

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

**Eightieth Session
May 29, 2019**

The Committee on Growth and Infrastructure was called to order by Chair Daniele Monroe-Moreno at 1:41 p.m. on Wednesday, May 29, 2019, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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.

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 Marilyn Dondero Loop, Senate District No. 8

STAFF MEMBERS PRESENT:

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

Minutes ID: 1358



OTHERS PRESENT:

Susan L. Fisher, representing Piaggio Fast Forward
April Sanborn, Services Manager III, Division of Management Services and Programs, Department of Motor Vehicles
Jude Hurin, Administrator, Division of Management Services and Programs, Department of Motor Vehicles
Victoria Hauan, Chair, Committee on Testing for Intoxication, Office of Traffic Safety, Department of Public Safety
Dylan Shaver, Director of Policy and Strategy, Office of the City Manager, City of Reno
Erin Breen, Director, Vulnerable Road Users Project, Transportation Research Center, University of Nevada, Las Vegas
Jennifer L. Taylor, Deputy Director, Intergovernmental Relations, Office of Energy, Office of the Governor
Keith Glidewell, Grants and Fiscal Manager, Office of Energy, Office of the Governor
Terry J. Reynolds, Deputy Director of Administration, Department of Business and Industry
Scott Whittemore, Administrator, Taxicab Authority, Department of Business and Industry
Michael Brown, Director, Department of Business and Industry

Chair Monroe-Moreno:

[Roll was called. Committee rules and protocol were explained.] We have an agenda, but we will take bills out of order. We will first have our work session on Senate Bill 254 (1st Reprint). We heard this bill in a joint meeting in March.

Senate Bill 254 (1st Reprint): Revises provisions relating to carbon reduction. (BDR 40-907)

Michelle L. Van Geel, Committee Policy Analyst:

Senate Bill 254 (1st Reprint) was heard in a joint meeting with the Senate Committee on Growth and Infrastructure on March 12, 2019 ([Exhibit C](#)). It requires the State Department of Conservation and Natural Resources to issue an annual report, in consultation with certain state agencies and entities, concerning a statewide inventory of greenhouse gas emissions and a projection of annual greenhouse gas emissions for the 20 years immediately following the date of the report.

For each year of inventory and projection, the report must include the sources and amounts of greenhouse gas emissions, and the sources and amounts of reductions of greenhouse gas emissions, from the electricity production and transportation sectors. For the first year and every fourth year thereafter of the inventory and projection, the report must also include the same information relating to the industry, commercial and residential, agriculture, and land use and forestry sectors.

The report must provide policies, identified by an entity or entities designated by the governor, to achieve reductions in greenhouse gas emissions and a qualitative assessment of whether such policies support long-term reductions of greenhouse gas emissions to zero or near-zero by the year 2050.

There were no amendments for this measure. [Additional exhibits include a letter in support of S.B. 254 (R1) ([Exhibit D](#)) from major businesses in Nevada and a letter regarding S.B. 254 (R1) ([Exhibit E](#)) from Algirdas Leskys.]

Chair Monroe-Moreno:

Are there any questions from members of the Committee? [There were none.] I will entertain a motion to do pass S.B. 254 (R1).

ASSEMBLYMAN WATTS MOVED TO DO PASS SENATE BILL 254 (1ST REPRINT).

ASSEMBLYWOMAN NGUYEN SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYMEN ELLISON, LEAVITT, ROBERTS, AND WHEELER VOTED NO.)

Assemblyman Watts will take the floor statement.

We will close the work session and open the hearing for Senate Bill 408 (1st Reprint).

Senate Bill 408 (1st Reprint): Revises provisions relating to public safety. (BDR 43-805)

Senator Marilyn Dondero Loop, Senate District No. 8:

Senate Bill 408 (1st Reprint) addresses four important public safety issues: trimobiles and mopeds, pedestrian crossing signals, mobile carrying devices, and ignition interlock devices. I will discuss the provisions of the bill with the amendments that were adopted by the Senate, which remove the fiscal impact on the state.

The skills needed to operate a three-wheel motorcycle are different than those needed to operate a two-wheel motorcycle; therefore, the training and testing required needs to be different. The Nevada Strategic Highway Safety Plan recommended revising the trimobile definition. It also noted that the trimobile operator must only possess a Class C license, so there is little incentive for the rider to take a trimobile training class. Requiring a motorcycle endorsement ensures the rider possesses the required skills to operate his or her vehicle safely.

Sections 1 and 6 of the bill clarify that, for the purposes of vehicle registration and traffic laws, a vehicle designed to travel with three wheels in contact with the ground must be equipped with handlebars and a saddle seat to meet the definition of a "trimobile."

Section 8 of the bill requires a driver or a passenger on a moped to wear protective headgear. Section 9 authorizes the Department of Motor Vehicles (DMV)'s Program for the Education of Motorcycle Riders to include instruction for a trimobile or moped. A person who holds a driver's license is eligible to enroll in the Program, which is contained in section 10.

