

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

**Eightieth Session
March 26, 2019**

The Committee on Growth and Infrastructure was called to order by Chair Daniele Monroe-Moreno at 1:35 p.m. on Tuesday, March 26, 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 Howard Watts
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Ellen B. Spiegel, Assembly District No. 20
Assemblywoman Sarah Peters, Assembly District No. 24

STAFF MEMBERS PRESENT:

Rocky Cooper, Legislative Auditor
Michelle L. Van Geel, Committee Policy Analyst
Jessica Dummer, Committee Counsel

Minutes ID: 713



Joan Waldock, Committee Secretary
Alejandra Medina, Committee Assistant

OTHERS PRESENT:

Rafael Arroyo, President, Registration Services Association of Nevada, Las Vegas, Nevada
Sarah Lee Marks, Automotive Business Services Inc., Henderson, Nevada
Chelsea Capurro, representing Insurance Auto Auctions
Tonya Laney, Administrator, Division of Field Services, Department of Motor Vehicles
Tyson K. Falk, representing Tow Operators of Northern Nevada
Andy MacKay, Executive Director, Nevada Franchised Auto Dealers Association
Michael D. Hillerby, representing Regional Transportation Commission of Washoe County
Peter D. Krueger, representing Nevada Rural Housing Authority; and The Housing Authority of the City of Reno
Dawn Lietz, Administrator, Motor Carrier Division, Department of Motor Vehicles
Paul J. Enos, Chief Executive Officer, Nevada Trucking Association
Bill Wellman, Las Vegas Paving Corporation
Don Plowman, Lieutenant, Nevada Highway Patrol, Department of Public Safety

Chair Monroe-Moreno:

[Roll was called. Committee rules and protocol were explained.] We will take the bills out of order so that people can get to hearings in other committees. I will open the hearing on Assembly Bill 288.

Assembly Bill 288: Makes various changes relating to vehicle registration services. (BDR 43-938)

Assemblywoman Ellen B. Spiegel, Assembly District No. 20:

I represent District No. 20 in Clark County. I am here today to discuss authorized third-party vehicle registration services.

People typically use authorized third parties when they need to register their vehicles with the Department of Motor Vehicles (DMV) and, for whatever reason, do not want to do it themselves. Sometimes it is because they have a language issue. Sometimes it is because they do not have enough time to go to the DMV and are not comfortable using the online portal, or they have waited too long to trust mailing it in. Sometimes they do not have bank accounts and need to use someone else's credit card. Sometimes it is because they are holders of driver authorization cards and are afraid to go into government buildings.

The companies helping these people are overwhelmingly small businesses owned by women and members of minority groups. They currently are regulated under the category of document preparation services. To be a legal document preparation service, the company

must be licensed with the state and registered with the Office of the Secretary of State as a document preparation service. Owners must complete an application, post a surety bond, and submit their fingerprints as part of a background check so the Secretary of State's Office has them on file in case a crime is committed. It should be noted that while not all document preparation services are authorized third parties, all authorized third parties are document preparation services and must meet the Secretary of State's requirements.

During the interim, I was approached by two constituents, Sarah Lee Marks and Rafael Arroyo, owners of authorized third parties. Because of new policies and procedures implemented by the DMV in early 2018, their businesses have been cut back dramatically, and their ability to meet customer needs has been curtailed. In our discussions and correspondence with the DMV, the DMV said it took these actions primarily because it was concerned about fraud and security issues. In thinking things through, I determined that we could address the DMV's concerns, support these women- and minority-owned businesses, and meet the needs of Nevadans by regulating authorized third parties in a way that allows the good players to stay in business while establishing a framework for any necessary disciplinary action.

Additional goals of A.B. 288 are these:

- Avoid returning to the days of uninsured motorists because people are afraid to go to the DMV.
- Ensure that the DMV has staff in place who can serve customers who primarily speak foreign languages [section 1].
- Require the Legislative Counsel Bureau (LCB) auditor to conduct an audit [section 77].
- Address a towing issue [section 76].

Before discussing the regulations of authorized third parties, I would like to explain the audit and towing sections of the bill.

The first is the request for a legislative audit of the DMV. Last Friday when I met with DMV staff, they gave me a memo stating they were requesting permission from Governor Steve Sisolak to oppose the bill, citing a conflict with their mission and goals of being a responsive and efficient agency. However, in presentations to the Legislature earlier this year, DMV staff spoke of its work with third parties as a means of fulfilling its mission and reaching its goals. Use of these small minority- and women-owned businesses to help provide better service for Nevadans is in alignment with its current practices. In our discussion and in its memo, DMV staff identified several issues, some of which are in the purview of the Executive Branch and some of which are policy issues that need to be determined by the Legislative Branch and implemented by the Executive Branch.

Legislative audits are fully within the purview of this body. Per the Audit Division, "The purpose of legislative audits is to improve state government by providing the Legislature, state officials, and Nevada citizens with independent and reliable information about the operations of state agencies, programs, activities, and functions." The last time the DMV was audited, the scope of the audit included a review of the process for depositing receipts during fiscal year 2015. In addition, the scope included a review of revenue distribution spreadsheets and balances recorded in the DMV application for fiscal years 2010 to 2015. The objectives of the audit were these:

- Determine whether controls over revenue distribution processes and internal accounting records were adequate.
- Evaluate the adequacy of internal controls over the process for depositing collected funds. This audit was part of the ongoing program of the legislative auditor as authorized by the Legislative Commission.

The legislative auditor conducts audits as part of the Legislature's oversight responsibility for public programs. The purpose of legislative audits, again, is to "improve state government by providing the Legislature, state officials, and Nevada citizens with independent and reliable information about the operations of state agencies, programs, activities, and functions."

In that audit, ten significant issues were identified. Most notably, there needed to be more oversight and the establishment of uniform processes and procedures. Audit highlights and the full audit report are available on the legislative website, and I would be happy to send any Committee member links to these documents, should you wish to read them.

Many of the issues that caused my constituents to approach me with their businesses' issues stemmed from the DMV arbitrarily changing its policies and citing its need for increased operational controls. Early last year the DMV conducted a pilot test of its new procedures, and I requested that it provide me with data, so that I could use quantitative data to assess the situation. On March 15, 2018, I sent the DMV an email requesting they provide me with data concerning the number of bulk registrations processed in Clark County, the number of individual registrations processed during those same time frames, total registrations processed in Clark County, and the number of valid driver's licenses. I wanted to compare volumes between March 1 through 14, 2018; March 1 through 14, 2017; January 1 through March 14, 2018; and January 1 through March 14, 2017. I was never able to obtain data from my request, and my request was never fulfilled. Because of this, I was never able to quantifiably verify DMV's claims that its new procedures are more efficient than its previous procedures. I think it would be helpful for the Legislature to have an independent audit of DMV's internal operational processes so we can see what is going on.

