

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON GROWTH AND INFRASTRUCTURE**

**Eightieth Session  
April 30, 2019**

The Committee on Growth and Infrastructure was called to order by Chair Daniele Monroe-Moreno at 1:35 p.m. on Tuesday, April 30, 2019, 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/80th2019](http://www.leg.state.nv.us/App/NELIS/REL/80th2019).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Daniele Monroe-Moreno, Chair  
Assemblyman Steve Yeager, Vice Chair  
Assemblywoman Shea Backus  
Assemblywoman Shannon Bilbray-Axelrod  
Assemblyman Richard Carrillo  
Assemblyman John Ellison  
Assemblyman Glen Leavitt  
Assemblywoman Rochelle T. Nguyen  
Assemblyman Tom Roberts  
Assemblyman Greg Smith  
Assemblyman Howard Watts  
Assemblyman Jim Wheeler

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Senator Marcia L. Washington, Senate District No. 4

**STAFF MEMBERS PRESENT:**

Michelle L. Van Geel, Committee Policy Analyst  
Jessica Dummer, Committee Counsel  
Joan Waldock, Committee Secretary  
Alejandra Medina, Committee Assistant

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**OTHERS PRESENT:**

Jeffrey Kinder, P.E., Deputy Administrator, Air Programs, Sustainable Materials Management, Industrial Site Cleanup, and Corrective Actions, Division of Environmental Protection, State Department of Conservation and Natural Resources  
Robert Tekniepe, Principal Management Analyst, Department of Air Quality, Clark County  
David W. Johnson, Manager, Automotive Services, Department of Finance, Clark County  
Joelle Gutman, Government Affairs Liaison, Washoe County Health District  
David Gonzales, Equipment Services Superintendent, Community Services Department, Washoe County  
Steve K. Walker, representing Truckee Meadows Water Authority  
Christi Cabrera, representing Nevada Conservation League  
Dawn Lietz, Administrator, Motor Carrier Division, Department of Motor Vehicles  
Paul J. Enos, Chief Executive Officer, Nevada Trucking Association  
Angela Dykema, representing Southwest Energy Efficiency Project  
Mark Binder, representing Copart, Inc.  
Chelsea Capurro, representing Insurance Auto Auctions  
Therese Laxalt, representing Nevada Trucking Association  
Tyson Falk, representing Tow Operators of Northern Nevada; and Self Storage Association  
Andy MacKay, Executive Director, Nevada Franchised Auto Dealers Association  
Sean P. McDonald, Administrator, Division of Central Services and Records, Department of Motor Vehicles  
Samuel McMullen, representing Copart Inc.

**Chair Monroe-Moreno:**

[Roll was called. Committee rules and protocol were explained.]

We have a few items on our agenda today. We have four bill hearings and three bills for work session. A number of our members will be presenting bills in other committees, so we will start with our work session. We will open the work session on Assembly Bill 499.

**Assembly Bill 499: Provides for a special license plate of limited duration commemorating the 100th anniversary of women's suffrage. (BDR 43-1265)**

**Michelle L. Van Geel, Committee Policy Analyst:**

Assembly Bill 499 was heard in Committee on April 25, 2019 ([Exhibit C](#)). It requires the Department of Motor Vehicles to design, prepare, and issue special license plates commemorating the 100th anniversary of women's suffrage in the United States. In addition to all other applicable registration and license fees and governmental services taxes, the fees

generated by the special license plates are required to be deposited with the Nevada Commission for Women to be used in carrying out their duties. There are no amendments for this measure.

**Chair Monroe-Moreno:**

I will entertain a motion to do pass A.B. 499.

ASSEMBLYWOMAN BACKUS MADE A MOTION TO DO PASS  
ASSEMBLY BILL 499.

ASSEMBLYMAN WHEELER SECONDED THE MOTION.

Is there any discussion on the measure? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN BILBRAY-AXELROD AND  
ELLISON WERE ABSENT FOR THE VOTE.)

Assemblywoman Maggie Carlton, Assembly District No. 14, will take the floor statement.

**Senate Bill 154 (1st Reprint): Requires the adoption of regulations authorizing certain renewable natural gas activities. (BDR 58-108)**

**Michelle L. Van Geel, Committee Policy Analyst:**

Senate Bill 154 (1st Reprint) was heard in Committee on April 25, 2019 ([Exhibit D](#)). It requires the Public Utilities Commission of Nevada to adopt regulations authorizing a public utility that purchases natural gas for resale to engage in a renewable natural gas activity and to recover the reasonable and prudent costs of such an activity. The activity must provide certain environmental benefits and be approved by the Commission. The measure also requires a public utility that purchases natural gas for resale to attempt to meet certain goals for incorporating renewable natural gas into its gas supply portfolio. There are no amendments for this bill.

**Chair Monroe-Moreno:**

I will entertain a motion to do pass S.B. 154 (R1).

ASSEMBLYMAN ROBERTS MADE A MOTION TO DO PASS  
SENATE BILL 154 (1ST REPRINT).

ASSEMBLYMAN WATTS SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN BILBRAY-AXELROD AND ELLISON WERE ABSENT FOR THE VOTE.)

