

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

**Eighty-First Session
April 9, 2021**

The Committee on Growth and Infrastructure was called to order by Chair Daniele Monroe-Moreno at 3:54 p.m. on Friday, April 9, 2021, Online. 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/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Daniele Monroe-Moreno, Chair
Assemblyman Howard Watts, Vice Chair
Assemblywoman Tracy Brown-May
Assemblyman John Ellison
Assemblyman Glen Leavitt
Assemblyman C.H. Miller
Assemblywoman Sarah Peters
Assemblyman Tom Roberts
Assemblywoman Shondra Summers-Armstrong
Assemblyman Jim Wheeler
Assemblyman Steve Yeager

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Katie Siemon, Committee Policy Analyst
Jessica Dummer, Committee Counsel
Devon Kajatt, Committee Manager
Lori McCleary, Committee Secretary
Trinity Thom, Committee Assistant



OTHERS PRESENT:

David Goldwater, representing Kaptyn
Michael Sullivan, representing Whittlesea-Bell; and Bell Trans
Jeff Burton, Chief Administrative Officer, Kaptyn
Alex Ortiz, representing Clark County

Chair Monroe-Moreno:

[Roll was called. Committee rules and protocol were explained.] I thank you all for your patience today. It has been a very hectic day, so thank you to those who have been waiting for the bill hearing we will have today. The Committee will have one bill hearing, followed by a work session. For the bill hearing, in the interest of time, we will have 15 minutes for support, 15 minutes for opposition, and 15 minutes in neutral. Anyone calling in for public comment or to testify on the bill will have two minutes for testimony.

I will open the hearing for Assembly Bill 444, presented by David Goldwater.

Assembly Bill 444: Revises provisions governing limousines. (BDR 58-1020)

David Goldwater, representing Kaptyn:

I am pleased to present Assembly Bill 444. Having worked in the transportation space for a number of years, this bill represents progress in our journey to modernize transportation and provide for the safety and convenience of the riding public. I am going to share a PowerPoint presentation with you [[Exhibit C](#)].

The bill seeks to accomplish a simple goal: allowing regulated limousines with a certificate of public convenience to accept rides from transportation network companies (TNCs) with drivers who are employees of the company. Currently, in order to drive for a TNC, drivers need to be independent contractors and, conversely, regulated companies can only use drivers as defined in the statute. Why this is progressive is because of Kaptyn's unique business model. Kaptyn has the largest fleet of electric vehicles in the country.

Kaptyn has worked with NV Energy and the Office of Economic Development within the Office of the Governor to put Nevada at the forefront of a shift to sustainable transportation that not only utilizes electric vehicles, but also seeks to alleviate congestion by utilizing advanced technology. By passing this bill, riders may someday be able to select a green option from one of the TNCs in their menu.

In addition, this bill focuses on the drivers, who will now be able to accept ride referrals the same way they would seek referrals from a casino or from a telephone call when someone calls to ask for a ride. That driver will not be an independent contractor, but an employee of a regulated carrier with the rights and benefits employees should have, such as health care and worker compensation coverage.

My apologies that the president of Kaptyn, Andrew Meyers, could not attend this hearing. As you know, we were scheduled previously, but unfortunately, he has been called out of town on family business. With me today is Jeff Burton, Kaptyn's Chief Administrative Officer. I am prepared to walk you through the bill section by section or, in the interest of time, answer any questions the Committee may have.

Chair Monroe-Moreno:

I think it would be a good idea to walk through the bill section by section.

David Goldwater:

Section 2 of the bill defines "limousine driver" as a person who has been issued a driver's permit by the Nevada Transportation Authority, Department of Business and Industry, and is employed or under a contract to operate a limousine. Section 3 defines "limousine motor carrier." Section 4 defines "limousine services."

Section 5, subsection 1, discusses the contracting between a TNC and a limousine motor carrier. Section 5, subsection 2, further discusses the contracting between a TNC and a limousine motor carrier. Section 5, subsection 3, states a TNC "shall not provide connections to potential passengers and related services" for periods of time in which the licensed motor carrier has been suspended. Section 5, subsections 4 and 5, talk about the taxation, seeking to not double tax, both as a TNC or as an excise, under the regulated carrier. Section 5, subsections 6 through 9, talks about the fares charged.

Section 6 is inclusion of terms, and section 7 has some definitional items.

I have sent a summary to all of you. To those I have not talked to about the bill, you have a summary of the bill available to you. Mr. Burton and I are available to answer questions.

Chair Monroe-Moreno:

Are there any questions from the members?

Assemblyman Leavitt:

We have talked about this before, but I was thinking you could give clarity to the Committee. We tried this once before when I was working at an agency. The issue arose that in order for individuals to be a TNC driver, they had to be an independent contractor. These limousine drivers are already employed by a limousine company. How did you reconcile that with the TNCs, as they are currently employed by a limousine company?

