Paul Ziegler, Owner, Reno Motor Sports, Inc., Reno, Nevada; President,
Motorcycle Racing Association of Northern Nevada; and President,
Cheaters Motorcycle Club
Peter Krueger, representing the Commission on Off-Highway Vehicles
Greg McKay, Chair, Commission on Off-Highway Vehicles
John Fudenberg, Assistant Coroner, Government Affairs, Office of the
Coroner/Medical Examiner, Clark County
Kyle Davis, representing the Nevada Conservation League
Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs'
Association
Tina Nappe, Private Citizen, Reno, Nevada
Karen Boeger, Cochair, Backcountry Hunters and Anglers; Director,
Coalition for Nevada's Wildlife; and Private Citizen, Washoe Valley,
Nevada
John Glenn, Owner, 5th Gear Powersports, Elko, Nevada
Scott Gerz, Chairman, Nevada Trail Stewards
Gary Lambert, Member, National Off-Highway Vehicle Conservation
Council; and Private Citizen, Reno, Nevada
K. Neena Laxalt, representing the Nevada Cattlemen's Association
Clay McCauley, Executive Vice President, Nevada Farm Bureau Federation

Chair Wheeler:

[Roll was taken and Committee rules and protocol were reviewed.] We are
going to begin with the work session on Assembly Bill 204.

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

Michelle L. Van Geel, Committee Policy Analyst:

Assembly Bill 204 is sponsored by Assemblyman Carrillo and was heard in this Committee on March 12, 2015. The bill requires a special parking placard issued to a person with a permanent disability or disability of moderate duration to contain the photograph of the holder of the placard that appears on the driver's license of the holder. The placard must have a removable sleeve that covers and obscures the portion of the placard where the photograph is located. The owner or operator of a motor vehicle displaying a placard must remove the sleeve upon the request of a law enforcement representative for purposes of enforcing handicapped parking provisions.

The Department of Motor Vehicles (DMV) provided the amendment that begins on page 2 of the work session document ([Exhibit C](#)). The amendment would require an authorization letter which includes the photograph of person as it appears on the driver's license or other identification generated by the DMV to be issued to a person with a disability along with the special license plate or temporary parking placard or parking sticker. It also removes the requirement that the photograph be placed on the placard and requires the owner or operator of a motor vehicle displaying a placard to present the authorization letter to a law enforcement representative upon request. Finally, the amendment changes the bill's effective date from January 1, 2016, to as soon as practicable and upon determining that sufficient resources are available to enable the DMV to carry out the amendatory provisions of this act.

Chair Wheeler:

I will entertain a motion.

ASSEMBLYMAN SILBERKRAUS MADE A MOTION TO AMEND
AND DO PASS ASSEMBLY BILL 204.

ASSEMBLYMAN SPRINKLE SECONDED THE MOTION.

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

Chair Wheeler:

Assemblyman Carrillo, since this is your bill, I will assign you the floor statement.

[Assemblywoman Dickman assumed the Chair.]

Vice Chair Dickman:

I will open the hearing on Assembly Bill 251.

Assembly Bill 251: **Revises provisions governing vehicle dealers.**
(BDR 43-1129)

Assemblyman Jim Wheeler, Assembly District No. 39:

I will be presenting Assembly Bill 251, which is a Committee bill. I will give you some history on why the law reads the way it does now and what the problem is. When someone takes a brand-new vehicle and needs to extensively modify it for handicapped or disabled people, they cannot sell it as a brand-new vehicle unless they have a new vehicle dealer's license, even though the vehicle has been modified for the disabled. There are very few of these in the state; we do not do it very often. Having been in the aftermarket business, I understand exactly what the problem is. We used to supply aftermarket parts to some of the offline manufacturers and then the car has to be sold as a used vehicle even though it may only have two miles on it. This bill fixes that so someone with a used car license can take a new car, modify it heavily for handicapped or disabled people, and sell it as a new car. Mr. Harris will explain it further.

Buzz Harris, representing Medtech Services Inc.:

One of the examples that Assemblyman Wheeler talked about is when a vehicle was modified in Nevada. Oftentimes these vehicles come from the original manufacturer. I will use Toyota as an example. The vehicle comes from the Toyota factory and the chassis is modified. The chassis is built for ramps that will allow for scooters, wheelchairs, et cetera. The vehicle is then sent to a second manufacturer or someone who modifies the vehicle. If Medtech Services Inc. were to order the vehicle, it would come into the state as a new vehicle. The way the law is currently written, when a new vehicle comes into the state, it would need to go to a franchised auto dealer such as Dolan Toyota in Reno, Carson City Toyota, or Centennial Toyota in Las Vegas. When the Toyota comes into Nevada, the vehicle would need to be processed. There would then be a processing fee on the vehicle, which could be a couple of thousand dollars, and then it would be delivered to Medtech Services to be properly fitted for the customer.

This bill allows for the vehicle to go directly from the second manufacturer to the actual dealer, Medtech Services, to be delivered to the customer. It is difficult for the owner of Medtech Services, Richard Graver, and other companies that provide this service to become a franchised auto dealer.

This brings up the question: Where do the franchised auto dealers stand on this bill? They are permissive of this language. As an extreme example, would you buy a new tractor at a Toyota dealer? They could probably sell it to you, but would they really get you the right piece of equipment and be able to service it in the long run?

Additionally, when the new Toyota comes into the state, it would come in with a full warranty, three years or 36,000 miles. If the transmission breaks, it would be serviced by the franchised auto dealer since they are the factory-authorized dealer on the vehicle. If the ramp or anything else on the significantly modified vehicle for the disabled person were to break, it would be serviced by the dealer in Nevada, which would be Medtech Services or another company that provides the same kind of services.

Vice Chair Dickman:

Are there any questions from the Committee?

Assemblyman Carrillo:

Chevrolet used to have a standard stock van and they would have an outfitter modify it by putting in captain's chairs and other interior changes. Would this bill have the same premise? Would this example fall under the category of modification if this were to be changed in legislation?

Buzz Harris:

I believe you are talking about a van conversion. This is where they may raise the roof or other various things that turn a passenger van into a recreational vehicle. The definition is very specific; it says, "'Substantially modified' means equipped or adapted for the purpose of aiding or allowing a person with a disability to operate, travel in, enter, exit or load a vehicle." Using that definition, it is significantly modifying a vehicle for a specific purpose. This is for new vehicles that would be coming into the state.

Assemblyman Carrillo:

Can someone come back and say they want to be included because they want to market vans and accessorize them with the same premise of the way this bill is currently written? I am not saying that it is going to happen, but could someone come back later and say they want to have their niche to accessorize vans? They would be modifying what would be considered the basic van by doing some interior modifications and extending the roof. They are structurally changing the dynamics of the vehicle.

Assemblyman Wheeler:

This bill is specific and would not allow a roll cage or a van conversion like the one you are describing. Someone could ask one of us to write a bill that would do that, but it would be completely separate and up to this Committee at a different time. This bill specifically deals with a substantial modification for a disabled person.

Assemblyman Sprinkle:

Do the franchised auto dealers ever do aftermarket modification specifically for vehicles and then sell them, or will the vehicle always go to a third party?

Richard Graver, Owner, Medtech Services Inc., Reno, Nevada:

Toyota might have a power transfer seat they install at the factory, but it is certainly not the same as the lowered floor conversions the Toyota Sienna has where they lower the floor and put in ramps so the wheelchair user can get in and out. Those conversions are done by a separate manufacturer. When they do that, what happens to me is, the vehicle is new, it is a 2015 model, but I cannot sell it because the rule says 2,500 miles or when the next year's model has come out. It has to go through a new car dealer who then charges a \$2,000 fee to transfer the title. That is what we are trying to remediate. My used car dealer's license will not allow me to sell it.