Assemblywoman Nguyen will take the floor statement.

**Senate Bill 331: Designates the new Interstate Highway No. 11 as the Purple Heart Highway. (BDR S-78)**

**Michelle L. Van Geel, Committee Policy Analyst:**

Senate Bill 331, sponsored by Senator Spearman, was heard in Committee on April 25, 2019 (Exhibit E). It designates the portion of Interstate Highway No. 11 situated in Nevada as the Purple Heart Highway. The director of Nevada's Department of Transportation must erect and maintain suitable markers reflecting this designation along that portion of the highway. The director is authorized to accept gifts, grants, and donations to help pay the costs of such markers and maintenance. There are no amendments for this measure.

**Chair Monroe-Moreno:**

I will entertain a motion to do pass S.B. 331.

ASSEMBLYMAN YEAGER MOVED TO DO PASS SENATE BILL 331.

ASSEMBLYMAN WHEELER SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN BILBRAY-AXELROD AND ELLISON WERE ABSENT FOR THE VOTE.)

Assemblyman Roberts will take the floor statement.

That brings us to the end of our work session. We will open the hearing on Senate Bill 42.

**Senate Bill 42: Repeals provisions requiring certain fleets of motor vehicles to use alternative fuels, clean vehicles or vehicles that use alternative fuels. (BDR 43-361)**

**Jeffrey Kinder, P.E., Deputy Administrator, Air Programs, Sustainable Materials Management, Industrial Site Cleanup, and Corrective Actions, Division of Environmental Protection, State Department of Conservation and Natural Resources:**

With Senate Bill 42, Nevada's Division of Environmental Protection (NDEP) proposes to repeal *Nevada Revised Statutes* (NRS) Chapter 486A, the Alternative Fuels in Fleets Program (Exhibit F). This program was enacted 28 years ago and has not only outlived its

benefits to Nevada air quality, but now almost 30 years later is presenting unnecessary costs and logistical burdens on public fleets in Washoe and Clark Counties without any quantifiable benefits to air quality.

*Nevada Revised Statutes* Chapter 486A was enacted in 1991 to help address elevated carbon monoxide levels in Clark and Washoe Counties. These counties have struggled since the 1970s to meet the carbon monoxide National Ambient Air Quality Standards. In addition to air quality, part of the widespread support for certain alternative fuels in the early 1990s was an effort to increase energy and national security by reducing reliance on foreign oil and encouraging the use of biodiesel, natural gas, ethanol, and other domestic fuel sources. While these are still worthy goals, the program only applies to 20 public fleets in Clark and Washoe Counties, which amounts to less than 1 percent of the total vehicles circulating in these counties. Such a small percentage has no measurable impact on air quality. What has contributed much more significantly to improvement in carbon monoxide levels is more stringent vehicle emission standards and requirements for cleaner fuels. These standards apply to all fuels and fleets. Despite continued growth, as of 2010 all areas in Nevada have met and continue to meet the carbon monoxide ambient air quality standard. Due to these vehicle emission standards, newer model vehicles are approximately 99 percent cleaner for common pollutants, such as carbon monoxide, than 1970 models. It is important to note that, because of improvements in air quality, other local fuel programs including the Cleaner Burning Gasoline Wintertime Program in Clark County and the Oxygenated Fuels Program in Washoe County have been discontinued. These changes are not resulting in air quality degradation.

While the Alternative Fuel Program air quality benefits are not evident, the requirements imposed by NRS Chapter 486A have created cost and logistical burdens on public fleets. Several agencies have requested and obtained variances before the State Environmental Commission (SEC) based on evidence of the inaccessibility of alternative fuels and alternative-fuel vehicles, as well as financial hardship. For example, several years ago Boulder City needed to replace its on-site storage tanks for biodiesel. In order to continue to comply with the program, their fleet of 56 vehicles that operate on biodiesel would have been required to make a 54-mile roundtrip for refueling. Additionally, the new tankage required a budget of more than \$200,000 for an alternative fuel, as defined under this program, that contained 5 percent biodiesel and 95 percent petroleum diesel.

Between 2010 and 2018, there were nine variances approved by the State Environmental Commission. These include lack of availability of alternative fuels and/or vehicles, financial hardship due to increased costs of alternative fuels, and lack of infrastructure. After granting a variance to the Washoe County fleet in 2018, the SEC members requested that NDEP explore an effective statutory update that takes into account improvements in vehicle production standards and cleaner fuels. Senate Bill 42, the legislation in front of you today, is a result of that effort. We have reviewed S.B. 42 with the Washoe County Air Quality Management Division and the Clark County Department of Air Quality. In addition to representatives of the public fleets, Washoe and Clark Counties support this legislation.

Following the February 7 meeting of the Senate Committee on Growth and Infrastructure, a fuel manufacturer requested that NDEP consider maintaining the list of alternative fuels under this program that is currently contained in the regulations. We do not support this for the following reasons:

- The list solely serves the purposes of the Alternative Fuels Program and its mandate. Without the program, which has already been determined to be obsolete, the list would not provide any emission reduction or other benefits to air quality.
- Many of the regulated fleets are already subject to the Energy Policy Act of 1992 that mandates a stricter set of alternative fuels.
- If the alternative fuel list were to be retained, more rigorous and scientifically sound methodologies would be required to test and verify claims for alternative fuels; however, this would duplicate resources and efforts already in place in agencies such as the U.S. Environmental Protection Agency (EPA), the U.S. Department of Energy, and the U.S. Energy Information Administration.
- Maintaining a separate list could potentially create confusion and conflict with ongoing state legislative and regulatory initiatives that promote the use of renewable fuel energy, clean fuels, and zero-emission vehicles.