The Senate Committee on Growth and Infrastructure proposed an amendment to remove the \$6 motorcycle safety fee on all moped registrations, which removed the requirement for the two-thirds majority vote. You will note that this requirement is no longer on the face of the bill as reprinted.

In 2017 the Nevada Department of Public Safety and the Nevada Department of Transportation reported 100 persons died in pedestrian crashes. Pedestrian crossing signals keep both pedestrians and drivers alert and safe. Section 3 of S.B. 408 (R1) clarifies that, when a countdown time is included with a pedestrian signal exhibiting the words "Walk," "Wait," or "Don't Walk," a pedestrian may cross a roadway when such a signal is flashing as long as the pedestrian completes the crossing before the countdown timer reaches zero. Also, it revises references to include certain symbols displayed on such signals, including a walking person symbol and an upraised hand symbol.

I proposed a floor amendment, Amendment 535, that provided provisions governing the operation of a mobile carry device on sidewalks and in crosswalks which are contained in sections 2.5 and 2.7 of the bill. The amendment was adopted by the Senate. It does not have a fiscal impact on the state.

Currently, a court must order a person who is convicted of certain offenses involving driving a motor vehicle while under the influence of intoxicating liquor, a controlled substance, or a combination of both, to install an ignition interlock device. The device must be installed for a period of 185 days unless:

1. The violation was punishable as a felony or vehicular homicide;
2. The person proximately caused the death of or substantial bodily injury to another; or
3. The person was found to have had a concentration of alcohol of 0.18 or more in his or her breath. If any of these conditions are present, the interlock device must be installed for a period of not less than 12 months or more than 36 months.

Section 4 of the bill clarifies that such a person is only required to install the ignition interlock device for a longer time if one of the conditions I just listed is present. The result of the change is that, regardless of whether or not a blood or breath test was administered or

whether the results or lack of results were used in the prosecution or defense of the person, so long as none of the conditions are present, he or she is eligible for the shorter period of required use of an ignition interlock system.

This section also eliminates from the list of exceptions a determination by the court that:

1. Requiring the person to install a device would cause the person to experience an economic hardship;
2. The person requires the use of the motor vehicle to travel to and from work in the scope of his or her employment; or
3. The person requires the use of the motor vehicle to obtain medicine, food, or other necessities or to obtain health care services for the person or a family member of the person.

In addition, sections 4 and 5 of the bill require the manufacturer of the ignition interlock device or an agent of the manufacturer to notify the court if the device has been tampered with.

I ask for your support of Senate Bill 408 (1st Reprint).

Chair Monroe-Moreno:

There are a few questions from members of the Committee.

Assemblyman Yeager:

There has been some confusion with the ignition interlock device. I have questions about the mobile carrying device. Section 2.7, subsection 4 says that a violation would be a misdemeanor but not a moving traffic violation. A nonmoving violation is usually something like a parking ticket. Would you be willing to make this a civil penalty, with a fine versus a criminal misdemeanor?

Senator Dondero Loop:

Susan Fisher, representing Piaggio Fast Forward, might be able to assist with answering your question.

Susan L. Fisher, representing Piaggio Fast Forward:

Piaggio Fast Forward is the maker of gita, the mobile carrying device that is described in this bill. As far as changing a violation from a misdemeanor to a civil penalty, we would not oppose that. It was recommended to us that we put the misdemeanor in the bill as "teeth" if someone used the device incorrectly.

Senator Dondero Loop:

There has been discussion with the Legislative Counsel Bureau regarding city and county specifications for a crosswalk as opposed to an overview. The discussions are ongoing.

Assemblyman Yeager:

I have a question about section 4 regarding the ignition interlock device. We are striking out exceptions for undue hardship in subsection 2, paragraphs (a) and (b). In 2017, we heard Senate Bill 259 of the 79th Session in the Assembly Committee on Judiciary, which is where this language originated. What was the thinking behind removing these undue hardship exceptions?

Senator Dondero Loop:

I was not here in 2017, so I did not hear that bill. Are you asking to have us remove the hardship pieces?

Assemblyman Yeager:

Senate Bill 259 of the 79th Session required that anybody who was even charged with a DUI had to have an ignition interlock device. Previously, there were only certain times the device was required. In crafting the language, we put in these undue hardship exceptions so that if one of these provisions applied to you, you would not necessarily have to have the ignition interlock device installed. It looks as if this bill removes those exceptions so that everybody would have to have an ignition interlock device. Why are we removing them?

Senator Dondero Loop:

I would note that in this reprint the device must be installed unless the violation was punishable as a felony, the person caused the death or substantial bodily injury of another, or the person was found to have had a concentration of alcohol of 0.18 or more. It goes on, in section 4, eliminating the list of exceptions. The thought was that everyone had an exception. I would be open to discussing it with you.

