

**MINUTES OF THE  
SENATE COMMITTEE ON TRANSPORTATION**

**Seventy-Eighth Session  
April 9, 2015**

The Senate Committee on Transportation was called to order by Chair Scott Hammond at 8:18 a.m. on Thursday, April 9, 2015, in Room 2135 of the Legislative Building, Carson City, 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 Patricia Farley  
Senator Mark A. Manendo  
Senator Moises (Mo) Denis

**COMMITTEE MEMBERS ABSENT:**

Senator Don Gustavson, Vice Chair (Excused)

**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  
Rudy Malfabon, Director, Nevada Department of Transportation  
Scott Scherer, XpressWest  
Neil Cummings, President, American Magline Group  
Jeannie Kim, Commissioner, California-Nevada Super Speed Ground  
Transportation Commission

**Chair Hammond:**

Today we have a work session with 12 bills. I will open the hearing with [Senate Bill \(S.B.\) 142](#).

**SENATE BILL 142**: Revises provisions governing the equipment and training required to operate a motorcycle. (BDR 43-718)

**Megan Comlossy (Policy Analyst):**

Referencing the work session document ([Exhibit C](#)), S.B. 142 removes the requirement that a motorcycle driver wear protective headgear if the driver is at least 21 years of age, and has been licensed to operate a motorcycle for not less than 1 year. A passenger who is at least 21 years of age is not required to wear protective headgear. Both the driver and passenger are required to wear protective glasses, goggles or face shields unless the motorcycle is equipped with a transparent windscreen that meets certain standards adopted by the Department of Motor Vehicles (DMV).

In addition, S.B. 142 requires an applicant for a motorcycle driver's license or endorsement to successfully complete an approved motorcycle safety course in addition to any written examination and driving test as may be required by the DMV.

Senator Gustavson sponsored the bill and proposed three amendments. The first amendment deletes sections of the bill related to motorcycle helmets and obtaining a motorcycle license or endorsement. The second amendment clarifies the definition of trimobile. The third amendment provides the money in the Account for the Program for the Education of Motorcycle Riders may only be used to pay expenses of the program and not for any other purposes.

**Chair Hammond:**

For the edification of the Committee, the helmet portion of the bill has been removed due to lack of support, but we retained the definition of trimobile and the funding requirement.

SENATOR MANENDO MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 142 WITH PROPOSED AMENDMENT 9879.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Hammond:**

We will move to the next bill on the work session agenda, S.B. 183.

**SENATE BILL 183**: Makes various changes relating to the Nevada Transportation Authority. (BDR 58-717)

**Ms. Comlossy:**

Referencing the work session document ([Exhibit D](#)), S.B. 183 revises the legislative intent regarding the regulation and licensing of motor carriers to provide fair and impartial regulation and promote safe service in motor transportation. The bill eliminates certain requirements in the application process for a motor carrier for a certificate of public convenience and necessity (CPCN), including that the Nevada Transportation Authority (NTA) finds the market the applicant intends to serve; will foster sound economic conditions in the applicable industry; will not unreasonably and adversely affect other motor carriers operating in the same territory as the applicant; will support the proposed operation and will benefit the motor carrier businesses in the State. These provisions are all eliminated.

In addition, the bill reduces the length of time from 180 days to 60 days that an applicant for a CPCN to operate as a motor carrier must wait before submitting a similar application, whose application is denied.

You may recall that Senator Hammond proposed the attached amendment. The amendment allows a person who desires to participate as an intervenor in a hearing on an application for a CPCN to do so only on matters related to public safety. The NTA may only grant a petition to intervene if the petitioner can demonstrate actual or constructive knowledge of an issue relating to safe operation by the applicant. An issue relating to safe operation is defined to include information having a direct relation to the applicant's vehicles or driver's compliance with certain requirements, or vehicles or drivers posing a threat to the physical safety of the traveling public in some other way.

A working group of interested stakeholders met twice and provided input on the bill and the existing intervenor process for motor carrier CPCN applications. This amendment reflects the input received from a majority of the stakeholders in that working group.