We have provided an S.B. 42 fact sheet ([Exhibit G](#)). Dr. Danilo Dragoni, Bureau Chief of Air Quality Planning, and I would be happy to answer any questions you may have.

**Chair Monroe-Moreno:**

Are there any questions from members of the Committee?

**Assemblyman Watts:**

Do any other states have similar programs or successor programs that look at reducing emissions from vehicles? I understand that the current program has passed its usefulness. What can we look toward in the future to continue to reduce emissions from our vehicle fleets?

**Jeff Kinder:**

Currently, NDEP's Air Quality Planning has two active programs that address transportation emissions. The first is the Diesel Emission Reduction Act (DERA) program Nevada participates in. That program takes diesel vehicles off the road and replaces them with cleaner diesel vehicles. We have been active in DERA since 2008, primarily with school buses.

The second program we are implementing is the Volkswagen (VW) Settlement. It has three parts. We are able to leverage money from the VW Settlement to enhance our DERA grant program. Fifty percent of that settlement went to electric vehicle infrastructure. We are working with the Office of Energy in the Office of the Governor on the Nevada Electric Highway initiative. We also have a competitive grant program that completed its first grant year in 2018. We had a few diesel to cleaner diesel vehicles and several diesel to compressed

natural gas (CNG) vehicles, but a large portion of that went to electrification—taking diesel vehicles off the road and replacing them with electric vehicles. The application materials for the 2019 grant cycle became available today.

**Chair Monroe-Moreno:**

Are there any further questions? [There were none.] Is there anyone present who would like to testify in support of the bill?

**Robert Tekniepe, Principal Management Analyst, Department of Air Quality, Clark County:**

As the local air agency, we are responsible for the programs and policies needed to meet National Ambient Air Quality Standards ([Exhibit H](#)). None of the county's three approved State Implementation Plans uses the Alternative Fuels Program as a primary or secondary pollution-control measure. Additionally, any increase in vehicle emissions from repealing these provisions of NRS Chapter 486A would likely be negligible; therefore, we support S.B. 42.

**David W. Johnson, Manager, Automotive Services, Department of Finance, Clark County:**

We are in support of S.B. 42 and the repeal of NRS Chapter 486A. To reiterate some of what has been said, NRS Chapter 486A originally addressed the issue of carbon monoxide nonattainment in Clark and Washoe Counties back in 1991. Those issues were resolved in the early 2000s, so it is not considered an issue in either county today.

Fleets have struggled to meet the requirements of NRS Chapter 486A and, at times, have been unable to meet those requirements due to financial hardships or the unavailability of alternative fuels. This can happen because a diesel-engine vehicle costs approximately \$6,000 more than a conventional unleaded-engine vehicle; a hybrid costs approximately \$4,000 more than a conventional vehicle; and a plug-in hybrid can cost almost \$10,000 more than a conventional gasoline-operated vehicle. This puts a severe strain on monetary resources in replacing aging vehicles in the government fleet. This can result in fleets expending hundreds of thousands of dollars a year in an attempt to comply with this program that is antiquated, at best.

When it comes to alternative fuel availability, at times biodiesel—or at one time GDiesel—is not available. The national formula for unleaded fuel was changed by the federal EPA in January 2017, making the California cleaner-burning gasoline obsolete because it became the national standard, so there is no other unleaded fuel available that is cleaner-burning than what everyone in this country uses today.

Comparing the technology that existed in the 1980s and the 1990s to the technology today, it is astronomically different. The cleaner-burning fuels and the stricter emissions standards we all face have greatly reduced the amount of emissions that exit the exhaust of vehicles.

The program created under NRS Chapter 486A can no longer quantify any reduction in vehicle emissions. When you look at the fleets regulated under this program, we make up less than 1 percent of the vehicles on the road today in both counties. We have to ask ourselves, in less than 1 percent of the vehicles, does this program really reduce emissions in the respective counties with the intent from 1991? Retiring the program will allow government fleets the flexibility needed to adhere to budgetary constraints and operational needs while still adhering to the current regulations and programs that promote clean technologies. I believe government fleets will continue to lead the way in the advancement of alternative fuels and use the rapidly evolving green technologies as they become available today. We appreciate your support on this bill.

**Joelle Gutman, Government Affairs Liaison, Washoe County Health District:**

The Air Quality Management Division of the Washoe County Health District supports S.B. 42. The Alternative Fuels Program was a successful emission-reduction program when it was implemented; however, with the advancements in technology, modern vehicle standards have reduced emissions to levels that render the program obsolete. Based on this, we urge your support.