Assemblyman Roberts:

In section 1, you define a trimobile or "trike." Currently, if you drive a trike, you do not have to wear a helmet. Is the intent here that now you would? Would you need a helmet if riding a trimobile with two wheels in front and one in the back? It is basically a motorcycle with three wheels. Is the intent of this section to require riders of those to wear helmets, but not a rider of a motorcycle with a sidecar?

Senator Dondero Loop:

The intent was that the driver and the passenger on a moped would need to wear protective headgear. I am not sure about drivers and passengers of trimobiles. The trimobile description was in *Nevada Revised Statutes* (NRS).

Assemblyman Ellison:

I have many friends who own large trikes. When they ride them in town, they do not wear helmets. They have to have driver's licenses, but not motorcycle licenses. When they drive on the freeway, they wear helmets. Would you explain where this bill would come into play? Trikes came out after World War II because a lot of veterans could not ride regular motorcycles.

Senator Dondero Loop:

I wish I could explain it, but I cannot imagine driving something that is open without wearing headgear because our heads are not made to bounce. Perhaps when riders go out on the freeway, they feel it is necessary to wear helmets as a safety precaution. Motorcycle riders in Nevada are required to wear headgear. Section 8 of the bill would require every driver and passenger on a trimobile to wear protective headgear and protective glasses, goggles, or face shields.

Assemblyman Ellison:

Will riders need a motorcycle license or a driver's license? I carry a motorcycle license because I ride a motorcycle. Would riders of trikes need to take a motorcycle test?

Senator Dondero Loop:

The Nevada Strategic Highway Safety Plan revised the trimobile definition. The Plan notes the trimobile operator needs only to possess a Class C license. That is one of the things we were trying to fix because there is no incentive for riders to take trimobile training classes since they only need the Class C license.

Assemblyman Carrillo:

I have a question about section 2.5. The "mobile carrying device" is defined as being an electrically powered wheeled device that weighs less than 90 pounds and has a maximum speed of 12.5 miles per hour. Does this fall in the same category as a scooter? We recently heard a bill about scooters with a similar definition. Scooter riders are not required to wear helmets.

Susan Fisher:

This bill does not require helmets because the device does not carry humans. It is a mobile carrying device that carries your stuff. It is not intended to be used for anyone to ride on or in. It has a payload of about 45 pounds. The intent and vision behind this device is to allow people to be more mobile, to get them out of their cars and walking the sidewalks in their neighborhoods. The device would carry your groceries for you. If you are disabled, it could help you with carrying your things; it would follow your wheelchair. It is like a wagon without a handle, and it pairs to you like a little duckling pairs with its mama, following you with its cameras wherever you go. When you stop, it stops.

You can look on Nevada Electronic Legislative Information System (NELIS) for the Senate Committee on Finance meeting on May 24, 2019. There is a two-page document that includes photographs and a description of the gita in the exhibits.

Assemblyman Carrillo:

Regarding the headgear this bill requires, does it need to be U.S. Department of Transportation (DOT)-approved? Even though it is not required, I see moped drivers wearing helmets already; some of them wear bicycle helmets which are likely only rated for a certain amount of impact. Would you please define "protective headgear"? In order to legally ride a motorcycle, you have to wear a DOT-approved helmet.

Senator Dondero Loop:

Where are you in the bill?

Assemblyman Carrillo:

You added protective headgear for riders of mopeds.

Senator Dondero Loop:

That is something we are adding to the bill. Currently, you can ride a moped without wearing headgear.

Assemblyman Carrillo:

What type of headgear does this bill require? I have seen people wearing bicycle helmets while riding their mopeds, even though current law does not require them to do so. I have heard that riders not wearing helmets while riding mopeds are likely to be pulled over by law enforcement officers. What class of headgear will be required?

Jessica Dummer, Committee Counsel:

The standards for protective headgear are adopted by the DMV. They would be in DMV regulations. I do not know if the regulations require that the headgear be DOT-approved, but they have some sort of standard.

Assemblyman Leavitt:

I have seen trikes that are basically a Volkswagen with three wheels; they even have a Volkswagen engine, car tires on the back of them, and a seat belt. Is there any differentiation between vehicles? There are three-wheel cars on the road. Some of the trikes I see do not operate like motorcycles; they operate like cars.

Senator Dondero Loop:

Section 1 of the bill provides the definition from NRS 482.129. Trimobile means "every motor vehicle equipped with handlebars and a saddle seat and designed to travel with three wheels in contact with the ground, at least one of which is power driven. The term does not include a motorcycle with a sidecar."

**April Sanborn, Services Manager III, Division of Management Services and Programs,
Department of Motor Vehicles:**

There are two different types of three-wheel vehicles. The location of the power wheel determines whether the vehicle is classified as a vehicle requiring a Class C license with no helmet requirement; or, if the vehicle is classified as a motorcycle, then it requires a motorcycle endorsement and a helmet. We classify them differently, depending on where the power wheel is located.