**Chair Hammond:**

When we heard this bill, we talked about what someone can do to intervene during the application process. The working group also discussed what we were trying to accomplish with this bill. The paramount issue with transportation is public safety so that became our focus. The proposed amendment allows a person to intervene in the NTA application process and allows a person to say there is a problem. The problem can only pertain to public safety.

**Senator Manendo:**

Could we have a representative from the NTA provide input on the bill and the amendment?

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

The NTA is neutral on this matter. A couple of working groups and I had detailed discussions with the Chair of the Senate Committee on Transportation and the committee policy analyst relative to the intervenor process. The amendment clearly reflects our discussions.

**Chair Hammond:**

We looked at the federal definitions of safety and added language so it is much more in depth about what an intervenor can do in regard to public safety.

**Senator Denis:**

Does the current procedure allow people to intervene on issues of safety and competition? Will this change the process to address safety issues only?

**Mr. MacKay:**

Yes. According to the law with respect to the ability to intervene in any matter, it does not have to be a certificated carrier. The law just says a person. A person can apply to a company and file an intervention on any issue as long as that person can establish substantial interest in the application. The burden of proof is on the person to prove there is a substantial interest in the matter filed with the NTA.

I want to make this point very clear, a person cannot intervene on the basis of competition as it is explicitly prohibited by law. I was told yesterday someone can intervene on the basis of competition and that is just not true.

**Senator Denis:**

Will this amendment speed up or slow down the application process, or will there be no impact?

**Mr. MacKay:**

With respect to the intervention process, I do not know the answer to that question. It would be purely speculative to say it could speed up the process but with most applications, the intervention process very rarely expands or broadens the process. The law does not allow a person to broaden the issues unduly. The change could speed up the process in some instances if there is no discussion of intervention based on market.

**Senator Denis:**

Does the rest of the process stay the same and the amendment is the only portion that changes?

**Mr. MacKay:**

Yes.

SENATOR FARLEY MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 183 WITH PROPOSED AMENDMENT 6131.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Hammond:**

We will delay S.B. 229 and hear S.B. 245 from the work session agenda.

**SENATE BILL 229**: Provides for the issuance of special license plates indicating support for Second Amendment rights. (BDR 43-713)

**SENATE BILL 245**: Revises provisions concerning drivers of vehicles involved in accidents resulting in bodily injury to or the death of a person. (BDR 43-558)

**Ms. Comlossy:**

Referencing the work session document ([Exhibit E](#)), S.B. 245 increases the maximum term of imprisonment for a person who leaves the scene of an accident resulting in bodily injury to or the death of a person from 15 years to 20 years. The bill also prohibits a prosecuting attorney from dismissing a charge against a person who leaves the scene of such an accident in exchange for certain pleas to a lesser charge or for any other reason unless the attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

In addition, the sentence of a person convicted of such a crime may not be suspended nor may probation be granted.

The Nevada District Attorneys' Association proposed two amendments during the hearing. The first amendment eliminates section 1, subsection 4 of the bill, which prohibits a sentence from being suspended or probation granted, and the Association indicated the intent was to allow district attorneys the authority to provide some leniency, based on the specific circumstances of a case. The second amendment adds language to *Nevada Revised Statute* (NRS) 484C.430 providing a driver who fails to stop at the scene of an accident involving death, injury, or vehicle or property damage, or who fails to provide required information or assistance after an accident, cannot use, as a defense, the affirmative defense that he or she drank alcohol after the accident, not before.

The Washoe County Public Defender and the Clark County Public Defender offices also proposed two amendments. The third amendment would eliminate section 1, subsection 4 of the bill and the fourth amendment restricts the imposition of the higher penalties for leaving the scene of an accident to a driver that proximately causes the accident, rather than a driver who is involved in the accident.

As a special note, S.B. 245 essentially makes penalties for a person who leaves the scene of an accident that results in bodily injury or death the same as the penalties for a person who drives under the influence of alcohol (DUI) or a controlled substance and proximately causes substantial bodily harm or the death of another person.