**David Gonzales, Equipment Services Superintendent, Community Services Department, Washoe County:**

I am in support of Senate Bill 42, which would repeal the provisions in NRS Chapter 486A that require the use of alternative fuels in certain government fleets. In 2018, Washoe County was the last government agency to be granted a variance from the Alternative Fuel Program due to financial hardship that resulted from the limited availability of biodiesel alternative fuel used in a number of vehicles in the regulated fleet. Since then the primary fuel we were using in our fleet, reformulated gasoline (RFG), was eliminated from the program due to the new unleaded fuel standards that came out.

Even though NDEP made significant changes to the program in order for government fleets to be compliant, the elimination of RFG has made it virtually impossible for Washoe County to be compliant. If this program continues, Washoe County would be forced to go before the SEC to request additional variances for the upcoming fiscal year.

The lack of available alternative fuels, the lack of appropriate alternative fuel vehicles to operational fleets like Washoe County, and a limited infrastructure for certain viable alternative fuels like CNG or propane has rendered compliance with this program unattainable by most, if not all, government fleets.

**Steve K. Walker, representing Truckee Meadows Water Authority:**

Truckee Meadows Water Authority is an affected entity. We would be grateful to have this bureaucratic issue go away.



**Chair Monroe-Moreno:**

Is there anyone else here to testify in favor of S.B. 42?

**Christi Cabrera, representing Nevada Conservation League:**

We are in support of S.B. 42, as we understand that the existing program is not meeting the goals as were originally intended. Our hope is that we continue to work on these issues for the remainder of the session and beyond and that this is the beginning of a conversation on how we transition to a cleaner transportation sector. Emissions from transportation are the largest source of greenhouse gases in Nevada. Figuring out ways to reduce pollution is crucial, and public fleets are a way that we can reduce our pollution output.

It is encouraging to hear that it is still a goal of local governments operating these fleets to find new and better ways to reduce pollution from the transportation sector. We look forward to continuing our work with the Committee as well as with the Division of Environmental Protection to move to a better and cleaner Nevada.

**Chair Monroe-Moreno:**

Is there anyone else in Clark County wanting to speak in support? [There was no one.] Is there anyone in opposition? [There was no one.] Is there anyone to testify in the neutral position? [There was no one.]

**Jeff Kinder:**

Thank you for considering the retirement of this program.

**Chair Monroe-Moreno:**

We will close the hearing on Senate Bill 42. We will open the hearing on Senate Bill 71 (1st Reprint).

**Senate Bill 71 (1st Reprint): Revises provisions governing the Motor Carrier Division of the Department of Motor Vehicles. (BDR 43-228)**

**Dawn Lietz, Administrator, Motor Carrier Division, Department of Motor Vehicles:**

I am here to present Senate Bill 71 (1st Reprint), which is a Department of Motor Vehicles (DMV) bill intended to expand the display of operating credentials to allow them to be displayed electronically and/or validated electronically. It also provides clarity to some definitions in the motor carrier statutes.

Section 1 of the bill provides registration and other licensing requirements to be displayed or validated by an electronic image or other technology that will allow law enforcement to validate the credentials. Current law requires a paper image and/or a decal be affixed to the vehicle. This provision allows the previous display to be replaced with an electronic validation.

Section 2 amends *Nevada Revised Statutes* (NRS) Chapter 360A to clarify that a "responsible person" who willfully fails to collect or pay any taxes or fees due to the DMV is jointly and

severally liable with any other person who is required to pay the tax and fee. This would apply to any person who attests through signature under penalty of perjury that the documents and fees submitted are accurate to the best of his or her knowledge. It would include an officer or employee of a corporation or a member or employee of a partnership or limited liability company whose job it is to collect, account for, or pay the fees.

Sections 3 and 6 amend NRS 365.084 and NRS 366.070 to include exporters of fuel under the definition of a fuel supplier.

Section 5 amends NRS Chapter 366 to add a section to allow the DMV to enter into an agreement with a special fuel user currently licensed under the International Fuel Tax Agreement (IFTA) [section 7], and service providers who act on their behalf to issue the identifying devices that are required in NRS 366.265 provided they produce a bond to cover the value of the inventory they maintain. The minimum bond for a special fuel user is \$25,000 and for a service provider, \$50,000.

Section 5, subsection 4 allows the DMV to establish the value of the inventory. The DMV intends to disclose the amounts through regulation but anticipates the value of each license plate will be approximately \$2,500, which is the average cost of a commercial vehicle registered at 80,000 pounds. It would be \$2,025 for each set of IFTA decals, based on an average of 30,000 miles and four miles per gallon multiplied by the Nevada special fuel tax rate of \$.27. Those values would only be applied if the service provider or the company was unable to provide us with the inventory of where the plates or decals went.

Section 7 amends NRS 366.175 to specifically identify IFTA [International Fuel Tax Agreement] as the cooperative agreement to which that statute applies.

Sections 8, 9, and 10 amend NRS 366.240, NRS 366.265, and NRS 366.270 to apply the bonding rules to obtain the identifying device and the corresponding license, and reasons for surrendering such credentials to the special fuel users and providers identified in section 5 of the bill.

Section 9 also allows the license associated with the identifying device—currently an IFTA decal affixed to the cab—to be presented to law enforcement in an electronic format that is authorized by the DMV.

