

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

**Seventy-Eighth Session
March 26, 2015**

The Committee on Transportation was called to order by Chair Jim Wheeler at 3:18 p.m. on Thursday, March 26, 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:

Senator Mark A. Manendo, Senate District No. 21

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Robert L. Compan, Manager, Government and Industry Affairs, Farmers Insurance
Al Leskys, Senior Air Quality Specialist, Air Quality Planning Division, Department of Air Quality, Clark County
Bonnie McDaniel, Private Citizen, Las Vegas, Nevada
Peter Krueger, representing Nevada Emission Testers Council
Charlene Albee, REM, Division Director, Air Quality Management Division, Washoe County Health District; and Private Citizen, Reno, Nevada
Paul J. Enos, Chief Executive Officer, Nevada Trucking Association
Mike Cathcart, Business Operations Manager, Finance Department, City of Henderson
Jeff Fontaine, Executive Director, Nevada Association of Counties
Amy McKinney, Administrator, Administrative Services Division, Department of Motor Vehicles
Jeannette K. Belz, representing Nevada Chapter, Associated General Contractors of America
Susan Burns, Unit Commissioner, Pinenut District, Nevada Area Council, Boy Scouts of America
Benjamin Newman, District Executive, Scoutreach/Soccer and Scouting, Nevada Area Council, Boy Scouts of America
Wade Hatch, Senior District Executive, Pinenut District, Nevada Area Council, Boy Scouts of America
Jeff Whitaker, Council President, Council Board, Nevada Area Council, Boy Scouts of America
Sean McDonald, Administrator, Division of Central Services and Records, Department of Motor Vehicles
James Kimsey, Private Citizen, Las Vegas, Nevada
Jude F. Hurin, DMV Services Manager III, Division of Management Services and Programs, Department of Motor Vehicles
Julie A. Keller, Sales Representative, Strieter Corporation, Crowley, Texas

Chair Wheeler:

[Roll was called. Protocol and procedures were explained.] We will change the order of the meeting because some of the members have to give testimony or present bills in different committees. We will start with Assembly Bill 326.

Assembly Bill 326: Revises provisions governing motor vehicle registration. (BDR 43-1052)

Assemblyman Carrillo, Assembly District No. 18:

Assembly Bill 326 is a two-part bill that does two separate things; both need to be addressed. The first part of the legislation addresses a problem that Assemblywoman Kirkpatrick and I have noticed on the roads. Under current Nevada law, a resident may get a special license plate from the Department of Motor Vehicles (DMV) for a passenger car or a light commercial vehicle that is labeled a classic vehicle. The qualifications for a car to be classified as classic are: it has a manufacturer's rated carrying capacity of one ton or less, was manufactured at least 25 years before obtaining the license plate, and contains only the original parts that were used in its manufacture or replacement parts. This law was put in place in 2011 with Assembly Bill No. 2 of the 76th Session sponsored by Assemblywoman Kirkpatrick; however, there have been some unintended consequences. I would now like to show this brief video clip to demonstrate the impact the law has had on the state ([Exhibit C](#)).

Assemblywoman Marilyn K. Kirkpatrick, Assembly District No. 1:

I own my unintended consequences. I apologize for all the emails that members of the Committee have received. I have tried to reply to many of the emails because I think there is some misunderstanding of the current law. In 2011, Assemblyman Randy Kirner and I were attempting to save Hot August Nights in Reno. We had constituents in southern Nevada who wanted to showcase their 1969 Camaro, 1970 Monte Carlo, or 1970 Mach 1, but the law did not allow them to do that.

I will give you the history of the existing law. Senator Randolph J. Townsend was in the legislature for many years and is an avid car collector. He tried repeatedly to get the date for classic car designation changed, but was unsuccessful. Many of those older cars are a part of our history. I remember that 1970 Mach 1 being around when I was in high school. I do not understand the difference between it and a 1968 Camaro, but what we were trying to do was put a date in place so that as the time came you did not have to rely on the Legislature to determine which cars were collector's items. We worked with classic car owners, including a constituent who owned a 1970 MG. They were willing to pay extra on emission test fees in order to obtain a classic vehicle license plate. I worked with many of the classic car shows and learned that

people invest a lot of money in their classic cars. For many, working on their classic cars is their hobby. They invest money and put a lot of precious time into those cars.

We did not think the law would result in a large increase of classic vehicle plates. At the time, the DMV believed they could monitor the odometer readings when people came in with their smog check exemption requests. We came before this Committee, and a few of you might remember that it was very entertaining to hear about America's history, based on vehicles.

There is misinformation circulating that I am trying to limit annual miles to 5,000, but that is what the current law says. It is an increase from the 2,500 miles that it was for years. My reason for fighting many local governments and environmentalists about that is that 5,000 made more sense if you wanted to drive across Nevada or to an adjacent state. That is not new legislation or something that I want to eliminate. I understand there are some who are very opposed to having that restriction in place, but it is currently in statute.

In the video we saw a 1974 van with signs plastered all over it pulling a trailer full of landscaping equipment. I would not consider that a classic vehicle. A classic car might be out on the road being driven to a shop to be worked on. I have followed the same cars daily on the road. I think we have an abuse of the law. Mr. Glen Meek, the reporter on the video we watched, is a classic vehicle owner. He had a lot of conversations with classic car owners. Ironically, when he went to get his car smog tested, the technician told him that if it did not pass, he could go to DMV and get an exemption. That was not at all the intent of the bill. The DMV and the smog testers asked me if we could roll back the date for classic car designation. That is not what I want to do. I think we will have trouble if we go back to the previous 1968 limit. That would prevent a lot of cars from becoming part of our history. I offered to work on something that was more reasonable. What I thought was reasonable appears to have caused many people to worry. I am trying to find a resolution.

There is a lot of work that goes into true classic cars—not the ones you have seen driving down the road on a daily basis. It does a disservice to those who spend time and money showcasing their cars. Last summer, as I was walking my district, I stopped by a house—the owner had a 1968 car. His wife told me that she could not even get him to come in the house to eat dinner because he loved his car more than he loved her. These are investments for people like him.

The goal of the bill was to get younger people more involved with classic cars, anything to get them off their cell phones and computers and keep that investment going. We were looking for a solution. I no longer remember what this bill does because I know what everyone does not want it to do. We need proof that the classic car is not their everyday vehicle. I am open to suggestions. I am a supporter of classic vehicles, of keeping that hobby alive for our younger generation. I think that if we roll back the date and roll back the miles, we will have lost ground on where we were trying to go.

Chair Wheeler:

I have been in the aftermarket parts business for many years. I know that the intent of the original legislation was not to have a beater designated as a classic car. I believe 1975 was when the catalytic converter became mandatory on all manufactured vehicles for original equipment manufacturers. Since we are looking at people using the classic car licenses to be exempt from emissions testing, would it make sense to make every vehicle built before 1975 eligible to be considered a classic car, rather than basing it on 20, 30, or 40 years ago if you are looking for just the smog end of it?