Vice Chair Dickman:

Are there any more questions from the Committee? [There were none.] Is there anyone who would like to testify in support of this bill? [There was no one]. Is there anyone in opposition? [There was no one]. Does anyone want to testify neutral? [There was no one.] Does anyone have any final comments? [There were none.] I will close the hearing on A.B. 251. Would anyone like to make a motion to suspend Rule No. 57 of Assembly Resolution 1?

ASSEMBLYMAN SILBERKRAUS MADE A MOTION TO SUSPEND
RULE NO. 57 OF ASSEMBLY RESOLUTION 1.

ASSEMBLYMAN O'NEILL SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will entertain a motion to do pass Assembly Bill 251.

ASSEMBLYMAN SILBERKRAUS MADE A MOTION TO DO PASS
ASSEMBLY BILL 251.

ASSEMBLYWOMAN FIORE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Is there any discussion? [There was none.]

[Assemblyman Wheeler reassumed the Chair.]

Chair Wheeler:

I will assign the floor statement to Assemblyman O'Neill. I will open the hearing on Assembly Bill 217.

Assembly Bill 217: Revises provisions governing off-highway vehicles.
(BDR 43-994)

Assemblywoman Robin L. Titus, Assembly District No. 38:

When I first decided to run for office, one of my goals was to get rid of really bad bills and laws, and this bill plays into that passion about making sure we pass good laws and get rid of bad laws in our state. The intent of Assembly Bill 217 is to help fix some problems with our current off-highway vehicle (OHV) requirements and regulations.

The idea for this bill occurred to me during our pre-session orientations from the various state agencies and departments. As presented by the Department of Motor Vehicles (DMV), the OHV program was a failed program. Although it started with some good intentions, few had been realized.

Original studies in support of OHV legislation estimated the number of OHVs owned by Nevada residents to be between 200,000 and 425,000. Approximately 40,000 OHVs are currently registered in Nevada, meaning between 85 and 90 percent of these owners are noncompliant. [Continued to read from prepared text ([Exhibit D](#)).]

After looking at the program, I and other legislators felt the program was yet another example of an overly burdensome government program. It basically had created criminals of potentially 400,000 Nevada citizens and worse yet, opened the door for the Bureau of Land Management (BLM) to enforce Nevada laws.

Although the BLM denies they enforce Nevada laws, page 9 of their enforcement manual ([Exhibit E](#)) clearly addresses citations for OHV operations in violation of state laws and specifies fines.

The first idea I had was to do away with the program entirely. However, OHV dealers insist that the program increased sales and limited people from going out of state to avoid sales tax. Law enforcement officials insist that the program is good for recovery of stolen vehicles. Although when asked to give me details, their figures were vague. Thousands have been stolen but only a few recovered. According to the Elko police chief, 22 OHVs were reported stolen, and 7 were recovered, but only 2 were recovered by having the actual sticker. [Continued to read from prepared text ([Exhibit D](#)).]

Cattlemen say it is good for identifying people who are not good stewards of their lands. Backcountry enthusiasts want it to continue so that people who are not staying on designated trails can be identified. There are also groups that hope that there will ultimately be trails developed and maintained as the original program intended. Clark County committed \$500,000 to this program to get it started and to produce trails in Clark County. [Continued to read from prepared text ([Exhibit D](#)).]

My original bill was to strike the registration requirement for the small off-highway vehicles, but after listening to many different people, I am trying to create a good bill and fix the program. Assemblyman Ellison will give his comments about his proposed amendment. I am sure many people in the crowd will have suggestions too.

The ultimate goal is to come up with a product that is good for Nevadans and good for all the people involved. I would like to walk you through the bill if you will allow me.

Chair Wheeler:

Are there friendly amendments on this bill?

Assemblywoman Titus:

Yes, I have several suggestions that I have submitted to you. On the amendment ([Exhibit F](#)), you can see where the original bill was, and to the right of that I have provided the specific language that is much simpler. This is to make the registration for small vehicles a one-time registration. They will not have to register annually.

Chair Wheeler:

You are not presenting the bill as written; you are presenting the highlights of the bill as amended, correct?

Assemblywoman Titus:

Correct. The amendment ([Exhibit F](#)) specifies that the OHVs have a one-time registration fee, and large all-terrain vehicles (ATV) must renew each year. Everything else stays in its original state. At the end of the amendment I added a new section, including a provision allowing county sheriffs the option of creating a program, in consultation with the Department of Motor Vehicles, to issue registration stickers at time of the vehicle identification number (VIN) check by the county sheriffs. Since the county sheriffs are the ones who have been required to do the VIN check, it would be simpler for people to register their vehicle and not have to stand in line for eight hours at the DMV. The DMV would work with the county sheriffs; it is optional for the county sheriffs. If the county sheriffs did do the registration sticker, they would share the cost of the fee with the DMV. The main push I have is the DMV needs to work out a program that makes the stickers easily accessible so the owners of OHVs can get them registered.

I have heard from Assemblywoman Kirkpatrick, and her idea is to develop a sticker that is more like a plate so that you can see them, they are not destroyed, and they last on the OHV. I would like this to be a one-time registration unless you cannot see the sticker anymore, or if the OHV is taken to another state that requires an annual sticker, they can register it there. Those are my new proposals. Assemblyman Ellison has a friendly amendment.

Assemblyman John Ellison, Assembly District No. 33:

During the last couple of sessions, we corrected the provisions for mini-trucks. If you look at my amendment ([Exhibit G](#)), you will see that I have added in mini-trucks. During the last session, we went to the counties to get mini-trucks registered. They have been registered for years through DMV, but the next thing you know, the counties were not allowing mini-trucks to go on the roads. They do not go on the freeways; they only go on the roads. The mini-trucks are so environmentally safe that they use them on Catalina Island. They get 50 miles to the gallon. They are good, safe mini-trucks. They use them in the rural areas for hauling hay.

The DMV is here with me to talk about my amendment ([Exhibit G](#)). They helped Senator Goicoechea and me introduce legislation on mini-trucks last session. We thought it would end the problem, but we were wrong. The district attorneys did not get it right and the mini-trucks are still not able to drive on the roads. In Elko they cannot even take the mini-trucks off the college campus.

The ranchers in Lamoille Canyon and the people in Winnemucca cannot take them on the roads. We put the definition of mini-trucks into the law. When Assemblywoman Titus came forward with the new language, we all received calls regarding the changes. She has made great corrections and is absolutely right, the county sheriffs should write the tickets. That is the most important. There are agencies that should not be writing citations; it should be done through state law enforcement.

**Sean P. McDonald, Administrator, Division of Central Services and Records,
Department of Motor Vehicles:**

As proposed in Assemblyman Ellison's amendment ([Exhibit G](#)), mini-trucks would be categorized with the larger OHVs and subject to the same registration requirements. We are all right with the language in the amendment as written.

Chair Wheeler:

Are there any questions from the Committee?

Assemblywoman Kirkpatrick:

I was here during the two sessions it took to get this bill passed. There was a lot of discussion about how we can make it work. My good friend and former Assemblyman Chad Christensen and I had a debate on the floor. He said if we charge \$10 each, people would stop using the mini-trucks. I wanted him to prove it to me because people spend \$6,000 on that equipment. The program was well-intended. At that time I spoke about how Utah does such a great job with it. You can actually pick up a map, get their trails, and easily know where to go. I am referring to Utah because they do a very good job and so do we. They make it super easy to register. If you get your fishing or hunting license at a Maverik station, maybe you can register your OHV right there as well. Typically people pull up to get gas and someone working at the gas station checks the VIN; it is super-fast. We should be looking for simplicity for the sheriffs and rural counties.

I am concerned that southern Nevada would not think this was amenable. We heard that all the long DMV lines were in southern Nevada so we should make it a little easier in southern Nevada too. We want people to be good stewards. We have made huge strides. During the first session when we worked on this, we had a huge sticker that took up your entire gas tank and we have made strides trying to make it smaller. In Utah they allow you to reregister online if you can prove that you are the same owner. The online registration takes about 30 seconds.