**Chair Hammond:**

The importance of this bill is not lost on the Committee. At the time of the hearing, there was another crash in Las Vegas involving a hit-and-run and I believe the person was caught later and found to be under the influence. We wanted to ensure we got the language right. There were two amendments proposed by the Nevada District Attorneys' Association and two from the Washoe Public Defender and Clark County Public Defender. Senator Manendo, which amendments will you accept for your bill?

**Senator Manendo:**

I found out during the hearing on this bill, there was another hit-and-run crash at Sahara Avenue and Maryland Parkway and the driver did flee the scene. I am unsure if the driver can be charged with a DUI or not. He did flee the scene and a grandmother and 6-year-old granddaughter died. With that, I would ask the Committee to consider the two amendments proposed by the Nevada District Attorneys' Association.

**Chair Hammond:**

The Committee sympathizes with people going through tragic times in Las Vegas.

SENATOR DENIS MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 245 WITH TWO AMENDMENTS PROPOSED BY THE  
NEVADA DISTRICT ATTORNEYS' ASSOCIATION.

SENATOR FARLEY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Hammond:**

We will move to the next bill on the work session agenda, S.B. 324.

**SENATE BILL 324**: Revises provisions concerning the Department of Transportation. (BDR 35-23)

**Ms. Comlossy:**

Referencing the work session document ([Exhibit F](#)), S.B. 324 authorizes the director of the Nevada Department of Transportation (NDOT) to adopt regulations to enforce compliance with the conditions of an environmental permit issued to NDOT by any State or federal agency or any plan or program adopted by NDOT as a condition of such a permit.

The NDOT proposed the attached amendment, which was discussed at the hearing. Summarizing, the amendment proposes to enact statutory authority for NDOT to be able to impose certain civil penalties and other remedies, such as compliance orders, against any person who is responsible for an illicit discharge of water or other materials on or over an NDOT right-of-way. The authority under these new provisions is similar to and patterned after that of the Division of Environmental Protection, and includes the ability to investigate the source of any such discharge, even if the source is not on NDOT property. In the case of such illicit discharge, NDOT may order corrective actions; enjoin or restrain further actions which could exacerbate or continue the illicit discharge; and impose civil penalties of not more than \$25,000 for each day of the violation.

In the case of a situation where NDOT becomes aware of an imminent illicit discharge, the Division may seek an injunction to stop such a discharge, and a court hearing on such a matter may require a bond to ensure compliance with the injunction.

This new authority will be added to chapter 408 of NRS in which NDOT already has the authority to charge a person responsible for such an illicit discharge for the costs of repairing or ameliorating any damage to Department property that results, and to fine them for each day the damage remains unrepaired, NRS 408.210.

In addition, the amendment authorizes the director of NDOT to appoint a deputy director to manage, oversee and enforce NDOT's environmental program.

**Chair Hammond:**

There was a proposed amendment explained on the day of the hearing from the NDOT and we also had a conceptual amendment that came in after the hearing. I would like to hear from the representatives from NDOT if the explanation is sufficient. Rudy Malfabon indicated the summary was sufficient.



**Darcy Johnson (Counsel):**

I would like to clarify a point. The term illicit discharge has to do with any kind of substance that could result in pollution to the waters of this State or does result in pollution to the waters of this State. The term does not pertain to anything dropped on the highway. It has to be something that has the potential to cause pollution to the waters of this State.

**Chair Hammond:**

By passing this bill, we are allowing the NDOT to have the authority to issue fines and distribute warnings instead of waiting for another agency to issue the warning. It is not unlike what is being done in other states. We are being proactive before Nevada is fined by the federal government for illicit discharges.

**Rudy Malfabon (Director, Nevada Department of Transportation):**

That is correct.

**Senator Denis:**

Could you talk about the federal requirements?

**Mr. Malfabon:**

The NDOT is responsible for following the Clean Water Act and we have seen reviews of programs in other states from the United States Environmental Protection Agency where significant fines can be levied for not following requirements of the Clean Water Act. We must comply with the requirements and this enforcement helps us to achieve compliance.

SENATOR DENIS MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 324.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Hammond:**

We will go to the next bill on the work session agenda, S.B. 354.

