

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

**Eightieth Session  
April 12, 2019**

The Committee on Growth and Infrastructure was called to order by Chair Daniele Monroe-Moreno at 11:19 a.m. on Friday, April 12, 2019, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/80th2019](http://www.leg.state.nv.us/App/NELIS/REL/80th2019).

**COMMITTEE MEMBERS PRESENT:**

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

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Ellen B. Spiegel, Assembly District No. 20

**STAFF MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Tonya Laney, Administrator, Division of Field Services, Department of Motor Vehicles  
Neal Tomlinson, representing Bird Rides, Inc.

**Chair Monroe-Moreno:**

[Roll was called. Committee rules and protocol were explained.] We have just a few items on our work session today. After our meeting yesterday, we found that there were some issues with Assembly Bill 270. I will entertain a motion to reconsider the actions that were approved for Assembly Bill 270

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

ASSEMBLYMAN YEAGER MADE A MOTION TO RECONSIDER THE ACTIONS THAT WERE APPROVED FOR ASSEMBLY BILL 270.

ASSEMBLYMAN WATTS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will open the work session on Assembly Bill 270.

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

Assembly Bill 270 authorizes a regional transportation commission to sell at a public auction property acquired through eminent domain proceedings or purchased under the threat of eminent domain proceedings that is no longer needed for public use ([Exhibit C](#)).

Yesterday, we were taking the first part of the amendment from Mike Hillerby but not the second part regarding microtransit. The current proposal is to accept the entire amendment. The Legal Division of the Legislative Counsel Bureau has determined that that is okay for this bill.

**Chair Monroe-Moreno:**

I will entertain a motion to amend and do pass Assembly Bill 270.

ASSEMBLYMAN WHEELER MADE A MOTION TO AMEND AND DO PASS ASSEMBLY BILL 270.

ASSEMBLYMAN WATTS SECONDED THE MOTION.

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

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Wheeler. The next bill on work session is Assembly Bill 320.

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

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

Assembly Bill 320 was heard in this Committee on March 26, 2019 and sponsored by Assemblyman Carrillo ([Exhibit D](#)). The bill revises provisions relating to additional fees for the registration of certain commercial motor vehicles based on the weight of the vehicle.

An attached amendment was offered by the Department of Motor Vehicles (DMV) which changes the maximum weight for the new tier of vehicle weight for purposes of vehicle registration from 131,500 to 129,000 pounds. For vehicles that meet the 131,500 pound criteria, the amendment provides the three situations where a commercial motor vehicle can legally exceed 129,000 pounds on the highway. The amendment also changes the effective date from passage and approval to January 1, 2020.

Staff from the DMV testified that adoption of this amendment will remove the fiscal note associated with the bill.

**Chair Monroe-Moreno:**

I will entertain a motion to amend and do pass Assembly Bill 320.

ASSEMBLYMAN CARRILLO MADE A MOTION TO AMEND AND DO  
PASS ASSEMBLY BILL 320.

ASSEMBLYWOMAN BACKUS SECONDED THE MOTION.

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

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Carrillo. The next bill on work session is Assembly Bill 465.

**Assembly Bill 465: Establishes provisions relating to solar energy. (BDR 58-872)**

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

Assembly Bill 465 was heard in this Committee on April 9, 2019 and sponsored by this Committee ([Exhibit E](#)). The bill enacts provisions for the implementation of an affordable solar access program by certain electric utilities in this state. The bill requires such electric utilities to offer an affordable solar access program to low-income residential customers and

to certain nonresidential customers who consume fewer than 10,000 kilowatt-hours of electricity per month. This bill requires an electric utility to submit a plan for an affordable solar access program to the Public Utilities Commission of Nevada on or before April 1, 2020, and requires the Commission to approve such a plan if it meets certain requirements.

There is a mock-up amendment attached which the Committee probably glanced at yesterday. In addition to that, there is a proposed conceptual amendment that was submitted by Chair Monroe-Moreno.

**Chair Monroe-Moreno:**

I will entertain a motion to amend and do pass Assembly Bill 465.

ASSEMBLYWOMAN BILBRAY-AXELROD MADE A MOTION TO  
AMEND AND DO PASS ASSEMBLY BILL 465.