Assemblywoman Kirkpatrick:

I was not attempting to address just the smog portion, although that is a big concern in the larger counties. The DMV has been extremely busy and has not been able to get back to me on language to fix this. Clark County will oppose changes, as they did last time. I understand that. I want to keep this hobby alive and maintain the integrity of the classic vehicle as intended in the original bill. I tried working with the Specialty Equipment Market Association, and I was on the phone with Mr. Steve McDonald, Vice President of Government Affairs, trying to stop the emails you on the Committee were receiving ([Exhibit D](#)). I thought we had come to an agreement; however, when he saw the 5,000 miles restriction, he thought that was new, and that ended our discussion. I tried explaining that this was existing language, but could not change his mind. I have tried everything, Mr. Chair. I hate to kill my own bill, but we had expected 1,000 vehicles to be registered as classics, not 10,000.

Chair Wheeler:

Are there any questions from the Committee?

Assemblyman Sprinkle:

In section 1, subsection 1, A.B. 326 says, "if the owner of the passenger car provides proof satisfactory to the Department upon initial registration." Of those different requirements, I wonder what would be considered adequate proof.

Assemblyman Carrillo:

I do not have the full definition right in front of me. There was a process that took place if the vehicle had not passed the emissions test initially. This is where the problem of circumventing the smog process began. There was a 90-day wait period between failing the smog test and receiving an exemption from the DMV in order to qualify for the plate—classic vehicle, classic rod, street rod, or old timer vehicle. The wait period was part of the process of qualifying for those plates. It depended on what type of vehicle you had as to which plate you were trying to qualify it for. The "youngest" vehicle designation would be for a car manufactured 20 years before the current date. If someone went in with a 1995 Mustang seeking a classic vehicle license plate, he would have to go through the process with DMV, showing that the car had not passed smog testing. There would then be a 90-day wait before going to DMV to get a classic vehicle plate.

Assemblyman Sprinkle:

I had misinterpreted "the initial registration." That does not mean the initial registration of the vehicle; it is the initial registration for the specialized plate. That is how they can show the proof listing under section 1, subsection 1, paragraph (a), subparagraphs (1) and (2). With section 1, subsection 1, paragraph (c), would you explain to me the reason for the new language?

Assemblywoman Kirkpatrick:

There exists in statute measures to ensure that vehicles are classics. You heard that in Mr. Carrillo's opening statement. The goal was to make it harder to receive classic plates. That is why people who already have them are upset. The classic vehicle cannot be the only car registered at your home, as the classic car is not licensed for daily use. I drive a little over 13,000 miles a year, so a limit of 5,000 for a classic car seems reasonable. People who own them do not want them out on the road, because they invest thousands of dollars into them. "Contains only the original parts" was added to help define a classic car. I do not think I have ever before come to the Committee asking for suggestions, but I am doing that. I appreciate the classic car designation and that these cars enrich the history of our country. I want to find a balance on this. I do not know that in 2025 my 1991 Chevy will be considered a classic. It will be a classic to my children at that time. I am looking for help on this.

Assemblyman Jones:

I think that you have done a good job in trying to limit the intention of the bill by requiring it to be a second vehicle, and requiring the odometer check to verify no more than 5,000 miles driven in a year if DMV is willing to do that. I think

there is a problem with the original parts provision. Most of those classic cars you showed were all built with big engines that were not original parts. Owners do modifications to make their classic cars fancier.

Even if some people are taking advantage of the classic car designation, if there are only about 10,000 classic cars in the state compared to how many registered vehicles there are, it is less than 1 percent. Is that not infinitesimal?

Assemblywoman Kirkpatrick:

It is a small percentage of vehicles on the road; however, the number is growing rapidly. I think some of that is because people are not buying new cars and keeping their cars longer. I can only imagine what it will be like in another year. It took us about nine months to get the regulations and everything in place to start registering classic cars. The bill had specified that it would go into effect October 1, although a constituent told me that DMV was not up and running on that date. The number of registrations grew by 9,000 on what was a preserved number of plates. I would be concerned that next year we would see the same growth and that before we know it, it would no longer be less than that 1 percent, but 5 percent.

Assemblywoman Spiegel:

I do not know all that much about classic cars. It sounds as if one intent of the bill was to make it easier for classic car owners to show their cars at events such as Hot August Nights. Do you know what percentage of classic cars out on the road are shown at car shows? Could showing proof of participation in at least one car show a year help validate that the classic car is being used for that purpose?

Assemblywoman Kirkpatrick:

I have been to every classic car show. Henderson had a great one in 2014, with around 200 entries. In the previous two years that I tracked it, fewer than a third of the cars had Nevada license plates. When I went last year, after the bill was passed, two-thirds of the cars had Nevada plates. When I inquired why the other cars did not have Nevada plates, I learned that the cars had come in from New Mexico. Hot August Nights is able to keep a lot more of their cars, so I went to that event—my husband loves that I am doing field research. There was a huge buzz about those who were happy to support Nevada by having the classic vehicle plate, not having to go outside of the state to do that. The number of classic car owners registering their cars as such has increased. The problem just got worse in the last nine to ten months. The first year saw an increase of 1,000 plates on true classic cars. It was great for me to see the 22-year-olds out there with their dads' cars that had been sitting in the backyard now put back together. It has worked.

Chair Wheeler:

I have owned a lot of classic cars. I had a great 1955 Chevrolet, and I had a 1968 Mustang that I rebuilt. I did not take them to a single classic car show. I drove them.

Assemblyman O'Neill:

A good friend of mine has a 1949 panel truck he uses for deliveries, pickups, and promotion of his business. He has kept it in beautiful shape, decorated with his business name. It has a classic plate on it. He would lose that designation, as his vehicle is a truck, not a passenger vehicle.

Assemblyman Carrillo:

The classic vehicle plate was set in place for vehicles newer than 1968. Everything from 1967 and older is already exempted in statute. That did not change. That is why I went out to find a 1967 Mustang instead of a newer model.

Assemblywoman Kirkpatrick:

Our statute is very complicated when it comes to determining plates for older vehicles. I do not believe they are subject to the same rules—the frame has to match on the oldest cars. We did not open up the rest of that statute because we were just trying to get to these particular vehicles that were newer than 1967 model years. I believe that the process changes for cars that were built in the 1960s. Your friend's truck would fall under a different category.

Assemblyman O'Neill:

The bottom line is that he would not lose his classic car plates based on your bill.

Assemblywoman Kirkpatrick:

I think that would be his secondary car, as well. Based on what we were trying to do, he would not be affected.

Assemblyman O'Neill:

Another constituent emailed me with issues about the 5,000-mile limitation. He participates in a cross-country race. He must not have known about that limit. A different constituent is retired, and the only car he owns is his classic car. Does he have to go out and buy another car in order to keep his classic license?

Assemblywoman Kirkpatrick:

You can see my dilemma in trying to rein it in. If you go back to 1975, there are going to be a lot of disappointed people next time. So far, I think the Chair has the best idea for me, and I will pick my battles with the counties, the two larger counties. That makes more sense. I just did not have the language, and I waited too long. It is not the intent of this bill to take away from the very people that you are talking about, because they do invest in their cars. It was just a way to try to narrow it down.