**SENATE BILL 354**: Authorizes the use of motorized wheelchairs in bicycle lanes.  
(BDR 43-894)

**Ms. Comlossy:**

Referencing the work session document ([Exhibit G](#)), S.B. 354 allows a person to operate a motorized wheelchair on a pathway or lane provided for bicycles or electric bicycles. A motorized wheelchair must yield the right-of-way to any person riding a bicycle or electric bicycle traveling on the same pathway. The bill updates the definition of a motorized wheelchair and exempts a motorized wheelchair from the definitions of motor vehicle and motorcycle.

In addition, a motorized wheelchair is included in provisions of NRS related to the rules of the road and interaction between motor vehicles and bicycles providing there must be at least 3 feet between a motorized wheelchair and a passing vehicle, and a motor vehicle must yield the right-of-way to a motorized wheelchair operating in a bicycle lane.

Senator Denis proposed an amendment to allow a pedestrian traveling on a sidewalk who encounters an obstruction making the sidewalk impassable to proceed carefully on the highway immediately adjacent to the sidewalk for a short period. Such a pedestrian must walk as far to the side of the highway near the sidewalk as possible; may walk in the direction in which he or she was traveling on the sidewalk, regardless of the direction of traffic; may walk in a bicycle lane if the area between the lane and the sidewalk is impassable and must return to the sidewalk as soon as practicable. The driver of a motor vehicle must yield the right-of-way to any pedestrian traveling in such circumstances.

As a special note, under existing law, a motorized wheelchair is considered a pedestrian for the purposes of various traffic laws and rules of the road, NRS 484A.010 and NRS 484.165.

**Chair Hammond:**

This seems like common sense but takes up so many pages in the work session document. The change affected so many other chapters of the NRS while we allow people to travel on the road for a small amount of time and then move back to the sidewalk after passing the obstruction. We worked hard to get the bill to this point.

**Senator Denis:**

This bill gets to the issue I was trying to address. Unlike how the intent for this bill was reported, this is not a way to let wheelchairs and pedestrians take over a bicycle lane to travel in an unsafe manner. This was initially about allowing wheelchairs to enter the bicycle lane for a short period of time to move around an obstruction in the sidewalk and move safely back onto the sidewalk. We also received testimony about someone who could be pushing a wheelchair and experience the same issue, even someone walking on the sidewalk could be affected. Rather than specify wheelchairs only, this amended language should fix the issue I am trying to address.

I am trying to avoid having people in wheelchairs receive citations for having to move around an obstruction on the sidewalk where they are required to travel in a motorized wheelchair. I appreciate the work done to amend the language to provide this clarification.

Passing S.B. 354 will not allow motorized wheelchairs to take over the bicycle lane, it is really a safety issue so they can get around on an unsafe sidewalk and continue to the destination.

SENATOR MANENDO MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 354.

SENATOR FARLEY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Hammond:**

We will go to the next bill on the work session agenda, S.B. 404.

**SENATE BILL 404**: Makes certain changes concerning registration of mopeds.  
(BDR 43-1016)

**Ms. Comlossy:**

Referencing the work session document ([Exhibit H](#)), S.B. 404 requires mopeds to be registered with the DMV and sets an annual registration fee of \$33. The owner of a moped is required to carry a certificate of registration in the tool bag

or other convenient receptacle attached to the vehicle; however, moped owners are not required to maintain liability insurance for the vehicles. The DMV must issue one license plate to a moped owner, which must be attached to the rear of the moped.

Senator Denis proposed the amendment to require the owner of a moped to register the vehicle only once with the DMV. A one-time fee of \$33 is required to register a moped, as is a nontransferable, nonrefundable government services tax based on the value of the moped. Other required fees include those for a license plate and vehicle inspection. Moped registration is effective until the owner transfers ownership or cancels the registration and surrenders the license plates to the DMV. The DMV may also issue a certificate of title upon satisfactory proof of ownership.

Upon registration of a moped, the DMV must issue a license plate different from the license plate for a motorcycle. Such license plates need not display the month and year the registration expires.

This amendment also changes the effective date to require the DMV to carry out the amendatory provisions of the bill upon determining sufficient resources are available and after notifying the Governor and the director of the Legislative Counsel Bureau. It provides the bill is effective upon passage and approval for administrative purposes.

