

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

**Seventy-Eighth Session
April 2, 2015**

The Committee on Transportation was called to order by Vice Chair Jill Dickman at 3:20 p.m. on Thursday, April 2, 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: 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 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:

Assemblyman Nelson Araujo (excused)

GUEST LEGISLATORS PRESENT:

None

Minutes ID: 701



STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Michael Marcum, Board Member, Northern Nevada Confederation of Clubs
Fredric Harrell, Private Citizen, Las Vegas, Nevada
Jim Sallee, Private Citizen, Las Vegas, Nevada
James Kimsey, Private Citizen, Las Vegas, Nevada

Vice Chair Dickman:

[Roll was called.] I will open the hearing on Assembly Bill 422.

Assembly Bill 422: Revises provisions governing the operation and equipment of motorcycles and mopeds. (BDR 43-1073)

Assemblyman Richard Carrillo, Assembly District No. 18:

I am an avid motorcycle rider. At times, I want to know when I travel throughout the state that the laws within the state do not change. Assembly Bill 422 addresses changes in motorcycle laws from county to county or city to city. I would like to introduce Mr. Michael Marcum, who has extensive subject knowledge on this issue and A.B. 422.

Michael Marcum, Board Member, Northern Nevada Confederation of Clubs:

I have been a resident of Nevada for close to 30 years. What we are requesting in this bill is to help bring our state law into alignment with California. As a general rule, I do not think Nevada should always follow California, but this is a commonsense measure. In my opinion, California is kind of a nanny state; they do not let bikers run wild. We want to add four words to the existing *Nevada Revised Statutes* (NRS) 486.201, to raise the handlebar height limit from shoulder height when sitting on your bike to no "more than 6 inches" above your shoulder. When the law was written, motorcycles tended to have a flat profile where the seat was higher than they are now. A number of shorter riders and the vast majority of women riders in my group can go out and purchase a brand new completely stock motorcycle that is not in alignment with our law because the handlebars are slightly higher than the shoulder when seated on the motorcycle.

I added pictures to my written testimony ([Exhibit C](#)). The first picture is a classic photo from the film *Easy Rider*. With the current law, the motorcycle that Peter Fonda is riding would not be legal. You quite often hear those kind of handlebars referred to as "ape hangers." Technically, those handlebars are quite high over your head, and that is not what we are aiming at. The second set of pictures shows a bike that I had in 1976 and next to it is a new 2015 Harley Davidson. The Harley Davidson is a stock motorcycle from the factory and it passes U.S. Department of Transportation standards. The motorcycle dealerships I am in contact with would like to know that they can sell that bike in Nevada and owners will not be given a ticket. California's current law has been in effect for a while now, and it states that the handlebars can be six inches above the shoulder.

Many states across the country are getting rid of the handlebar height laws altogether because it is an arbitrary decision. The old law was written as a measurement in relation to the seat, so some states have increased it up to 30 inches, such as Washington. Oregon does not have a law.

The other issue is to have the state supersede the counties and cities in Nevada so they cannot make up their own definition as to what a legal motorcycle in the state is. At least three cities in Nevada have a law that does not align with the state law; these cities are Las Vegas, Elko, and Sparks. That means members of my group can have a completely legal motorcycle registered in Nevada, but suddenly, when they cross into the city limits of Las Vegas, Elko, or Sparks they are illegal. This is a bizarre concept. With the help of some attorneys in Reno I was able to research the NRS and find instances where the state says there should be only one vehicle code for the state. I think motorcycles would qualify under that.

I have done a lot of research on this. I worked with Peter Vander Aa, Program Administrator, Program for the Education of Motorcycle Riders, Office of Traffic Safety, Department of Public Safety and other safety groups. I have not found anything that correlates handlebar height to accidents or safety. Many members feel this is used merely as a profiling law, so that police officers can pull us over and think our handlebars are too high but then ask questions about where we are going. We hope this will eliminate that behavior and also increase tourism from California, especially during Street Vibrations, which concerns me because I live in Reno. We want them to come across the border and ride in Reno and Sparks without suddenly becoming illegal when they cross into Sparks city limits.

[Assemblyman Wheeler assumed the Chair.]