ASSEMBLYMAN YEAGER SECONDED THE MOTION.

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

THE MOTION PASSED UNANIMOUSLY.

I will take the floor statement myself. The next bill on work session is Assembly Bill 288.

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

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

Assembly Bill 288 was heard in this Committee on March 26, 2019 and sponsored by Assemblywoman Spiegel ([Exhibit F](#)). The bill makes various changes related to motor vehicle registration, including:

- Requiring the Department of Motor Vehicles (DMV), in certain circumstances, to provide at least one employee who is fluent in a language other than English;
- Authorizing the DMV to license a person as an authorized third-party (ATP) to conduct certain registration and titling services if the person meets certain requirements;
- Authorizing an ATP to charge its customers a convenience fee for its services;
- Requiring the DMV to provide an ATP access and training to certain department services;
- Requiring an ATP to provide the Department with a bond;
- Requiring a tow operator who has been requested by the owner of the real property where a residential complex is located to tow a vehicle from the complex based on an expired registration of the vehicle to independently verify the registration status of the vehicle before towing the vehicle; and

- Requiring the legislative auditor to conduct an audit of the DMV that measures the accuracy and average time of completion of transactions involving the various services that an authorized third-party may conduct.

It is my understanding there may be an amendment from Assemblywoman Spiegel.

**Chair Monroe-Moreno:**

That is correct. I will invite Assemblywoman Spiegel to the table to address the amendment and put it on the record. I will also invite a representative from DMV to the table to answer any questions we may have. Members, just know there has been a lot of work done on this bill to get to where we needed to be today.

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

I would like to amend Assembly Bill 288 to retain section 1, which relates to DMV offering services in languages other than English in certain circumstances, and section 76, which relates to the towing of cars that are registered but do not have a sticker. Further, I am requesting that everything else be struck from the bill. The DMV has promised me that they will reestablish the previous model of services for third-party registration services. Ms. Laney, will you please confirm that?

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

That is correct, we do agree with this amended language.

**Chair Monroe-Moreno:**

We do have a few questions.

**Assemblyman Wheeler:**

I am not sure I heard that correctly. Will this bill still allow third-parties under certain circumstances to perform DMV registration and things like that?

**Assemblywoman Spiegel:**

Yes. What it will do is reestablish the process that was in place prior to March 2017. Is that correct, Ms. Laney?

**Tonya Laney:**

Correct.

**Assemblyman Wheeler:**

There are still some things in the bill I do not like, but there are some things I do like. I will vote yes to move the bill out of Committee, but I would love to talk to you about this a little more. I reserve my right to change my vote on the floor.

**Assemblyman Ellison:**

I know most DMV offices have people who help with Spanish, and most of the customers bring someone in with them, or they can go to a third party. Would we be putting the burden back on DMV?

**Assemblywoman Spiegel:**

No. The circumstance that this is related to is tied to the federal legislation regarding voting rights. The way that works is if a county has a minority population above a certain percentage—and I believe it is 5 percent, but I will double-check that—then ballots have to be printed in the other language. Currently in Nevada, only two counties have to have ballots that are printed in languages other than English. Clark County has ballots that are in English, Spanish, and Tagalog. Washoe County has ballots printed in English and Spanish. None of the rural areas have ballots in anything other than English, so it would not affect any of those counties. In Clark and Washoe Counties, there would be a need for someone who speaks English and someone who speaks Spanish, and in Clark County, additionally someone who speaks Tagalog. Statistically, there should be someone at the DMV who already speaks the language because it would not have kicked in as a provision unless there was a large enough population to warrant that. It would make it so there would be someone available to help.

I would be happy to make sure that when we have the final language, it also clarifies that if DMV does not have someone who speaks the language, rather than forcing them to hire additional staff, it would be something they should take into consideration when they are looking to fill vacancies.

**Assemblyman Ellison:**

It also says to require a tow truck driver on real property, based on expired registration, to verify the registration. There are many abandoned vehicles on the side of the street or in parking lots that have no license plates or are locked up. Is that going to create a problem for the tow truck drivers? If someone wants an abandoned vehicle picked up, this bill might stop that from happening.