Assemblyman Flores:

In anticipation of the hearing on this bill, I reached out to the one person I know who is involved with classic cars. This makes sense to him. Most owners of classic cars tow them. They own another vehicle. The notion of going back to the 1975 model year—having the classic plate is like a badge of honor for owners. For someone who has a 1980 vehicle, keeping that badge of honor means a lot to him. Based on my minimal research—I got the emails from out of state, but they are not our constituents—Nevadans I spoke with thought this was a reasonable solution. It seems that most people on the Committee are also agreeing with that. I would like to hear from Committee members who do not think this is a reasonable middle ground. We are trying to find a solution.

Chair Wheeler:

Section 1, subsection 1, paragraph (c) says, "The owner of the passenger car has another passenger car or motorcycle registered with the Department." Is that meant for the person or for the household?

Assemblyman Carrillo:

This language was inserted primarily to prevent the abuse we are seeing. Most vehicles that are considered classic meet the criteria. Few owners will use their classic cars for daily driving. My 1967 Mustang is not my daily driver—I have a 2006 Chevrolet Express van and a 1999 Mazda Miata that I drive. If you have a 16-year-old, the first car you buy him is not going to be a 2015 Mustang. You are going to get him something that is reasonable. A classic car may not be his first choice, but it will get him to and from high school and to and from his first job. He will not have to worry about his car meeting the criteria for the classic vehicle plate, as the owner of the passenger vehicle has another registered vehicle.

Chair Wheeler:

In section 1, subsection 4, it says, "The Department shall verify the odometer reading of the passenger car." Have you set up a procedure for that with the DMV?

Assemblywoman Kirkpatrick:

We did not reinvent the wheel. There has been a procedure in place for a little over 20 years. It is something of an honor system. We discussed it in the 2011 Session—maybe there was an easier way to do this. With today's technology, I do not understand why we cannot keep track of this with the exempt smog testing. With that, we could at least track.

Chair Wheeler:

I seem to remember that when I moved to Nevada, DMV wanted the odometer reading. I could go to an authorized station—I went to a tire company—to have that verified.

Assemblywoman Kirkpatrick:

I am amenable. I think that, back in the day before budget shortfalls, we had DMV Quick Stops, where you could go and get that done. I think that would be a win-win for the DMV as well as others. I have not discussed it with DMV.

Assemblyman Carrillo:

With new vehicles, you would have to go through the Department of Public Safety's Nevada Highway Patrol office to verify the vehicle identification number (VIN) and odometer reading. I walked away with a piece of paper that showed they had verified the information. It does take place now. I am not sure about the safety checks you and Assemblywoman Kirkpatrick referred to. The idea is to try to make it as easy as possible, without burdening the classic car enthusiast with more work. We are trying to save something that is important. When Assemblywoman Kirkpatrick came through with this bill in 2011, I was really excited about bringing this to a whole new level for car enthusiasts. That is why I asked to present this portion of the bill—to protect that industry for people who cherish this as their hobby, sometimes saying they love it more than their spouse.

Chair Wheeler:

Mr. Carrillo, would you like to move on to section 2 of the bill?

Assemblyman Carrillo:

When this bill was first proposed it took on a second life. The second section of the bill requires an explanation of legislative history. In 2009, responding to changing revenues, Senate Bill No. 429 of the 75th Session changed the vehicle depreciation schedule of the governmental services tax (GST)—paid upon

registration of a vehicle—in order to meet the burdens imposed by the recession. The purpose of this section of the bill is to repeal what was done in 2009 to reestablish the depreciation rates at the pre-2009 values. Additionally, the law was changed so that the minimum amount owed on a registration would be \$16.

Here people registering cars that are one year old or older would pay 10 percent less. It would also decrease the minimum tax from \$16 to \$6. This is important to all of my constituents as it will put money back in their pockets. This bill would substantially benefit all private vehicle owners in the state. The money that would have been spent on registration could potentially go back into the economy in other ways. This would be a simple way to decrease the GST and give back to the citizens of the state. We are working on an amendment so that the local governments will not be negatively impacted.

Chair Wheeler:

A lot of the money from the GST goes to our schools at the local level. We have been fighting over getting more to our schools. Would this negatively affect that?

Assemblywoman Kirkpatrick:

In 2009 we were looking for revenue dollars that we could move to the State General Fund. Ironically, the testimony on the bill was that this would only be a \$10 difference. Many of my senior citizens found a \$100 increase on their registration. This bill would require that the State find \$63 million in the budget in order to make this happen. Currently we move this money outside the State Highway Fund and the Permanent School Fund in order to cover other essentials. I felt that it was appropriate that if we are having to look for revenue, we should put back what we promised the voters we would.

There is a piece that I did not take into account—the local piece. The local piece would go back to the schools and to local government, which is the amendment that we are working on. I pulled this legislation from the bill in 2009 so that I could see what it did in order to bring it back, but I left out one section of it. I am aware of that. I have spoken with the Fiscal Division; however, there is a pop-up work session on the Senate side today, so they are unavailable to help me. With your indulgence, that is one amendment for which we would like to make sure that if there is further discussion, it will be included.

Assemblywoman Spiegel:

I am excited about this piece of Assembly Bill 326. I, too, was here in 2009 and had this issue with a number of my constituents. One of the things that I did not realize back then was that the fees are based on the depreciation

of the initial value of the vehicle. It is not at all related to its current value. Even though the cash price goes down, the initial value remains the same. Especially for senior citizens who drive fewer and fewer miles as they age, yet hold on to their old cars, this makes a profound difference. This would go a long way to help a lot of my constituents.

Assemblywoman Dickman:

I want to understand this. Your amendment would ensure that the counties do not lose any of their local funding, that would come out of the state budget, meaning we would have to find it somewhere else.

Assemblywoman Kirkpatrick:

Currently, when the GST is collected, my understanding is a portion goes to DMV, a portion goes to the State Highway Fund, and a portion goes back to the local government. We only have to find \$63 million. I would like it if we could do something that goes back to the average citizen who has a very high car registration fee. The way the bill reads today results in a deficit to local government. One specific local government would see a deficit of \$400 per gross value. This is to make it consistent with what it always has been in our state.

Chair Wheeler:

Are there any further questions? I actually get quite a few calls on DMV fees. Many of my constituents would like to see these fees lowered.

Assemblywoman Dickman:

Was this one of the things in the sunset taxes?

Assemblywoman Kirkpatrick:

It is one small piece that is in it, but it does not put back the percentages of depreciation on your vehicle. In 2009, we thought we could slow down the depreciation rate. At 10 years, your car really depreciated and you would have significant savings. Now it does not. There are two pieces to the sunset—one is the GST and the other is changing the depreciation schedule. They work hand-in-hand.

Assemblyman Carrillo:

I want to add one thing regarding vehicle insurance. If you purchase classic vehicle insurance, there are requirements that must be met.

Chair Wheeler:

You gave us a conceptual amendment. Are you going to present that?

Assemblyman Carrillo:

The conceptual amendment ([Exhibit E](#)) applies to the part that would require that the classic car not be the owner's primary vehicle. It would include the "classic rod," "street rod," and "old timer" plate. Our bill utilized language that insurance companies already use regarding ownership of more than one vehicle.

