

**MINUTES OF THE
SENATE COMMITTEE ON TRANSPORTATION**

**Seventy-Eighth Session
April 23, 2015**

The Senate Committee on Transportation was called to order by Chair Scott Hammond at 8:39 a.m. on Thursday, April 23, 2015, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Scott Hammond, Chair
Senator Don Gustavson, Vice Chair
Senator Patricia Farley
Senator Mark A. Manendo
Senator Moises (Mo) Denis

GUEST LEGISLATORS PRESENT:

Assemblyman John C. Ellison, Assembly District No. 33
Assemblyman James Oscarson, Assembly District No. 36
Assemblyman Jim Wheeler, Assembly District No. 39

STAFF MEMBERS PRESENT:

Megan Comlossy, Policy Analyst
Darcy Johnson, Counsel
Martha Barnes, Committee Secretary

OTHERS PRESENT:

Andrew J. MacKay, Chair, Nevada Transportation Authority, Department of
Business and Industry
Buzz Harris, Medtech Services, Inc.
Richard M. Graver, Owner, Medtech Services, Inc.
Caleb Harris, Chair, United Veterans Legislative Council; Veterans of Foreign
Wars Department of Nevada; Disabled American Veterans

Bart O'Toole

Chair Hammond:

I will open the hearing on Assembly Bill (A.B.) 101.

ASSEMBLY BILL 101 (1st Reprint): Revises provisions governing motor carriers.
(BDR 58-69)

Assemblyman John C. Ellison (Assembly District No. 33):

Assembly Bill 101 proposes cleanup language addressing busses being used to transport workers to a mine site. Busses used at the mines were grouped together with public busses during the last Legislative Session. This bill is a way to correct the problem. To travel to the mine site now, a person would have to ride on a secured bus. The busses travel back and forth from a specific parking lot in Elko, Winnemucca or Wendover and go directly to the mine site. People are delivered to the mine site and then returned to the parking lot. The busses are not allowed to travel anywhere other than to the construction site or to the mine site.

The busses used at the mines were inadvertently included with public busses requiring a secondary license and the FBI criminal background check for the drivers, please review my handout letter ([Exhibit C](#)). The drivers employed by the mines already go through high security training and background checks. When the law passed, the drivers had to obtain a secondary license to drive the workers to the mine site. This was an added expense to the companies and the drivers of these busses. We discovered the issue early and met with representatives from the Nevada Transportation Authority (NTA) to discuss the problem and a solution.

Chair Hammond:

The bill is fairly simple, there are private companies operating busses that hire individuals to drive them. During the process, an extensive background check is conducted to ensure public safety for the employees. The bill allows these drivers not to visit the NTA to obtain a particular license or certificate of public convenience and necessity (CPCN).

Andrew J. MacKay (Chair, Nevada Transportation Authority, Department of Business and Industry):

The previous testimony summarized the bill quite well. For clarification, with respect to the driver's permit to operate the bus, not the actual licensing of the company itself, is the CPCN. Assemblyman Ellison was approached by a couple of operators in the Elko area to create an exemption from the permitting required. This bill is limited to those drivers transporting mine crews from the parking lot to the mines and back. The NTA is neutral on the bill.

Senator Denis:

Are these charter companies that run these busses or do the mines actually own the busses?

Mr. MacKay:

These are actual licensed motor carriers.

Senator Denis:

Do the drivers do other work or do they only drive workers back and forth to the mine?

Mr. MacKay:

Some drivers also provide charter bus service for the general public. Most of the drivers only provide transportation to the mine crews. If the driver bleeds over into driving for general transportation of the public, then he or she must obtain a driver's permit.

Senator Denis:

Is this only for the drivers transporting crews from the parking lot to the mine?

Mr. MacKay:

Yes.

Senator Denis:

How many individuals will be affected by this law?

Assemblyman Ellison:

There may be 20 busses a day going to each mine site. Each shift, there are probably 5 or 6 busses on the highway traveling from Elko to Carlin, or to Eureka County. There are quite a few busses but they are pretty well controlled.

With this change, if a driver leaves a bus company to work for another company, he or she would have to start over to obtain the proper licensing for the job. The license is not transferrable from one company to another.