**Assemblywoman Spiegel:**

I actually spoke with the tow truck companies about that issue. What happens now is when people pay their registration renewal online or use a third-party service, and it is close to the deadline, the sticker may not necessarily be mailed before the registration expires, but the system will show they are paid and registered and the registration is valid. What this bill will do is have the tow truck operators do a search through the DMV website, which they can do today. They will input the license plate number and the last four digits of the vehicle identification number, which is visible through the windshield. They will get a response regarding the registration status. If the registration is valid, they will not tow.

I clarified with the tow truck drivers, and I believe it is written in the bill this way, but if not, we will make sure the language says if they perform the check and it comes back with an error message for whatever reason, they can take a screen shot with their phone that shows they tried to get the registration information, and that would be valid enough to show they tried.

**Chair Monroe-Moreno:**

Our Committee counsel has a question.

**Jessica Dummer, Committee Counsel:**

I would like to clarify the amendment regarding section 1. Initially, it sounded like the idea is to keep section 1. Is that now being changed to remove the requirement to have a staff member who is fluent in one of those languages?

**Assemblywoman Spiegel:**

Yes. It really is to say that the goal is to have someone who speaks each of those languages and that it should be a factor in hiring and filling vacancies.

**Chair Monroe-Moreno:**

If that is the goal, would there remain a fiscal note on this bill?

**Tonya Laney:**

We meet this requirement today. In Clark County and Washoe County we have staff that speak English, Spanish, and Tagalog in the necessary offices. We rotate our recruitment list when we open those positions to recruit for the languages that are necessary in the office. We do not believe this will have any impact.

**Chair Monroe-Moreno:**

The other amendments, as I understand them—and please correct me if I am wrong—the only thing remaining in the bill is the language requirements, the third-party window that would be available, and the tow truck portion. Is that correct?

**Assemblywoman Spiegel:**

That is correct.

**Chair Monroe-Moreno:**

As amended and put on record today, does that remove the fiscal note from the bill?

**Tonya Laney:**

With the amended language, it would remove the fiscal note as discussed today.

**Jessica Dummer:**

As I understood originally, is the standing window a verbal promise or will it be in the bill?

**Assemblywoman Spiegel:**

Yes, that is my understanding. I actually have it written down, so it is not quite just verbal. I have a written promise, but it does not have to be in the bill. I was actually very careful to make sure we have that in writing.

**Assemblyman Wheeler:**

I have a question for Ms. Dummer. Would this also remove the two-thirds requirement on this bill?

**Jessica Dummer:**

Yes, it appears the sections that would create a two-thirds requirement have been removed.

**Chair Monroe-Moreno:**

Are there any further questions from the Committee? [There were none.] I will entertain a motion to amend and do pass Assembly Bill 288 with the provisions that were put on the record here in today's meeting.

ASSEMBLYWOMAN BILBRAY-AXELROD MADE A MOTION TO  
AMEND AND DO PASS ASSEMBLY BILL 288.

ASSEMBLYMAN WATTS SECONDED THE MOTION.

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

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Spiegel. The last bill on work session is Assembly Bill 485.

**[Assembly Bill 485](#): Enacts provisions relating to electric foot scooters. (BDR 43-1107)**

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

Assembly Bill 485 was heard in this Committee on April 9, 2019 and sponsored by this Committee ([Exhibit G](#)). The bill defines "electric foot scooters" and applies certain protections, duties, and responsibilities for riders of such vehicles similar to riders of bicycles and electric bicycles. The bill also exempts electric foot scooters from registration requirements with the Department of Motor Vehicles, exempts the rider of an electric foot scooter from the requirement for a driver's license, and requires the rider of an electric foot scooter to be at least 16 years of age. Finally, A.B. 485 authorizes local authorities in this state to adopt ordinances regulating the time, place, and manner of operation of electric foot scooters.



The attached amendment clarifies that the operation of electric scooters is consistent with the operation of electric bicycles. The amendment also adds a new section requiring scooter share operators to maintain minimum insurance coverage. This amendment was proposed by Neal Tomlinson of Hyperion Advisors on behalf of Bird Rides, Inc.

I believe the second amendment that was presented by Assemblyman Carrillo yesterday is to require the rider of an electric foot scooter rented from a scooter share operator, but not privately owned, to be at least 16 years of age.

**Chair Monroe-Moreno:**

I will entertain a motion to amend and do pass Assembly Bill 485.