Section 11 amends NRS 366.395 to correct the fees for delinquent filing to correspond with the amounts identified in the IFTA. The amounts should be \$50 or 10 percent penalty, whichever is greater. Current law states the penalty is \$50 and 10 percent of the tax owed. This will clean up the language.

Section 12 amends NRS 706.826 to add the definition of "plan" in this section, referring to the International Registration Plan (IRP).

Section 13 and Section 4 were withdrawn in the Senate's amendment.

Yesterday we provided an additional amendment to this bill ([Exhibit I](#)). It was requested by Assemblyman Assefa. It would allow the DMV to implement staggered registration for all vehicles registered through the Motor Carrier Division under the IRP or for vehicles over 10,000 pounds used as commercial vehicles and operated intrastate. Currently all vehicles registered under the IRP are on a single registration period that runs from January 1 to December 31 each year. This causes some complications as some of the federal agencies that supply needed documents—such as the Internal Revenue Service (IRS) for the Heavy Highway Vehicle Use Tax—are closed for the holidays. It creates some backlog in our field offices. Assemblyman Assefa asked us to include adding staggered registration in this bill.

Intrastate vehicles currently have two registration periods: April 1 through March 31, or October 1 through September 30. This amendment would allow the DMV to have 12 annual registration periods and disperse the workload more evenly. It would run similar to the one for passenger vehicles. The staggered registration would take effect on July 1, 2020, or when the DMV has the capability to implement the provisions of this amendment. We would not have a fiscal note on this, as we have a budget bill in to replace our IRP system, so this would be done in conjunction with that at the same price.

**Chair Monroe-Moreno:**

The Committee has a few questions.

**Assemblywoman Backus:**

My first question concerns section 1, subsection 2, paragraph (a) that provides for "an electronic device." Was a cellular phone what was contemplated?

**Dawn Lietz:**

The International Registration Plan has a provision in place that allows for acceptance of credentials on a cellular phone. This is part of it, but there are many other ways it could be done. There are radio frequency identifiers (RFIDs) that manufacturers are starting to put into vehicles. There is a lot of variation in how the credentials can be validated by law enforcement. The key to this is that, regardless of how it is displayed, it has to be legible to law enforcement to validate the credential at the time of the stop or the inspection.

**Assemblywoman Backus:**

My other question is about section 2, pertaining to NRS Chapter 360A. This creates liability for someone who may not pay the taxes. Under subsection 2, a "responsible person" can be an employee. Could a person collecting payment for the gas, or whatever is attached to the tax, be liable? Could that employee be jointly and severally liable for the tax payment?

**Dawn Lietz:**

The intent is to have anyone who signs the tax returns as being valid documents be liable. Each one of our documents states the document is accurate, under penalty of perjury. We have had incidents that have gone to hearing with a husband and wife who are no longer

together. One of them took care of the books, and the other one took care of other parts of the business. The hearing officer recommended we get this corrected to state that if you are signing the return, you are accepting responsibility as well. In most instances when you are employed by a company, the company has coverage for that, so it would not be an issue. In instances where that is not the case, this is what this would do.

**Chair Monroe-Moreno:**

Regarding section 3, subsection 4, who exports motor vehicle fuels?

**Dawn Lietz:**

A lot of companies do. They will pick up the fuel in Clark County or Washoe County at the terminals, then take it elsewhere. Sometimes it is a supply-and-demand thing. Oftentimes, it will be picked up in Reno and taken to the Utah border, on the state line, because there is not a closer terminal. In Las Vegas, a company may take fuel to Saint George, Utah, or across the border into Arizona. It is a business decision based on the availability of fuel and the best price. They pick it up in Nevada and export it. When they export the fuel from the state, they are not liable for the Nevada tax on it, so we want to make sure they are included in the definition of "supplier" so if the fuel was dispersed in Nevada, we could collect the tax from them.

**Chair Monroe-Moreno:**

There are no further questions from the Committee, so we will take testimony in support of Senate Bill 71 (1st Reprint).

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

We are in support of Senate Bill 71 (1st Reprint). We think electronic credentialing is how our industry is going with compliance. We saw it last year with the implementation of electronic logging devices. We think this is the future, instead of having a cab card that could be lost with your registration. If Assembly Bill 320 goes through the rest of the process, we would have the longer combination vehicle permit in electronic form. It will greatly help streamline our bookkeeping process, so we think this is a good thing. Maybe we will be implementing blockchain technology into our systems to make sure a driver has the correct permit that is communicating back and forth with law enforcement and with the auditors. These are things our industry is looking at and that people are investing in. We see electronic credentialing as a way of the future. We support it wholeheartedly.

We also are very supportive of the staggered registration fees. I want to thank Ms. Lietz and Assemblyman Assefa for bringing this forward. This last December, with the federal government shutdown, all the IRP carriers were waiting down on Donovan Lane without their information from the IRS, trying to register. It was a disaster for the folks working there and for the trucking companies who were trying to get appointments. Having staggered registration allows a trucking company to determine when business is good and when to have certain trucks in the fleet registered. It will be a huge help to our industry. We did that with the intrastate folks a number of years ago. Implementing it with the interstate people will be great. Imagine if you own three cars that have to be registered at the same time—that is what

happens to these folks. I try to stagger my car registrations for personal cash flow purposes. It is the same thing for business. We appreciate this amendment and your consideration of it.