**Robert L. Compan, Manager, Government and Industry Affairs,
Farmers Insurance:**

I am here in support of this legislation. Most insurance companies offer some sort of classic car insurance policy. That policy is mandated by mileage, usually 5,000 miles per year. As I was driving around this summer, I saw probably half of those 5,000 classic vehicles driving on the street in Las Vegas. I like to call them "classic pieces of junk." The first one I saw was a 1986 Nissan pickup truck. It was all rusted out, in various stages of repair. It said something like "Joe's Plumbing" on the side of it. It led me to think that it was not a classic vehicle—maybe it was classic in terms of age, but it is not being used under the definition of what the Nevada statute intended. I started compiling a photo montage of these vehicles and sending them to Mr. Carrillo. There are a lot of them out there. I think this bill addresses it.

Regarding what it does on the insurance side of it, we issue policies that are very inexpensive for classic vehicles because they are intended to comport with the law of 5,000 or fewer miles driven in a year. The problem is if they are driven over 5,000 miles a year, they are benefiting from that rate of insurance, but are still a possible cause of injuries on the streets of our state. What happens is these folks benefit from it, but who is going to pay the cost? You and I are, because we are not benefiting from the same reduced premiums. We support this bill because it puts it in line with what we do with classic insurance policies.

Chair Wheeler:

Are there any questions for Mr. Compan? [There were none.] Mr. Carrillo, do you have any comments? [He had none.] We will move to testimony in favor of A.B. 326.

**Al Leskys, Senior Air Quality Specialist, Air Quality Planning Division,
Department of Air Quality, Clark County:**

Clark County supports the changes to *Nevada Revised Statutes* 482.3816 contained in Assembly Bill 326, which requires the Department of Motor Vehicles to verify the odometer reading of a passenger car upon renewal of special license plates. Clark County is only supporting that portion of the bill that concerns classic vehicles.

The Clark County Department of Air Quality protects public health and welfare by designing, adopting, and implementing rules, programs, and policies to expeditiously meet both health- and welfare-based national air quality standards for criteria air pollutants. [Read from prepared statement ([Exhibit F](#)).]

Bonnie McDaniel, Private Citizen, Las Vegas, Nevada:

I support this bill, but do have a couple of comments I want to make on it. My family—my two sons and I—have six classic vehicles. Because of some of these determinations, we have vanity plates on ours so that the state also gets our extra money. We have a 1963 Chevrolet pickup that I drove when my oldest son was born. That now belongs to my 15-year-old grandson. We have a 1966 Chevelle that my oldest son bought when he was 14 years old; he is now 51. We have a 1968 Volkswagen Bug, a 1986 Honda Prelude, a 1985 Mitsubishi pickup, and a 1968 Harley-Davidson that I still ride, as do my kids. Even though we would love to have classic vehicle plates on all of these, we cannot do that because of the 5,000-mile limitation. The 1968 Harley goes to Sturgis, South Dakota, every year for the Sturgis Motorcycle Rally. That alone would take me beyond the 5,000 miles. I have driven the 1986 Honda Prelude since it had three miles on the odometer; it now has 428,000 original miles on it, and it still passes smog testing every year. The 1966 Chevrolet Chevelle is used daily. There is just something about getting into one of these classic vehicles that makes you feel a whole lot better than getting into one of the new plastic everybody-look-alike cars. You are looked at; you get comments. They are just a better ride all around.

Chair Wheeler:

Ms. McDaniel, I do not see it here on the sign-in sheet. Are you opposed to this bill or are you in favor of it?

Bonnie McDaniel:

I am in support of this bill. A lot of people take their 1960s model cars and go on the Route 66 tour every year. For a lot of these older cars, you cannot get original or aftermarket parts. You have to make your own parts. For Ms. Kirkpatrick, my son's car was the one she stopped to look at. My daughter-in-law says, "Yes, my husband loves his car more than he loves me."

Peter Krueger, representing Nevada Emission Testers Council:

These are the men and women who perform the annual smog tests in Washoe County and in Clark County. We are here in support of the bill.

As the Clark County Air Quality people testified, and as I am sure the Washoe County Air Quality people will testify, new and more severe ozone standards are coming later this year. They will further impact the designation of both counties as to whether they are in attainment, marginal, or out of attainment on air quality.

The current system allows classic cars to evade emissions testing, which our members perform. The number of evaders is small and insignificant to the overall revenue picture of our members. That is not the reason we are here. We are here because we believe the overall emissions program, which we are part of by state designation, needs to be protected and reined back in. Many of these vehicles are really not classic cars. Mr. Carrillo testified that in the last session where this topic was brought up by Assemblywoman Kirkpatrick, emissions stations volunteered to do the annual odometer check. Thank you for your consideration of this bill, which has our support.

Charlene Albee, REM, Division Director, Air Quality Management Division, Washoe County Health District:

I have presented a written statement ([Exhibit G](#)) which is more than three minutes long. I will highlight some of the points in it. Washoe County supports the proposed changes to *Nevada Revised Statutes* 482.3816, contained in section 1 of Assembly Bill 326, which requires proof be submitted upon renewal, satisfactory to the Department of Motor Vehicles, to verify the odometer reading for passenger cars with a special license plate. We do want to make sure that it is on the record that Washoe County Health District is taking a neutral position on all other changes in the bill.

Washoe County emissions inventories currently identify that about 61 percent of our emissions that contribute to ozone are from motor vehicles, so this is something we are critically concerned about with the upcoming new ozone standards. We recognize that the intent of A.B. No. 2 of the 76th Session was to recognize the effort that goes into restoring, operating, and maintaining classic vehicles. In the true sense of a classic vehicle, we do realize the owners are not driving an exceptional number of miles. The 5,000-mile limit would protect our air and still recognize those vehicles, allowing them to operate.

We believe that submission of the annual odometer verification would provide an element of compliance assurance. Vehicle owners exploiting the classic car plate in order to circumvent the smog check would then be brought back into the smog check program and continue to protect the air. It is anticipated that the language included in section 1 will support our State Implementation Plans for ozone and carbon monoxide while providing a necessary control measure in the effort to attain the more stringent ozone standard that we expect to be

issued later this year. As the director of Air Quality, I would be more than happy to answer any questions, but I would also like to provide support on a personal basis after any questions.

Chair Wheeler:

Are there any questions for Ms. Albee? [There were none.]

Charlene Albee, Private Citizen, Reno, Nevada:

I am a resident of Washoe County. This is a personal comment. I belong to a family that owns a number of classic vehicles. For our vehicles we have personalized plates, regular license plates, and classic plates. We are in support of this bill. We think that someone who goes to the effort of investing the time, money, and passion into these cars is actually maintaining the vehicles and very rarely drives them more than 5,000 miles. I know that our car insurance limits us to 2,500 miles per year. We have had no problem with that.

I would like to add that we have a 1970 GMC pickup truck that has been restored within an inch of its life, to the point of oak and chrome slats in the bed. It has been to car shows and has won some great recognition. The way the bill is written now, the language covers passenger cars only. That truck currently has a classic vehicle plate on it. Under this bill, it would no longer be eligible for that plate. We would like that to be taken into consideration.