ASSEMBLYMAN CARRILLO MADE A MOTION TO AMEND AND DO  
PASS ASSEMBLY BILL 485.

ASSEMBLYMAN WATTS SECONDED THE MOTION

Is there any discussion on the motion?

**Jessica Dummer, Committee Counsel:**

I have a question about the second part of the amendment. Is it the intention of the Committee to have this be a traffic law which only requires a person to be 16 years old if they are on a private scooter, or would the intent be to require private scooter companies to only rent to people who are 16 years of age or older?

**Chair Monroe-Moreno:**

Because we have both the amendments in our work session document, I feel like we need to address both. Personally, I will be voting against the bill as proposed. I believe the bill as originally presented to the Committee is the bill we should go with without the second amendment. I will entertain any other discussion on the matter.

**Assemblywoman Bilbray-Axelrod:**

That is exactly how I would like to proceed as well.

**Assemblyman Leavitt:**

I thought Assemblyman Carrillo brought up an interesting point. All three of my daughters have electric scooters. Their ages are 15, 12, and 7. My 7-year-old has a Segway scooter. On the box it says 8 years or younger because of the size. Making it illegal for my daughters to now use the scooters they got for Christmas is a little harsh. That is why I support the amendment.

**Assemblyman Smith:**

I would agree with Assemblyman Leavitt on that. I am concerned about the enforcement of this. Are we putting something on the officer to determine the age at that point? Kids do not usually have identification. I think it could become a legal nightmare. I think I will vote no on it as well.

**Chair Monroe-Moreno:**

Assemblyman Smith, for clarification, will you be voting yes or no on the current motion that is on the floor?

**Assemblyman Smith:**

[No verbal response.]

**Assemblyman Yeager:**

I want to make sure the current motion is for the adoption of both amendments in the work session document. I am getting a nodding of heads yes. I think Ms. Dummer asked a good question about exactly what the amendment is seeking to do. I do not know if we got an answer to that question. Could Assemblyman Carrillo indicate the intent of the amendment in terms of how the amendment would work?

**Assemblyman Carrillo:**

Regarding the second amendment, basically I do not want to see it illegal for kids who are under the age of 16 to have private electric scooters and put into a position where their parents do not allow them to ride the scooters on the street. There are a lot of residential areas where it would be considered breaking the law. Essentially, the scooters received for birthdays and Christmas would be illegal without the amendment. The parents could be cited for allowing their kids to ride electric scooters if the kids are under the age of 16.

**Assemblyman Yeager:**

I think I understand what you are trying to achieve. The second amendment would basically say that for the private scooter share operator, they would not be able to rent to someone under the age of 16, but otherwise if someone under the age of 16 had their own scooter, or got it from someone who is not a private scooter share operator, then that would be okay. Do I have that correct?

**Assemblyman Carrillo:**

You have the first part correct. I am not sure about the second part. Obviously, the commercial issue is just that. We do not want the scooter share operators to rent to anyone under the age of 16. We also do not want to prevent the private use of electric scooters. Essentially the way the bill is written, it would affect everyone who is a private owner of an electric scooter who is under the age of 16.

**Assemblyman Yeager:**

This question is for legal. What would the penalty be if a scooter share operator actually rented one of these scooters to someone who is under the age of 16?

**Jessica Dummer:**

That would be up to the Committee to decide. It could be a civil penalty, and it would be helpful if we could get a specific amount. Alternatively, when a penalty is not specified in law, by default it is a misdemeanor.

**Assemblyman Watts:**

I have a question for Assemblyman Carrillo. Did this amendment get run past the supporters or sponsors of the bill, and is it considered friendly? Additionally, could someone involved with the bill speak to the original intent regarding scooter shares versus privately owned scooters? That might be helpful for clarification.

**Chair Monroe-Moreno:**

Assembly Bill 485 is an Assembly Committee on Growth and Infrastructure bill. I know there are some professionals from the industry who are in the room. If you would please step up to the table to add any insight, that would be wonderful.