The personnel responsible for bus security are made up of previous law enforcement officers from Las Vegas.

Senator Denis:

There should not be hundreds of these drivers because it is such a specific instance.

Assemblyman Ellison:

There may be 100 busses affected by this change.

Mr. MacKay:

I am not sure there are that many busses. Because the busses are running without stopping, there may be half that number. Looking at the number of drivers this bill will impact, that number is probably high.

Senator Denis:

Do these drivers already have commercial driver's licenses?

Mr. MacKay:

Yes.

Senator Denis:

Is the CPCN specific to the company the driver works for if he or she must obtain the second permit?

Mr. MacKay:

Yes. If a driver works for a taxicab company, a limousine company or a passenger motor carrier, the permit according to *Nevada Revised Statute* (NRS) 706.462 is not portable. If someone works for Whittlesea-Bell and then transfers to drive for Frias Transportation Management, the driver has to obtain a new permit.

Senator Gustavson:

Are these busses owned by the mines or are they owned by a charter company or both?

Mr. MacKay:

For the purposes of A.B. 101, these drivers are with certificated carriers. Some mines provide transportation for just their employees and would not fall under this language change.

Senator Gustavson:

I know the mines have their own busses and drivers, but these are the companies that hire charter bus companies providing the service. Is this so the driver does not need to obtain CPCN permits?

Mr. MacKay:

Yes. Barrick Gold Corporation transports their own employees in their own vehicles to their mine site and this bill will not apply to them. The bill applies to charter bus companies or other licensed motor carriers that have to obtain the permit.

Assemblyman Ellison:

There is a large gold mine getting ready to open in northern Elko County which is operated by Newmont Gold Company. The mine will have to bring in more busses, drivers and people to work for the company just to handle the area for construction purposes.

Chair Hammond:

Is this limited to the rural areas?

Assemblyman Ellison:

Yes. We amended the language during the hearing in the Assembly to exclude Clark and Washoe Counties.

Chair Hammond:

I will close the hearing on A.B. 101 and open the hearing on A.B. 251.

ASSEMBLY BILL 251: Revises provisions governing vehicle dealers. (BDR 43-1129)

Assemblyman Jim Wheeler (Assembly District No. 39):

Assembly Bill 251 fixes a problem we have in the current law to assist disabled friends get vehicles in a more timely manner with a lower cost. If someone takes a new vehicle and modifies it for disabled drivers with wheelchair access,

once the vehicle is modified it is still considered to be a new vehicle. The vehicle cannot be sold through a used car lot because it is still considered new.

We found many new vehicle sales lots do not want to handle this type of vehicle. A person can purchase a new van from the dealer lot and then take it to a modifier which ends up costing more. This bill will allow a used car dealer to take a new vehicle, that has been heavily modified for the disabled, and sell it on their lot. This will also allow a used car dealer to purchase a vehicle off the production line, modify the vehicle and place it on the lot for sale. A disabled person can purchase a modified vehicle faster, at a lower cost, and the person will have a used car lot to return to for their next vehicle purchase.

Buzz Harris (Medtech Services, Inc.):

Assembly Bill 251 allows a used car dealer selling significantly modified vehicles for the disabled to be sold as new if the used car dealer is already in the business.

I worked with the Nevada Franchised Auto Dealers Association (NFADA) and this is not something the new car dealers want to do because this is a special type of vehicle. The bill allows for the end customer to have a new warranty on the vehicle, such as having work done on the transmission at the dealership. The modified parts for a person with disabilities will also be covered by the person who sold the vehicle so the warranty is covered. This will provide better customer service and it lessens the financial impact by having to process the vehicle through a franchised auto dealer. There is no franchised auto dealer in Nevada who works on significantly modified vehicles and sells them. Toyota does not sell this type of vehicle during their normal course of business.

Senator Denis:

Does the law allow a used car dealer to sell a new car at this time?

Mr. B. Harris:

The vehicle is considered a new car under current statute. Not only is it a new car that is basically the same year, but additionally the vehicle must have less than 2,500 miles. People were taking a 2014 vehicle and selling it in 2015 as a used vehicle because it had low mileage. In order for a new car to be considered used, the vehicle must have more than 2,500 miles.