Second, the bill includes provisions related to towing vehicles with expired registrations. Through the years, I have had a number of Nevadans complain to me that their cars were towed for expired registrations—even though the registrations had been fully paid. In each

case, the person completed his or her renewal either by mail or online but close to the deadline and did not have a new sticker by the time the old one expired. To address the issue, we can require tow truck companies to look up the status of the registration before towing. This information is available today via the DMV website. It will not cost the state any money to implement this part of the bill.

Based on discussions I have had with representatives of the towing industry, I will ask that we clarify in statute that towing companies can verify a vehicle's registration using DMV's website and that a screen print of the result, emailed with a date and time stamp, would suffice as proof. Additionally, I would stipulate that if the website came back with an error, the towing company would be held harmless if a screen print of the error message was emailed with the date and time stamp to document that the towing company tried to comply with the statute but that there was a technical error on the part of the state office.

I will now turn to a discussion of the rest of the bill. In developing the bill draft request, the initial thought was to use Arizona as a model, as it recently regulated its authorized third parties. After meeting with the DMV, I see there are challenges with this approach, as Arizona allows third parties to offer services that are not performed in Nevada.

Regardless, I want to make sure the relevant issues are addressed by A.B. 288. They are these:

- Fraud—people taking money to register vehicles for others and then either not doing what they said or paying the DMV with checks that bounce, leaving the vehicle owner with an unregistered vehicle.
- People notarizing their own paperwork.
- Error correction that is done by companies after the paperwork has been signed by the client and resubmitted without the client's knowledge or consent.
- Security of personally identifiable information.

After meeting with DMV staff and looking to develop good policy, I am now proposing we take both a long-term and a short-term approach to regulation of this industry.

In the long term, we would create two classes of authorized third parties. One class would be allowed to perform the functions detailed in sections 2 through 75 that are practicable. Staff from the DMV said they would meet with Arizona DMV to discuss the challenges and benefits of their system. We will use the results of that determination and the results of the legislative audit to determine the best way to regulate these services. The other class would be allowed to perform the functions it does today using the methodology used in early 2018.

In the short term, we would do the following:

- Reinforce a requirement that authorized third parties be document preparation services and adhere to all requirements in *Nevada Revised Statutes* (NRS) Chapter 240A.
- Allow authorized third parties to use bulk registration services and the window that they were able to use until March 2018.
- Allow authorized third parties to be agents of their clients and, as such, entitled to individual appointments their clients would otherwise make on their own.
- Require the DMV to establish uniform quality standards for its forms and to provide authorized third parties with a policy manual and samples of correctly completed forms.
- Require the DMV to establish anti-fraud procedures, with formal complaints going to the Secretary of State's Office and affirm the ability of the Secretary of State to access the surety bonds for payment when a check bounces, as well as for penalties assessed through the complaint adjudication process. This must be done with due process and a right of appeal of penalties.

I am in the process of obtaining a legal opinion about the ability of authorized third parties to notarize their client's paperwork. Whatever that opinion states will be the basis of what is placed into the work session document.

We will enhance consumer protections by requiring the following:

- Clear labeling of pricing per item—the DMV fee plus the convenience or service fee and the total fee—which must be displayed in storefronts and on websites, as well as provided to customers in writing, by mobile services.
- Errors and omissions insurance.
- The display of a decal that authorized third parties with storefronts can post so that consumers know they are a regulated partner of the DMV. Included on it will be a consumer redress phone number at the Secretary of State's Office that must be posted prominently and could also be used on a website.
- Customers of third-party services to be held harmless for any fraud on the part of registered third-party registration services by using the surety bond of an authorized third party that committed check fraud to pay DMV fees. If someone took money from a Nevadan to register a car and paid the registration with a check that bounced or did not register it, the Secretary of State's Office could access the surety bond, get the money, and hold the consumer harmless.

- The legislative audit outlined in the bill to be performed.
- Different implementation dates for short-term and long-term objectives.

Finally, it should be noted that A.B. 288 does not apply to the in-house services you find at a car dealer when you buy a new car. They have a different business model, and while they may look the same, they are different.

Rafael Arroyo and Sarah Lee Marks, owners of authorized third parties, are here and in Las Vegas to tell you about their businesses, the challenges they are facing, and how this bill would help. I also have Peter Krueger here to help answer any questions you have.

Rafael Arroyo, President, Registration Services Association of Nevada, Las Vegas:

Assemblywoman Spiegel covered a lot of what I was going to talk about. I will give you a brief history, then go into some of the issues we have been facing [pages 1-2, ([Exhibit C](#))].

Our association believes third-party registration service activities began in the late 1980s. At that time, a few individuals who did not want to stand in line at the DMV would ask a friend or pay someone to stand in line for them. This business of third-party registration continued to grow as new and used car dealers began to offer this service as a convenience for their customers. Today, there are approximately 60 third-party registration small businesses in the state. The majority of these businesses are minority- and women-owned, located in Clark County.

Department of Motor Vehicles third-party registration services companies are licensed by the Office of the Secretary of State as document preparers as defined in NRS Chapter 240A. These companies have a \$50,000 bond and have to pay the appropriate licensing fees for the city or county where they are based.

As the cottage industry grew, the DMV provided a special window for these businesses to process their customers' transactions. This standing appointment window has been available for more than ten years. About three and a half years ago, the DMV instituted an additional window for registration services—a standby window. This additional window provided more access to registration services to process transactions by allowing any licensed registration service to place itself on a list and process up to three transactions per business at a time on a first-come, first-served basis. One of the benefits to the DMV is that this industry ensures that all documents are presented correctly; therefore, this is a time-saver for the DMV. This benefits the DMV by eliminating errors that regular customers make and by having every transaction ready to go with proper paperwork and a form of payment. We know the standing appointment window processes transactions much faster than a regular window at the DMV.

In March of 2018, with about 30-days' notice and no consultation with our industry, the DMV eliminated the standby window and replaced it with a drop window. The drop window

allowed services to drop off up to ten transactions at a time to be processed. The DMV will complete them in up to five business days. This severely limited the number of transactions that could be done in a timely manner, cutting in half the number of transactions processed by registration services, and increasing the number of walk-in customers going to the DMV themselves. Most of our customers want a fast turnaround service. There was also no official form or permit provided by the DMV to give to customers to say they are driving legally while the transaction is being processed in up to five business days.