**Chair Monroe-Moreno:**

Is there anyone else here to testify in support of Senate Bill 71 (1st Reprint)? [There was no one.] Is there anyone present who would like to testify in opposition to the bill? [There was no one.] Is there anyone present who would like to testify as neutral to the bill? [There was no one.]

**Dawn Lietz:**

Thank you for your time. We look forward to working with you if there are any questions or concerns that come up in this process.

**Chair Monroe-Moreno:**

We will close the hearing on Senate Bill 71 (1st Reprint). We will move on to the next item on our agenda and open the hearing on Senate Bill 428 (1st Reprint).

**Senate Bill 428 (1st Reprint):**    **Revises provisions relating to transportation.**  
**(BDR 43-725)**

**Senator Marcia L. Washington, Senate District No. 4:**

It is my pleasure to present Senate Bill 428 (1st Reprint). My co-presenter is not here. He would have been able to speak with you about the origins of the bill. This bill would make it unlawful to park a vehicle in a parking space designated for electric vehicle charging unless the vehicle is being charged.

We are seeing more and more electric vehicles on our roads. Likewise, there are also more parking spaces with charging stations becoming available. However, these spaces are coveted, especially in our urban areas. Local governments across the country have put ordinances in place to address this issue.

Currently, ten states restrict parking in spaces designated for electric vehicle charging. Among those states are our neighbors Arizona, California, Oregon, and Washington. Senate Bill 428 (1st Reprint) would follow suit with these states and ensure that Nevada is a state that is welcoming to electric vehicles.

Let me now briefly walk you through this very short bill, which has one section. Section 1, subsection 1 prohibits a person from parking a vehicle in a space designated for charging electric or hybrid electric vehicles unless the vehicle is being charged at the charging station.

Subsection 2 provides that such a parking space must be identified by a sign.

Subsection 3 makes the violation of subsection 1 punishable as follows:

- Upon the first offense, by a fine of \$100;
- Upon the second offense, by a fine of \$200; and
- Upon the third or subsequent offense, by a fine of not less than \$400, but not more than \$750.

Subsection 4 clarifies that a violation of these provisions is not a moving violation.

In addition, existing law makes the vehicle of a person who violates certain parking restrictions subject to being towed under certain circumstances at the request of the owner of the real property where the parking space is located.

That concludes my presentation.

**Chair Monroe-Moreno:**

The Committee has one question for you.

**Assemblywoman Bilbray-Axelrod:**

Can an electric vehicle be parked in the space if it does not need a charge? If a car needs to charge for one hour, can it be parked there several hours?

**Senator Washington:**

I cannot address that. Forgive me for not being knowledgeable about this. As you know, I am a newly appointed senator. I was given bills; I did not bring any bills of my own.

**Chair Monroe-Moreno:**

Our Committee counsel can answer the question.

**Jessica Dummer, Committee Counsel:**

A hybrid, electric, or electric hybrid vehicle has to be in the spot for the purposes of charging. If it is in the spot and is not charging, that would be a violation.

**Assemblyman Smith:**

Senator, I can truly appreciate the situation you are in. Who would enforce this? If I see a car that is charging, is there a way to know if it is fully charged?

**Senator Washington:**

There would be a sign similar to the handicapped parking sign. If someone patrolling the parking area saw that a vehicle was not being charged, the rule would apply.

**Chair Monroe-Moreno:**

As I read the bill, I assumed the parking spot would have a sign similar to the handicapped parking sign. Anyone who saw a car parked in violation could call it in.

**Assemblyman Carrillo:**

I was not aware that hybrid electric vehicles required a charge from an outside power source. Do they not charge themselves as they are driven? I rented a hybrid and drove it for a month; I did not have to plug it in to charge it. Would a hybrid require a spot to charge if it did not need to be plugged into the charging station?

**Assemblyman Wheeler:**

There are dual hybrid vehicles that can be charged by being plugged into a power source as well as charging through the gasoline engine. In other words, there are plug-in hybrids.

**Assemblyman Carrillo:**

Assemblywoman Bilbray-Axelrod, do you ever plug in your hybrid vehicle?

**Assemblywoman Bilbray-Axelrod:**

Mine is not a plug-in hybrid, but plug-in hybrids are available.

**Assemblyman Carrillo:**

In that case, Assemblywoman Bilbray-Axelrod would be fined for parking in the designated spot because her vehicle cannot be plugged.

**Chair Monroe-Moreno:**

That is correct. She would be in violation if she used that parking space because she could park anywhere else. That parking space is designated only for vehicles that need to use the plug-in station.

**Assemblyman Carrillo:**

For clarification, the hybrid electric vehicle in subsection 2 is the dual-charging vehicle.

**Chair Monroe-Moreno:**

I own a hybrid, but I do not have a hybrid electric vehicle, so I would know I should not park in that space.