Why are we exempting the smaller OHVs? What does that mean? In my mind, most of today's OHVs have two seats. There are still a lot of OHVs with one seat, such as with our younger kids starting to ride with a 50cc motorcycle. I want to know why we are doing that because it seems that it should be fair for everyone. The families need to know the rules. I want to understand the definition.

I do not want to disrespect the DMV, but how are you going to work with the county sheriffs to make it a quick and easy process? We have seen the states around Nevada take the DMV out of the picture. The DMV will just give you the money and the trails are done. I am thankful, Assemblywoman Titus, that you do want to keep the program because I think at some point we will get there, but people need to know the rules. When we first passed this law, it was not until my husband saw a billboard when he was going down Interstate 15 that he asked if I forgot to tell him about this. So the education piece is huge and I want people to understand.

Lastly, how do we compensate or develop stickers for across state lines? I think we addressed that before, but I want to make sure that they do not take it out.

Assemblywoman Titus:

I think all of the questions are valid. The more I looked into this program I realized there are huge issues with that. I am looking at trying to solve the problems and answer some of those questions. I am glad that the DMV is at the table because one thing I have been hearing is that the DMV would love to absolve themselves. I think they are so overburdened that if we can do some things that help fix it, I think they would be on board. I will have Mr. McDonald speak to that.

I gave you the title page of the audit report on the Commission on Off-Highway Vehicles ([Exhibit H](#)) so you can look it up. I think they came up with some good ideas, and I am sure there are people in the audience who will testify about it because they do have some suggestions. The program has not been very functional. We need to sit down and resolve it. The reason I went back to doing the older, smaller vehicles is because there are an estimated 450,000 of them. We find that they registered them the first time when they were purchased. Many people are purchasing the side-by-side larger vehicles. Senator Goicoechea had a bill about making them licensed to go on the highway. This bill includes a lot of that language. We did not want to eliminate them. They can drive down the road if they have the proper licensure.

The smaller, old ranch vehicles and the traditional four-wheelers are used for hunting. Those are the small vehicles that you register one time. You might take it out one time on a hunting trip or you might not. You do not use it much for recreation.

People are not registering their OHVs anyway. There are 40,000 of them registered, and maybe we can just say to register it one time. If there is a theft and we really want to recover the OHV for the owner's sake, they should want to register it just like we do a bicycle registration. Right now, the bicycle registration is a volunteer program. There is a huge bicycle theft problem, but you do not charge those people to register their bicycles. We want to help them recover it if it is stolen. Go register your four-wheelers so at least you have a record of the VIN check. Even if we can capture 440 one time, it is better than capturing only 40,000 one time and then have to have law enforcement go after them. That was my issue.

Many people are saying that there is no way they are going to register their off-highway vehicle. There are people in my community who are not going to register their OHV and might not even if this bill passes, but at least open the door for them. If they are out riding irresponsibly, we can identify those people. All the reasons people have said that we should continue the program would be resolved with a one-time registration on the small vehicles, and they are not going to do it unless we make it easy for them. That is my purpose.

Sean McDonald:

Right now, we operate the program with three people. We have a team lead and two support technicians who are in Carson City. Everything for the OHV program is handled in the back office. Everything from titling to registration is housed internally. Many of our registrations come from the dealerships themselves when someone purchases a brand-new OHV. We are not finding a huge renewal piece. To echo Assemblywoman Titus's points, we are seeing an opportunity there. Of course we would work with any ideas that anyone might have moving forward. We have a good relationship with Greg McKay, the Chair of the Commission on Off-Highway Vehicles. We have been in discussions with him as well. The problem we run into is with this not being a State Highway Fund program. With this being a separate entity, we do not have the ability to have a presence in the front office to handle OHV items of any sort. Maybe it is something we can do moving forward as we get more revenue, but right now, the solvency piece is our biggest concern. We want to be able to have a program that is solvent moving forward and still be able to transfer enough money to the Commission so they can do what they need to do with the trails, et cetera.

Assemblywoman Kirkpatrick:

I appreciate your being at the table because I think this is a worthy program. If we can figure out how to make it simpler and expedite the process, you will find more people engaged in it.

Chair Wheeler:

Can the DMV have a form to give to outside vendors, such as a registration form that is given to dealers for cars and OHVs? They could go to the local Maverik station that sells fishing licenses and have them turn in the forms to the DMV for registration.

Sean McDonald:

The one reason we are doing so much in the back office is because a lot of what we do processes through law enforcement, so we are running these vehicles through to law enforcement to check for stolen vehicles as part of our registration process. I know there has been some discussion about whether someone would be able to go to Walmart or Maverik to register their OHV as they would with a fishing license. Personally, I would not be against that. Obviously, we would want to discuss it further internally to find out what those impacts would be. The law enforcement component might be lost. As to a form, there might be more that could be done. We can look into that.

Chair Wheeler:

I would assume a form could be in duplicate, and half of it would go to the local law enforcement.

Assemblyman Sprinkle:

Assemblywoman Titus, in your opening statement, you said that you are looking at bad bills and trying to get rid of them. The people who originally proposed this legislation probably did not think of it as a bad bill, and this is not bad legislation. From the research I have been doing on this, there were some problems after it was enacted and there was an internal audit completed. The audit is just now at a place where they are trying to get these recommendations taken care of, and it sounds like they are being relatively successful, which is then going to enhance the original legislative intent of the legislation. Why not give them more time and see if it fixes some of the problems that are associated with this legislation? This amendment changes a lot of what the bill was really trying to do. Are you trying to fix a bad bill in your mind by proposing this amendment?

Assemblywoman Titus:

You have excellent points. When we first began to hear about the off-highway vehicle program during our new legislator orientations and through the Assembly Committee on Ways and Means, it was a disaster. The numbers that were not being followed led both sides of the political aisle to believe that the program had not been successful. This audit report ([Exhibit H](#)) was brought to my office long after I wrote the bill. It was amazing when this bill came out. Many people came to see me and tell me that they were trying to fix the program because they recognized there were problems. I got the audit report after the bill was drafted and submitted. That is why I have come back with new language.

You are absolutely right. I feel the bill was initially written with good intent, not unlike federal programs and state programs that morph into something that maybe was not the original intent. That is the reason I submitted information in my prepared testimony on the people and the Commission that were proponents of the program. They all came to see me about it. I decided not to take the program away because it has valid points. I am trying to fix the program. They also saw that it has problems. If we can get good legislation out of this and try to fix what the original intent was, I think it will be a good thing moving forward.

Assemblyman Carrillo:

I wanted to ask about the new sections you are adding on page 5 of your amendment. Doing some type of registration through the county sheriffs seems like a novel idea. Maybe you could elaborate on that.

Assemblywoman Titus:

I reached out to different county sheriffs to see if they would be interested in the program, specifically Benjamin D. Trotter, the sheriff of Churchill County. The new OHVs are not the problem. The dealers sell the OHV and complete the title and VIN check, which goes on record. Where we are having difficulty is with people who have had their OHVs for a long time. Sheriff Trotter sees thousands of OHVs going out to Sand Mountain outside of Fallon. I asked him if that was something he would be willing to do because they have to check the VIN. There are sheriffs here who can address that if you want. They check the VIN and sign the form saying that it is the correct vehicle. They have to touch the vehicle anyway and take the time to do the check, so why not register it at the same time? I suggested that we could make it worth their time and pay part of the sticker cost for doing it, as when someone sells a fishing license they get part of the fee. I thought we should try to make it easy for people whether at a Maverik station, the grocery store, or through the county sheriff's department. Those were the thoughts I had after I talked to the

different agencies involved. We need to make it voluntary. If a sheriff's department has no interest in doing it, we did not want to force them by making it mandatory.

Assemblyman Ellison:

Not only could the county sheriff departments do this, but the repair shops could do it too. They could do a double duplication. As they check the VIN, they could charge \$5 extra and give the owner a receipt. The receipt could be sent to the DMV, and the people would have a copy of the registration. It will move this along a lot faster and cleaner. That way we do not tie up the DMV. The DMV will end up getting the receipts and checks in the mail from the vending companies. Most of the OHV repair shops that sell OHVs and work on them would be more than happy to do this since it will help their business. I do not know about Maverik doing this, but it would be great for repair shops and the county sheriff departments.