**Chair Hammond:**

This bill has gotten close to what is needed to address the epidemic of stolen mopeds and scooters throughout Nevada and especially in Las Vegas. The vehicles are being purchased, stolen and the owners are not able to prove ownership to get them back once retrieved and impounded. We want to make sure we are able to register the vehicle one time only so the plates are in the DMV system. The registered owner can get the vehicle back if it is stolen. The only regret is we have to wait for the DMV to modernize their computer system and then the change will happen as soon as possible. We have kept the fees down to around \$52 to \$55 to register a moped. The cost may be less in some of the rural areas.

**Senator Denis:**

Not only will this identify mopeds so they can be returned to the rightful owner, this will also catch those individuals who are driving the vehicle that is not truly a moped but should be registered as a motorcycle.

These scooters are faster and need to have the safety equipment and other requirements with a full registration and insurance. Since law enforcement cannot determine the size of these vehicles or if they should be registered, this will help. The owner will have to produce the manufacturer's statement of origin when an inspection is done on the vehicle at the DMV. I wish the fee could be less but understand the DMV has limitations at this time. By only having to register the vehicle one time it will not create an influx of customers to the DMV's long wait times in an office.

**Chair Hammond:**

There will also be a requirement to display a license plate on the moped, which should assist law enforcement. If law enforcement sees a license plate that indicates the vehicle is a moped and it is traveling 60 miles per hours (mph) down the highway, law enforcement can stop the driver and ask questions like what modifications have you made and is it still a moped. I would like clarification on the deletion of some language.

**Ms. Johnson:**

Section 1 subsection 2, paragraph (c) language of Proposed Amendment 6320 reads, "and the last license number, if known," the language will be deleted from the amendment following discussion with the DMV. This phrase will not be included in the printed amendment.

SENATOR MANENDO MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 404 WITH PROPOSED AMENDMENT 6320.

SENATOR FARLEY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Hammond:**

The next bill on the work session agenda is S.B. 410.

**SENATE BILL 410**: Revises provisions relating to motor vehicles. (BDR 43-705)

**Ms. Comlossy:**

Referencing the work session document ([Exhibit I](#)), S.B. 410 repeals NRS 484B.360 which limits a school bus to travel at a maximum speed of 55 mph when transporting students to and from school or any school-related activity. The bill also clarifies a student between 14 years old and 18 years old, who has a restricted license for driving to and from school in a rural area, may not exceed a speed of 55 mph.

Senator Pete Goicoechea proposed an amendment to revise, rather than repeal, NRS 484B.630. Essentially, the amendment retains the maximum school bus speed limit at 55 mph when transporting pupils to and from school, but allows a school bus to travel at the posted speed limit when transporting students to and from school-related activities.

**Chair Hammond:**

This bill is very important to someone who has been on a school bus numerous times for activities, traveling from one part of Nevada to another for 6 to 7 hours at a time and begging the bus driver to travel at a speed faster than 55 mph. The amendment leaves all of the important provisions in the bill when it comes to transporting our students from a pickup location to the school. The busses will still travel at 55 mph around the school but the speed can increase to the posted speed limit on activity trips. I would like to add my name to the bill as a sponsor.

SENATOR DENIS MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 410.

SENATOR FARLEY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Hammond:**

We will move on to the next bill, S.B. 456.

**SENATE BILL 456**: Revises certain provisions concerning the control and preservation of certain accessory roads. (BDR 35-1089)

**Ms. Comlossy:**

Referencing the work session document ([Exhibit J](#)), S.B. 456 urges the Attorney General to take a leadership role in pursuing actions on behalf of the State and counties formalizing a finalizing title to accessory roads and public roads. The bill authorizes the Attorney General to participate as a party in a quiet title action regarding accessory or public roads under certain circumstances and in cooperation with or on behalf of the county or counties in which the road lies.

In addition, the Attorney General, Land Use Planning Advisory Council and the Nevada Association of Counties must work together to develop and implement a legal protocol that a county may use to perfect its rights to and finalize title to an accessory or public road. There were no amendments proposed for this measure and there was no opposition to S.B. 456 during the hearing.