It is now 2019. If you do not want to drive, you can get rides with Uber or Lyft. If you do not want to pick up your food, you can use services such as Postmates or DoorDash. If you do not want to go to court for a speeding ticket, you can contract with a Ticket Busters lawyer who will go for you. That is what we do for DMV services.

Assembly Bill 288 is before you to provide hardworking Nevadans more access to DMV services without having to go in person to a physical DMV office location. It will help regulate an already existing industry and help with DMV's stated goal of continuing to "streamline processes and reduce wait times" through public-private partnerships and to "expand alternative service partnerships statewide," as the DMV presented to this Committee in its overview dated February 14, 2019.

There were several items lost in translation during the drafting of this bill. The bill in its current form does not completely preserve the system by which we operate now. It has several issues that will be fixed in the upcoming amendment. As Assemblywoman Spiegel stated, the plan is to split authorized third parties into two classes: class one, which is most of what is in A.B. 288; and class two, which is how we currently operate.

There are several significant issues with how the DMV has been conducting itself with our industry over the past year, apart from the elimination of the standby window. It appears the DMV has provided conflicting guidance without input from the businesses being affected. I included several exhibits for you. The first exhibit is a list of regulations given to us when we sign up [pages 4-5, ([Exhibit C](#))]. It says, "Each appointment is 30 minutes. Only as many transactions as possible will be processed during that time." It continues, "If available, an open appointment will be offered in addition to the standing appointment. These appointments are filled on a first-come, first-served basis."

The letter they sent eliminating the standby window stated that no new applications for appointments would be accepted ([Exhibit D](#)). They essentially froze the growth of our industry. We tried several avenues of communication to try to get a resolution. An unofficial meeting was scheduled two months later with DMV representatives, including the director at the time. All of our concerns and suggestions were completely dismissed with a promise of further review at a later date. The review never came. Instead, we got an official press release on May 17, 2018, warning people not to use our services [pages 6-7, ([Exhibit C](#))]. The headline reads, "Nevada DMV Cautions, Don't Pay Big Fees For Services That Are Free." Honest businesses are being mixed in with bad actors and made to look corrupt. Document preparer law states that the customer must enter into a signed contract,

with prices clearly stated on what will be charged for the service and what will be charged by DMV. This law needs to be enforced to address the concerns of these complaints.

We are an industry here to help the consumer. On multiple occasions, I have helped many veterans access the tax exemption through the county assessor's office that can be applied to vehicle registrations when the veterans did not even know the exemption existed. These do not sound like the type of businesses described in the press release.

The impact of DMV's decisions on business has been significant. I have closed a location in the last ten months, eliminating two full-time positions. One of my colleagues, a single mother of three, said the decision to limit her access by eliminating the standby window severely hurt the customer service she provides her client base. Others stated they will not renew their licenses and will get out of the business. The businesses being hurt are mostly minority- and women-owned businesses.

The consumer is hurt by having service options that were present for the last several years eliminated. The consumer is forced to pay the price of increased demand and decreased supply. Customers are also putting themselves at risk driving while waiting for their service to be completed.

The DMV gives us a registration transmittal form when we drop off these transactions and wait for them to be done [page 8]. The form can list up to ten people's full names, their driver's license numbers, the vehicle identification number, and their license plates. The DMV has told us to give this to our customers and that it will serve as a temporary moving permit while the transactions are being processed. In my discussions with representatives of law enforcement, I found that information is not accurate.

Our industry is here to help. We are helping Nevadans with their DMV transactions. We all know that our great state will continue to grow. We want our industry to grow with it.

Sarah Lee Marks, Automotive Business Services Inc., Henderson, Nevada:

I am a 29-year resident of Henderson, Nevada. I have a 25-year recognized woman-owned business that has helped many small businesses in a variety of industries establish a way to grow and provide for their families.

The last year and a half has been extremely trying with regard to working with the DMV. You might have heard them say that we change paperwork without our clients' permission. In many cases, that could be interpreted as the client's credit card did not go through and, in the moment, knowing they needed their plates, I used my business credit card to cover the transaction waiting to be paid until the client's next paycheck came. That might be considered as me stepping in on the client's behalf. I am very cautious about who I do business with. When I go to the DMV, I try very hard to bring everything to them accurately, but I do not have access to some of their systems. The newly revised 2018 guide might direct me to use a form that DMV tells me is no longer to be used for that instance or that the form I am looking for has been discontinued for two years. I will provide evidence

of that to members of the Committee. It makes it very frustrating to then consider that I now have to go back to my car and go back to the client to find the necessary paperwork that was not provided online.

The whole issue of sustainability is unbelievable when you watch the DMV in action—when they treat registration services to multiple copies of paper and having to walk around the building to get things copied. In fact, I testified over a week ago that, perhaps in the budget, you could give them a copier in that department since it would save them probably 15 minutes per transaction. I applaud the idea of an audit because a time and efficiency process audit will help everybody, not just the registration services, but also the consumer who is now standing in line trying to decide whether they were better off making an appointment or waiting and hoping they got in.

I applaud A.B. 288. I hope that we can come to a universal agreement that works for everybody. We are not adversaries of the DMV. We sometimes feel we are being discriminated against. Quite honestly, I have been told to my face that with my one appointment and my one little business, I am insignificant in the big picture. That is a pretty insulting perspective from a professional and government employee. I am here to protect my business and my fellow partners in the registration services industry. I do not want to see small businesses destroyed because the DMV feels that we are insignificant and they can do better on their own. I hope you will look at A.B. 288 as a serious effort to help small business grow in the state of Nevada.

Chair Monroe-Moreno:

We have a few questions from Committee members.

Assemblywoman Backus:

When I was reading the definition of "authorized third party" in section 7 and how that is used throughout the entire A.B. 288, I see Department or authorized third party. I want to be sure the intent of the bill is not to allow the Department of Motor Vehicles to privatize.

Assemblywoman Spiegel:

Right now, there are private companies that perform some of the services. It is not the legislative intent to privatize the DMV, but to allow the services already operating and similar services to be able to continue to do so.

Assemblywoman Backus:

I understand that. There are times I have gotten my car smog tested and the smog tester became almost like my agent, going into the Department of Motor Vehicles to register my vehicle. If someone registers a vehicle through a smog test company or an authorized third party, what is the standard fee?

Rafael Arroyo:

I want to make it clear that the program the DMV has with emissions stations is different from third-party registration services. They have different licensing and go through

the DMV. As far as registration costs are concerned, it depends on the transaction. When you use smog stations, you will wait 7 to 10 days to receive your registration in the mail. We go to the DMV for you and get the registration the same day or the next day. We might charge \$20 or \$25 for that service. If you have a very complicated transaction—let us say you are buying a vehicle from an out-of-state dealer that needs to have sales tax paid, or a vehicle that has a death certificate and ownership is passing over—these can take a lot of time, so we definitely charge more for those. By law, we clearly state the price. We let the customer know that we can provide the service, but we let them know how much it will cost them. They have the option of saying yes or no.