Assemblyman Leavitt:

The vehicle I described that has the Volkswagen engine has a drive train. It is built like a car, but it has handlebars. It may not have a saddle seat. Would there be a different licensing requirement for that type of vehicle, even though it has only three wheels in contact with the ground?

April Sanborn:

That is correct.

Chair Monroe-Moreno:

In section 8, it says, "The Department shall adopt standards for protective headgear and protective glasses, goggles or face shields." Would DMV decide what that headgear would be when making the regulations?

April Sanborn:

It was a shock to me when I heard that. We will have to get back to you on that.

Assemblyman Ellison:

The big bikes we see with two wheels in the front and one in the back use regular car tires and are insured like cars. Would they fall under this program, requiring a helmet and completion of a driver's test?

April Sanborn:

It depends on where the power wheel is; it determines whether the vehicle is considered a car or a motorcycle. That includes the three-wheel vehicles such as the Polaris Slingshot. A three-wheel vehicle can either be classified as a vehicle or a motorcycle, with the requirements for the headgear.

Assemblyman Ellison:

I am confused because those vehicles have a transaxle.

**Jude Hurin, Administrator, Division of Management Services and Programs,
Department of Motor Vehicles:**

Looking at NRS 486.231 regarding the helmet question, the chapter implies that the "Department" shall create regulations for helmets, goggles, and so forth. The Department is defined as the Department of Public Safety (DPS). That would, most likely, be the Office of Traffic Safety.

Assemblyman Carrillo:

The Department of Public Safety creates the regulations. There are people out there who are anti-helmet who wear homemade helmets that do not have the DOT sticker on them who are willing to go to court over it. Would a DOT-approved helmet be required, or could someone wear a bicycle helmet? How can we find that out? Will you be pulled over by a law enforcement officer if you are riding a moped and wearing the wrong type?

Jude Hurin:

That chapter is shared a lot between DMV and DPS. In all of the years I have been in the DMV, we have never regulated the headgear.

Victoria Hauan, Chair, Committee on Testing for Intoxication, Office of Traffic Safety, Department of Public Safety:

The intent of this section was that trimobile and moped riders and their passengers have protective headgear. That is the extent of the definition I have right now. If DPS is responsible for those regulations, I would assume we would hold public hearings in the regulation process; we would be better able to define that. If you have a specific idea of what you, as a body, would prefer to have, we are open to your recommendations.

Assemblywoman Backus:

After taking a second look, the piece I was concerned about may have been removed from the bill. As I understand, the trimobile or trike requirement for a helmet was based on its being a motorcycle. Section 9 removes a trimobile from the definition of motorcycle and includes it as its own. In section 8, subsection 5, there is no affirmative law that provides for a helmet. The Legislative Digest shows an intent that the rider of a trimobile is required to wear a helmet, but it does not appear that way in the statute. Are we now taking that out of the law? Will there no longer be a mandate for riders of motorcycles with three wheels to wear helmets?

Jessica Dummer, Committee Counsel:

I would like to clarify that the definition of "motorcycle" in section 9 applies specifically to the chapter in NRS that deals with the educational program; it does not relate to NRS 486.231.

Chair Monroe-Moreno:

Section 9 relates to NRS 486.370.

Assemblywoman Bilbray-Axelrod:

Does DMV make any determination on the different types of helmets? My daughter, for example, rides a Razor scooter. When riding that, she wears a helmet that covers more of her head than the one she wears when she rides a bicycle. Do your regulations determine different standards based on the speed of the vehicle being used?

Jude Hurin:

To my recollection, we have never had to draft regulations for those standards, because that would be under the Department of Public Safety. We do not have input on that. I can double-check to make sure that, if there are any regulations built into *Nevada Administrative Code* (NAC) Chapter 486, we can do a history check to determine who originated the regulations, if there are any.

Assemblywoman Bilbray-Axelrod:

If you work on your regulations during the interim, that is something you should look into in light of the many different devices we are starting to see. I think it will become an issue.

Jude Hurin:

I think we will have to define within that chapter who is actually responsible for making the regulations. In all my years with DMV, we have never drafted any regulations for that. We will be happy to work with the Department of Public Safety to figure those out.

Victoria Hauan:

The Nevada Rider Motorcycle Safety Program is in the current regulations process, so this is the perfect opportunity to add those criteria you would like to have included. I will be sure to pass that on.

Jessica Dummer, Committee Counsel:

The regulations for motorcycle helmets are in NAC 486.015. It says that the Department is adopting certain federal requirements in terms of helmet standards.

Assemblywoman Backus:

It seems we had a helmet for trikes. My confusion arises when looking at section 8; it seems as if the helmet law is being removed. Is that the case?

Victoria Hauan:

Given the fact that what we have in front of us is not the full NRS, it is just the pieces that are being changed, I do not believe the intent from a public safety standpoint would be to remove the requirement for helmets.