**Chair Hammond:**

The bill urges the Attorney General to assist in developing a plan to address this issue with the counties.

SENATOR MANENDO MOVED TO DO PASS S.B. 456.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Hammond:**

We will move on to S.B. 457.

**SENATE BILL 457**: Revises provisions relating to the Super Speed Ground Transportation System. (BDR 58-1106)

**Ms. Comlossy:**

Referencing the work session document ([Exhibit K](#)), S.B. 457 makes various changes to provisions related to the California-Nevada Super Speed Ground Transportation System. The bill removes reference to California's participation

on the California-Nevada Super Speed Ground Transportation Commission and renames the Commission the "Nevada High-Speed Rail Authority." In addition, references to the Super Speed Ground Transportation System are replaced with the High-Speed Rail System which is newly defined. Members of the Authority are appointed by the Governor and are responsible for selecting a franchise that meets certain requirements to construct and operate the System.

John Fudenberg, Assistant Coroner, Clark County, proposed two amendments; the first amendment broadens the definition of "Southern California" in subsection 3 of section 2 to include at minimum, Kern and San Diego Counties and the second amendment requires the majority of members appointed to the Authority be from southern Nevada.

Following the hearing Scott Scherer, XpressWest, proposed two amendments; the third amendment replaces references to franchise with franchisee and the fourth amendment transfers certain authorities from the High-Speed Rail Authority to the franchisee. There was no testimony in opposition to this bill.

**Chair Hammond:**

I did see the first two proposed amendments but am unsure about the third and fourth proposed amendments. I would like to ask Mr. Scherer about the need to change the wording from franchise to franchisee and transfer of the authority.

**Scott Scherer (XpressWest):**

We think franchisee is the proper term but are open to any other suggestions. Section 2, subsection 3 of the proposed amendment contains one of the amendments from Clark County to add Kern County and San Diego County to the definition of southern California.

Section 3, subsection 1 includes the membership of the Authority proposed by Clark County.

Section 5, subsection 3 of the proposed amendment reads, "A franchise selected pursuant to this section may with assistance of the Authority." Section 5, subsection 3, paragraph (b), talks about conducting various studies and says all local, State and federal environmental requirements must be met by the Authority.



Section 5, subsection 3, paragraph (f) changes the word "franchise" to "franchisee."

Because of the lead-in of section 5, subsection 3, it is the responsibility of the franchisee to meet all requirements. The Authority will assist but it is still the responsibility of the franchisee.

**Chair Hammond:**

I will say it again; this is not a hearing because the bill has already been heard in this Committee.

**Neil Cummings (President, American Magline Group):**

The American Magline Group is the private partner and franchisee issued by the California-Nevada Super Speed Ground Transportation Commission in 2000. We have been working with the Commission since that time and have completed a great deal of preliminary design, engineering and environmental work. Commissioner Jeannie Kim was appointed by the Nevada Governor to this Commission 2 years ago. We were not aware of this bill, so is it appropriate to set a new date to hear from the Commission?

**Chair Hammond:**

We have a deadline tomorrow and we are dealing with S.B. 457. We are going to process the bill. If this bill gets out of Committee today, it will be heard on the Senate Floor and if the bill gets moved to the Assembly, you will have a chance to testify during their committee hearing.

**Senator Manendo:**

I would encourage those people who have an interest in transportation issues to watch the posted agendas. I had someone contact me to say that person was not aware a bill was being heard. If transportation is your thing, you should watch the agendas, as they are properly posted. Testimony was heard during the scheduled hearing and everyone was allowed to testify for, against or neutral on the bill. This Committee did their due diligence to the public and you can testify during the hearing if the bill makes it to the Assembly. We generally do not hear a bill again once it is assigned to a work session. All of our doors are open and everyone on this Committee is accessible to the public so there are plenty of opportunities to address us.

**Chair Hammond:**

I want to make sure the Committee understands the four amendments.

SENATOR FARLEY MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 457 WITH ALL FOUR AMENDMENTS.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Hammond:**

We will move to the next bill on the work session agenda, S.B. 492.