Chair Monroe-Moreno:

Assemblywoman Spiegel, you said there currently are authorized third parties doing business with the DMV. Would you tell us who they are?

Assemblywoman Spiegel:

I will defer to Mr. Arroyo. He is the president of the association of these companies.

Rafael Arroyo:

It is just a naming issue. We are trying to classify ourselves as "authorized third parties." Right now, we call ourselves "registration services." There is no NRS or statute that governs our industry—that is why we are here and why we approached Assemblywoman Spiegel. As we saw the DMV taking these actions and freezing us out, we realized we needed to do something to protect ourselves and get ourselves even more regulations beyond the Secretary of State's regulations, so we can be protected by NRS. If the DMV decides tomorrow that they will no longer serve us, then we are out of business. This time they cut our business in half with about 33 days' notice.

We have over 40 companies in our association in the Las Vegas area.

Assemblyman Watts:

I know there has been discussion about expanding DMV services into rural communities. Do you know of any entities providing these services in our rural communities?

Rafael Arroyo:

We tried to see if these services exist in rural communities. We were not able to find any Internet advertising or anything like that. The DMV would know. We have to fill out an application and present a business license to do these appointments or drop off these transactions.

Assemblyman Watts:

With expanding DMV locations into rural communities and having to do these transactions in person, it may still be a burden for those communities. Maybe the process envisioned under the bill would allow rural communities to have access to those services without having to travel as far.

Would you describe either an average or maximum wait time for customers using your services?

Rafael Arroyo:

When both windows were available at the DMV, we would turn things around either the same day or the next day. With our access cut by 50 percent and using the drop system, we do not ever have a clear answer. People will be waiting two, three, or four business days—depending on how busy the window is. It is a tough situation.

Assemblyman Watts:

When a customer comes to your service, how long does it take to complete a transaction, understanding they will have to come back and pick things up once the transaction is finalized?

Rafael Arroyo:

I can get someone in and out in five to ten minutes. A long transaction that requires a lot of scrutiny may take 15 minutes. People are being helped right away. We get hundreds of phone calls every day. We help them right away. The DMV call center is understaffed; it takes a long time to get through.

Chair Monroe-Moreno:

How many people does the average registration services company employ?

Rafael Arroyo:

The average business is a one- or two-person operation. Mine is larger, with several employees. Some employees do more than one thing. My company has more than 20 employees.

Assemblyman Wheeler:

In the rural counties, the county clerk usually handles these services with no fee.

I read your section 1 with interest. It requires that the DMV have an employee fluent in each language for which voting materials are required. All DMVs now do voter registration, so I would assume all DMVs would fit into that requirement. I wondered how many languages were spoken in Nevada. The top five are English, Spanish, Tagalog, Chinese, and Hebrew. Will each DMV be required to have one person in each DMV who speaks each of those languages fluently?

Assemblywoman Spiegel:

The short answer is, it depends on the population of the county and what is required on the county's ballot. There is a large enough population in Clark County that speaks Spanish and Tagalog that ballots have to be printed in Spanish and Tagalog. That would require that someone who speaks Spanish and someone who speaks Tagalog or someone who speaks both be at the DMV so that, on a proportional basis, there would be someone able to support

the customer bases coming into the office. In counties where there were no such ballot requirements, there would be no such requirement.

Assemblyman Wheeler:

Would new dealers be subject to the third-party rule? I can certainly see a reason for third parties with the wait times, but I wanted to be sure that new dealers are not subject to these same rules for auto dealers.

Assemblywoman Spiegel:

That is correct. I met with the Nevada Franchised Auto Dealers Association about this. They are in agreement.

Chair Monroe-Moreno:

If the community where the DMV office is located has a high population of Spanish-speakers or Tagalog-speakers, you are asking that someone employed in that office also speak that language so they can communicate with the customers coming into the office. Is that correct?

Assemblywoman Spiegel:

That is correct. If Hebrew or Mandarin were not on the list of approved ballots, there would not be a requirement for staff members to speak those languages.

Assemblywoman Bilbray-Axelrod:

A lot of people who may be undocumented but want to have the proper documentation may fear going into a government building. Are many of your clients from that population? I would imagine someone like that would use your services.

Rafael Arroyo:

Yes. I have several locations in east Las Vegas which is a predominantly Hispanic neighborhood. We see that on a daily basis. About 90 percent of my clientele is Hispanic, but not necessarily undocumented.

Assemblyman Ellison:

Do you have to get a power of attorney to take documents to the DMV? What is the process?

Rafael Arroyo:

The document preparer law allows us to prepare the documents. We submit them to the DMV. The DMV technician processes the transactions; we just screen them. Assembly Bill 288 would add some things to allow us to do that and give us some different options, but currently we just hand over what we have prepared.

Assemblyman Ellison:

Does someone go to the DMV with documents, get in line, and do all the transactions at once? You cannot do the transactions online.

Rafael Arroyo:

We have the designated windows for our services. We use those as much as we can. According to the regulations we received from the DMV, we are supposed to be able to take a ticket, stand in line, and be able to process one transaction. Some services have been told they cannot do that, but others have been told they can. There is selective enforcement.

Assemblyman Roberts:

I like to see private industry step in and do government work. What do you and members of your association do to prevent fraud?

Rafael Arroyo:

When clients bring in paperwork, we screen it. We do not have access to the DMV policy manual. Several times, we have asked to see the policy when some decisions have been made. We have been told we cannot because the policies are internal. By trial and error, we know what we have to do. We submit the documents to the DMV technician who determines the paperwork. We cannot know if a document is fraudulent. They have their policies, their rules to determine that. We know what looks okay and what does not. If we had access to DMV policies, which A.B. 288 provides, it would greatly help us follow the rules and know exactly what we are dealing with and not experience selective enforcement.

We have to be clear with what we charge the customer. Like any service, we have to let them know what they will be charged. The companies that do things correctly do that. Are there some companies that do not do it correctly? I am sure there are, but the whole industry should not be hurt by that. There should be some enforcement, and those companies should be disciplined or dealt with.