Assemblyman Carrillo:

The language I see in the amendment does not say anything about being voluntary. It says they are creating a program in consultation with the DMV. When you come into a voluntary registration program, I can make the decision to never be a part of it. There is nothing in the amendment to put the OHV owners on the hook to create a mechanism to get them to register the vehicles. How does that play out?

Assemblywoman Titus:

The voluntary part is for the county sheriffs. They can choose to be part of the program. The owner would still be mandated to register their OHV one time if it is a small OHV and annually if it is a large vehicle, as already stated in statute. The individual cannot choose whether or not to register their vehicle.

Assemblywoman Kirkpatrick:

I would hate it if we put a fiscal note on this for trying to fix it. I would think it might have an impact on the DMV's current staff if we allow other vendors to register the OHVs. At least from the DMV, you would have to create regulations, which also have to be considered in this. What I envision is that the DMV would put something in regulation that would list what they need from the county sheriff or other vendors that decided to participate. It would still be optional, and they would still have to establish regulations, which is a cost, and they would be able to retain \$10 of the fee. Have you talked about that?

I understand that we are a policy committee, but that is a piece of the policy we need to think about because what I do not want to see is the bill die because of a lack of money. I will be honest; this session a few thousand dollars is like a bucket of gold. I want to understand what the DMV's expectation would be regulationwise.

Sean McDonald:

I would definitely imagine that there would be some regulations involved with this. As the bill was originally written, we had a pretty hefty fiscal note because the revenue for registrations that we had been collecting was eliminated. I would like to go back and speak with my staff and others at the DMV to know what the fiscal impact would be across the board. I do not know if there would be a programming piece to this or not. I would want to find the answer to that question before I say anything moving forward. These changes would obviously not have anywhere near the impact that the original fiscal note entailed based on the original bill.

Assemblyman Jones:

I appreciate your viewpoint to make sure that well-intentioned legislation that has gone awry should be pulled out by its roots. I also applaud you in seeking a compromise with all the people. My one concern with this is I do not want to create more bureaucracy. We are talking about the sheriffs, DMV, and OHV dealers all being involved. Do we have centers for boats that are outside of the DMV? Could we try to use an infrastructure that already exists and not create a new infrastructure?

Sean McDonald:

Boats are not handled by the DMV; they are registered through the Department of Wildlife. There have been some past discussions relating to this, which I cannot speak to.

Assemblywoman Titus:

One of the issues with having it go to another department is that, in this bill, the large OHVs are able to be registered and licensed to go down the highway. That is what ties it into the DMV, and it would be hard to take it away from the DMV because of the connection.

Assemblyman Ellison:

It was an enabling bill. It was only if they wanted to use them on the road.

Assemblywoman Spiegel:

I am trying to get a better understanding of Assemblyman Ellison's friendly amendment. You said that some of the mini-trucks might go on the road and some might not, so the owners would have a choice. That means some may be used only on a farm, ranch, or private property. They would be registered a certain way and the ones that would be used for street use would be registered the traditional way. Is that correct?

Assemblyman Ellison:

The mini-trucks actually were registered through the DMV as a regular car and then they were taken off. Then they marked them as a utility vehicle. They could go down the highway, but the problem is it is enabling for the counties. Some district attorneys and county commissioners said they want them and others did not. These trucks were made to drive down the highway. They cannot travel on the freeway. They must have insurance, lights, blinkers, just like a car. They get 50 miles to the gallon and are made by Suzuki. They are a vehicle. The only problem is that they do not meet the emission standards as a regular vehicle.

Chair Wheeler:

If you look at *Nevada Revised Statutes* (NRS) 490.043 and the definition of a large all-terrain vehicle, I think you will find the mini-trucks fit right into it.

Assemblywoman Spiegel:

If we did this shift, would that then have an impact on the governmental services tax collected, and other fees that are paid through the DMV at the time of registration?

Sean McDonald:

In reading the amendment ([Exhibit G](#)) as it is written, they would literally be registered just as if we registered a large OHV. It would be similar in scope, and it would not be a highway vehicle. It would only be permitted on roads that large OHVs are permitted to travel on pursuant to rules of the counties and cities throughout the state. In short, it would be outside the scope since it would remain in NRS Chapter 490 versus being in NRS Chapter 482, and they would be subject to whatever the county rules are.

Chair Wheeler:

Are there any further questions from the Committee? We will take testimony in support of A.B. 217.

Allen Veil, Private Citizen, Lyon County, Nevada:

I am a Lyon County resident and a recently retired two-term sheriff of Lyon County. I am also the husband of Assemblywoman Titus. I am here today to testify in support of A.B. 217. As you are all aware, A.B. 217 would amend or modify NRS Chapter 490, the majority of which was created by the Legislature in 2009 and amended in 2011. Most of what we are dealing with today took effect July 1, 2012. *Nevada Revised Statutes* Chapter 490 has been nothing short of a time-consuming, bogged-down process marred with frustration and uncertainty since its inception. [Continued to read from prepared text ([Exhibit I](#)).]

I want to talk about the unintended consequences that were pointed out earlier. I met with some officials from the BLM, specifically Leon Thomas, the Sierra Front Field Manager from the Carson City BLM District Office, and Mike Marquart, who is a law enforcement ranger with the BLM from the Winnemucca District. I voiced the objections of a number of sheriffs, probably the majority of sheriffs, over the enforcement of *Nevada Revised Statutes*, not only registration and titling but other misdemeanor crimes such as alcohol consumption by minors, et cetera, and still we see in their bail schedule that they are instructing their people to enforce Nevada misdemeanor laws, which creates great issues. I believe it is another excuse for people to overextend their authorities. As explained to me by Mr. Thomas, they wanted to be able to keep track of who was using public lands in case something terrible was done or somebody mismanaged or misused those lands. Like firearms registration or registration of chainsaws in case someone cuts down a tree, we know who has a chainsaw or if someone buys paintbrushes or spray paint in case of graffiti. Enough is enough and we do not need any more overreaching. [Continued to read from prepared text ([Exhibit I](#)).]

Chair Wheeler:

I am not sure if you are aware, but there was a bill in the Assembly Committee on Judiciary yesterday morning that addressed the overreach of federal agencies on private and state land and enforcing state code.

Paul Ziegler, Owner, Reno Motor Sports, Inc., Reno, Nevada; President, Motorcycle Racing Association of Northern Nevada; and President, Cheaters Motorcycle Club:

At one time I had a dealership in Carson City and in the past, we had a little gray sticker. I thought that was sufficient to have our vehicles registered. Then we had the new program with the big sticker. Everybody has his or her opinion on where this money is going and the regulation behind it. One thing I find really appalling is that we have raised \$1 million and there is no guidance on where it will be spent. I received a grant in 2002 from the BLM to get a piece

of equipment to work trails. It was a huge amount of work in order to get the grant. We had to match the funds and the manpower. I do not think I could ever do that again; it was unbelievable. I think we had to donate 1,000 hours of free labor to get the equipment.

My point is I like the new one-time registration deal. You title it legally and pay your sales tax, which I am all about collecting because I have a small business. People buy stuff all day long on the Internet. It affects me, it affects everybody, but I think you are punishing the people that own OHVs by having them pay every year into the Account for Off-Highway Vehicles that will never go back to them. I do not know what the plan is. The Commission on Off-Highway Vehicles has people on it who do not even pay the registration, like the jeep clubs. I do not know why they are on that commission. They do not pay the registration fee, but they get to determine where the money is spent. I was all for getting rid of the program, but I do think it would be good to have the large utility task vehicles (UTV) registered with a license plate.