Assemblywoman Backus:

I would suggest you look closely at how section 8, subsection 5 is drafted.

Senator Dondero Loop:

I read that as, if you are in an enclosed cab, you do not have to wear protective devices.

Assemblywoman Backus:

I agree with you. In section 8, subsections 1 through 4, because the trimobile is being removed, it is no longer being addressed in those other sections.

Jessica Dummer, Committee Counsel:

Regarding section 2 of NRS 486.231, it previously said that for any motorcycle, except a trimobile, the driver needed to wear a helmet. This removes the language, "except a trimobile," with the idea that the trimobile would fall under the definition of a motorcycle.

Chair Monroe-Moreno:

Is there anyone here to testify in support of Senate Bill 408 (1st Reprint)?

Susan Fisher:

I would like to clarify a couple of issues on the personal carrying device. As the bill sponsor touched on, we are in discussions with local governments. The City of Reno reached out to us, as they were considering a friendly amendment. We are working on that with them now so they will have some control over which sidewalks devices like this could go on. If there is a special event, so there are crowded sidewalks, or if there are areas in older parts of town where the sidewalks are very narrow, they may want to restrict access to personal carrying devices like this on those sidewalks.

Dylan Shaver, Director of Policy and Strategy, Office of the City Manager, City of Reno:

The City of Reno is here in support of the concept presented in this bill, though we discovered after the amendment was added that the bill seemed to preempt municipalities' authority to decide where these devices can go in the city. That is important from a basic public safety standpoint. These things can weigh, when fully laden, 135 pounds. They can travel at 12.5 miles per hour. Those things combine to about 347 kilogram-meters per second, which is the equivalent of about three-and-a-half Dylans [Shaver] in mass traveling at 1 meter per second, but only about as tall as your knees. Pedestrians would not necessarily be looking out for these devices right away. We want to be sure that—while these will not be on every street every day—the day the bill passes, the local governments have the ability to respond when they show up.

We appreciate the sponsor's working with us, especially at this late hour. We know time is of the essence. We believe we have language ready for you. Otherwise, these devices are exciting. Reno wants to be Nevada's technology hub; we think allowing these would reinforce that image, in addition to being a fun addition to our economy.

Erin Breen, Director, Vulnerable Road Users Project, Transportation Research Center, University of Nevada, Las Vegas:

I am primarily a pedestrian advocate. I am here today to urge your attention to Senate Bill 408 (1st Reprint). Because of the components in this bill, there is a lot of potential to save lives in the state of Nevada. I have a lot of testimony, but I am going to cut it short today because I know you are on a timeline.

Vulnerable road users, people traveling outside of a vehicle, are the fastest-rising population of fatalities in Nevada. They are without the benefit of seat belts and without the benefit of airbags.

In our crash numbers for pedestrians, we are seeing people who purposely try to avoid a crosswalk—maybe because of the strict guidelines of when you can and cannot enter the crosswalk. For me, as a pedestrian advocate, the biggest part of this bill is allowing pedestrians to enter a crosswalk after the countdown timer on pedestrian signals has begun the way eight other states do. In Clark County, most pedestrian signals offer that feedback.

People do not understand that you may get to a crosswalk, such as on Boulder Highway—it starts counting down at 45 seconds—but it is actually illegal for you to step into the crosswalk if the countdown timer has already begun.

What this law proposes is that, as long as the pedestrian has finished crossing by the time the countdown timer ends, they have not broken the law. I teach a class for Clark County Justice Court. If, as a pedestrian or a driver, you get a citation, I get 3.5 hours of your time and the court waives your fines and fees. We are seeing a lot of people cited for this violation. It causes some people to give up before they ever get to the crosswalk, just crossing where they are. This law would not pertain to people who are at an intersection with a pedestrian timer that does not include the countdown. If you have a traditional, old-fashioned pedestrian signal with the flashing red hand and no numbers, you are required to wait for the next signal. The countdown timers on all these signals are giving feedback to people to tell them they have time to cross the street, but the timers are not going to allow them.

That is the part of this bill that I came to address today. There is language on ignition interlock devices and requiring helmets on moped and trimobile riders. All of this was brought forward to try to curb the fatality numbers we are seeing in the state of Nevada.

Chair Monroe-Moreno:

Seeing no one else here to testify in support of Senate Bill 408 (1st Revision), is there anyone here in opposition? [There was no one.] Is there anyone in the neutral position?

Victoria Hauan:

I am the chair of the Nevada Committee on Testing for Intoxication, which has the authority to approve the devices and set regulations for ignition interlock devices. Section 4 refers to the exception from the ignition interlock statute to avoid undue hardship. I will clarify a few points for those who may not be familiar with the costs involved. The charge to the individual is \$60 to \$80 per month. Any attempts to drive after drinking, refusing a retest, or failing a retest may incur a few extra charges, but that is designed to modify behavior. Affordability was addressed in this law in NRS 484C.480, subsection 1, paragraph (d), subparagraphs (1) and (2). It requires the manufacturer or its agent to waive the cost of installation or removal of the device and adjust the fee to lease, calibrate, or monitor the device. The criteria for qualifying for the reduced rates are: someone who has an income at or below 100 percent of the federal poverty level would be charged 50 percent of \$60 or \$80; and someone who receives supplemental nutritional assistance or has an income which is at or below 149 percent of the federally designated level of poverty would be charged 75 percent of the fee.