Assemblywoman Spiegel:

Assembly Bill 148 of the 79th Session, introduced by Assemblyman Edgar Flores, has been helping enormously with this. The bill regulated document preparation services in greater detail. That is when we added the requirement for the \$50,000 surety bond and the processes for complaints going to the Secretary of State's Office. When a business has to pay a minimum of \$500 to have a state business license, have additional licenses for the jurisdictions in which they operate, get a \$50,000 surety bond, submit fingerprints, and put forth an application—that goes a long way in eliminating some people who have intent to defraud the public from the pool of people operating in that space. Because of the surety bond, theoretically there is redress for getting the situation dealt with. When talking about DMV services, a person will not go in with a single registration and hit \$50,000 in DMV fees. Even if they go in with \$10,000 in fees with a \$500 or \$1,000 registration, it will not rise to a point beyond the value of the surety bond.

Assemblyman Leavitt:

Are there certain things you are not allowed to do at the DMV now that you were allowed to do in the past? What has changed that would spark this bill?

Rafael Arroyo:

We used to have access to two windows. The DMV has taken away one of those windows, replacing it with a different system that has limited our access. As far as taking a ticket and standing in line, it is selectively enforced. Some services are allowed to do it, and others are told they cannot. We cannot go toe-to-toe with the DMV because we are in a position where, at any moment, they could change the rules and something else could happen. As a result, we do not try to challenge that; we are trying to do it through this process of getting ourselves regulated and get these things in NRS so there are rules regulating our industry's policies.

Assemblyman Leavitt:

Are you or are you not permitted to stand in line for someone?

Rafael Arroyo:

It depends on who you are.

Assemblyman Leavitt:

Under current policy, can you stand in line for someone?

Rafael Arroyo:

The letter the DMV sent us said they ask us not to schedule appointments via the website. They ask us not to do it, but they do not specifically tell us we cannot. Some people do it and are able to complete their transactions, and others are told they cannot do it.

Assemblywoman Spiegel:

That is one of the things this bill will clarify. In the short run, if I want to hire Mr. Arroyo, Ms. Marks, or one of their services to register my vehicle for me, either they could make an appointment on my behalf or I could make an appointment and they could stand in for me. Right now, it is inconsistent whether a business can do that.

Assemblyman Leavitt:

To follow up on the question of fraud, are you not allowed to deter fraud on your end? Does something bind you from verifying certain transactions before you act on behalf of your clients?

Rafael Arroyo:

We look at the transactions. If something is definitely wrong, I can see it. I will ask for additional paperwork or for specific pieces of information, such as a bill of sale, to be correct. We spot things like that. We do not want to take things to the DMV that will not be processed, because that would waste our valuable appointment time. It is in our best interest to make sure everything is 100 percent correct. We try our best. The bill will address letting us see DMV policies so we know exactly what it is we can and cannot do. It will help with the screening process when we take the transactions to the DMV.

Chair Monroe-Moreno:

I see no other questions from members of the Committee. Is there anyone here in support of Assembly Bill 288?

Chelsea Capurro, representing Insurance Auto Auctions:

Insurance Auto Auctions is an authorized third party in Arizona. In Nevada, we process tens of thousands of titles a year. This bill would allow us to do it directly from our branch. We are in support.

Chair Monroe-Moreno:

Is there anyone else who would like to testify 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?

Tonya Laney, Administrator, Division of Field Services, Department of Motor Vehicles:

I am here to testify as neutral to this bill. As Assemblywoman Spiegel stated, we have provided her several pages of issues we have with the current wording of the bill. Our team is going through the language and making amendments to it to submit to Assemblywoman Spiegel. I would be happy to answer any questions from the Committee regarding the current processes or anything that was unclear in earlier testimony.

Chair Monroe-Moreno:

Our constituents like to have options available to them. One option they have is to register their car when it is smog tested. I know a number of people who have used the third-party service. They are too busy with work schedules and family, so they enlist a service to register their vehicle for them. What options are currently available?

Tonya Laney:

The transactions document preparation services do at the DMV are services that can be done online through our portal, through our kiosks, and through our website. They are bringing customers into the DMV that we offer alternative services for. We partner with over 115 emissions stations, so you can get your vehicle smog tested and registered at the same time. A \$7 or \$10 fee is charged. The services we offer through AAA, web, and portal are at no charge to customers. There is a \$3 convenience fee through the kiosks. The registration services are not capped; they can charge whatever they would like to charge. Some members of vulnerable populations go to registration services, and the services take advantage of them. We have heard that some are charged upwards of \$300 and \$400 as a convenience fee for coming into the DMV to do the transaction for them.

Chair Monroe-Moreno:

If you go to work early in the morning and work a 12-hour shift, some of the options are not open before you go to work and are closed by the time you get off work. If you do not have a computer at home to go online, you now do not have an option unless you go in on the one day you have off to spend with your family.

Tonya Laney:

The portals and kiosks are open 24 hours a day.

Tyson K. Falk, representing Tow Operators of Northern Nevada:

I would like to thank Assemblywoman Spiegel for meeting with us to address some of our concerns. We are neutral with respect to the policy direction in this bill. We had concerns regarding section 76, subsection 4. We were not sure that we had the ability or tools to verify the registration status of vehicles, but apparently the DMV has an online tool that allows tow operators to verify that, which cleared up our concern. I asked if anyone, including the Nevada State Apartment Association, could use that tool before they call to have a vehicle towed. I would like to mention that this issue was addressed somewhat in Senate Bill 320 of the 79th Session. That bill added the language "60 days" in NRS 706.4477. The idea was to give folks a grace period if they had paid their registration, but had not applied the new sticker. Now that we are going in a different direction where we will be able to verify independently, it might be worth revisiting the 60-day threshold. If we are able to verify it immediately, there might not be a reason to have the 60-day threshold in NRS.

Rocky Cooper, Legislative Auditor, Audit Division, Legislative Counsel Bureau:

The Audit Division is neutral. We are staff of the Legislature, so we are happy to do any audit that is approved by the Legislature. I would like to thank Assemblywoman Spiegel for the great plug early on. I have not spoken with her on the language in the bill regarding the audit. I have some concerns about our ability to meet the expectations of the bill. I will meet with the sponsor to make sure I fully understand the scope of work that is to be conducted.

When I read the bill, it seemed we were to measure the accuracy and average time of completion of transactions, including a very broad scope of all the key transactions, the Internet, and the kiosks. I am not sure of the accuracy and timeliness of kiosks if we are to measure people in line, getting to the kiosk, and the transaction internally. Those are challenging issues. There are approximately 60 data collection points including DMV offices, the Internet, agents, and going in person to the DMV. There are a lot of areas to cover. I need clarity on the scope of the audit and how much I would need to do at each location. I will reach out to the DMV to find out what information they have available and are tracking. Right now, I am not sure we are going to measure a specific date in time or if we are going to go back for an entire year. I will reach out to Assemblywoman Spiegel to clarify those issues so that I can deliver the best product we can for the Legislature.

