

**MINUTES OF THE
SENATE COMMITTEE ON GROWTH AND INFRASTRUCTURE**

**Eightieth Session
April 25, 2019**

The Senate Committee on Growth and Infrastructure was called to order by Chair Yvanna D. Cancela at 1:39 p.m. on Thursday, April 25, 2019, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Yvanna D. Cancela, Chair
Senator Chris Brooks, Vice Chair
Senator Pat Spearman
Senator Joseph P. Hardy
Senator James A. Settlemeyer
Senator Scott Hammond

COMMITTEE MEMBERS ABSENT:

Senator Moises Denis (Excused)
Senator Marcia Washington (Excused)

GUEST LEGISLATORS PRESENT:

Assemblywoman Melissa Hardy, Assembly District No. 22
Assemblyman Tom Roberts, Assembly District No. 13
Assemblyman Howard Watts, Assembly District No. 15

STAFF MEMBERS PRESENT:

Marjorie Paslov Thomas, Committee Policy Analyst
Darcy Johnson, Committee Counsel
Tammy Lubich, Committee Secretary

OTHERS PRESENT:

Jude Hurin, CPM, Administrator, Management Services and Programs Division,
Department of Motor Vehicles
Joseph Decker, Administrator, Compliance Enforcement Division, Department of
Motor Vehicles
Paul J. Enos, CEO, Nevada Trucking Association
Christi Cabrera, Nevada Conservation League
Angela Dykema, Southwest Energy Efficiency Project
Sarah Van Cleve, Tesla, Inc.
Andy Peterson, Retail Association of Nevada
Jessica Ferrato, Advanced Energy Economies
Andy MacKay, Executive Director, Nevada Franchised Auto Dealers Association
Cassandra Rivas, Sierra Club, Toiyabe Chapter
Victor Rivera, Community Housing Improvement Systems and Planning
Association (CHISPA) of Nevada
Sean Sever, CPM, Communications Director, Nevada Department of
Transportation
John Amestoy, Safety Inspector, Highway Patrol Division, Department of Public
Safety
Lieutenant Don Plowman, MCSAP Coordinator, Nevada Highway Patrol,
Department of Public Safety
Debbie Martinez, CPM, Management Analyst, Motor Carrier Division,
Department of Motor Vehicles
Lieutenant Colonel Daniel Solow, Assistant Chief, Nevada Highway Patrol,
Department of Public Safety
Sean P. McDonald, MBA, Administrator, Central Services and Records Division,
Department of Motor Vehicles

CHAIR CANCELA:

We will open the meeting with Assembly Bill (A.B.) 24.

ASSEMBLY BILL 24: Revises provisions governing the requirements for posting
of security bonds by motor vehicle-related industries and activities.
(BDR 43-229)

JUDE HURIN, CPM (Administrator, Management Services and Programs Division, Department of Motor Vehicles):

The Department of Motor Vehicles (DMV) is submitting this cleanup bill to amend language in *Nevada Revised Statutes* (NRS) 482 to prohibit the usage of antiquated bonds issued by the U.S. Government for the State. In lieu of a surety bond for the requirement of posting security by motor vehicle industries and activities, a person is provided alternate methods of security such as cash or a savings certificate from a Nevada bank. This bill removes the U.S. and Nevada bond options offered under NRS 482 because the bonds are no longer sold in paper form necessary for recordkeeping. We ask for the Committee's approval to have the NRS accurately reflect the proper methods of security.

SENATOR SETTELMAYER:

Does this mean you will need to take all other forms of monetary payment?

JOSEPH DECKER (Administrator, Compliance Enforcement Division, Department of Motor Vehicles):

The preferable method is an insurance policy surety bond. There are alternate methods that are more commonly used such as cash and certificates of deposit. We have never had anyone submit a savings bond for the surety.

SENATOR SETTELMAYER:

Will this allow the DMV to have flexibility, or will you be required to take payments that you may not want?

MR. DECKER:

The NRS spells out specifically what items are acceptable. Assembly Bill 24 only removes the bonds as one of the specified items.

CHAIR CANCELA:

We will close the hearing on A.B. 24. I will entertain a motion?

SENATOR SETTELMAYER MOVED TO DO PASS A.B. 24.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR SPEARMAN WAS ABSENT FOR THE VOTE.)