Chair Wheeler:

Does the Committee have any questions? [There were none.] Is there anyone else in support of A.B. 217? [There was no one.] I will now take testimony in opposition to A.B. 217.

Peter Krueger, representing the Commission on Off-Highway Vehicles:

I have talked to the sponsor of this bill several times as she has indicated that many people have spoken with her. The proposed amendments keep approximately 750 large all-terrain vehicles in the program and makes the other part voluntary. My advice to the Committee is to oppose this bill. The sponsor of this bill believes that the original measure was bad legislation, and I think that is an affront. I would never think that Senator Rhoads and Senator McGinness, who were initially the movers and shakers who got this bill passed, thought this was bad legislation. This approach, even with the suggested changes, is throwing the baby out with the bath water.

One of the items I want to address is that a one-time registration will cause the reciprocity with Utah, Arizona, California, Oregon, and Idaho to disappear. They are part of the reason this program exists. The Chairman of the Commission is here and he is going to address some things also. Mistakes were made. It has taken a long time to get this group functioning as an effective, efficient organization. The dealer who last spoke talked about no money going out, which is correct. There were attempts made by the Commission to do that.

They did not do it right and have recognized that. The idea that this program has failed is an affront to the founders of the bill, the concept, and to the current Commissioners—the men and women who serve on this Commission without taking any money, although they may be entitled to a little bit, and who work for this program to make it better.

What we have is an attempt to keep the big guys in since that is what other legislators want because it makes sense to let them and the counties run the program and operate on public highways in a limited capacity. I think that is fine, but as to making this voluntary, you might as well vote to eliminate the program right now because there will be no Commission. If you want a one-time fee, let us say \$20, the Commission cannot afford to do the grants and programs. Granted, they have not done them, as you saw in the audit report, which for an organization of volunteers is not a bad audit. If you have been around this building for very long, that kind of an audit is pretty good. You will hear from Mr. McKay that the Commission is addressing those issues.

The sponsor of the bill and I have talked about this. We have disagreed and continue to disagree. I appreciate her fervor about the intrusion of federal law enforcement into the state. I understand that. I hope the bill that the Chair mentioned receives unanimous support in this building because it deserves that. That aside, this program, which has not achieved its objectives, has every opportunity between now and the next biennium to do that. This body can set some benchmarks for the Commission to work towards and then decide if it makes it or breaks it. To abolish the Commission this session is what this legislation does.

Greg McKay, Chair, Commission on Off-Highway Vehicles:

I will go over some quick bullet points to show you some of the progress we have made and how close we are to realizing the goal of the legislation. We are opposed to A.B. 217 until we know what the details will be for the one-time registration. We feel this program would make us ineffective as a Commission and not make any positive effect in the state. The Commission has been given a large task of developing a program with little guidance in the early stage. We have made some mistakes in our process, but we have a good set of Commissioners who are dedicated and have worked very hard to make this program work. [Referred to written testimony ([Exhibit J](#)).]

In March 2014, the process of developing the proper regulations according to the Office of the Attorney General's Administrative Rulemaking Guidebook began. On July 2, 2014, we held our first public workshop on our draft regulations. These were submitted to the Legislative Counsel Bureau (LCB) on July 22, 2014. We received our draft regulations back from the LCB on November 25, 2014. We held the required public workshops and public hearings and have submitted our final changes back to the LCB. We have worked with Deputy Attorney General Raelene Palmer and the Chief of the Office of Grant Procurement, Coordination, and Management, Sheila Lambert, as well as members of the public to add language outlining the role of our nonvoting advisors in the grant process to broaden eligible applicants to include government agencies and to take out some provisions in the draft regulations that were better served in the grant guidebook.

These changes were agreed to during our March 11, 2015, Commission meeting. The changes were sent back to the LCB on March 16, 2015. We are awaiting their response and are in a position to adopt. When we adopt, we will have temporary authority to disperse the grant funds. The LCB will attempt to get the temporary regulations to the Legislative Commission and get them changed to permanent. As I stated earlier, we have also worked extensively with the Nevada Office of Procurement and Grants, which has helped us develop a transparent and accepted grant award process that ensures fairness without giving up authority. The Commission will have the authority to set the grant guidelines and score sheets to individually score the grants and have the final say whether or not to fund grant requests. The Commission is going to work on our grant guideline scoring sheets and discuss the public education components at our next meeting in April 2015.

We have also had an audit from the Division of Internal Audits, Department of Administration ([Exhibit H](#)). The final report was delivered to the Commission in December 2014. The audit made six recommendations:

1. Seeking legislation that would allow the DMV to transfer to the Commission all OHV program revenue in excess of its expenses: The statute created the DMV fund but did not allow the transfer of excess revenue. In 2014, that amount was \$100,000. It could be much more with higher compliance levels. The DMV has a bill draft that would accomplish this transfer. We have talked with some legislators about this issue and expect to have more conversations with others in the near future.

2. Coordinating with the DMV to obtain more informative program revenue and expense data: We now have an agreed-upon format of program revenue and expense data that will be provided to the Commission by the DMV on the first Monday of each month.
3. Developing and implementing procedures to ensure funds are expended for OHV enforcement and public outreach: With law enforcement, as required by statute we are working with the Office of Criminal Justice Assistance, Department of Public Safety, which provides us with the recommendations to disperse law enforcement awards for the state. We have given input that we prefer that no federal law enforcement agency be eligible for these awards; that public education be a key component of the program; that we specify time periods and events that law enforcement agencies expect to enforce; and that equipment purchases are secondary to OHV registration enforcement. We are ready, upon the Office of Criminal Justice Assistance recommendations, to disperse fund, by the end of the calendar year. As far as the public education and outreach, when we get our draft regulations approved and our grant guidebook completed, we can fund the public education and outreach grants. The state audit estimated \$150,000 to spend on public education and outreach, and \$200,000 on law enforcement. The compliance rate could jump 35 percent, from the present 20 percent to 55 percent.
4. Implementing a program where decals are required for out-of-state OHVs located in the state for more than 15 days: For less than 15 days, we have reciprocity agreements with some, not all, states. We talked with the DMV and licensed OHV dealers to see how this can be best implemented.
5. Seeking legislation to have the Commission hosted by a state agency: The Department of Wildlife and the Division of State Parks, State Department of Conservation and Natural Resources, were mentioned as the best candidates. State Parks seems to be the best fit as they are the administrator of the federal Recreational Trails Program for OHV projects. I have been directed to bring back more details to our Commission meeting in April. We have been gravitating towards a memorandum of understanding instead of legislation because we can specify the required services, terms, and costs as an option. Preliminary discussions have focused on providing assistance with the grant process after Commission awards dealing with the contractual obligations and documentation.

[The sixth recommendation related to other funding sources ([Exhibit J](#)).]

Assemblywoman Kirkpatrick:

Out of the 40,000 OHVs that are currently registered, what type is actually used more right now? I would have to bet by being out on those trails that it might be the bigger OHVs that have two seats or more. I would be interested in seeing data that shows differently.

The reason that enforcement works in Utah is because the game wardens can write tickets right then and there. He can impound your vehicle or make you pay \$45 to get a sticker. How would you envision the enforcement? Once they leave the trail, they typically do not think twice about registering their OHV until they are caught a second time.

Greg McKay:

I could probably get you some figures that will show the breakdown as far as the UTV versus ATV versus dirt bikes in the state, but it might take a little while. The Commission has had the same discussions about how to make this process of registration easier on the consumer. We are open to any ideas as far as people being able to do the inspections and issue the stickers.

Assemblywoman Kirkpatrick:

I think you missed my question. You said that you could spend \$200,000 on enforcement, which would make more people comply. I want to understand where that figure came from and what the expectation is. I apologize if I miscommunicated.

Greg McKay:

The statute states that 20 percent of our Account for Off-Highway Vehicles as of January 1 of each year will be spent on law enforcement. That is where the \$200,000 figure comes from.

Chair Wheeler:

Your testimony ([Exhibit J](#)) is seven pages long and a page of bullets, so please skip to the bullets. We have your testimony in writing and most of us have read it.