Senator Denis:

If someone wants to buy this type of vehicle now, would he or she have to buy it through the new car dealer and then have it modified incurring the extra costs?

Mr. B. Harris:

Since there are no significantly modified vehicles for the disabled manufactured in Nevada, the vehicle would have to be processed through a new car dealer which costs an additional \$1,500 or \$2,000. Following the purchase of the vehicle, it can be delivered to a company such as Medtech Services, Inc. for modification for the disabled. The additional cost is to process the paperwork and to change the title.

Senator Denis:

Does this change anything with the vehicle manufacturer's warranty? Is there a separate warranty for the substantial modifications through Medtech Services, Inc.?

Assemblyman Wheeler:

Having been in the aftermarket automotive parts business for most of my life, there is a federal law that states the installation of any aftermarket part may not void the warranty unless it causes a problem. If it were not for this law, a person would be unable to use a Fram oil filter in a vehicle. This bill does not affect the warranty in any way due to the federal law.

Chair Hammond:

The language in the bill addresses substantially modified by providing a definition. We are talking about a van manufactured by Toyota that could be modified at the plant, such as a different chassis, and sent to another manufacturer that installs additional parts. This is all completed on production lines by established manufacturers, then the vehicle arrives in Nevada to be sold later. These are vehicles that still maintain warranties and are considered new. The definition of substantially modified is in the bill and determines what needs to happen prior to selling the vehicle at a used car lot.

Mr. B. Harris:

That is correct and very well explained. This vehicle is new and remains new once it is substantially modified and has all the warranties in place. It is not

taking the vehicle to just anyone who says he or she can modify the vehicle. These companies specialize in installing these modifications for the disabled.

Senator Gustavson:

How does an individual begin this process? Does the person contact Mr. Graver and describe the vehicle he or she would like to purchase and ask if it can be found? Does the person contact you prior to going to the manufacturer?

Richard M. Graver (Owner, Medtech Services, Inc.):

It is true the individual will look at Honda vehicles, Toyota vehicles or Dodge vehicles for the chassis wanted and then he or she will come to me for the expertise about how the vehicle can be modified for the person who is in the wheelchair. The vehicle is new, made by Toyota or Honda, and is sent to a manufacturer like BraunAbility or Vantage Mobility International where it is converted.

I am the dealer who works with the disabled person to obtain the right piece of equipment for his or her needs. I am the dealer who will sell the person the vehicle of his or her choice.

Senator Gustavson:

Do you provide this service just in Nevada or somewhere else as well?

Mr. Graver:

I have one location in Reno.

Senator Denis:

You mentioned you worked with the representatives from the NFADA but we did not hear from them today. Did someone speak on the bill when it was heard in the Assembly?

Assemblyman Wheeler:

I spoke to some of the representatives of the NFADA off-line and they were neutral on the bill but had no problems with it.

Chair Hammond:

I also contacted someone from the NFADA and the group is fine with the bill. I will close the hearing on A.B. 251 and open the hearing on A.B. 103.

ASSEMBLY BILL 103 (2nd Reprint): Provides for the issuance of special license plates for veterans who are awarded the Silver Star or the Bronze Star Medal with "V" device, Combat V or Combat Distinguishing Device. (BDR 43-22)

Assemblyman James Oscarson (Assembly District No. 36):

Assembly Bill 103 creates two special license plates to honor veterans who have placed their lives on the line and defended America's freedom and our way of life. Having done so, individuals are awarded the Silver Star or Bronze Star Medal with a "V" device, Combat V or Combat Distinguishing Device.

To earn the Silver Star Medal a veteran who served in any capacity with the United States Army must have been recognized for gallantry in action against an enemy of the United States while engaging in military operations involving conflict with an opposing foreign force. The medal would also apply to a veteran who served with friendly forces engaged in armed conflict against an opposing armed force in which the United States was not a belligerent party.

The Bronze Star Medal is awarded to any person who served in the United States Military after December 6, 1941, distinguishing himself or herself by the heroic achievement or service not involving aerial flight while engaged in an action against an enemy of the United States and opposing foreign force or friendly foreign forces engaged in an armed conflict in which the United States was not a belligerent party.