Chair Monroe-Moreno:

I am sure Assemblywoman Spiegel will reach out to you in a timely manner because we only have a few days before we have to move this bill out of Committee.

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

I want to acknowledge Assemblywoman Spiegel for working with us to ensure our members are not wrapped up into the bill and are not subject to dual licensure. Some of them provide services that are materially identical to what is contemplated in the bill.

As a former bureaucrat, I would also like to make a shameless plug for the LCB auditors. They do a phenomenal job. I would be remiss if I did not say their audits made our agency better.

Assemblyman Watts:

It would be helpful in evaluating the bill if the Committee could get a rundown of the concerns or logistical issues the DMV has with the bill. I would also like clarifying information on the transition from the standby window to the drop-off window and how each is used.

Chair Monroe-Moreno:

Assemblywoman Spiegel, you may return to the table.

Assemblywoman Spiegel:

I appreciate the thoughtful discussion and the consideration you have shown. I will continue to work with the DMV so that I can come back to you with something that is practicable. I have touched base with Mr. Cooper and will meet with him very soon so we can make sure that component is correct. I can provide the Committee with a copy of the memo I received from the DMV on Friday. I would be interested in whatever additional information you receive.

Chair Monroe-Moreno:

We will close the hearing on Assembly Bill 288. We will now open the hearing on Assembly Bill 270.

Assembly Bill 270: Authorizes a regional transportation commission to dispose of certain property. (BDR 22-579)

Assemblywoman Sarah Peters, Assembly District No. 24:

Assembly Bill 270 is a bill that will allow for the sale of excess lands. It pertains to very specific properties. I will have the professionals in this field present the bill.

Michael D. Hillerby, representing Regional Transportation Commission of Washoe County:

I want to thank Assemblywoman Peters for bringing this bill forward. Senator Julia Ratti, Senate District No. 13, originally requested the language for us last year. To my left is Lee G. Gibson, who is the executive director of the Regional Transportation Commission (RTC) of Washoe County. To my right is Amy Cummings, Deputy Executive Director of RTC Washoe. They will help answer questions about the bill. You are familiar with RTC Washoe because of presentations made earlier in the session.

This bill would allow RTC, in certain circumstances, to do direct sales of land that did not lend itself to the normal public auction and bid process. We copied this from existing language in *Nevada Revised Statutes* (NRS) that Nevada's Department of Transportation

(NDOT) has used for decades. There are two handouts—one is an amendment ([Exhibit E](#)), and the second ([Exhibit F](#)) has the operative sections of NRS 408.533 that are similar to the language we are using for A.B. 270.

Section 1 of Assembly Bill 270 makes reference to different methods the RTC can use. The exceptions are listed in section 1, so it is slightly confusing. Those exceptions are for a limited number of cases versus section 2 that would generally control the sales involving the auction or sealed bid process most of us are used to. The auction or sealed bid process requires that the highest bid is 90 percent or more of the appraised price. In that case, we could go forward with the sale. If it is not, RTC could use a real estate agent to list the property for sale.

Section 1 is the meat of this, listing the exceptions to that process. Whether the land was acquired through eminent domain or through the willing-seller/willing-buyer process, it allows disposal of land if it does not make sense to try to sell it through the normal public process, if the land is only of value to a neighboring landowner, or if such a sale would work an undue hardship on that property owner because of severance. The RTC could pay for an appraisal, work with the adjacent landowner, and do a direct sale.

It is our hope that a limited number of these parcels in the existing inventory might be useful for smaller-scale affordable housing. Some of the property RTC acquires is along transit routes, near bus stations, or other transit stations. Such properties might lend themselves to affordable housing in some circumstances; most of the current inventory will not. Other properties would be of interest only to the neighboring property owner because after road widening or other projects, there may be no other access to the land and no other useful purpose to which it might be put.

Section 2 talks about the process we would normally use to dispose of land. Section 1, subsection 3 is language copied from the NDOT statutes [NRS 408.533]. Subsection 3 dates back to 1957. Subsection 4 mentions that no person has a right of action against the commission or its employees; that dates back to 1991. Subsection 5 talks about easements and other reservations that RTC might put on the property—easements of access to and from abutting and similar circumstances.

If you look at NRS 408.533 ([Exhibit F](#)), the yellow highlighted language is existing language. The part highlighted in green is the piece we are asking to add in ([Exhibit E](#)). It is important for potential affordable housing. "When the property is sought by another public agency for a reasonable public use, the commission may first offer the property to the public agency at its fair market value pursuant to NRS 277.050." That is language we included in the request for the bill, but it did not make it into the copy before you. It is existing language; a version of that language has been in the NDOT statutes since 1959. We ask that be added to be consistent with the other language we are looking for.

The other piece of the amendment is also language we were hoping to include in the bill [page 2, ([Exhibit E](#))] regarding microtransit. In addition to fixed-route service, RTC provides

paratransit services. We are looking at how to control costs and how to serve the demands of customers. We would like to be able to do microtransit using smaller vehicles that could pick up people and supplement the existing fixed-route bus schedule to bring those people either to transit stations or to stops in the area around transit stations. We hope it would reduce the cost. This would go beyond paratransit, allowing any RTC passenger to request the services in limited areas. Right now, paratransit rides cost around \$25 per person. The hope is that having microtransit, using smaller vehicles, combining rides, and using newer technologies to arrange those rides could lower the cost significantly. Right now, the average fare for those rides is \$2 since the fares are heavily subsidized. We are looking at an opportunity to allow the use of microtransit. Page 3 of the amendment proposes a definition of "microtransit."

The vast majority of parcels currently in the RTC inventory that might be subject to these sales were either directly purchased or purchased through eminent domain through regional road impact fees or with the traditional gas tax sources. Money from any sales would revert to the street maintenance and construction fund. All of the parcels we know about were purchased with those funds, so that is where the funds would go.

Chair Monroe-Moreno:

Assemblyman Ellison will start our questions.

Assemblyman Ellison:

Did most of the land you are talking about go up for public auction without having bids or large enough bids?

Michael Hillerby:

These are parcels that do not lend themselves to that. They are odd, orphaned parcels. After the Moana Lane widening project in Reno, there are some parcels on some of the corners. One is near Interstate 580, at East Moana Lane and Kietzke Lane; it has no access; it would not have value to anyone because nothing could be developed on the site. It might be of value to the owner of the adjacent property, a commercial facility. These properties have no access, no one could get to them, and they would likely be of value only to the neighboring property owner. We hope, in some cases, there might be interest for small-scale affordable housing. We would work with a private buyer for that or with a local government that wanted to partner to build.

Assemblyman Ellison:

I like the idea of some of these areas expanding their tax base, then the tax base would go into the areas. It would be better to put the land back into private enterprise than to have it just sit there.