**SENATE BILL 492**: Revises provisions governing the financial administration of off-highway vehicle titling and registration. (BDR 43-1175)

**Ms. Comlossy:**

Referencing the work session document ([Exhibit L](#)), S.B. 492 requires the DMV to charge an annual fee of \$12 for each special license plate issued upon the request of an off-highway vehicle (OHV) dealer, long-term or short-term lessor, or manufacturer. Money from such license plates must be deposited in the State Highway Fund.

In addition, after paying the expenses of administering the OHV titling and registration from the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration, the DMV must transfer, at least once each fiscal quarter, any amount over \$150,000 from the Revolving Account into the Account for OHVs. Any money remaining in the Revolving Account at the end of the fiscal year does not revert to the State Highway Fund. There were no amendments proposed for this measure and no opposition to the bill during the hearing.

**Chair Hammond:**

If we process this bill, we will have to refer it to the Senate Committee on Finance since there is money involved.

SENATOR DENIS MOVED TO DO PASS AND REREFER S.B. 492 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR FARLEY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Hammond:**

We will move to the next bill on the work session agenda, S.B. 502.

**SENATE BILL 502:** Makes an appropriation to the Department of Motor Vehicles for the modernization of its current platform of information technology and authorizes the Department to collect a technology fee. (BDR 43-1177)

**Ms. Comlossy:**

Referencing the work session document ([Exhibit M](#)), S.B. 502 creates the Revolving Account for System Modernization within the Motor Vehicle Fund. Money in the Account must be used to pay for the costs associated with the implementation, upgrade and maintenance of the information technology used by the DMV. In addition, the DMV must add a nonrefundable \$1 technology fee to the existing fee for any transaction the DMV performs as specified by regulation. This fee is to be deposited into the Revolving Account for System Modernization.

Finally, S.B. 502 appropriates \$40.5 million from the State Highway Fund to the Revolving Account for the purposes of upgrading information technology.

The DMV proposed two amendments to the bill; the first amendment revises the provision authorizing the technology fee to allow the DMV to add the fee to any transaction performed by the Department for which a fee is currently charged. The second amendment changes the effective date to require the DMV carry out the amendatory provisions of the bill upon determining that sufficient resources are available and after notifying the Governor and the director of the Legislative Counsel Bureau.

**Chair Hammond:**

All of us have an interest in this bill because we have each had something that requires the DMV to perform a function. Every single one of those requests comes with a very hefty fiscal note. The new system will assist in keeping the costs low by modernizing the DMV. Unfortunately, this project takes money out of the Highway Fund; however, this is one of the uses for money in the Highway Fund. This will allow the DMV system to function properly, more efficiently and with a proper use of the money for future cost savings.

**Senator Denis:**

Will this put a \$1 fee on any transaction the DMV processes? In addition, there is a \$40 million appropriation from the Highway Fund. We need to put a system in place that keeps up with the future technology needs of the DMV. Right now, we have a system in place using COBOL. I remember the Genesis System and it does not allow for flexibility. This modernization allows for the flexibility we need for the future because every Session we have more and more for the DMV to do. We have to wait because there are so many requests; it takes time to make changes to the current computer system. This modernization will allow the Department to make changes much more quickly.

**Chair Hammond:**

I appreciate the explanation and the history lesson about the Genesis System. This bill is the future and should be a tremendous asset to the DMV.

SENATOR FARLEY MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 502 AND REREFER TO THE SENATE COMMITTEE ON FINANCE.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

**Chair Hammond:**

We will return to S.B. 229 on the work session agenda.

**Ms. Comlossy:**

Referencing the work session document ([Exhibit N](#)), S.B. 229 provides for the issuance of special license plates indicating support for the rights guaranteed by

the Second Amendment to the United States Constitution. The fees generated by such special license plates, in addition to all other applicable registrations, license fees and governmental services taxes, must be deposited with the State Treasurer and distributed to the Nevada Firearms Coalition or its successor on a quarterly basis. Such funds are to be used for programs and activities in support of the rights guaranteed by the Second Amendment. These special license plates must be approved by the Commission on Special License Plates, and after approval, will not be issued until one of the 30 design slots for special license plates becomes available. A surety bond must be posted with the DMV.