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We will open the hearing on A.B. 63:

ASSEMBLY BILL 63: Revises provisions governing vehicles. (BDR 43-226)

MR. HURIN:

The DMV submitted Assembly Bill 63 as a cleanup bill to make the following housekeeping changes to NRS 482. Section 1 eliminates redundant language concerning the appointment of agents for the DMV. Section 1 also creates requirements regarding the usage of the DMV's name, service marks, trademarks and logo.

Section 2 under moped inspections, the DMV is proposing to allow licensed Nevada dealers to perform inspections on mopeds that are part of their sales or rental inventory for the convenience of their customers. Section 3 under the license plate facility allows the DMV to explore new technologies being developed that cannot be replicated by the License Plate Factory.

Sections 4, 5, 6, 7 and 11 clarify the distribution of fees for the first issuance of license plates exempt from emissions testing. Section 8, subsection 2 adds "qualifying service-connected disability" under NRS 482.0962 to the current definition of a "person with a permanent disability" under NRS 482.3837.

Section 9 allows the DMV to accept a certificate of service-connected disability from the U.S. Department of Veteran Affairs or the U.S. Department of Defense for the purpose of issuing special license plate placards and stickers. Section 12 allows the DMV to eliminate physical paper title retention for one year in favor of imaged digital records.

CHAIR CANCELA:

We will close the hearing on A.B. 63. I will accept a motion on A.B. 63.

SENATOR HAMMOND MOVED TO DO PASS A.B. 63.

SENATOR HARDY SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS SPEARMAN WAS ABSENT FOR THE VOTE.)

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We will open the hearing on A.B. 377.

ASSEMBLY BILL 377: Revises provisions governing weight limits on certain vehicles. (BDR 43-802)

ASSEMBLYMAN HOWARD WATTS (Assembly District No. 15):

Assembly Bill 377 removes barriers to the adoption of clean heavy-duty vehicles by increasing the weight limits for electric and natural gas vehicles. These vehicles are heavier than their conventional diesel counterparts. The exemption is consistent with federal statutes for federal roads and exempts battery, electric and natural gas vehicles from the federal weight limit up to 2,000 pounds.

Assembly Bill 377 will create a State-level exemption allowing electric and natural gas vehicles to drive on nonfederal roads as is implied in the registration portion of the law, NRS 482.482. Assembly Bill 377 also creates clarifying and cleanup language discussing the weight and load limits of vehicles.

Federal legislation to create this exemption for electric vehicles was passed in January with the Fixing America's Surface Transportation (FAST) Act. With the passage of A.B. 377, Nevada will be one of the first states to have an exemption for electric and natural gas vehicles.

With Nevada's electric car manufacturers working on heavy-duty vehicles, this will encourage economic development, competitiveness and encourage the transition to lower carbon transportation in our State.

The Nevada Department of Transportation (NDOT) will be bringing forward a friendly amendment ([Exhibit C](#)) adding clarification and cleanup language for the weight limits and exemptions.

SENATOR SETTELMAYER:

Why was there no discussion on zero emissions vehicles or the addition of any other type of fuel cells?

ASSEMBLYMAN WATTS:

The electric and natural gas vehicles are the technologies in development and look to be implemented now. We were looking at what is being implemented in federal statutes and tailored A.B. 377 to those specific alternative fuels.

Other technologies may be developed, but we started with what is already in place or under development. We can plan ahead, build a policy and then make adjustments as needed.

PAUL J. ENOS (CEO, Nevada Trucking Association):

We are in support of A.B. 377. Having the additional 2,000 pounds for a natural gas vehicle and the 550 pounds for the batteries, gives the trucking industry the ability to move toward the new technology. In answer to Senator Settelmeyer's question, there was a hydrogen fuel cell truck just unveiled last week in Phoenix.

CHRISTI CABRERA (Nevada Conservation League):

The Nevada Conservation League supports A.B. 377. Emissions from transportation are the number one source of greenhouse gas emissions in Nevada. Our health, environment and economy all suffer as a result. Studies have linked air pollution to adverse effects on nearly every organ system in the human body, and researchers estimate that tens of thousands of people die prematurely every year due to particulate pollution. This problem will continue to grow unless we pave the way for low emission and electric vehicles. This legislation will remove barriers so more electric powered trucks can drive on our roads and help Nevada move to a better and cleaner place to live.

ANGELA DYKEMA (Southwest Energy Efficiency Project):

We are in support of A.B. 377. This legislation will help to reduce the greenhouse gases in Nevada. Reducing the use of fossil fuels is good for Nevada's economy and environment. This is an important step towards the electrification of transportation in Nevada.