Chair Wheeler:

You should talk to the bill sponsor about getting that amended.

Paul J. Enos, Chief Executive Officer, Nevada Trucking Association:

I am here today to testify in favor of Assembly Bill 326, specifically section 2, subsection 2. Nevada is one of the most expensive states in the country to buy and base plate a truck. Why are we so expensive here? If you look at the states, especially the states that surround us—there is not a tax on rolling stock in 36 states in this country. There is also no property tax, governmental services tax, or "in lieu of" tax in 27 other states including Idaho, Utah, and Arizona. That is one of the reasons why you do not see big trucking companies basing in the state of Nevada. They base plate in Arizona and Utah.

We first talked about changing the slant of the depreciation schedule back in 2006 as part of Governor Kenny Guinn's Blue Ribbon Task Force, which I served on. That money was supposed to pay for a \$3.8 billion deficit in the Nevada State Highway Fund. We talked about this in 2006 and presented it in 2007. Of course, as with most interim studies on taxes, it did not

go anywhere. I have a copy of it on a shelf in my office and look at it from time to time. In 2009, we were looking for money for the state of Nevada. Somebody had the idea of taking the 2006 study off the shelf and said, "We can take this depreciation schedule and just change the angle of it so that it is a little steeper. We can use this to fund our state." I remember having a conversation with Senator Mike Schneider in 2009. At the time, he was the chair of the Senate Committee on Energy, Infrastructure and Transportation. He said, "Paul, your guys will sign off on this. You are going to love it because in a couple of years, we are going to put this money in the State Highway Fund." We all know the story—it never got there.

When we look at changing the angle of the depreciation schedule back to where it was prior to 2009, for an average truck—let us say \$155,000, which is \$120,000 for a tractor and \$35,000 for a trailer—you are looking at a savings of \$775 in Clark County. Their governmental services tax is 5 percent. The savings would be \$620 in the rest of the state. Will that get Nevada to the point where we can compete for those big trucking companies like they have in Utah and Arizona? Probably not. But does it give our Nevada-based carriers that are competing with these out-of-state companies a little bit of relief? Yes, it will. We do support this bill from that perspective. I appreciate the sponsors bringing this bill forward. This is something that could help our industry out and maybe even help it grow a little. It might help give our guys who are based in Nevada, and buy their trucks in Nevada, a little bit of relief.

Chair Wheeler:

Does anyone have any questions for Mr. Enos? [There was no one.] Is there any other testimony in favor of A.B. 326? [There was none.] We will take testimony opposed to A.B. 326. [There was none.] Is there any testimony in the neutral position? I see we have some people in Las Vegas in the neutral position. If you want to speak, please fill the chairs.

**Mike Cathcart, Business Operations Manager, Finance Department,
City of Henderson:**

I was originally going to come up under neutral to ask for an opinion from the Legislative Counsel Bureau (LCB) from either Fiscal or Legal to ensure that all the pieces of *Nevada Revised Statutes* Chapter 482 that were amended in 2009 are being amended again with this current bill. I want to thank Assemblyman Carrillo and also Minority Leader Kirkpatrick for already mentioning that they are working on an amendment because there is another piece that needs to be in here.

Chair Wheeler:

Would you like an opinion from Legal?

Mike Cathcart:

I think we will work with the bill sponsors to look at the amendment when they provide it.

Jeff Fontaine, Executive Director, Nevada Association of Counties:

We are here to thank the sponsors for agreeing to write an amendment to correct the revenue impact to the counties. We are interested in making sure that the counties are held harmless.

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

I am here to testify as neutral on behalf of the Department. I want to put on the record that we are in the process of finalizing a fiscal note based on the language as written. It is due tomorrow.

Chair Wheeler:

I would like that fiscal note as soon as humanly possible.

Jeannette K. Belz, representing Nevada Chapter, Associated General Contractors of America:

We take every opportunity to educate people about the State Highway Fund and where it is. Although there is a bill before you now, as a legislative body, that would extend the sunset so that dollars that should be going from the GST would be going to the State Highway Fund for another couple of years. That is why I am here in neutral. This does not have any immediate impact, but over the long term, it would have an impact on what would go to the State Highway Fund.

Chair Wheeler:

Are there any questions? [There were none.] We will close the hearing on A.B. 326. We will move on to Assembly Bill 449.

Assembly Bill 449: Provides for the issuance of special license plates relating to the Boy Scouts of America. (BDR 43-1144)

Stephen H. Silberkraus, Assembly District No. 29:

Today it is my honor to present Assembly Bill 449 to you. Assembly Bill 449 provides for the issuance of two special license plates indicating support for the Boy Scouts of America. The first plate would be in general support of scouting in Nevada. It would be available to any Nevadan who would like to support the Boy Scouts of America. The second plate would be for the men that have attained the Boy Scouts' highest recognition, the Eagle Scout award ([Exhibit H](#)). [Continued to read from prepared testimony ([Exhibit I](#)).]

After having talked to many people in my district, along with Nevadans from across the state, I have seen a strong level of support for the issuance of these plates. So let me get into the meat of this, and how each of these plates will benefit our state.

The first plate for general scouting will raise funds to support Scoutreach. You might ask, What is Scoutreach? Scoutreach provides scouting to boys of all ages who otherwise are not able to participate in traditional scouting units. Scoutreach in northern and rural Nevada is a separate district within the Nevada Area Council, with program sites focused in the Reno, Sparks, and Fernley areas. [Continued to read from prepared testimony ([Exhibit I](#)).]

As for the second plate, recognizing Eagle Scouts, the funds from this plate will help support our local youth by funding camp scholarships to our local area camps. These would create the opportunity for the scouts to follow and to share in the same great experiences that we, as Eagles, were fortunate enough to enjoy.

Now I will address the distribution of funds. After working with Nevada's two scout councils, the Nevada Area Council and the Las Vegas Area Council, both have agreed that the funds from both plates will be directed to the Las Vegas Area Council, which will divide the funds according to the number sold under each council's area. [Continued to read from prepared testimony ([Exhibit I](#)).]

[Assemblywoman Dickman assumed the Chair.]

Assemblyman O'Neill:

We are limited in the number of special plates that are allowed. Does this fit in?

Assemblyman Silberkraus:

I have gotten with the Legislative Counsel Bureau (LCB) on this. As the Eagle Scout plate is a restricted plate—you must be an Eagle Scout to obtain it—it does not fall under the 30 cap. The Boy Scouts plate being presented as is would not go into that queue. This is not unprecedented. We have done that with the Sesquicentennial plate and other plates in the past. There is a high level of demand for this plate.

Assemblywoman Spiegel:

Why are you not including Girl Scouts?

Assemblyman Silberkraus:

I have contacted them at the suggestion of members of this Committee. At this time, they are not prepared to move forward with a similar plate. I will continue in conversations with them to see if the opportunity arises before this bill, hopefully, passes out of both houses. If not, I would be more than happy to carry that bill for them next session.