**Assemblyman Roberts:**

This would be policed in the same way as the handicapped spot. As you would have a placard for parking in a handicapped spot, you would have a cord running from the car to the charger. If you had a hybrid that did not plug in, you would not have a cord. That is covered in subsection 1, "whether on public or privately owned property, if the vehicle is not connected to the charging station for the purpose of charging." A hybrid vehicle that does not meet the purpose of charging could not connect to charge. As a police officer, I would be able to cite.

**Chair Monroe-Moreno:**

Thank you, Assemblyman Roberts, for that clarification. Are there any other questions? [There were none.] We will invite anyone here to testify in support of S.B. 428 (R1).

**Angela Dykema, representing Southwest Energy Efficiency Project:**

We support this bill. We believe it is a logical, commonsense approach that will increase access to electric vehicles throughout Nevada. As to your discussion, there was discussion on the Senate side regarding adding "plug-in" before hybrid electric vehicle to clarify. As you have discussed, the intent is that the vehicle would have to be charging.

As far as whether a fully charged vehicle would have to move—some host sites provide incentives for electric vehicles to move by changing from charging on a kilowatt-hour basis to a minute-by-minute basis. Sometimes there are incentives to move a vehicle; we would hope that people would move their vehicles when they are fully charged.

We support the bill, and we urge the Committee to support it.

**Christi Cabrera, representing Nevada Conservation League:**

We are in support of S.B. 428 (R1). We think it is a commonsense bill to advance the adoption of electric vehicles. We urge your support.

**Chair Monroe-Moreno:**

Seeing no one else in support, is there anyone in opposition? [There was no one.] Is there anyone present who would like to testify as neutral to the bill? [There was no one.]

**Senator Washington:**

Please consider adopting this bill.

**Chair Monroe-Moreno:**

We will close the hearing on Senate Bill 428 (1st Reprint). We will open the hearing on Senate Bill 491 (1st Reprint).

**Senate Bill 491 (1st Reprint): Revises provisions concerning vehicles. (BDR 43-135)**

**Senator Marcia Washington, Senate District No. 4:**

I am here to introduce Senate Bill 491 (1st Reprint), which revises provisions concerning salvage vehicles. Let me briefly summarize the bill; my copresenter will then go into it further.

If the owner of a vehicle has agreed with an insurance company to salvage a vehicle and the owner does not endorse the certificate of title to the insurance company within 30 days, section 5 requires the insurance company to apply for a salvage title with the Department of



Motor Vehicles (DMV) as soon as feasible. Section 5 also requires the DMV to issue the salvage title, or a nonrepairable vehicle certificate in certain circumstances, to a salvage pool and charitable organization.

Sections 5 and 6 clarify when a salvage pool, at the request of an insurance company, may apply for a salvage title or a nonrepairable vehicle certificate. Section 7 lowers the amount of a bond required to obtain a salvage title on a vehicle. Section 8.5 adds a trailer to the list of items on which certain operators of storage facilities may have a lien.

Mark Binder with Copart is here with me to give further details on the bill.

**Mark Binder, representing Copart, Inc.:**

Copart is an auto auction company that sells all types of vehicles and motorized equipment for our customers ([Exhibit J](#)). We primarily sell units acquired from an insurance company or from a donation to a charity. Hopefully, you have never been personally involved in a total loss claim, but if you have, there is a very good chance that Copart or one of our competitors sold your vehicle after the settlement with your insurance carrier.

We provide a service that most people do not know exists and are a vital part of the vehicle disposal and recycling mechanism. Copart serves the entire state and has two locations in Nevada. They are in Reno and Las Vegas.

I appreciate the opportunity to talk with you today about Senate Bill 491 (1st Reprint). I am here to help you understand the need and to ask for your support on this bill.

You will notice there are many changes and amendments to this language, so I want to take a few minutes to explain what this covers and why it is extremely important to our industry.

This bill has four main points of change. I will go through each one of them. The first one is that it removes the 180-day limitation to apply for an alternative title by the insurance company. This is needed because, while this may sound odd, insurers have vehicles in their inventory much longer than the current requirement allows for alternative titling. This could happen because settlements require a long time due to investigation or serious injury to a vehicle owner, police evidence holds, and just mistakes made by the insurance company that are not noticed until the six months have elapsed. Based on the significant volume in the industry, these exceptions and errors—while rare—do happen, and the need to liquidate these vehicles beyond the 180-day maximum is sometimes required.

The second change allows a salvage pool to apply for a salvage title on vehicles that have been abandoned at their facility. Currently there is no statute that allows for a vehicle that has been abandoned to be liquidated and disposed of at a salvage pool. This section fixes that concern. You may wonder why this is needed. While a vast majority of the insurance and charity vehicles are settled, a title is received, and the units are sold, there is a small percentage of these units where the vehicles are abandoned to our facility. This happens

when an insurer or charity abandons its interest in the vehicle and just walks away and removes its involvement in the sale. When this happens, there is currently no option in the salvage pool industry to liquidate these vehicles off our lots. This may happen for the following reasons:

- The insurer or charity is unable to get a negotiable title, so abandons or walks away from the vehicle.
- The vehicle owner is uncooperative and unwilling to assist in correcting title documents that were signed in error.
- The claim is denied. At that point, the insurance company no longer has an interest in the vehicle and advises the salvage pool it is canceling its request for us to process even though we have the vehicle onsite.
- The claim is settled and the insurance company does not retain salvage, yet the vehicle is already moved to our facility.