The other change from S.B. 259 of the 79th Session was that previously the law required an individual to get an ignition interlock device on every car they owned or operated. If you are a person who has multiple cars, a recreational vehicle, a spouse who has a car, or children who have cars, that could be a financial hardship. Senate Bill 259 of the 79th Session clarified that the device is not tied to the ownership of the vehicle; it is in the car you actually operate.

If a court does not order the individual to get an ignition interlock, it means the individual can either not legally drive at all until the revocation period is over—studies show that 75 to 80 percent of the time the individual drives anyway without a license—or, the individual can apply for a restricted license. A restricted license severely limits where they can drive and when they can drive. The ignition interlock device actually provides more freedom in driving. It does not determine when or where they can drive, as long as they are alcohol-free and are safe for the driving public.

Nevada did not qualify for ignition interlock funding. The 2019 National Highway Traffic Safety Administration (NHTSA) finding stated that Nevada does not limit the exceptions to only those specified in the federal statute—those for employment, health, or location of an ignition interlock facility. The current law says that if someone is driving their employer's car during their scope of work, they are not required to get an ignition interlock device on the employer's car, but they are required to notify the employer that they have that requirement and keep that notice in the car.

Assemblyman Yeager:

You mentioned that Nevada did not qualify for NHTSA because the exceptions were not limited to employment and health. The way I read the language in the bill, two of the sections in the exceptions we will strike out, on the end of page 6 and the top of page 7, seem to apply directly to employment and health. I would agree that on page 6, lines 40 to 42, there is an economic hardship that would not fall into employment or health. If we were to strike section 4, subsection 2, paragraph (a), but left paragraph (b) in, would Nevada be likely to qualify for a grant?

Victoria Hauan:

Having "to avoid undue [economic] hardship" is what disqualifies us. *Nevada Revised Statutes* 484C.460, section 5 specifies that if the person is required to operate a vehicle in the course of their work and the vehicle is owned by their employer, they are not required to get the ignition interlock. We want to ensure our public is not trying to drive to work when there is alcohol in their system. The problematic issue with NHTSA funding is the economic undue hardship piece. Did that answer your question?

Assemblyman Yeager:

I think so. What you are saying is that we have removed the economic hardship provision, but we might be okay leaving the other two in. The bill itself proposes to strike out all three of the exceptions. You talked about the other statute—having to drive as part of your employment. Is that the exception? The exception in the bill talks about traveling to and from work, which is different than having to drive as part of your job. Does the NHTSA parse it out to that level? Does employment mean I drive as part of my job, or does it mean in terms of getting to and from work?

Victoria Hauan:

We still want to ensure that people are not trying to work with alcohol on their breath. The idea to exclude them because they are driving to work is counterproductive to public safety. The statute I specified said that if they drive the employer's car, they do not have to get the ignition interlock on it, but when they are driving to work we still want to ensure they are alcohol-free.

Assemblyman Yeager:

I agree with you. My question is not philosophical, but is technical about Nevada's qualifying for NHTSA funding. What do we need to leave in the bill? Right now, we are striking all of the exceptions. I understand that, as a policy matter, we might want to take them all out. The way S.B. 259 of the 79th Session was pitched to us, if we passed the bill, some unknown amount of money would come into the state. Obviously, that has not happened. Aside from the policy, can we strike the one section about economic hardship but keep the other two in order to qualify for NHTSA funding?

Victoria Hauan:

I do not want to second-guess NHTSA, but they were specific about employment in their report to us. They cite 23 CFR [*Code of Federal Regulations*] §1300.23, which specifies the exceptions allowed: if the vehicle belongs to a company and you do not own the company, if there is not an installation or service center within 100 miles of where you live, or if a physician certifies that you do not have the lung capacity to provide the breath sample—even though ignition interlock companies can adjust that lower. If somebody really wants this ignition interlock device because they want to be able to go to the store, go about their business, go to work, go to school, or take the kids to soccer practice, they can still get it even if they do not have full lung capacity. The device can be adjusted down. I am sorry, but NHTSA says in the federal regulations what they allow. If we veer from that, we will not qualify for the additional funding.

Chair Monroe-Moreno:

By striking the language in section 4, subsection 2, paragraphs (a) through (c), would we qualify for funding?

Victoria Hauan:

Yes.

Chair Monroe-Moreno:

Approximately how much would that funding be?