Greg McKay:

We have some suggested changes that could greatly improve the OHV program's effectiveness. One was from the audit to change the statute to allow the transfer of OHV program revenue and expenses. Another change would be to allow the DMV and licensed OHV dealers to manage the out-of-state OHV decal program and maybe the in-state decal program too.

Assemblyman Sprinkle:

You said you are in opposition to the bill because it would make the Commission ineffective. It seems to me that with the amendment it is still going to allow you to try to reach the goals that were put forth in the audit. Much of what I heard you talking about just now was management of funds and fees. Now you are going to have the opportunity to actually show the ability to properly manage these funds and fees, which I think is one of the major concerns that were associated with this. I am not quite sure why you still feel that the Commission will be ineffective or unable to do what the legislative intent was with this amendment.

I am still not getting a really good sense about enforcement and how you are going to utilize the \$200,000 to actually be out there enforcing what we are trying to do.

Greg McKay:

Until we have the details about what the fee would be for a one-time registration, we would have no way to gauge what our revenue might be. We are still opposed until we can get clarification on how that would affect our program revenue.

Second, with regard to the law enforcement piece, we are trying to figure out some kind of heavy public education where they would be able to go out and at least offer vehicle inspections and try to get the owners to go in and register their OHVs instead of issuing tickets. We are relying on recommendations from the Office of Criminal Justice Assistance on how the law enforcement agencies want to enforce these provisions. We can fund it based on their recommendations.

Assemblyman Sprinkle:

I see a difference between public education and enforcement. I do not see how those two fit together.

Chair Wheeler:

Are there any further questions from the Committee? [There were none.]

John Fudenberg, Assistant Coroner, Government Affairs, Office of the Coroner/Medical Examiner, Clark County:

As Assemblywoman Titus indicated in her testimony, Clark County provided the Department of Motor Vehicles with \$500,000 to get this program up and running. With the \$500,000, we received a mitigation credit towards the federal permit with the U.S. Fish and Wildlife Service. Of the fees generated, 15 percent goes to the DMV and 85 percent goes to the grant program, which

is managed by the Commission on Off-Highway Vehicles. The reason Clark County funded this program is because we planned on leveraging a portion of the money primarily for the restoration of trails and many other items so the OHV community could enjoy their activities without violating elements of the Endangered Species Act of 1973. With the proposed amendments and the one-time registration fee on the smaller OHVs, I am not aware of a negative fiscal impact at this point. We are trying to calculate that, and I will provide it as soon as I get the information.

Assemblyman Jones:

I do not understand why Clark County is in opposition to this bill.

John Fudenberg:

We are in opposition because we would like to have this program remain intact. We initially funded the program, and the negative fiscal impact that it would have with the one-time registration fee could jeopardize the future of the program.

Assemblywoman Kirkpatrick:

I do not remember if you were there, but we worked the entire session to put the identification in so the Nellis Dunes Recreation Area off of Interstate 15 near Apex could be used by the OHVs. We talked about restoring all of those trails because it was a safety concern since we had so many people out there. I believe from Clark County's perspective they have not gotten back their \$500,000, but the program has only been in place for two and a half years. Governments take a good nine months to put regulations in place. That is a bit of the backstory since I think I was the only one here when we did all of this, although maybe Assemblywoman Spiegel was here too. Clark County invested heavily because there was a big need and there still is every weekend.

John Fudenberg:

I am getting that feedback from our Comprehensive Planning Department as well.

Kyle Davis, representing the Nevada Conservation League:

I was a part of the 75th Session working group when we got this bill through. Assemblywoman Kirkpatrick, I remember your floor speech in favor of this bill. It was great. It was a long time coming and it took a lot of work. There were many groups that were part of the coalition that put this together and there were many groups who do not necessarily get along on many other issues. I was there representing conservation groups; there were also sportsmen's groups, the Cattlemen's Association, the Nevada Farm Bureau Federation, the counties, law enforcement, and most importantly, the users of OHVs. A lot of

us saw a shared purpose in trying to get the program done for many of the reasons you have heard today, whether it be creating a fund so we could do things like build trails, restore areas that were damaged by irresponsible use in the past, protect private property rights, or make sure we have reciprocity with our neighboring states so that when Nevadans take their OHVs across state lines they would be able to use them. Many different interests went into this. In part, that is why it took so long for all of us to get on the same page, but when we did, it was a broadly popular bill passed with overwhelming bipartisan support. Realistically, this was one of the bills that Senator Dean Rhoads worked on for many years with all of us working with him to try and finally get it to the finish line.

We find ourselves here today looking at this bill. While the original bill was something that we had a great concern with, looking at the amendments that have been presented by Assemblywoman Titus—and I appreciate her willingness to listen to the various sides and to work with us to try and come up with something that might be reasonable—I still have concerns with the amendment as to the amount of revenue that could be generated by the one-time registration. Would it be enough to fulfill the obligations of the program?

It is important to remember that the Commission on Off-Highway Vehicles is made up of various interests that are a part of this. We intentionally designed it so that the OHV users had a majority on the Commission. This funding is to be used for things like building trails and working on the restoration as well, things that are going to benefit the users.

I want more clarity as to what the finances look like because I think it is important to keep a lot of it in place. The issues that Clark County brought up are important; this is an important part of the Multiple Species Habitat Conservation Plan that they need to stay in compliance on with the U.S. Fish and Wildlife Service. I would urge the Committee to take a hard look at this. Let us keep the program in place and implement some of the recommendations you have heard. We should give this program a chance to succeed because it is very important to keep it in place for a number of different reasons.

Chair Wheeler:

You said "the obligations" of the fund; those were your words. What obligations does the fund have? I was not here in 2009.

Kyle Davis:

In statute, in regard to the money that is transferred over to the Commission on Off-Highway Vehicles after the administration portion for the DMV is taken off,

I believe there are five categories that the Commission on Off-Highway Vehicles can distribute grants for after they deal with the law enforcement portion. They must fund some portion of those five categories. I am talking about the six categories that are listed in the law.

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

Our association membership opposes this bill, specifically the original draft. The amendments seem to take care of some of the areas of concern. We do have issues with regard to the one-time registration and being able to keep the Commission funded. With regard to law enforcement, it is my understanding that the Nevada Sheriffs' and Chiefs' Association will work with the Commission to try to determine the best use for the funds that would be received, where the most demand is, and which county needs the money. At that point, it could be used specifically for enforcement and the purchase of OHVs to help assist in the enforcement. Enforcement could be a checkpoint that includes education for the public using this equipment as to what the law requires of them.

Assemblyman Carrillo:

What you are saying is that the Nevada Sheriffs' and Chiefs' Association is fine with the language that we have in the amendment—going through the process of registering on a voluntary or mandated registration, checking the VIN, and going through that whole process?

Robert Roshak:

I have to apologize. With that particular amendment, I would have to check with the Nevada Sheriffs' and Chiefs' Association. I had not received any feedback on that particular portion. I know they do VIN inspections, so I do not think it would be that great of a hardship, especially for the rural counties. They have indicated that they do not have major issues with VIN checks. I will get back to you on that.

Tina Nappe, Private Citizen, Reno, Nevada:

I have submitted my written statement ([Exhibit K](#)). Senator Dean Rhoads, who was the sponsor of this legislation for many years, was also very active in the Sagebrush Rebellion. You have before you a number of bills to transfer public lands over to state management. This bill is your first opportunity to express the type of management you would do if the lands were transferred. I think it gives some indication of the complexity of developing a new regulation, a new law, new sources of funding, and how that is all going to come about.

The bills that you have, like Senate Joint Resolution 1 and some of the others, are very simplistic, but this gives you an idea of how complex something can be and yet how important something like this is going to be for Nevada. It has the resources, the funding, the law enforcement, and the ability to manage a use—in this case, OHV use on public lands. While there have been a number of problems with the new legislation, I would really urge you to continue with it, and a one-time registration will not bring enough money to operate the program. There is nothing to prevent a three-year registration or other ways of obtaining those funds. This is your first real test of how the state will manage something that is so spread out across Nevada and yet is also a problem at times around urban areas, in parks, and other uses.