Assemblywoman Spiegel:

While the license plates can be acquired by people all over the state, the proceeds will be going to Las Vegas. Why is there not an equitable distribution?

Assemblyman Silberkraus:

It is because the program in Las Vegas is substantially larger than the one in northern Nevada. There are 20,000 active Boy Scouts and over 7,000 adult volunteers in Las Vegas, with just shy of 8,000 Boy Scouts and just over 3,000 adult volunteers in northern and rural Nevada. In discussions with both areas' Scout executives, they found this to be most efficient since the Department of Motor Vehicles requires that the funds be distributed to a single entity. The Las Vegas Area Council is better equipped to handle this and will issue those funds to the Nevada Area Council on a pro rata basis for use in the exact same programs as in southern Nevada.

Vice Chair Dickman:

Are there any more questions from Committee members? [There were none.] We will move on to testimony in favor of A.B. 449.

Assemblyman Silberkraus:

I have scouters here who have not signed in. I ask your indulgence in letting some of them speak.

Vice Chair Dickman:

We would love to hear from them.

**Susan Burns, Unit Commissioner, Pinenut District, Nevada Area Council,
Boy Scouts of America:**

I am a Troop 341 committee member. I am in support of this bill. My son has been in scouting since 2010. He started out as a Tiger Scout and just crossed over to Boy Scouts. I would purchase this plate here in Carson City. Scoutreach is a good program.

**Benjamin Newman, District Executive, Scoutreach/Soccer and Scouting,
Nevada Area Council, Boy Scouts of America:**

I am in charge of Scoutreach. All the youths that I work with directly will benefit from the sale of this plate. We currently have close to 1,000 youths participating in our programs. We have Scout leaders out right now running programs with Cub Scouts and Boy Scouts. We enjoy serving the youth of our community.

[Assemblyman Wheeler reassumed the Chair.]

**Wade Hatch, Senior District Executive, Pinenut District, Nevada Area Council,
Boy Scouts of America:**

I support this bill. I have been told that the Eagle Scout Alumni Association here in the Nevada Area Council has identified over 3,000 Eagle Scouts, and I understand that the Las Vegas Area Council has identified over 1,000.

Chair Wheeler:

Does anyone have any questions? [There was no one.] Is there anyone else in support of A.B. 449?

**Jeff Whitaker, Council President, Council Board, Nevada Area Council, Boy
Scouts of America:**

I am in support of this bill. It is great to see the young people that participate in Scoutreach and professional scouters like Mr. Ben Newman who devote their time. This fund would give us additional funds to hire professionals, like Mr. Newman, and program aides to conduct the program. A lot of these youth are underserved and do not live in areas where we can get the typical parental support for volunteers to run the troops. It gives these youths an opportunity to participate in a program that builds strong character, ethics, and morals. They probably would not have scouting without the Scoutreach program. I am an Eagle Scout—one of the more formative things in my personal life. It would be great to have people be able to recognize that accomplishment on their license plates. We have a wonderful camp in northern Nevada. I know they have camps in southern Nevada. Being able to help youth attend those camps would be a great thing as well.

Chair Wheeler:

Are there any questions? [There were none.] Is there anyone else in support of A.B. 449? [There was no one.] Do we have anyone opposed to A.B. 449? [There was no one.] Is there anyone in the neutral position?

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

We are neutral on this bill. We would be happy to help in any way that we can. We would have two plates. The first is the Eagle Scout plate, which would be a qualifying plate similar to professional firefighter and Freemason plates, limited to someone who has a qualifying circumstance of being an Eagle Scout. The Boy Scouts plate would be a part of the 30 plates that are allowed. There would be a process, pursuant to statute, as far as that being a charitable plate without having a qualifying event. Anybody wanting to sponsor the Boy Scouts could be eligible for that plate. Anyone wanting that plate could get it.

Chair Wheeler:

Are there any questions for Mr. McDonald?

Assemblyman Jones:

What is the queue right now for the 30 plates?

Sean McDonald:

Currently there are 13 organizations waiting in the queue.

Assemblyman Jones:

Can you estimate when this would become available?

Sean McDonald:

We are seeing quite an influx. It is based on maintaining 1,000 active registrations. It is difficult to put a timeline on this, as it depends on those who are in this queue as they get their plates—whether they are able to maintain the 1,000 active registrations required pursuant to statute.

Chair Wheeler:

Is there anyone else in a neutral position? [There was no one.] We will close the hearing on A.B. 449. We will take a short break while we check on when Senator Manendo will be here to present his bill. [The meeting recessed at 4:54 p.m. It resumed at 4:59 p.m.]

Chair Wheeler:

I see that Senator Manendo is here to introduce Senate Bill 145.

Senate Bill 145: Authorizes a nonresident who is a member of the Armed Forces of the United States and is stationed in Nevada to enroll in the Program for the Education of Motorcycle Riders. (BDR 43-71)

Senator Mark A. Manendo, Senate District No. 21:

I am very pleased to have Assemblyman P.K. O'Neill, one of your Committee members, come down to join me. We will make our remarks and then have the gentleman I worked with during the interim, Mr. James Kimsey, walk us through the bill. Senate Bill 145 authorizes "a member of the Armed Forces of the United States, a reserve component thereof or the National Guard and who is stationed at a military installation located in Nevada" to enroll in the Program for the Education of Motorcycle Riders. Currently the program is open only to residents of Nevada. According to the testimony and the working group that we had, in certain circumstances a nonresident member of the Armed Forces was unable to attend a motorcycle training course at the military base where he or she was stationed and wished to enroll in a course offered by this program. I will yield and am at your discretion with this legislation.

Assemblyman P.K. O'Neill, Assembly District No. 40:

I am honored and privileged to be here with Senator Manendo who has allowed me to present this bill with him. I am in strong favor of this bill as written, without amendments. I have been an instructor in motorcycle safety instruction for the state of Nevada for the last several years. There was a time when we had a course scheduled for active duty military personnel and had to cancel it because of the interpretation that the current law prevents them from having residency tuition. It forced them to go to a private class and spend considerably more to get their motorcycle endorsements as required by their agencies. Since then, we have allowed them in by turning a blind eye to their residency. This bill is an attempt to legalize that and make us more receptive to our out-of-state military personnel serving here through no choice of their own. They can take the card they receive once they pass the Motorcycle Safety Foundation (MSF) class, go back to their home state, and get their motorcycle endorsement.

Chair Wheeler:

Are there any questions for either the Assemblyman or the Senator? [There were none.]

James Kimsey, Private Citizen, Las Vegas, Nevada:

This bill was created by a group made up of several interested parties including legislators and people interested in motorcycle safety. It was put together in April and May of last year. The idea was to help reduce fatalities, and to bring the military into the fold. We had a strange statistic that said that we were losing more military to motorcycle crashes than we were to the war on terror.

My day job, as I explain to many people, is managing complex litigation in law firms, but I am also a certified motorcycle instructor. I am also a certified instructor in accident scene management and motorcycle trauma, including helmet removal. I teach classes here in Las Vegas. My colleague, Assemblyman O'Neill, is a great instructor. We have a great deal in common. The idea is to reduce our crash ratio, keep our military personnel safe, and honor them for serving us by giving them a little bit of a break on their tuition.