These members of our community deserve special recognition for their service, which is why I proposed A.B. 103. Section 1 requires the Department of Motor Vehicles (DMV) to create and issue a special license plate honoring veterans awarded the Silver Star or Bronze Star Medal with the "V" device, Combat V or Combat Distinguishing Device.

A veteran is considered qualified to apply for this license plate if he or she submits evidence to the DMV that he or she suffered a 100 percent service-connected disability as a result of service in the armed forces and receives compensation for the disability from the United States.

There is no extra charge for these plates unless the license plates have to be replaced, then a \$5 fee will apply. A vehicle which displays these special license plates is exempt from paying parking fees including meter fees, provided the

DMV does not issue a redesigned license plate to a holder without the approval of the holder.

Sections 4 through 6 exempt these two license plate designs from being subject to the following requirements of existing law: being a recommendation by the Commission on Special License Plates; limitation on the number of separate designs the DMV may issue at any one time; and a minimum number of applications received by the DMV before a license plate can be designed and issued. The bill also prohibits a new vehicle dealer from accepting an application for registration of a vehicle if the applicant wishes to obtain special license plates.

Chair Hammond:

Who are the veterans in the audience who are here to support this bill? First and foremost the Committee would like to thank you for your service before you testify on the bill.

Senator Denis:

How does this differ from the other license plates that have to wait for an opening due to the limited number of license plates allowed? I think a special license plate design must have at least 1,000 active registrations for the DMV to continue manufacturing the license plates. How will this license plate work within that process?

Assemblyman Oscarson:

This license plate is exempt from those requirements. This license plate does not have to go into that queue because individuals must qualify to receive these license plates.

Senator Denis:

Does it require a certain number of license plates? If there are only five people who order the license plates, will they always be able to renew the plates?

Assemblyman Oscarson:

Yes.

Chair Hammond:

One of the things that is different about these plates is the veterans will have to qualify for them. These license plates will not be raising money for an

organization or charity. The license plates distinguish and provide recognition to those who have earned these medals. That is the reason there is no 1,000 active registration requirement and the DMV will develop policies in conjunction with the veterans groups as to what the individual must show them to prove he or she has earned the license plates.

Senator Denis:

Do we have other license plates like this?

Assemblyman Oscarson:

Yes, the Purple Heart license plate and others.

Senator Denis:

Did you mention something about parking fees in your testimony?

Assemblyman Oscarson:

The bill excludes these veterans from being subject to parking fees. Section 1, subsection 5 states:

a vehicle on which license plates issued by the Department pursuant to subsection 2 are displayed is exempt from the payment of any parking fees, including, without limitation, those collected through parking meters, charged by the State or any political subdivision or other public body within this State.

Senator Denis:

Would the individual pay any parking fees downtown if there was a meter?

Assemblyman Oscarson:

The individual would not have to pay parking fees.

Senator Denis:

Do we do this with other license plates?

Assemblyman Oscarson:

I am not sure. It makes it easier for these folks with injuries from their service to get in and out to conduct business in the areas where parking is difficult to find.

Chair Hammond:

The exemption is also found in section 7, subsections 1 and 2.

Senator Gustavson:

Another plate that might provide this exemption is the Congressional Medal of Honor license plate. Are there any other license plates that exempt parking fees?

Darcy Johnson (Counsel):

The Congressional Medal of Honor license plate is exempt from all parking fees. The Silver Star and several other veteran related license plates would only be eligible for the exemption if they also qualify for the international symbol of access on the license plates as the veteran must have a service-connected disability. A Silver Star recipient who obtains these license plates without being disabled is not exempt from parking fees.

Chair Hammond:

Veterans can park in my parking spot any time.

Caleb Harris (Chair, United Veterans Legislative Council; Veterans of Foreign Wars Department of Nevada; Disabled American Veterans):

I represent the Disabled American Veterans, the Veterans of Foreign Wars and the United Veterans Legislative Council and we support this bill wholeheartedly. In reference to the question about other license plates with parking fees being exempt, the service-connected, 100 percent disabled-veteran license plate is also exempt from parking fees. Assembly Bill 103 will place these license plates in the same realm for the parking exemption and we fully support the bill.