Education is really what we want, and we need resources to do that. Frankly, I am not an OHV user and I want to contribute, but I do not want to bear the entire burden of it. I am hoping, to an extent feasible, that you will keep the bill the way it is.

Karen Boeger, Cochair, Backcountry Hunters and Anglers; Director, Coalition for Nevada's Wildlife; and Private Citizen, Washoe Valley, Nevada:

I submitted a written statement for the Backcountry Hunters and Anglers ([Exhibit L](#)) and another written statement from the Coalition for Nevada's Wildlife ([Exhibit M](#)).

Chair Wheeler:

I just realized the time and I think we might lose the videoconference to Elko in about three minutes. Ms. Boeger, if you do not mind, I will take testimony from the speaker in Elko.

John Glenn, Owner, 5th Gear Powersports, Elko, Nevada:

I provided my written statement ([Exhibit N](#)), but I would like to speak to the original intent of this legislation. I have been involved with this since 1996. I sat through committee meetings and was heavily involved with the intent of what we wrote and why we wrote it. The intent of this legislation is to provide reciprocity for the residents, provide money to maintain and keep our trail systems and recreation areas open for all of the users, provide a legal title and a legal document for the users and the dealers, and provide a level playing field for the dealers who lost 35 percent of their business to out-of-state dealers prior to this legislation. At this point we still lose some money, but it is not nearly as much as it was.

This is a good piece of legislation and it is not very old. They did not start collecting until July 2012 and were not fully funded until January 2014. It is a fairly new program. Maybe people can complain about the money not being

distributed but realistically, at least they did not distribute the money to the wrong people. I am in opposition to A.B. 217, and I am voicing my opinion on behalf of the major franchised dealers in the state of Nevada. I can answer any questions. I know this bill inside and out and the intent of every aspect of it.

Chair Wheeler:

You said that you are also representing the major franchised dealers of Nevada, is that correct?

John Glenn:

On the written statement ([Exhibit N](#)) that I submitted, there is a list of dealers that have signed on.

Chair Wheeler:

A list of dealers or all of the dealers in Nevada?

John Glenn:

Excuse me, a majority of the major franchised dealers.

Chair Wheeler:

Thank you for the clarification.

Karen Boeger:

Both of the groups I am representing today are pretty much in agreement. Our members have been dismayed and disappointed to watch this OHV program suffer all the many obstacles that it has over the last several years that prevented these tangible benefits from reaching the ground. It has disgruntled our members. It is clear that the cumbersome registration process, according to our members, has led to minimal compliance among them. It has really frustrated them and, in effect, is creating too many outlaws. Those of us like me that have helped birth the program over the last year are witnessing the beginning of a turnaround with the grant process with the legal wrinkles ironed out so that money will begin to hit the ground soon. That is great and thus our plea, with the baby in the bathwater, it is just beginning to breathe, so please do not toss it out with the muddy water, but give it two more years to begin to stand on its own. Assess it then and make a decision.

Right now, there are some legislative cardiopulmonary resuscitation (CPR) measures that could be applied to help resuscitate it. As you have heard, there are a whole slew of diverse interested parents like Mr. Glenn and myself from all walks of life who usually never come together and thought this was a program that had promise to deliver benefits to each of us in different ways.

The Coalition for Nevada's Wildlife has not heard all that I have heard today. The Backcountry Hunters and Anglers are urging you to provide a workable solution to the cumbersome registration process. This would result in far greater compliance. Any way to reduce the DMV's responsibility would help, such as having more convenient entities do the registration. I am so pleased to be hearing the many ideas about who those entities could be. Thank you, Assemblywoman Titus, for lowering my blood pressure on that piece. I think we can work together.

Second, consult with the auditor who has done the research on all of the other western states. We could find out what works, what does not work, or how they fixed their programs in the past. Whatever fix you come up with, I think it is good to look at the models that are out there and are working. Many of our members have talked about the ease of using the Utah program, as Assemblywoman Kirkpatrick spoke about. I have heard good things about the Idaho program. I think the problem is not how many times you have to renew a registration; it is the bottleneck at the beginning. That is where I think the focus should be. [Referred to written testimony ([Exhibit L](#)) and ([Exhibit M](#)).]

Third, consider seriously the suggestions for improvement you heard from Mr. McKay. It has been through the Commission and there are representatives for each of our interests on the Commission. You know you are not going to get Mr. Glenn or me riled up and come and chew on you because we think it was an ill-conceived notion that you had to fix.

Last, I know that you heard Senator Dean Rhoads and Senator Mike McGinness. I would like you to consult with them because it was their vision that created this problematic program.

The notion of a one-time registration greatly concerns me and our members because part of our initial impetus was to get the highly visible identification on these vehicles. Even though we have many small ATV users amongst our members, they do not use it as their primary means of recreation. Rather, we tend to experience the impacts, such as a hunt being disrupted or outfitter members who are losing clients by irresponsible or illegal users trespassing into wilderness areas. We wanted that highly visible identification. If it is a one-time registration of these smaller vehicles, then I cannot imagine how that sticker will remain visible over its life. Some of the smaller vehicles are the ones that create the greatest impacts to wildlife habitat and/or wildlife harassment. Honestly, \$20 a year to renew? If someone can afford the trailers and big trucks to haul the OHVs, then I think they can afford \$20 per year. Our members feel fine about that even if they only use them once a year. The problem is the bottleneck at the beginning.

In summary, it has been a heck of a bumpy ride, so we are counting on you to not pull the plug or add more bumps. Please apply some very well researched, thoughtful, fully vetted fixes to get this OHV riding smoothly at last. If you can accomplish that, we all stand to benefit as well as wildlife and wildlife habitats.

Chair Wheeler:

Does the Committee have any questions? [There were none.]

Scott Gerz, Chairman, Nevada Trail Stewards:

We would like to begin by echoing the sentiments and positive comments that many have made today about the Commission on Off-Highway Vehicles and the registration program. We would also like to give support to Mr. McKay. He has done an excellent job with getting the Commission on track and making sure he is expediting this as much as possible. We hope you have had the opportunity to work with him and will continue to work with the Commission.

We just want to make sure that some of the pieces we have seen are noted for their financial impact and the way that can affect the state positively through the Commission. We have done some brief surveys and have found that less than 1 percent of Nevadans operate their OHVs exclusively in Nevada. The remaining 99 percent are required to pay out-of-state OHV green sticker registration to remain compliant and receive reciprocity in Nevada and across these other states. Nevada's registration fees will support other states OHV programs and leave Nevada's OHV community unfunded.

In the coming years, as the OHV registration, education, and outreach begin to raise compliance, we will voluntarily be sending millions of Nevadans' dollars out of state. These funds are needed here to benefit our great natural resources and help to build adventure tourism and stable economic benefits for generations to come. [Referred to written testimony ([Exhibit O](#)).]

I think it is important to understand that we are talking about larger numbers. We would be looking at as much as \$6 million a year in the near future going directly out of state if there was going to be no reciprocity that Nevada was going to continue with and no registration. Those funds coming back into the state and being granted to organizations such as the Nevada Trail Stewards to assist with education, trail support, mapping, and other programs it is intended to do would benefit California, Utah, Oregon, and the other western states.

We want to make sure that the money stays here in Nevada and our 3,300-plus OHV users' money is going to benefit Nevadans. We have a lot of out-of-state tourism coming into our state already, and we want to increase that. We want to make it beneficial for everyone who comes and uses the state and takes advantage of what we have to offer here in adventure tourism. [Also provided written testimony ([Exhibit O](#)).]