Because of this reality, these units remain in our yards utilizing valuable real estate. The change in this is like practices in other states and will allow a salvage pool to obtain a title and sell the vehicle to remove it from our facilities. The title application would only occur after the vehicle owner has been notified twice and has refused to accept possession of the automobile.

The third change reduces the bond requirement from 1.5 times the vehicle value to 25 percent of the value. The vehicles for which this bond is required are damaged and the value is typically 20 to 25 percent of that of a nondamaged unit. This bond-requirement change is designed to require the bond to be more in line with the actual value of the vehicle at the time the bond is filed.

The last change in the bill adds a trailer to the personal property definition of a boat. This was requested by our friends in the towing industry to help them solve a problem in the current abandonment statutes.

I hope this explanation helps you understand why your support for S.B. 491 (R1) will not only help Copart, but also others in the industry as well as our customers. Please let me know if you have any questions. I appreciate your time.

**Chair Monroe-Moreno:**

Are there questions from the Committee? [There were none.] Is there anyone present who would like to testify in support of the bill?

**Chelsea Capurro, representing Insurance Auto Auctions:**

Mr. Binder said everything we would say about this bill, so I just want to thank the sponsor and all of the stakeholders who worked on this bill. We would appreciate your support.

**Therese Laxalt, representing Nevada Trucking Association:**

The Nevada Trucking Association includes four dozen tow car company members. We appreciate working with the proponents of this bill and would like to express our support for S.B. 491 (R1).

**Tyson Falk, representing Tow Operators of Northern Nevada; and Self Storage Association:**

We would like to thank the proponents of the bill for bringing this to our attention and working with us to address some of our issues. We think this would be helpful. Storage lots are increasingly being filled; there is not a lot of space for tow operators to dispose of vehicles. The Self Storage Association thanks you for including our technical cleanup amendment—boats and cars could be towed, but the trailers the boats were sitting on could not.

**Andy MacKay, Executive Director, Nevada Franchised Auto Dealers Association:**

We support the bill and thank Senator Washington for bringing it forward. We were a part of the stakeholders at the beginning of this process. I would be remiss if I did not thank the DMV for meeting with us multiple times during this process.

**Chair Monroe-Moreno:**

Is there anyone else in support? [There was no one.] Is there anyone present who would like to testify in opposition to the bill? [There was no one.] Is there anyone present who would like to testify as neutral to the bill?

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

I want to go on record to thank the industry for working with us. We had quite a few meetings and discussions about this bill. We are neutral and appreciate the conversations.

**Chair Monroe-Moreno:**

Seeing no one else here to testify in neutral, I will invite the bill's sponsor back for closing remarks.

**Senator Washington:**

Thank you for listening to our cry. We need your support.

**Samuel McMullen, representing Copart Inc.:**

I would like to thank the sponsor for being so helpful to us in an awkward situation. I know it is out of protocol, but we have had Mark Binder here in Nevada about four or five times for this bill. Is there any chance of doing the work session on this bill today so he does not have to come back again?

**Chair Monroe-Moreno:**

We will not be able to do that.

We will close the hearing on Senate Bill 491 (1st Reprint). Is there anyone here for public comment? [There was no one.]

This meeting is adjourned [at 2:36 p.m.].

RESPECTFULLY SUBMITTED:

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Joan Waldock  
Committee Secretary

APPROVED BY:

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Assemblywoman Daniele Monroe-Moreno, Chair

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

## EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is the Work Session Document for [Assembly Bill 499](#), dated April 30, 2019, submitted by Michelle L. Van Geel, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Senate Bill 154 \(1st Reprint\)](#), dated April 30, 2019, submitted by Michelle L. Van Geel, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for [Senate Bill 331](#), dated April 30, 2019, submitted by Michelle L. Van Geel, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is written testimony dated April 30, 2019, presented by Jeffrey Kinder, P.E., Deputy Administrator, Air Programs, Sustainable Materials Management, Industrial Site Cleanup, and Corrective Actions, Division of Environmental Protection, State Department of Conservation and Natural Resources, regarding [Senate Bill 42](#).

[Exhibit G](#) is a document titled "Fact Sheet, [Senate Bill 42](#)—Repeal of Obsolete Fuel Requirements for Public Fleets," submitted by Jeffrey Kinder, P.E., Deputy Administrator, Air Programs, Sustainable Materials Management, Industrial Site Cleanup, and Corrective Actions, Division of Environmental Protection, State Department of Conservation and Natural Resources.

[Exhibit H](#) is written testimony dated April 30, 2019, presented by Robert Tekniepe, Principal Management Analyst, Department of Air Quality, Clark County, in support of [Senate Bill 42](#).

[Exhibit I](#) is a proposed amendment to [Senate Bill 71 \(1st Reprint\)](#), dated April 25, 2019, presented by Dawn Lietz, Administrator, Motor Carrier Division, Department of Motor Vehicles.

[Exhibit J](#) is written testimony presented by Mark Binder, representing Copart, Inc., regarding [Senate Bill 491 \(1st Reprint\)](#).