Assemblywoman Spiegel:

Do we have reciprocity with other states concerning motorcycle specifications? If someone came to Nevada from Idaho or Utah or was riding their motorcycle across the country, do you know if we accept their standards?

Mike Marcum:

Yes, as far as I know we do, with the exception of helmets. In Utah, adults are not required to wear a helmet, but they are required to wear one as soon as they enter into Nevada.

Assemblywoman Spiegel:

It seems like someone can be riding a motorcycle with ape hangers in their own state, which is legal, and not have a problem in Nevada because we have reciprocity, but someone within the state of Nevada could have a problem in one jurisdiction versus another, correct?

Mike Marcum:

Yes. I have a lot of anecdotal evidence that Las Vegas tourists are being given tickets. If you live in California, returning to Las Vegas to fight a citation is cost prohibitive. There have been judgments in Las Vegas where the judge has sided with the officer citing the person, thus forcing them into the appellate process for a really simple matter. I would really like to see the law consistent throughout the entire state.

Chair Wheeler:

I will now take testimony in favor of A.B. 422.

Fredric Harrell, Private Citizen, Las Vegas, Nevada:

I am a 50-year motorcyclist and 40-year resident of Las Vegas. I was representing motorcyclists in front of the Legislature from 1975 to 1995. This is one of the pieces of legislation that we, as a group, attempted to modify. The modification was a compromise to the shoulder height before it was an arbitrary piece of legislation based on seat height. Looking back over the past 40 years of this legislation, I was challenged to find any citations or reference to accidents or fatalities caused by handlebar height. I estimate this legislation was passed in 1969 or 1971, and it was passed as what I call one of the "movie laws." There was a plethora of legislation passed during that time, everything from having both hands on the handlebars at all times, helmet laws, and the handlebar law. I believe it is arbitrary, especially as far as enforcement is concerned.

In the researching of this, our neighboring states either have no handlebar height laws or they have a law that says handlebars can be six inches above the

shoulders as a person is sitting on the seat of the motorcycle. I am in favor of this bill. Ideally, I would like to see this issue of handlebar height totally removed from the law. However, this is an excellent start. I appreciate your time.

Jim Sallee, Private Citizen, Las Vegas, Nevada:

I have lived in Las Vegas for 51 years and have been riding motorcycles for about 56 years. I support this bill and think that Mr. Harrell gave you a good overview of what has been going on over the years. There have been many arbitrary things happening. I support the laws being uniform throughout the state.

James Kimsey, Private Citizen, Las Vegas, Nevada:

I support this bill and Mr. Harrell's testimony. We have shared some of the same seats at the same table as well as some of the issues we are discussing.

Chair Wheeler:

Is anyone else in favor of the bill? [There was no one.] Is anyone in opposition to the bill? [There was no one.] Is anyone neutral? [There was no one.] Assemblyman Carrillo, you are just trying to make a standard handlebar height in our state, correct?

Assemblyman Carrillo:

That is correct.

Chair Wheeler:

I will entertain a motion to suspend Rule No. 57 of Assembly Resolution 1.

ASSEMBLYWOMAN DICKMAN MOVED TO SUSPEND RULE NO. 57 OF ASSEMBLY RESOLUTION 1.

ASSEMBLYMAN SILBERKRAUS SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN ARAUJO WAS ABSENT FOR THE VOTE.)

I will accept a motion to do pass A.B. 422.

ASSEMBLYWOMAN DICKMAN MOVED TO DO PASS ASSEMBLY BILL 422.

ASSEMBLYMAN O'NEILL SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN ARAUJO WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Carrillo.

For the edification of the audience, I am going to reschedule Assembly Bill 450. As I looked at the bill and talked to some people, I realized it was not the bill that I wanted. We are going to make some major changes to the bill. The bill came out saying a complete toll road, and I was looking for toll lanes and enabling legislation. We will move to the work session now.

Assembly Bill 203: Revises provisions pertaining to short-term lessors of vehicles. (BDR 43-572)

Michelle Van Geel, Committee Policy Analyst:

Assembly Bill 203 was heard in this Committee on March 19, 2015 and is sponsored by Assemblyman Carrillo. Assembly Bill 203 adds to the list of permissible deductions from the governmental services fee the amount of any fee or charge that is imposed by a governmental entity and is paid by the short-term lessor. Such deductions include: (1) a concession fee; (2) the privilege of operating at an airport or a related facility; or (3) on behalf of a short-term lessee, the privilege of using the airport or a related facility. The bill also replaces the term "passenger car" with "vehicle" in relation to the charging of vehicle licensing costs by a short-term lessor and for purposes of allowing certain employees of a short-term lessor to solicit and sell insurance requested by a short-term lessee. The is a proposed amendment from Enterprise Holdings ([Exhibit D](#)).