David Goldwater:

That is exactly what the bill intends to accomplish on both sides of the ledger—as a TNC, where drivers are required to be an independent contractor, and the other side of the ledger, where a regulated carrier has to use employees. This bill seeks to create a class of drivers who can work both for the regulated carrier and also accept rides from a TNC. Mr. Burton, could clarify further, or is my answer sufficient?

[Mr. Burton was unable to properly connect to the meeting.]

Assemblyman Leavitt:

To repeat the question, how did you reconcile the current policy of TNCs to employ independent contractors when there is a limousine company that is already employing these drivers? I am assuming that even when they are operating as a TNC, they are reporting back to the limousine company. To add on to that question so you can answer it all at once, are the TNCs going to be forced to go against their current policy with this legislation, or are they now willing to go against that policy?

David Goldwater:

The bill seeks to alleviate exactly that conflict. The TNCs originally existed as a platform to refer drivers, just as any hotel does or as picking up the telephone does to request a driver. The TNCs would be happy to refer more rides to whoever is able to accept rides currently. They cannot refer rides to a regulated carrier.

Chair Monroe-Moreno:

Assemblyman Leavitt, did that answer your question? It looks like you did not get the answer you wanted to hear.

Assemblyman Leavitt:

Are the TNCs seeking this legislation as well? I may be misunderstanding what you are saying.

David Goldwater:

We are partners with the TNCs. I cannot represent that the TNCs are supportive of this legislation, but it is not a standalone. You can ask the TNCs whether or not they could support this, but in general, they will be Kaptyn's partner in this endeavor. When people are able to select a green option on one of the TNCs, that would be something they would have to support.

Assemblywoman Brown-May:

I am going to follow up on that question, not being in this industry or having worked with this specific issue before. As an example, Uber has a platform and I request an Uber Black, but they do not have one available. However, the local limousine company does. Is my local limousine company going to be able to send that Uber Black on that platform? Is there a mutual agreement between the technological platform and the limousine company in order to supply that ride?

David Goldwater:

That is exactly what we seek to do with this bill. Uber Black and Uber Green—although I did not want to mention a specific company—that is precisely the service it would be. That would be in an all-electric vehicle.

Assemblywoman Brown-May:

Is it specific to only electric vehicles, or would it then allow all of the limousines that are currently in a fleet to have an opportunity to respond on that platform? If we have limousines that are currently sitting in a limousine yard and not being utilized, but Uber Black is overextended and cannot respond, does this legislation enable those limousines that are sitting in the lot for a limousine company to respond in kind?

David Goldwater:

Yes, it does. It is not exclusive to electric vehicles. Kaptyn, who is requesting this legislation, is proud of their electric vehicles. That is the advancement we are going to be able to have here.

Assemblyman Wheeler:

Have you been in contact with Uber Black and Uber Green, and are they okay with this?

David Goldwater:

Yes, they are okay with this legislation. They would have to contract with Kaptyn or any other limousine company to do this. It cannot happen unless they do.

Assemblyman Wheeler:

That is what I wanted to get out to the public.

David Goldwater:

There is an amendment on the Nevada Electronic Legislative Information System from Clark County [[Exhibit D](#)] that references the TNC statute and the airport's ability to continue to regulate. We consider that a friendly amendment, and we would be happy if you consider it, should you see this as favorable legislation.

Chair Monroe-Moreno:

I do not see anyone from Clark County on Zoom. They may be on the phone to give testimony, but could you expand on exactly why Clark County submitted an amendment and what it would do?

David Goldwater:

What I think they are trying to do at the county is, in the TNC statute [*Nevada Revised Statutes* 706A.310] there is preemptive language that does not allow local governments to preempt what the state does at their regulatory level. Additionally, in the preemptive statute, there is an exclusion for the airport to be able to do what they need to do, such as charge fees, require permits and licenses, and things like that. They reference that statute in this classification to make sure in this class of driver and vehicle, the airport still has dominion over what happens.

Assemblywoman Summers-Armstrong:

Mr. Goldwater, is this amendment from Clark County the only place in NRS that needs to be revised to deal with this? Often, things are in multiple places. Do we need to look at other statutes, and could there be a conflict?

David Goldwater:

This statute is the only place that needs to be amended for this service to exist in Nevada.

Chair Monroe-Moreno:

Seeing no further questions from members, I will open testimony in support of A.B. 444.

Michael Sullivan, representing Whittlesea-Bell; and Bell Trans:

We are in full support of A.B. 444.