Victoria Hauan:

They do not give us a specific amount; they have several million dollars allotted for this. There is only a small number of states that qualify for the funding. They want the states to be able to get the funding. The funding may be around \$100,000 up to \$200,000. Kansas used to get around \$1 million for ignition interlock funding. It varies from state to state.

Chair Monroe-Moreno:

Is there an application process to go through to access the funding?

Victoria Hauan:

Yes, there is. It is part of our federal application to NHTSA that is submitted every July 1. We are required to cite the law so NHTSA's attorneys can go through and look at the law to see if we qualify.

Chair Monroe-Moreno:

In awarding funding to the states, is it calculated by the population of each state?

Victoria Hauan:

I believe so.

Assemblywoman Bilbray-Axelrod:

Since the bill does not specify an effective date, that means it would be effective October 1. Does that put us outside of the realm of going for those NHTSA funds for this year?

Victoria Hauan:

The federal time lines are October 1 through September 30, so we would still be able to qualify with an effective date of October 1.

Chair Monroe-Moreno:

Is there anyone else here to testify as neutral? [There was no one.] Does the sponsor of the bill have any closing remarks?

Senator Dondero Loop:

This has been a great discussion.

Chair Monroe-Moreno:

We will close the hearing on Senate Bill 408 (1st Reprint) and open the hearing on Senate Bill 536.

Senate Bill 536: Revises provisions governing the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans. (BDR 58-1196)

Jennifer L. Taylor, Deputy Director, Intergovernmental Relations, Office of Energy, Office of the Governor:

Senate Bill 536 is a fairly straightforward bill that simply converts the current purpose of our American Recovery and Reinvestment Act of 2009 (ARRA) funds from a loan program to a grant program. This is part of a nationwide transition that many states in similar positions are undertaking—recognizing that the appetite for loans has not been there, combined with the overhead needed to track these loans. We would be moving from a history of a loan program to a new perspective of a targeted grants program to spend down the funds from the

ARRA program. Keith Glidewell, our grants and fiscal manager, is here to answer any specific questions about the funding or the history of the funds. We have walked through this program with you in the past, but are happy to go through it again if there are any questions.

Chair Monroe-Moreno:

Are there any questions from members of the Committee?

Assemblyman Watts:

What is the balance of the fund? Would you also please give us examples of some of the larger energy-efficient projects and renewable energy systems that would be selected as qualified applicants?

Jennifer Taylor:

I will take the second question. If you look at the language of the bill, it specifies that the Director will define, through regulation and rulemaking, what a larger energy conservation project, energy efficiency, or renewable energy project will look like under the bill and under the program. Past projects have included some of our studies, such as the Brattle battery study ["The Economic Potential for Energy Storage in Nevada" prepared by the Brattle Group], the e-centricity transportation electrification study ["Electrifying Nevada's 21st-Century Transportation System: Actions, Opportunities, Aspirations" written by Lauren Rosenblatt and Marie K. Steele, Principals of e-centricity, LLP], and the retrocommissioning project that was done for the City of Reno. Some of the other projects have installed solar and have done energy-efficiency measures.

I will defer to Mr. Glidewell for the current balance of the fund.

Keith Glidewell, Grants and Fiscal Manager, Office of Energy, Office of the Governor:

Since 2011, the beginning of the program, we have issued 21 loans for a total of \$19 million. We currently have a balance starting Fiscal Year 2020 of around \$900,000. We would hope to utilize that amount for grant programs.

Assemblyman Roberts:

How much money has been saved since this system was put in place?

Jennifer Taylor:

I do not have that number, but will talk with you offline.

Chair Monroe-Moreno:

Are there any other questions from members? [There were none.] Is there anyone here in support of Senate Bill 536? [There was no one.] Is there anyone here to testify in opposition? [There was no one.] Is there anyone here to testify as neutral? [There was no one.] Are there any closing comments from the sponsors of the bill? [There were none.]

We will close the hearing on Senate Bill 536. We will open the hearing on Senate Bill 539.

Senate Bill 539: Revises provisions governing financial support of the Taxicab Authority. (BDR 58-1208)

Terry J. Reynolds, Deputy Director of Administration, Department of Business and Industry:

Senate Bill 539 is a very compact bill. It changes the medallion fee from \$100 to \$300 for taxis in Clark County, but there is more to the story than that. I will turn it over to the Administrator of the Nevada Taxicab Authority, Scott Whittemore.

Scott Whittemore, Administrator, Taxicab Authority, Department of Business and Industry:

Given your very busy schedule, I will be as concise as possible with my comments concerning S.B. 539. This bill changes one word of *Nevada Revised Statutes* 706.8826, subsection 3, paragraph (a). It changes the number—taking it from \$100, increasing it \$200, to \$300. Both the Senate Committee on Finance and the Assembly Committee on Ways and Means approved and closed the Taxicab Authority budget on May 10, 2019, with this fee increase contemplated as Decision Unit E-225. This bill just implements that budget decision.