Gary Lambert, Member, National Off-Highway Vehicle Conservation Council; and Private Citizen, Reno, Nevada:

I would like to give you some guidance toward economic numbers that might help you. Then I will represent the National Off-Highway Vehicle Conservation Council. The last time there was a good economic study or a study of vehicles done in Nevada, I believe, was in 2003, as reported in the "Nevada 2005 State Recreational Trails Plan" by the Division of State Parks. It indicated there were about 425,000 vehicles at that time. The talk about large OHVs is true; it is a dynamic growth market. At the time I believe 80 percent of the entire state's occupancy was in ATVs.

I personally am an avid motorcyclist and am very involved with several national organizations because of the dynamic need to map Nevada. The reason is that during travel and resource management planning, most of our state will come under designated routes. I am pretty sure that is what is going to happen. The resource management plan has been coming at Nevada since 1974. Nevada was one of the last places to endure this action. I think that BLM is actually trying to do the best job they can given the way the courts and lawsuits work, and that drives them in a particular direction. I believe last year the BLM Carson City District Office had two interns mapping the entire section of an estimated 8 million acres. I probably turned in about 7,000 miles of singletrack. I believe the state of Nevada sees a value of between \$7,000 and \$35,000 for every mile of singletrack we get included in the inventory. That is what it costs to build recreational opportunities.

In 2003, there were 8.8 million user-days, according to the Division of State Parks. I am only talking about people over the age of 16 who were residents of Nevada. I frequently put on rides with 20 to 30 people from California. For certain, they spend over \$238 per day when they ride their motorcycle here; we know that. We know that back in 2003, OHV without tourism was \$1.649 billion per year. I personally believe that the Commission is the key to mapping Nevada to provide an inventory and encouragement for the BLM to include as much of our usage as possible. There is another \$1 billion in rural revenue that is sustainable; it is 10,000 rural jobs.

The National Off-Highway Vehicle Conservation Council was designed to support and advocate OHV use. It believes strongly in programs of the nature of the Commission because they are user-driven and their broad-based support allows funding for particular programs that benefit our user group.

Chair Wheeler:

I will now take neutral testimony.

K. Neena Laxalt, representing the Nevada Cattlemen's Association:

We are neutral. I made this decision on my own because we were in strong support of the original legislation and we were part of Senator Rhoads's and Senator McGinness's proactive movement. The main concern that we had at that point and still have was being able to recognize people who were using OHVs on our property, tearing up our grazing land, ruining the fences, and harassing the livestock. When the original bill, A.B. 217, took away the stickers, it was of great concern to us because that is how we identify and are able to turn in the people that are causing havoc in our areas. I would like to thank Assemblywoman Titus for listening to our concerns and putting that part of the bill back in. We strongly support this program and oppose the bill as drafted because of the registration tags being eliminated. With the amendment, we are happy that the registration tags are still remaining.

Clay McCauley, Executive Vice President, Nevada Farm Bureau Federation:

We are neutral. Our initial concern was the registration exemption for OHVs on private property and public lands. Our members' original concerns were that OHVs are farm and ranch equipment and that is how they are used. We want to make sure it continues that way. I worked with Assemblywoman Titus on the language, and she has added that language back in to the amendment. There are still some other concerns we have that were similar to Ms. Laxalt's concerns.

Sean McDonald:

The DMV is neutral. I will also give Assemblywoman Kirkpatrick a few numbers that she was looking for. As of March 1, 2015, we were at 40,276 actively registered vehicles, of which approximately 750 qualified as large ATVs.

Assemblyman Carrillo:

My question is regarding the new sections in the amendment. It talks about including provisions allowing county sheriffs the option of creating a program in consultation with the DMV. Basically it would be a requirement to work

with county sheriffs. What can you tell me about this amendment ([Exhibit F](#)) regarding the consultation? Is this something where the DMV would require the handling of all of the paperwork, but the county sheriffs would do the VIN inspection on the OHVs?

Sean McDonald:

I would want to discuss the overall structure of this in further detail with Assemblywoman Titus. We would want to know the dynamics of working in consultation with law enforcement. The solvency piece is the one piece I want to look at because of the numbers and how the allocation of the funding would go towards that. It is hard for me to comment on this 100 percent because I want to make sure the program remains solvent. The DMV would, of course, work with law enforcement in any capacity. They have the ability to do our VIN inspections now, but I would have to look at the financial aspects in a little more detail to get a true picture of how it would affect the program.

Assemblyman Carrillo:

Is that something you can get back to me on?

Sean McDonald:

Absolutely.

Assemblywoman Spiegel:

Do you have a sense of how many of the mini-trucks would be affected by Assemblyman Ellison's amendment ([Exhibit G](#))?

Sean McDonald:

I would defer to Assemblyman Ellison on that. We have had discussions throughout the years that I have worked for the DMV. I do not imagine it would be a huge number, but I do not have a number I can tell you.

Assemblywoman Kirkpatrick:

Out of the 40,000-plus vehicles that are currently registered today, only 750 of them would have fallen under the definition of a large all-terrain vehicle, correct? That is a big difference. Probably 50 of the 750 could be mini-trucks. At the end of the day, our number one users are the people who own smaller OHVs or dirt bikes. That point probably helps Assemblywoman Titus and the Committee as we go forward.

Sean McDonald:

That is correct—40,276 actively registered vehicles, of which 750 are the large qualifying vehicles that carry insurance. This has not been in effect for a long

time with the larger OHVs, so some of these other vehicles have had time to build up the numbers whereas the newer, large insured vehicles are relatively new to our program. March 1, 2015, is when that count was taken.

Chair Wheeler:

Are there any further questions from the Committee? [There were none.] Assemblywoman Titus, will you please conclude.

Assemblywoman Titus:

I want to express my appreciation to everyone who came today and to the Committee. It is a testimony to what we do here in Nevada to bring all of the stakeholders to the table and ask how we can fix this program. For those of you who know me, know I am passionate about Nevada. I would hate to compare anything to California and say that they do a better job. Mr. Ziegler said to me that he issues California stickers in his shop in Reno for \$30. He fixes and builds motorcycles; he is not a dealer. California sends him the stickers, he distributes them, they pay \$30, and they get the sticker. It is easy to get them. In Nevada, for him to issue a sticker, he would have to be a dealer and have \$5,000 minimum in bonding in order to do that. I think if we could remove some of the obstacles and make it convenient for people to walk in, get their sticker, pay their \$30, or whatever this takes to make it better, that is what we need to do. Thank you for your time and input.

Chair Wheeler:

I will close the hearing on A.B. 217. Does anyone have any public comments? Seeing none, the meeting is adjourned [at 5:27 p.m.].

RESPECTFULLY SUBMITTED:

Henri Stone
Committee Secretary

APPROVED BY:

Assemblyman Jim Wheeler, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Transportation

Date: March 24, 2015

Time of Meeting: 3:18 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 204	C	Michelle L. Van Geel, Committee Policy Analyst	Work Session Document
A.B. 217	D	Assemblywoman Robin L. Titus	Prepared Text
A.B. 217	E	Assemblywoman Robin L. Titus	Bureau of Land Management, Field Manual Page
A.B. 217	F	Assemblywoman Robin L. Titus	Proposed Amendment
A.B. 217	G	Assemblyman John C. Ellison	Proposed Amendment
A.B. 217	H	Assemblywoman Robin L. Titus	Audit Report, Commission on Off-Highway Vehicles
A.B. 217	I	Allen Veil / Private Citizen, Lyon County, Nevada	Written Testimony
A.B. 217	J	Greg McKay / Commission on Off-Highway Vehicles	Written Testimony
A.B. 217	K	Tina Nappe / Private Citizen, Reno, Nevada	Written Testimony
A.B. 217	L	Karen Boeger / Backcountry Hunters and Anglers	Written Testimony
A.B. 217	M	Karen Boeger / Coalition for Nevada's Wildlife	Written Testimony
A.B. 217	N	John Glenn / 5th Gear Powersports, Elko	Written Testimony
A.B. 217	O	Scott Gerz / Nevada Trail Stewards	Written Testimony