Assemblywoman Nguyen:

I am looking at your proposed amendment, section 1, subsection 1, paragraph (c). I like the idea of public housing—selling the land to a public agency. I wonder if that is appropriate in this statute.

Michael Hillerby:

If you will look at the other handout ([Exhibit F](#)), you will see green highlighted language in section 1, paragraph (e). That is exactly how it is assembled in the existing NDOT statutes we took the language from. We did not think there was an issue with germaneness because those are the same kinds of circumstances as outlined in NRS 408.533.

Assemblyman Leavitt:

Section 1 mentions the threat of eminent domain proceedings. If a property owner does not agree to sell you the land, do you threaten to take it by eminent domain? If you purchase the property that way and find you no longer need it, do you return the land at the same value? If two years pass and the property value has increased, does the previous owner have to purchase it back at the higher fair market value?

Michael Hillerby:

The provision referenced, NRS 37.270, requires that any government entity that uses eminent domain and ultimately does not use the land or a portion of that land for a public purpose must offer it back to the owner or successor at the original sales price.

Chair Monroe-Moreno:

I have questions for the Legal Division about the amendment. Because of the way the bill came out of the Legislative Counsel Bureau, I want to make sure the paragraphs you have added about microtransit are germane to the bill. I will ask the Legal Division to look into that before we have our work session on this bill.

Michael Hillerby:

We appreciate that. I asked the question of the Legal Division. It was our intention to include this originally. Since it did not make it into the bill, the bill description does not mention it.

Chair Monroe-Moreno:

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

Peter D. Krueger, representing Nevada Rural Housing Authority; and The Housing Authority of the City of Reno:

We are in support of this bill because it offers the possibility of parcels that might lend themselves to affordable housing. An orphaned parcel could become productive for affordable housing. I apologize for being out of the room earlier.

Chair Monroe-Moreno:

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

Assemblywoman Peters:

Thank you for hearing this bill. This is a great opportunity for us to address infill issues in our urban areas in a small, but effective, way.

Chair Monroe-Moreno:

We will close the hearing on A.B. 270. We will open the hearing on A.B. 320.

**Assembly Bill 320: Revises provisions governing commercial motor vehicles.
(BDR 43-255)**

Assemblyman Richard Carrillo, Assembly District No. 18:

Assembly District No. 18 covers portions of east Las Vegas and unincorporated Clark County and portions of Henderson. Dawn Lietz from the Department of Motor Vehicles is here to go through the bill and proposed conceptual amendment. Paul Enos from the Nevada Trucking Association will help with some technical points.

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

I have provided a conceptual amendment (Exhibit G) for A.B. 320 to suggest additional changes that will be necessary to meet the bill's intent.

Nevada's federal weight limit for reducible loads is 129,000 pounds. It was grandfathered in back in 1991 when the Intermodal Surface Transportation Efficiency Act reduced the weight on interstates to 80,000 pounds. The Department of Motor Vehicles (DMV) issues these reducible load permits. Under existing law, the permit is required to be in the vehicle anytime a vehicle is operated in excess of 80,000 pounds, but it is transferrable between vehicles. The cost is \$60 per thousand pounds, so it is \$2,940 for a company to buy a single annual permit at the maximum weight. It is very tempting for companies to run multiple vehicles overweight concurrently and take their chances with law enforcement. Nevada Highway Patrol (NHP) ran a sample of overweight violations specific to these permits and found that half of the citations issued were thrown out by the justice court when the violator produced the permit for the judge, even though the law requires the permit to be in the possession of the driver at the time the vehicle is being operated.

In section 1 of the conceptual amendment—section 1 of the bill as written allows vehicles to go up to 131,500 pounds, which exceeds the standard allowance of 129,000 pounds for most vehicles—129,000 pounds is the maximum weight for the \$20 per 1,000 pounds fee for the additional weight. I broke down the additional sections that make up the 131,500 pounds into their own separate sections, so it is clear which vehicles are allowed to exceed the 129,000 pounds legally on the highway.

Paragraph (a) shows vehicles powered by an alternative fuel, such as liquefied natural gas or an electric battery, are allowed an additional 2,000 pounds to accommodate the additional weight of the power source with no additional charge to the operator of the vehicle.

Paragraph (b) provides an additional 550 pounds for any vehicle with an auxiliary power unit attached to it. If the vehicle has that, there is no additional charge for the weight.

Paragraph (c) states that, in lieu of a separate permit, the weight will be on the vehicle registration card.

Section 2 was added to make corresponding changes to the permit language currently in *Nevada Revised Statutes* (NRS) 706.531. Subsection 1 adds "or its designee" after the "Department of Transportation" as DMV has issued these permits for the Department of Transportation (NDOT) for decades. The strikeout language in subsection 1 removes the requirement to carry the separate permit and clarifies that a vehicle registered in excess of 80,000 pounds is deemed to be permitted to operate any legal reducible combination in the registered weight class pursuant to NRS 484D.615.

The strikeout language in subsection 2 removes the additional charge for the permit since the fees are now included with the cost of the vehicle registration. The new language in subsection 2 clarifies that vehicles registered at 80,000 pounds or less that will be operated in excess of 70 feet will only require the \$10 overlength permit. That language is not changing.

The new language in subsection 3 should state that the fee required pursuant to subsection 2 is in addition to all other fees required by the provision of this chapter. The language you have says "fees" and "subsections 1 and 2." When I was going through the testimony, I realized there was only a fee in subsection 2, so that needs to be cleaned up when it moves to the Legal Division of the Legislative Counsel Bureau.

The strikeout language in subsection 2 also removes the regulations for permits, as they are no longer issued.

The new subsection 4 adds language to clarify that failure to comply with the provisions of the section in NRS 484D.615 subjects the person both to the additional registration fees that would have been due and any other penalties provided by law.

The strikeout language in the remaining portion of NRS 706.531 removes the language that is applicable to the separate permit.

The Department is requesting the effective date be moved to January 1, 2020, to allow time for programming the new registration fee table in excess of the 80,000 pounds.

Page 3 ([Exhibit G](#)) is a fact sheet on longer combination vehicles. It also provides an [A.B. 320](#) overview and enforcement facts. It was put together for your convenience to help you understand the bill.

The fiscal note that was prepared by the Department will be irrelevant with these proposed changes; however, we are required by law to submit the fiscal impact based on the way

the bill was written. The way it was written left in both the language for the permit and the new registration fee.

Chair Monroe-Moreno:

We will start the questioning with Assemblyman Watts.

Assemblyman Watts:

Do you have any sense of how much revenue has been lost by people gaming the system?