SARAH VAN CLEVE (Tesla, Inc.):

We support A.B. 377 as it will make the State statutes consistent with the federal statutes and make the transition to clean heavy-duty vehicles.

ANDY PETERSON (Retail Association of Nevada):

We are in support of A.B. 377.

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JESSICA FERRATO (Advanced Energy Economies):
We are in support of A.B. 377.

ANDY MACKAY (Executive Director, Nevada Franchised Auto Dealers Association):
We represent the heavy-duty truck dealers in the State and are in support of A.B. 377.

CASSANDRA RIVAS (Sierra Club, Toiyabe Chapter):
I will read my written testimony ([Exhibit D](#)).

VICTOR RIVERA (Community Housing Improvement Systems and Planning Association (CHISPA) of Nevada):
I will read my written testimony ([Exhibit E](#)).

SEAN SEVER, CPM (Communications Director, Nevada Department of Transportation):
We are neutral on A.B. 377.

The amendment, [Exhibit C](#) updates the language in State statutes to match federal law and the FAST Act requirements regarding oversized vehicles which State agencies are having to comply with. This is not just an NDOT initiative. The Department of Public Safety (DPS) and the DMV are also members of the vehicle size and weight enforcement group.

SENATOR HARDY:
In the amendment, [Exhibit C](#), are we talking about the tractor or the total gross vehicle weight (GVW)?

JOHN AMESTOY (Safety Inspector, Highway Patrol Division, Department of Public Safety):
Per NRS 484D.600, anything over 80,000 pounds has to be permitted. The amendment, [Exhibit C](#), allows the weight to go to 82,000 pounds.

SENATOR HARDY:
Are you talking about the GVW?

MR. AMESTOY:

Yes. By law, 80,000 pounds is legal. We are allowing the GVW to go to 82,000 pounds before requiring a permit. The auxiliary power unit (APU) is another 550 pounds. We are allowing that on top of the additional 2,000 pounds. Not every vehicle has an APU, but we will allow it with the natural gas.

Nevada Revised Statutes 484D.630 refers to the different weights allowed by law. Axle weights and bridge weights allow 20,000 pounds on a single axle; a set of tandems allows 34,000 pounds. For the electric and natural gas vehicles, we are allowing them to exceed those limits by 2,000 pounds. A vehicle running at 34,000 pounds would be able to go to 36,000 pounds.

SENATOR HARDY:

How is 82,000 pounds going to 82,550 pounds?

MR. AMESTOY:

An additional 550 pounds would be added to the weight if the natural gas truck has an APU on it.

SENATOR HARDY:

The maximum weight is then 82,550 pounds and per axle is 20,000 pounds plus 2,000 pounds and potentially an additional 550 pounds.

MR. AMESTOY:

It would be an additional 2,000 pounds. The 20,000 pounds could go up to 22,000 pounds and 34,000 pounds can go up to 36,000 pounds. The same would be true if the vehicle has an APU; the weight could go to 20,550 pounds.

SENATOR HARDY:

Can they all potentially increase 550 pounds in addition to the 2,000 pounds?

MR. AMESTOY:

It will be the 2,000 pounds plus the 550 pounds.

DARCY JOHNSON (Committee Counsel):

On the second page of the amendment, [Exhibit C](#), NRS 484D.600, line 28, you are adding to the list of exemptions and designated equipment used for emergency purposes. Who will be doing the designation? Would it be law enforcement, NDOT or all of the above?

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LIEUTENANT DON PLOWMAN (MCSAP Coordinator, Nevada Highway Patrol,
Department of Public Safety):

This would be for a fire apparatus. We look at the truck, but sometimes there are bulldozers used for suppression, and we allow for that exemption.

CHAIR CANCELA:

Does this answer your question Ms. Johnson?

Ms. JOHNSON:

Yes.

DEBBIE MARTINEZ, CPM (Management Analyst, Motor Carrier Division, Department
of Motor Vehicles):

We are neutral on A.B. 377 and support the amendment proposed by NDOT.

ASSEMBLYMAN WATTS:

Having these statutes updated will allow heavy-duty alternative fuel vehicles on Nevada roads. This will benefit public health, the environment and the economy.

CHAIR CANCELA:

We will close the hearing on A.B. 377. I will entertain a motion.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS
AMENDED A.B. 377.

SENATOR BROOKS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR SPEARMAN WAS ABSENT FOR THE
VOTE.)

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We will open the hearing on A.B. 407.