Chair Wheeler:

I will entertain a motion.

ASSEMBLYWOMAN DICKMAN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 203.

ASSEMBLYWOMAN KIRKPATRICK SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN ARAUJO WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Kirkpatrick. 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)

Michelle Van Geel, Committee Policy Analyst:

Assembly Bill 449 was sponsored by this Committee and was heard on March 26, 2015. Assembly Bill 449 provides for the issuance of special license plates supporting Boy Scouts of America and recognizing a person who has achieved the rank of Eagle Scout. Fees from the license plates are to be used for: (1) assisting boys from low-income families with the costs of participating in Boy Scouts; and (2) promoting the Boy Scouts of America in schools. The bill does not require that these special license plates receive a minimum number of applications, but it does require a surety bond to be posted with the Department of Motor Vehicles. There are no amendments ([Exhibit E](#)).

Chair Wheeler:

I will entertain a motion.

ASSEMBLYMAN SILBERKRAUS MOVED TO DO PASS
ASSEMBLY BILL 449.

ASSEMBLYWOMAN DICKMAN SECONDED THE MOTION.

Is there any discussion?

Assemblywoman Kirkpatrick:

Since this is my last session and it will take at least eight years for the Boy Scouts to get this license plate, hopefully by then we have one for the Girl Scouts too.

Chair Wheeler:

If I happen to come back, I will sponsor the bill for you.

Assemblywoman Kirkpatrick:

Thank you.

Assemblyman Silberkraus:

I have actually been working toward that goal. I think we may have an amendment on the floor that will take care of the Girl Scouts.

Chair Wheeler:

THE MOTION PASSED. (ASSEMBLYMAN ARAUJO WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Silberkraus. We will now move on to 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)

Michelle Van Geel, Committee Policy Analyst:

Senate Bill 145 was sponsored by various legislators and was heard in this Committee on March 26, 2015. Senate Bill 145 authorizes a nonresident member of the Armed Forces of the United States, a reserve component thereof, or the National Guard, who is stationed at a military installation in Nevada to enroll in the Program for the Education of Motorcycle Riders. There are no amendments ([Exhibit F](#)).

Chair Wheeler:

I will entertain a motion.

ASSEMBLYMAN O'NEILL MOVED TO DO PASS SENATE BILL 145.

ASSEMBLYMAN SILBERKRAUS SECONDED THE MOTION.

Is there any discussion?

Assemblywoman Dickman:

A lot of us have been getting emails with regard to Assemblyman O'Neill's conflict of interest. Do you have an explanation?

Assemblyman O'Neill:

I have not seen the emails. Can you please edify me?

Chair Wheeler:

The emails are being forwarded to you right now.

Assemblywoman Kirkpatrick:

Since we are in the middle of a motion, we should move forward. We can get the information to Assemblyman O'Neill. There are a few emails, and I probably should have forwarded those to Assemblyman O'Neil out of courtesy. I got the emails at 1:08 a.m. and not very many people are awake that late besides myself.

Chair Wheeler:

I believe Assemblywoman Kirkpatrick is correct; we are going to move on. Is there any further discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN ARAUJO WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman O'Neill as long as there is not a conflict of interest. Is there any public comment? [There was none.] The meeting is adjourned [at 3:49 p.m.].

RESPECTFULLY SUBMITTED:

Henri Stone
Committee Secretary

APPROVED BY:

Assemblyman Jim Wheeler, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Transportation

Date: April 2, 2015

Time of Meeting: 3:20 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 422	C	Michael Marcum / Northern Nevada Confederation of Clubs	Prepared Testimony
A.B. 203	D	Michelle Van Geel / Committee Policy Analyst	Work Session Document
A.B. 449	E	Michelle Van Geel / Committee Policy Analyst	Work Session Document
S.B. 145	F	Michelle Van Geel / Committee Policy Analyst	Work Session Document