Dawn Lietz:

It would be difficult to tell. We do not have a way to know at what point in time how many vehicles are operating overweight. Based on the number NHP indicated, there were over 800 overweight violations in 2017 and 2018. Not all of those are specific to permits, but there are a lot of issues with overweight vehicles.

Assemblyman Watts:

You said about half of those 800 violations were thrown out because someone produced the permit in court.

Dawn Lietz:

It was not half of the 800. The Nevada Highway Patrol did a sample on longer combination vehicle permits. In order to determine what happened with them, they had to go back and contact the court—so they did a sample of them. They found that half of the ones in the sample were rescinded.

Assemblyman Yeager:

When thinking about the permits, the best comparison is that drivers need to carry proof of insurance. If you do not have proof of insurance in your vehicle, you can be cited. If you go to court, the judge can ask for proof of insurance for the vehicle. If you produce proof, the charge is dismissed. This seems a little different because the permits are not vehicle-specific. Would it make sense to either require that the permits be vehicle-specific or could we put something in statute that precludes a judge from dismissing charges? Gaming the system is going to happen if you can have one permit and multiple vehicles.

Dawn Lietz:

This bill will do that. It will make the permit vehicle-specific because registrations are vehicle-specific. If a vehicle is registered at 129,000 pounds, the officer will know that at the time.

Assemblyman Yeager:

I apologize for missing that in the amendment. When citations are given to the court and fines are levied, do the fines come back to address what we are talking about here? Or does it go into the fine collection of the courts?

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

The fines go to the court system.

Assemblyman Yeager:

I wonder if we should try to earmark those funds. The reason we get these permits is due to the damage done to roads by these vehicles. Could we earmark the fines to the State Highway Fund or a fund for infrastructure, so offenders are paying for maintenance of our roads?

Dawn Lietz:

Section 2, subsection 4 of the amendment requires that "Any person operating a combination of vehicles licensed pursuant to the provisions of subsection 1 or 2 who is apprehended, without having complied . . ." be subject to the fees that have not been paid, in addition to any other penalties. The penalty of 8 cents per pound would go to the courts, but any additional registrations fees they were required to pay would be recovered by DMV.

Chair Monroe-Moreno:

Are there any other questions from Committee members? [There were none.]

Paul Enos:

We are here today to support the amendment proposed by DMV to A.B. 320. You have identified what the problems are and how folks are gaming the system.

There was a good reason to have those permits transferrable for folks who wanted to comply with the law. If a power unit goes down, you would be able to still run the configurations of trailers by transferring the permit—that was the rationale behind it. There are companies that do this because of the expense of the permits or because they are afraid the driver will ruin them or lose them. The permit costs almost \$3,000. We appreciate no longer having that permit. It will now be on the cab card, so it will be much harder to lose.

I would also like to thank Nevada Highway Patrol and DMV for working with us on this. This came about through our safety summits. We try to get industry, law enforcement, and regulators together a couple of times a year to talk about issues. This was an issue brought to us by NHP. They told us citations were being thrown out of court. Officers are on the road weighing a truck for an hour, they go to court, and the citations are thrown out. For the 13 permits they were able to look at, that is \$27,440 in fines thrown out. That does not account for the permit they are supposed to buy from DMV.

We think this will help with compliance. It will help the folks who have been doing it right. There may be a guy with one truck who got a permit who is competing against a guy with five trucks who has one permit. We will not do that anymore; this fixes that situation. I appreciate that Assemblyman Carrillo attended our safety summits and took this on for us.

Chair Monroe-Moreno:

Is there anyone present who would like to testify in support of the bill?

Bill Wellman, Las Vegas Paving Corporation:

I am here in support of A.B. 320. With close to 300 trucks on the road, we believe this will help streamline the process. We do not like being ticketed when we are not gaming the system. There are many reasons that takes place. The permits were transferrable so when trucks broke down, we switched things out. This type of bill will fix this.

Chair Monroe-Moreno:

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

Don Plowman, Lieutenant, Nevada Highway Patrol, Department of Public Safety:

I am currently the Motor Carrier Safety Assistance Program coordinator in charge of enforcing commercial vehicles laws throughout the state. Nevada Highway Patrol is taking a neutral position on this bill. I had a whole presentation ready, but you have already heard everything about gaming the system. I would like to confirm this is a problem NHP faces.

It is a time-consuming process for our officers to inspect vehicles. It is a lengthy process. When officers stop a vehicle they suspect is overweight, they have to pull out six portable scales, weighing about 50 pounds apiece. With six scales, they can weigh three axles at a time. Some vehicle combinations have up to nine axles, so that is three separate weights they have to take. The entire process could take more than an hour by the time they have reviewed all the documents, captured all the weights, checked everything out, and issued the citation. For us the problem with that is, it exposes officers on the side of the road for 60 minutes. Officers are trained to try to pull over to a safe spot, but that is not always possible. Sometimes this is done on the roadside. That is 60 minutes officers are sitting on the side of the road putting themselves, the driver of the vehicle, and the motoring public at risk.

Chair Monroe-Moreno:

Are there any questions from the Committee? [There were none.] I will invite the sponsors of the bill to come forward.

Assemblyman Carrillo:

I want to close by thanking the Chair and the Committee for hearing this bill. I believe this bill levels the playing field for trucking companies and is important to ensure that every commercial motor vehicle we focus on in this bill is properly registered.

Chair Monroe-Moreno:

We will close the hearing on Assembly Bill 320. Is there anyone here for public comment? [There was no one.] I would like to inform the Committee that due to the number of bills we received and having only four more meetings to hear them, we will start at 12:30 p.m. on Thursday. The amended agenda will be posted. We are adjourned [at 3:17 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 written testimony, dated March 25, 2019, presented by Rafael Arroyo, President, Registration Services Association of Nevada, Las Vegas, Nevada, regarding Assembly Bill 288.

[Exhibit D](#) is a letter dated January 29, 2018, from the Department of Motor Vehicles to all registration services regarding discontinuation of registration service standby/walk-up window appointments, presented by Rafael Arroyo, President, Registration Services Association of Nevada, Las Vegas, Nevada, regarding Assembly Bill 288.

[Exhibit E](#) is a proposed amendment to Assembly Bill 270, presented by Michael D. Hillerby, representing Regional Transportation Commission of Washoe County.

[Exhibit F](#) is a copy of *Nevada Revised Statutes* 408.533, presented by Michael D. Hillerby, representing Regional Transportation Commission of Washoe County, regarding Assembly Bill 270.

[Exhibit G](#) is a proposed conceptual amendment to A.B. 320, presented by Dawn Lietz, Administrator, Motor Carrier Division, Department of Motor Vehicles.