**Neal Tomlinson, representing Bird Rides, Inc.:**

Bird Rides, Inc. is part of the industry group that is supporting this bill. As far as the second amendment goes, we are neutral. From our discussions with national legislative counsel, there are about 10 states that have existing laws on the books and about another 20 states that have some proposed legislation. It is about split down the middle as far as states that have an age restriction and states that do not. None of the states separate the two. Either they have an age restriction that applies across the board for both a privately owned and a rented scooter share, or they do not. There has not been a case that we are aware of where there was a split as far as who can ride and who cannot. It is either have an age restriction or do not have an age restriction.

**Chair Monroe-Moreno:**

Is there a difference as far as the construction of a commercial-use scooter as opposed to one that is purchased by parents?

**Neal Tomlinson:**

My understanding is there are lots of different manufacturers of scooters that are available on the market for the public to buy. The type, speed, and makeup of that scooter is across the board. There is no standard. Most of the commercial scooters are a heavy-duty make of the scooter because they get used often. Typically, the privately owned scooters are not as sturdy or robust as a commercial-type scooter.

**Assemblyman Yeager:**

Mr. Tomlinson, in looking at other states, you indicated some states have an age restriction and some do not. In the states that have age restrictions, is it generally 16 years of age?

**Neal Tomlinson:**

The age restrictions that are in place, that we are aware of, go from 16 to 18 years of age.

**Assemblyman Carrillo:**

This will be a question for legal. Are there any age restrictions for electric bicycles?

**Jessica Dummer:**

I am not aware of an age restriction for electric bicycles, but I would have to do a more thorough search to give you a definite answer.

**Assemblyman Carrillo:**

We are basically putting these scooters in the same class as the electric bicycles. I am sure there are electric bicycles that are rented by ride shares as well. That is why I am asking about the age restriction on electric bikes that are commercially used. Electric bicycles can be bought privately, of which there are no restrictions that I am aware. Hopefully, legal can find something.

**Chair Monroe-Moreno:**

I may need the Department of Motor Vehicles at the table for this question. Do individuals need a driver's license to operate an electric bike on the roadways in Nevada?

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

We do not regulate electric bicycles or electric foot scooters.

**Assemblywoman Bilbray-Axelrod:**

I am concerned with the second amendment on this bill. As has been pointed out, other states have done this. This is a machine that can go up to 20 miles per hour. I personally know someone who crashed on one and operates forever at a third grade level. This is not an 8-year-old's Segway. If we need to be more specific, we can be, and if we do move forward without the second amendment, could we make it a civil penalty? I would like to make it some sort of civil penalty but not a misdemeanor. I would be open to that. I do think it is important that we set out for the people of our state that this is the right thing to do. These are significant pieces of machinery that kids can do damage to themselves on.

**Chair Monroe-Moreno:**

Seeing no further discussion, I will call for a vote on the motion that is on the floor, which is to amend and do pass Assembly Bill 485 with both amendments.

THE MOTION PASSED. (ASSEMBLYMEN BILBRAY-AXELROD,  
MONROE-MORENO, SMITH, AND YEAGER VOTED NO.)

I will assign the floor statement to Assemblyman Carrillo. That brings us to the end of our work session. I thank you for your patience with us. Is there anyone here for public comment? [There was no one.] Because this could be an extremely busy day, instead of adjourning, this meeting will be recessed. Hopefully, I will not need to call you all back, but I am leaving that option open.

This meeting is in recess [at 11:56 a.m.]

**Chair Monroe-Moreno:**

The Assembly Committee on Growth and Infrastructure is now adjourned. I will see everyone on Thursday, April 18, 2019. We will have no meeting next Tuesday.

The meeting was adjourned [at 3:55 p.m.]

RESPECTFULLY SUBMITTED:

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Lori McCleary  
Committee Secretary

APPROVED BY:

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Assemblywoman Daniele Monroe-Moreno, Chair

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

## **EXHIBITS**

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is the Work Session Document for [Assembly Bill 270](#), dated April 12, 2019, presented by Michelle L. Van Geel, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Assembly Bill 320](#), dated April 12, 2019, presented by Michelle L. Van Geel, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for [Assembly Bill 465](#), dated April 12, 2019, presented by Michelle L. Van Geel, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for [Assembly Bill 288](#), dated April 12, 2019, presented by Michelle L. Van Geel, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for [Assembly Bill 485](#), dated April 12, 2019, presented by Michelle L. Van Geel, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.