One amendment was proposed by Senator Don Gustavson to clarify that fees generated by the sale of this license plate must be used by the Nevada Firearms Coalition or its successor to fund firearm training or firearm safety education only.

**Chair Hammond:**

An existing process is in place that all requests for specialty license plates must be heard before the Commission on Special License Plates. There needs to be an available slot for the plate to fall into before it can be approved for manufacture by the DMV. There is a case before the U.S. Supreme Court addressing specialty license plates in general. The case pertains to the number of license plates available in each state, making it difficult for identification by law enforcement.

The amended language was proposed by Senator Gustavson because of the questions that came up during the hearing. The funds generated by this specialty license plate will be directed to the education of firearms.

**Senator Manendo:**

We do not want the funding generated by the sale of any specialty license plate design that already exists to be diverted inappropriately. The sales of these license plates assist nonprofit organizations and others to do some good things. We do not want to fund political campaigns with the money from the sale of license plates. Anyone can donate to a campaign, but the funding generated from a campaign such as Keep Tahoe Blue should not be diverted to someone's political coffers. I like the different license plates but know that law enforcement has had concerns over the years. The money generated has done great things for some of the organizations involved.

**Chair Hammond:**

We do not want to see politics get involved with license plates.

**Senator Denis:**

I appreciate the amendment because it is important to have these training programs for firearms. The funding generated by the sale of these license plates will provide additional funding for the programs. It is important for our youth and adults to understand firearms, even if they do not plan to use them. You never know if a child will go to a home where there are firearms so they need to understand them. I asked about how the funding is used and now know the organization will receive an annual audit.

**Chair Hammond:**

For those of us who have camped out with the Boy Scouts or attended a Mountain Man Rendezvous, there is something about watching our youth try those black powder guns and talk about safety and firearms.

SENATOR FARLEY MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 229.

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

**Jeannie Kim (Commissioner, California-Nevada Super Speed Ground  
Transportation Commission):**

I was shocked that an amendment to S.B. 457 was proposed by XpressWest and we were not notified. This project has been going on for so many years. I wish I had more time to represent our side of the story.

**Chair Hammond:**

You will be able to testify when the measure is taken up by the Assembly. The agendas posted for this Committee are an indication to the general public about the bills being heard on any given day.

**Ms. Kim:**

The financing has been secured for the project of high-speed rail from Las Vegas to Primm, through a private investor for \$1.5 billion. There is no need for additional federal funding to complete this project. The project will create new jobs in Nevada, especially in the Las Vegas area.

Why does the commissioner, who was appointed by the Governor, have to change? We are ready to move forward on our project. We have the funding and are ready to go. The amendment submitted by XpressWest will destroy everything.

**Mr. Cummings:**

Commissioner Kim is referring to a starter segment much like California is doing in the Central Valley. A starter segment would operate in Nevada.

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**Chair Hammond:**

There being no further business to come before the Committee, we are adjourned at 9:32 a.m.

RESPECTFULLY SUBMITTED:

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Martha Barnes,  
Committee Secretary

APPROVED BY:

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Senator Scott Hammond, Chair

DATE: \_\_\_\_\_



<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit</b>		<b>Witness or Agency</b>	<b>Description</b>
	A	2		Agenda
	B	5		Attendance Roster
S.B. 142	C	3	Megan Comlossy	Work session document
S.B. 183	D	5	Megan Comlossy	Work session document
S.B. 245	E	5	Megan Comlossy	Work session document
S.B. 324	F	6	Megan Comlossy	Work session document
S.B. 354	G	4	Megan Comlossy	Work session document
S.B. 404	H	29	Megan Comlossy	Work session document
S.B. 410	I	5	Megan Comlossy	Work session document
S.B. 456	J	1	Megan Comlossy	Work session document
S.B. 457	K	3	Megan Comlossy	Work session document
S.B. 492	L	1	Megan Comlossy	Work session document
S.B. 502	M	3	Megan Comlossy	Work session document
S.B. 229	N	11	Megan Comlossy	Work session document