For those not familiar with our budget, the Taxicab Authority is 100 percent fee-funded from our licensees. That means we receive no general funds; it also means we receive no federal highway funds. The fee we are discussing is charged to every certificate holder, which means every taxicab company. There are 16 such certificated companies in Clark County now. This fee has not been changed since 1971; accounting for inflation, that would be over \$600 in today's dollars.

This fee does two things. It raises revenues—\$706,000 in each year of the biennium. It also helps to broaden the Taxicab Authority revenue streams, making our agency more stable. On the flip side of this increase, the Committee should be aware that as part of our budgetary process, one Decision Unit eliminated 15 positions in the Taxicab Authority. This is not a case of government simply growing; this is very much a measured approach to reach solvency. This is just one step that we have been able to work on with industry to create a new paradigm for the Taxicab Authority.

We are looking high and low and are working with industry leaders across the United States regarding what is working and what is not. The transportation disruption we are seeing in Las Vegas is not unique to our community. As we go through this process, it is going to require constant attention in the interim. We are already slated to appear before the Interim Finance Committee. It is something we are working on. We are listening to stakeholders locally in trying to learn best practices from around the country.

There is no known opposition to this bill. The industry, through the Livery Operators Association of Las Vegas, testified in support at the Senate hearing. They have written a letter in support ([Exhibit F](#)) for the Committee's consideration.

While we are 100 percent fee-funded, after several discussions the industry is willing to work with the Taxicab Authority to keep our budget solvent and to support these fee increases.

Chair Monroe-Moreno:

Are the 15 positions you are eliminating vacant positions? No one will lose a job, correct?

Scott Whittemore:

That is correct. Those are 15 vacant positions, strategically left open to generate savings for the agency.

Chair Monroe-Moreno:

Are there any questions from members? [There were none.] Is there anyone here to testify in support of S.B. 539? [There was no one.] Is there anyone here to testify in opposition? [There was no one.] Is there anyone here to testify as neutral? [There was no one.] Are there any closing comments?

Michael Brown, Director, Department of Business and Industry:

This was a solution that was developed in Governor Brian Sandoval's Administration and reaffirmed in the transition between administrations, and then brought to the Legislature as part of the Administration's official package of legislation.

Chair Monroe-Moreno:

We will close the hearing on Senate Bill 539. As we are just a few days from *sine die*, we will work session two of the bills we heard today—Senate Bill 536 and Senate Bill 539.

Michelle L. Van Geel, Committee Policy Analyst:

We just heard Senate Bill 536, which expands the authorized uses of the American Recovery and Reinvestment Act of 2009 money deposited in the Account for Renewable Energy, Energy Efficiency and Energy Conservation Loans to the Account for Renewable Energy, Energy Efficiency and Energy Conservation. There were no amendments to the bill.

Chair Monroe-Moreno:

I will ask for a motion to do pass Senate Bill 536.

ASSEMBLYMAN LEAVITT MOVED TO DO PASS SENATE BILL 536.

ASSEMBLYMAN WATTS SECONDED THE MOTION.

Is there any discussion? [There was none.]

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

Assemblyman Yeager will take the floor statement. The next bill on our work session is Senate Bill 539.

Michelle L. Van Geel, Committee Policy Analyst:

Senate Bill 539 increases the annual fee assessed by the Taxicab Authority against the person who holds a certificate of public convenience and necessity from \$100 to \$300 per taxi.

Chair Monroe-Moreno:

I will entertain a motion to do pass Senate Bill 539.

ASSEMBLYMAN YEAGER MOVED TO DO PASS SENATE BILL 539.

ASSEMBLYMAN LEAVITT SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

Assemblyman Roberts will take the floor statement.

That brings us to the last item on our agenda, which is public comment. Is there anyone here to make public comment? [There was no one.]

Members, keep an eye on the calendar. We have a meeting scheduled for each day this week.

This meeting is adjourned [at 2:56 p.m.].

RESPECTFULLY SUBMITTED:

Joan Waldock
Committee Secretary

APPROVED BY:

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 Senate Bill 254 (1st Reprint), dated May 29, 2019, presented by Michelle L. Van Geel, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is a letter dated May 28, 2019, to Members of the Nevada Assembly, from Ben and Jerry's, Caesars Entertainment Corporation, Dignity Health-St. Rose Dominican, Levi Strauss and Company, and Patagonia, in support of Senate Bill 254 (1st Reprint).

[Exhibit E](#) is a letter dated May 20, 2019, to Committee Members of the Assembly Committee on Growth and Infrastructure, from Algirdas Leskys, Private Citizen, Las Vegas, Nevada, regarding Senate Bill 254 (1st Reprint).

[Exhibit F](#) is a letter dated May 28, 2019, to Chair Daniele Monroe-Moreno and the Assembly Committee on Growth and Infrastructure, from Kimberly Maxson-Rushton, representing Livery Operators Association of Las Vegas, in support of Senate Bill 539.