ASSEMBLY BILL 407: Revises provisions governing the administration of laws
relating to motor vehicles. (BDR 43-1032)

ASSEMBLYWOMAN MELISSA HARDY (Assembly District No. 22):

Increasing information and sharing activities between government agencies is important for government departments to meet their objectives. As government agencies continue to improve their services and opportunities for information sharing, protecting the private information of citizens must continue to be a top priority.

This is especially true for law enforcement agencies whose information sharing has expanded significantly to improve their ability to detect, prevent and respond. It is very difficult to get DMV photographs into the hands of officers in the field as the law stands now. This change will authorize the Director of the DMV to enter into agreements with certain governmental agencies to give officers in the field the ability to positively identify persons they are in contact with.

LIEUTENANT COLONEL DANIEL SOLOW (Assistant Chief, Nevada Highway Patrol, Department of Public Safety):

I will read my written testimony ([Exhibit F](#)).

SENATOR HARDY:

You described that it is okay to get new software and to spend more money. Did I understand that correctly?

LIEUTENANT COLONEL SOLOW:

No, I explained it will cost money to upgrade and modernize the JLink system used by the DPS. Until that is completed and online, we cannot maintain the required five years of retention. We only maintain three years plus the current year, a maximum of four years. We cannot maintain the dissemination log for the five years, as required by statutes, and this is preventing law enforcement from accessing these photographs. Assembly Bill 407 will amend the statutes to allow law enforcement to have a Memorandum of Understanding (MOU) with the DMV exempting law enforcement from the retention requirement.

SENATOR BROOKS:

Am I correctly understanding that when law enforcement requests the information from DMV on a driver's license of an individual, including the photograph, you have to list a reason why, who is making the request and then retain that information for five years?

LIEUTENANT COLONEL SOLOW:

Yes, that is correct and how it is currently in statutes. However, we do not have a place for the purpose code or the ability to maintain it for five years. This is inhibiting our ability to use the photographs.

SENATOR BROOKS:

Is Assembly Bill 407 requesting an MOU between DPS and DMV not to have to give any of that information or is it to not have to retain it for five years?

LIEUTENANT COLONEL SOLOW:

Assembly Bill 407 affects the retention side of the transaction, and we would not have to maintain the log for five years. We would still maintain the log for three years plus the current year. This would be included in the MOU, and there would still be a record of these transactions. The statutes requires five years of retention, and our software does not allow for the five years.

SENATOR BROOKS:

I may be misreading this, but could it possibly exempt you from all of the requirements, including the requirement to enter the information?

LIEUTENANT COLONEL SOLOW:

It could, but that would be dependent on the Director of the DMV and how the MOU is written. The MOU could be written with whatever conditions they want. We are only requesting a retention period adjustment. To clarify, because every transaction goes through the DPS switch with regards to DMV, this affects all law enforcement and all local agencies in the State.

SENATOR BROOKS:

That may be your intention, but the way this is written an MOU exempts the agency from any reporting. Do you know the history of why this reporting requirement for law enforcements was put in place?

LIEUTENANT COLONEL SOLOW:

No, I do not know why the five years was chosen when the statutes were enacted. I know that a retention record with all public records is important to discern why a request was made. We are not required to issue a report, but the information is there to be tracked should there be an inquiry later on.

SENATOR BROOKS:

The way it is written gives the opportunity not to report on anything. This does not sound as if this is the intent. I am interpreting the intent as to not have such a long period of retention.

ASSEMBLYMAN TOM ROBERTS (Assembly District No. 13):

Once the retention is automated, offline searches can be run should there be misconduct or the need to see who is running queries for information. The offline searches will not go beyond five years typically. The data is there but not in paper form. This cleans it up and allows you to report electronically rather than manually log by hand.

SENATOR BROOKS:

Obviously the intent of the bill is to try to clean it up and streamline it. In subsection 8, page 4, lines 40 through 45, by referring back to subsection 7, it is potentially possible, with the MOU, you would not be required to do any of the reporting. This is obviously not the intent; could this be in the MOU?

ASSEMBLYMAN ROBERTS:

Yes, it could be in the MOU. The MOU could be written so there is a process for retention. This was definitely not the intent of the bill. If we need some clarification, we can amend the language, or it can be covered in an MOU.

SENATOR HARDY:

This should be clarified if we are going to make this a law instead of just doing a MOU.

SEAN P. McDONALD, MBA (Administrator, Central Services and Records Division, Department of Motor Vehicles):

The DMV is in support of A.B. 407 and wants to work with DPS to be able to provide them with a mechanism to get the photographs easier.