Chair Hammond:

Could you provide more information about the differences between the "V," the Combat V and the Combat Distinguishing Device? Are we looking at four different license plate designs?

Mr. C. Harris:

The Silver Star and the Bronze Star with the Combat V are not highly awarded medals because they are specifically awarded for gallantry.

The Bronze Star with the Combat V is specifically awarded for valor. There is also a meritorious Bronze Star that would be eliminated and the Bronze Star Medal would be awarded with the Combat V. Therefore, not allowing the license plate to be distributed for meritorious service would be more directly related to combat and specifically valor.

The Silver Star is not awarded for anything less than valor.

Senator Gustavson:

Do you have any idea how many veterans in Nevada might be eligible for these license plates?

Mr. C. Harris:

There will probably be no more than 100 overall. These medals are highly valued and rarely awarded. Some numbers will come forward from future legislative reports that will help us establish a better number. We do not have a system now to accumulate that aggregate data, but there is proposed legislation to provide us with this data by the next Legislative Session.

Bart O'Toole:

I wrote a letter to Senator Pete Goicoechea urging the amended language in A.B. 103 regarding the Bronze Star with the "V" device, Combat V or the Combat Distinguishing Device. I am happy to support this bill as it has been presented. There are many Bronze Star Medals awarded in the area of meritorious service. I want to ensure the Bronze Star Medal for combat is distinguished from the Bronze Star Medal for meritorious service. I am pleased with the way the bill has been amended.

The Bronze Star Medal was introduced in 1941 to accompany the Air Medal in existence for the air component of the military. The Bronze Star Medal was introduced as a morale booster for the ground troops and is the equivalent to the Air Medal. At some point in time, I would like to see the Air Medal with the "V" distinction be included in this license plate. These two awards are essentially the same, but one is the air component and the other is the ground component.

Assemblyman Oscarson:

The testimony before me speaks for itself. This bill is being brought forward by those who want these veterans recognized. These veterans go unnoticed and

do not want recognition and fanfare for what they have done. This bill provides an opportunity to pay respect in a small way. The passing of this bill is a way to preserve what these veterans have done for us all in the fight to keep us free.

Senator Manendo:

If someone displays this license plate on his or her vehicle, would he or she be allowed to park in a disabled parking space without displaying a disabled placard?

Assemblyman Oscarson:

If someone has the disabled license plates or a placard, that individual can park in the disabled parking space, but will have to have the disabled symbol displayed. These veterans will have the ability to add this to these license plates as well.

Senator Manendo:

My father used to display the disabled veteran license plates on his vehicle and he did not have to display the placard as well. It was very difficult for him to hang the placard as required due to his arm mobility. I want to make sure if the veteran has these license plates he or she will be able to utilize the disabled parking spaces and would not be ticketed if the placard was not displayed.

Chair Hammond:

The plate will have the distinction of saying Bronze Star Medal "V" recipient, but it can also display a disabled symbol of the wheelchair.

Assemblyman Oscarson:

I am happy to assist the men and women who have protected us by serving in the military. I have committed to work with the veterans if there are other license plates they feel are appropriate through the Commission of Special License Plates or legislation to help them with the process to benefit members of their organization.

Chair Hammond:

When we discussed having the disabled symbol on the license plate, there were representatives in the back row from the DMV who were affirming our discussion. They agree the disabled symbol will be available.

Senate Committee on Transportation
April 23, 2015
Page 15

Senator Gustavson:

Do you have a proposed design for the license plates? The bill mentions white with a blue background.

Assemblyman Oscarson:

I do not have a picture to show you but I know the design is being addressed. We will work closely with the DMV to ensure the design meets the standards set by statute.

Remainder of page intentionally left blank; signature page to follow.

Senate Committee on Transportation
April 23, 2015
Page 16

Chair Hammond:

I will close the hearing on A.B. 103. There being no further business to come before the Committee, we are adjourned at 9:24 a.m.

RESPECTFULLY SUBMITTED:

Martha Barnes,
Committee Secretary

APPROVED BY:

Senator Scott Hammond, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	1		Agenda
	B	4		Attendance Roster
A.B. 101	C	1	Assemblyman John C. Ellison	Statement