One thing that has happened since this bill was crafted nearly eight or nine months ago is that the military regulations have begun to evolve and change. The military regulations that I presented as exhibits [([Exhibit J](#)) and ([Exhibit K](#))] show that, in addition to the training they are required to receive, they are required to have a local license. The military put their programs out to bid. We have an MSF program at Nellis Air Force Base; we have a Marine Corps program as well. A group called Total Control Training—which now runs the California Motorcyclist Safety Program for the entire state—is the contractor for the Naval Air Station Fallon. It was intended that, if you could not receive on-base motorcycle safety training, you could enroll in an outside class as a nonresident with the military paying for it. You could receive your training as necessary. If you were required to or did attend the class on base, the problem on at least one military facility is that you cannot obtain a local license per military regulations. One question that has come up has been, is this an MSF-equivalent class? Nevada recognizes the Motorcycle Safety Foundation standard. California, Texas, and several other larger states recognize the Total Control standard. The military has done a complete evaluation of what are equivalent substitutes and what are acceptable standards for on-base training.

I support the bill as written. Senator Manendo was very gracious in bringing forward this bill. Assemblyman O'Neill was also. We are looking at asking for an amendment to also recognize those who are now left out of the bill through no fault of their own, the state, or any legislator. It is simply because their regulations have changed, and now require them to receive their training on base through a nonrecognized provider. A few minutes ago I had the advantage of speaking with the young lady to my left, Ms. Nancy Wojcik, who is the administrator of the Division of Field Services for DMV. She had been unaware of what I am talking about—the functional equivalents ([Exhibit L](#)). In many cases, people will oppose the amendment because they do not understand what the equivalents are and what type of training is available. The goal is the rider, motorcycle safety, and to protect our military and get them trained as well, so that they can follow the regulations.

One of the things being proposed is to add an amendment to this bill that would also recognize their on-base training. If they cannot leave the base to go to an MSF training course outside their field of operations, that means they receive training but still cannot get the motorcycle endorsement in the state of Nevada. The training they receive may be out of compliance for obtaining a license. A simple amendment ([Exhibit M](#)) could change that, recognizing the federal government standard for on-base training when these active duty military personnel—and only military personnel—take the on-base class, enabling them to receive their licenses.

Chair Wheeler:

I have a question for Senator Manendo. Is this considered a friendly amendment? The reason I ask is I think we could probably move this bill today, but if there is an amendment that will not happen.

Senator Manendo:

I am at the discretion of the Chair and the members of this Committee. With the deadline coming, if the Committee would like to move the bill as is, that is fine. If the Committee wants to weigh in on any possible amendments, feel free to do so. Thank you for hearing this today, as we had all of the military folks here—it was fitting. It was such an honor to see them all. Adding Assembly members to this bill is very easy to do. It would be a quick turnaround, not stalling the process much with that type of an amendment.

Assemblyman O'Neill:

This bill was also discussed in the last legislative session. It died because it got caught up in the deadlines. They tried to attach amendments to it.

Chair Wheeler:

There are a few questions, but as far as the amendment to add sponsors to the bill, we could do a floor amendment on that.

Assemblyman Sprinkle:

Assemblyman O'Neill and Senator Manendo, has Mr. Kimsey approached you as far as the amendment he is presenting? Have you had a chance to talk about it? To my understanding, what he is proposing is legitimate, but in case it is not, I thought I would ask.

Assemblyman O'Neill:

Assemblyman Sprinkle, he has not spoken with me about this amendment. I am not in favor of it for a couple of reasons. One being the confusion—it overrides the Department of Motor Vehicles' authorization to select, after their study, and approve which courses will be recognized for the motorcycle endorsement.

It would be superseding that authority without any study or evaluation except what is presented in the amendment. The courses are given statewide by the State and by private vendors. Military personnel have the ability to go off base to take these classes. We are offering them the in-state tuition rates. I am not in favor of the amendment for those and a few other reasons.

Assemblyman Jones:

I am confused. Are you saying that because of the changes in military regulations, presenting the bill now will not have the same effect? Is this amendment necessary? Do the changes in military regulations change the effectiveness of the bill's intended purpose?

James Kimsey:

Yes, I have discussed this bill and the amendment with Senator Manendo. I discussed it at the last session when it was in the Senate Committee on Transportation. Because of the regulations, the structure of the bill as currently written will not have its intended effect. You have a very large military base in northern Nevada which is under a different contract that is recognized by the federal government with regulations which show the equivalency between the Motorcycle Safety Foundation training and the Total Control training. The studies of the federal government show that the people on that particular base will be left out.

Let me correct something. Except for corporate Harley-Davidson at \$495 per student, we have virtually no private independent providers in the state of Nevada; it is all done through the college system. We have several applications pending, but have almost no other places for people to take classes. If people, because of their time, duty structure, and scheduling can only receive the on-base training—for instance Naval Air Station Fallon—then they are not able to leave that base to attend an MSF training course except under very special circumstances. It will not have the intended effect. I encourage them—and all the regulations encourage them—to work with the state as much as possible. This was a change that no one anticipated. It came in January, months after the bill was drafted. For instance, the state of California just changed their entire MSF structure to the Total Control structure, meaning every on-base instructor has to now be retrained. It has created some havoc there, but was an unintended consequence. To answer your question, because we are leaving half of our military people out and they may not have the ability to get to these classes, it does not have the intended effect.

To recognize on-base, federally sponsored training would not be a big stretch. It would help the military. If they could not take their on-base training, certainly some provisions could be made to get them off base. But what if that is the

only thing available to them? And now they still cannot get their driver licenses? That is the problem we have and I believe that with this we can work with the DMV and we can show where the equivalency is. I am an MSF instructor and a Total Control instructor. I know how the two compare. Under those two things it would be a simple comparison to work with the DMV, the Department of Public Safety, and the Nevada Program for the Education of Motorcycle Riders to put this into effect in a cost-effective manner and to cover all of our military people as opposed to only half of them.

Chair Wheeler:

Mr. Kimsey, are you an attorney who gets paid by the word? I am just wondering.

James Kimsey:

No, actually, I manage law firms. I still tell them not to talk as much, but I always violate that myself.

Chair Wheeler:

Are there any further questions?

Assemblyman Carrillo:

Currently, are members of the military required to have the motorcycle endorsement to be able to ride their motorcycles? Do they have prior training that allows them to get that endorsement through the MSF in order to enjoy riding in Nevada?

Assemblyman O'Neill:

Assemblyman Carrillo, if I understand your question, yes, but if they are from out of state, we recognize their licensing from their home state. This would allow them to get their endorsement—they can send their cards back, get their licensing from their home state. A representative from DMV may be able to answer your question on the licensing specifics. It allows the active military personnel to take the classes at the in-state tuition rate.

Assemblyman Carrillo:

As an example, someone stationed at Nellis Air Force Base buys a motorcycle. He or she would have to pass a motorcycle safety class. This bill would allow him or her to go off base for the training, correct?