SENATOR HARDY:

I do not understand how this is making it easier to share the photographs. Do I understand correctly that you are currently sharing the photographs with law enforcement?

MR. McDONALD:

Yes, we are currently sharing those records. The hindrance is the retention period in the JLink system and the five year retention period in statutes. The additional two years is causing challenges for the dissemination piece when law enforcement accesses the photographs.

SENATOR HARDY:

Is the photograph the picture that is on a license, and is it the retention of the request of the photograph that you are talking about?

MR. HURIN:

Yes, you are correct. This has been in place for over 20 years. The retention period is a security feature for the DMV to make sure when we are disseminating information to anyone under NRS 481.063, we can be accountable and transparent to the community as to why, who and where information was transferred.

SENATOR HARDY:

Do you keep the photograph forever?

MR. HURIN:

There is a retention period of 50 years. On the technical side, we are limited to the number of photographs we are able to provide to the law enforcement agencies. With the finalization of our new driver's license contract by January, we will have an upgraded server and will not be limited in the amount of photographs law enforcement can get on a daily basis.

SENATOR HARDY:

If we waited until January 2020, will you have enough memory to keep track of the requests for 5 years?

MR. HURIN:

The technical end does not have anything to do with this bill. I only introduced it to provide an understanding of the partnership between our agencies to make sure we are providing that information to law enforcement. The bill allows DMV to give DPS the ability to not have the restrictive five-year period. I was just providing some additional benefits coming in the future.

SENATOR BROOKS:

You already retain all the driver's license pictures and personal information. Are the three data points retained the person who requested the information, what the name is and for what reason?

MR. HURIN:

Yes, you are correct.

SENATOR BROOKS:

There are three data points which are words and not an image. I cannot understand how retaining three data points on a request from law enforcement is onerous or would even take up more memory than what is on my computer. My concern is the way it is written; it allows law enforcement through an MOU with DMV not to comply or report the request anymore. I am sure this is not the intent. What am I missing?

MR. HURIN:

We can work to make sure the language is aligned, or we can clarify it in the MOU. We did not want to burden DPS with having their vendor change software and felt this was an easier mechanism.

SENATOR HAMMOND;

When a police officer makes a stop and requests a photograph it goes to multiple units, not just one. In statutes, it is required that you track all places it was sent and have access to that image. This means it is not just three points of data but several points of data. Are you saying that it is onerous, and you do not need the information?

MR. McDONALD:

That is correct and is our understanding. There is a chain of custody of that photograph, and Assembly Bill 407 is trying to simplify the chain so law enforcement can access the photographs easier.

ASSEMBLYMAN HARDY:

We are more than happy to address the concerns that were brought up.

ASSEMBLYMAN ROBERTS:

What was explained to us and what we are intending to do is different than the language that you see. We tried to craft the language so it would make it easier

for DPS to get the photographs in the field. Most all other police departments have individual logins that track requests, and there is no secondary disseminations. There is a secondary dissemination through DPS dispatch center which does not work the same as DMV. We were trying to alleviate those issues and will be happy to create clarifying amendments.

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CHAIR CANCELA:

I would like our Legal Counsel to work with DMV, DPS and the sponsors to come up with clarifying language so that there is not a MOU that will circumvent any reporting requirement.

We will close the hearing on A.B. 407. Seeing no public comment, this meeting is adjourned at 2:36 p.m.

RESPECTFULLY SUBMITTED:

Tammy Lubich,
Committee Secretary

APPROVED BY:

Senator Yvanna D. Cancela, Chair

DATE: _____

| EXHIBIT SUMMARY | | | | |
|------------------------|---------------------------------|---|---|--------------------|
| Bill | Exhibit / # of pages | | Witness / Entity | Description |
| | A | 1 | | Agenda |
| | B | 4 | | Attendance Roster |
| A.B. 377 | C | 7 | Sean Sever / Nevada Department of Transportation | Proposed Amendment |
| A.B. 377 | D | 1 | Cassandra Rivas/ Sierra Club, Toiyabe Chapter | Written Testimony |
| A.B. 377 | E | 1 | Victor Rivera / Community Housing Improvement Systems and Planning Association (CHISPA) of Nevada | Written Testimony |
| A.B. 404 | F | 3 | Lieutenant Colonel Daniel Solow / Nevada Highway Patrol, Department of Public Safety | Written Testimony |