Assemblyman O'Neill:

Nellis Air Force Base offers the MSF class on base. It is Naval Air Station Fallon that has gone to a different provider, no longer doing the MSF course that is recognized by the State of Nevada as a way to attain certification for

a motorcycle endorsement on your driver license. At Nellis, they could take the course on base or they could take it at the College of Southern Nevada. If they took it at the college, they would pay the in-state rate for it.

Assemblyman Carrillo:

This would help the people who are stationed at Naval Air Station Fallon, correct?

Assemblyman O'Neill:

It would allow them to come off base and take it off base at in-state rates, which are considerably less.

Jude F. Hurin, DMV Services Manager III, Division of Management Services and Programs, Department of Motor Vehicles:

The Department of Motor Vehicles is neutral on this. Assemblyman O'Neill is correct—the Department provides these exams if the applicant does not choose to go through an MSF program outside of the Department. Our tests and exams are developed from the structure of the MSF program. We would insert a caveat that whatever is decided would be equivalent to the MSF requirements on the exams we require today.

Chair Wheeler:

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

James Kimsey:

I would like to clarify two specific points. Several states do not accept Nevada's MSF instruction. For instance, if a member of the military is at Nellis Air Force Base and leaves that base to take a civilian course that is not taught on base and then sends his cards home to the state of California, the state of California does not recognize that. Several states do not. Several states, however, in not recognizing the civilian reciprocity with the state of Nevada, do recognize the on-base training of MSF and Total Control.

In the exhibits that I provided to the Committee, two things are apparent. First, all of the regulations require military personnel to get both a local license and take a course of instruction, not one or the other. If military personnel simply went to DMV to take their test, they would still be noncompliant with the regulation. Second, currently, only the on-base training in Nevada is recognized across the country, while several states do not have reciprocity with Nevada for its MSF courses. As a certified instructor, I am very well aware of that. We have tried to get reciprocity throughout the different states; but now, for instance, since California has changed from the MSF program to a competing one, that has become very problematic. Federal on-base programs are accepted

pretty much everywhere outside of the state, but not inside the state. A civilian MSF program inside the state of Nevada does not always have reciprocity with another state.

Chair Wheeler:

We will accept testimony in favor of Senate Bill 145. [There was none.] Is there anyone opposed to S.B. 145? [There was no one.] Is there any further neutral testimony? [There was none.] We will close the hearing on S.B. 145.

We will now be open to public comment.

Julie A. Keller, Sales Representative, Strieter Corporation, Crowley, Texas:

I represent the Strieter Corporation and the Strieter light warning reflector system. It has proven to be 78 to 90 percent effective in preventing vehicle collisions with deer and other wild animals. It is a patented reflector design aesthetically superior to fencing or other barriers with a most cost-effective collision prevention system. Every year an estimated 1,500,000 deer/vehicle collisions occur throughout the United States. In Nevada, there are many horse strikes. Many go unreported. The Strieter light system helps reduce these collisions in the most dangerous dusk-to-dawn hours when most wild animal strikes occur.

Headlights from passing vehicles strike the reflector, sending flashes of light across the road in both directions. The unnatural moving light patterns deter deer from crossing the roadway in front of a vehicle. It has proven to be 79 percent effective. The Strieter light system directs its light in wide bands both horizontally and vertically, making it effective on flat or sloping terrain. Reflected light is not seen by passing motorists. Installation is designed to avoid potential mowing and plowing problems. They are eligible for federal Transportation Equity Act for the 21st Century (TEA-21) and 80 to 90 percent Federal Highway Administration funding [under the Highway Safety Improvement Program]. They have been up across North America since 1979.

I would like to add that in Lyon County at night between 2003 and 2013, there were a reported 341 collisions with deer, wild horses, and other animals on the highways. Nevadans strike many deer, but horse strikes are often much more deadly. According to a research report dated January 2007 ["Evaluation of Wildlife Crossing Structures and Fencing on US Highway 93 Evaro to Polson," Amanda R. Hardy, et al, FHWA/MT-06-008/1744-1, January 2007], the Federal Highway Administration and the Montana Department of Transportation determined that an 8.9-foot fence is more effective than a 7.2-foot fence, but that deer permeated both types of fences and overall deer/vehicle collisions were not reduced. With fencing, animals can end up between the fences on the

highway, caught in the transportation corridor. They may also end up between the fences around the fence ends. Small animals like coyotes end up on the highway after digging under the fencing. The report states that wildlife fencing may pose a direct or indirect mortality risk for certain species. Additionally, coyotes, wolves, bears, and other predators have occasionally been seen running prey into the wildlife fencing. Underpass and overpass factors that should be considered are the species and surrounding landscape, vegetation in the direct vicinity, and co-use by humans.

States such as Colorado, Michigan, New Jersey, and New York, as well as Edmonton, Alberta, and Winnipeg, Manitoba, in Canada continue to purchase the reflectors. I would also like to quickly add that they can be placed on existing delineators and can adhere to cement walls and center dividers. I had them up in Lyon County on Highway 50 East in the early 2000s. They were taken down and inadvertently destroyed. The county was not able to put them back up after the highway was widened. Since then, there have been many wild horse collisions. Putting the reflectors back up on the highway will prevent this and many deaths, as they save lives.

Assemblyman Jones:

What is the distance needed between reflectors? What is the price per unit?

Julie Keller:

It is governed by the distance across the highway. You cross the highway and go down the same distance. They straddle the road. The cost is \$23 each.

Chair Wheeler:

Are there any further questions? [There were none.] The hearing is now adjourned [at 5:27 p.m.].

RESPECTFULLY SUBMITTED:

Joan Waldock
Committee Secretary

APPROVED BY:

Assemblyman Jim Wheeler, Chair

DATE: _____

<u>EXHIBITS</u>			
Committee Name: <u>Committee on Transportation</u>			
Date: <u>March 26, 2015</u>		Time of Meeting: <u>3:18 p.m.</u>	
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 326	C	Assemblyman Richard Carrillo	Video clip
A.B. 326	D	Steve McDonald, Specialty Equipment Market Association	Email in opposition
A.B. 326	E	Assemblyman Richard Carrillo	Proposed conceptual amendment
A.B. 326	F	Al Leskys, Department of Air Quality, Clark County	Prepared testimony in support of changes related to classic cars
A.B. 326	G	Charlene Albee, Air Quality Management Division, Washoe County Health Department	Letter of support for changes in Section 1
A.B. 449	H	Assemblyman Stephen H. Silberkraus	Handout of Boy Scout and Eagle Scout license plates
A.B. 449	I	Assemblyman Stephen H. Silberkraus	Prepared testimony
S.B. 145	J	James Kimsey, Private Citizen, Las Vegas, Nevada	United States Marine Corps Motorcycle Riding Clinic report
S.B. 145	K	James Kimsey, Private Citizen, Las Vegas, Nevada	Department of the Navy Traffic Safety Program
S.B. 145	L	James Kimsey, Private Citizen, Las Vegas, Nevada	U.S. Air Force report on programs for motorcycle training
S.B. 145	M	James Kimsey, Private Citizen, Las Vegas, Nevada	Proposed amendment