Chair Monroe-Moreno:

Seeing no further testimony in support, I will open testimony in opposition. [There was none.] Is there anyone waiting to testify as neutral? [There was no one.] Do you have any closing comments, Mr. Goldwater?

David Goldwater:

If we could get on your work session today, that would be tremendous.

Jeff Burton, Chief Administrative Officer, Kaptyn:

I apologize to the Committee, as I was unable to connect to the hearing. If the members have any questions for me now, I would be happy to answer them.

Chair Monroe-Moreno:

Members, are there any questions for Mr. Burton regarding this policy? [There were none.] I believe we have Mr. Ortiz from Clark County on the line now.

Alex Ortiz, representing, Clark County:

I want to thank you for the opportunity to speak today. I apologize for technical difficulties on my end trying to get through. Clark County is neutral on this bill. We did propose an amendment that Mr. Goldwater spoke to [[Exhibit D](#)]. I want to thank Mr. Goldwater for accepting our amendment and considering it friendly.

Our amendment is to section 5, subsections 1 and 4. This is essentially to ensure that the agreement between a TNC and a limousine motor carrier mirrors those of the TNC regulations in NRS 706A.310. On the second page of the amendment, you will see we added to both subsections "subject to the provisions of NRS 706A.310."

Nevada Revised Statutes 706A.310 specifically talks about the preemption language. It also talks about, in part, that it requires a TNC or a driver to obtain a local government business license or pay a business license fee. It also requires a TNC or a driver to obtain a permit for certification to operate at the airport, pay a fee to operate at the airport, or comply with any

other requirement to operate at the airport. This is also true and the same for taxis, limousine carriers, and the TNCs that operate through the airport.

I would like to thank Mr. Goldwater for accepting our proposed amendment to A.B. 444, and apologize one last time for the technical difficulties on my end.

Chair Monroe-Moreno:

I am not seeing any other questions from members. I will close the hearing and entertain a motion to amend and do pass Assembly Bill 444.

ASSEMBLYMAN WHEELER MADE A MOTION TO AMEND AND DO
PASS ASSEMBLY BILL 444.

ASSEMBLYWOMAN BROWN-MAY SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblyman Ellison:

I will vote yes to move the bill out of Committee, but I will reserve my right to change my vote on the floor.

THE MOTION PASSED UNANIMOUSLY.

Chair Monroe-Moreno:

I will assign the floor statement to Assemblyman Wheeler.

On our original agenda for today, there was another bill, Assembly Bill 423. That bill has been pulled and will not have a hearing today. If you are here for the bill hearing, I am sorry.

**Assembly Bill 423: Revises provisions relating to transportation network companies.
(BDR 58-948)**

[Assembly Bill 423 was agendized but not heard.]

Members, you should have the work session documents on your computers. I will open the work session for Assembly Bill 301.

**Assembly Bill 301: Revises provisions governing the towing of motor vehicles.
(BDR 58-696)**

Katie Siemon, Committee Policy Analyst:

Assembly Bill 301 was first heard by this Committee on March 25, 2021. The bill requires tow car operators to immediately release a vehicle to its owner's possession at no charge if the tow is from a residential complex for a lack of registration or an expired registration and the owner is able to provide evidence of valid vehicle registration that predates the tow. The

measure requires a private property owner who requests the tow of a vehicle from a residential complex to make reasonable efforts to notify the owner or operator of the vehicle that it may be towed, including by electronic mail address or telephone. Further, it requires tow car operators to independently verify the registration status of a vehicle before towing the vehicle from a residential complex for lack of registration or expired registration and retain proof of this verification. If the owner of a vehicle is unable to provide proof of valid registration, this measure sets the maximum fee for removal by tow car at \$50 and requires storage charges to accrue only after 48 hours have passed following the vehicle's arrival and registration at a storage place [\[Exhibit E\]](#) .

There have been several amendments proposed by this measure's primary sponsor, beginning on page 2 of the work session document [\[Exhibit E\]](#). Assemblywoman Sarah Peters, Assemblywoman Shondra Summers-Armstrong, and Assemblyman Howard Watts shall be added as nonprimary sponsors. Sections 1 and 2 of the attached amendment permit vehicle owners to provide proof of current registration status with either physical or electronic record. Instead of the \$50 maximum fee referenced in section 2 of the bill, the amendment requires the Nevada Transportation Authority (NTA) of the Department of Business and Industry to implement a program that will allow vehicle owners facing financial hardship to apply and be granted the ability to pay a reduced tariff determined by the NTA to recover their vehicles from a storage yard. The amendment removes from the amendatory provisions of the bill those provisions relating to tows for a lack of registration.

Finally, the amendment requires an owner or authorized agent of a residential complex that has assigned or designated parking spaces for certain persons to affix a notice to the door of the residential unit whose assigned or designated parking space is being occupied by the vehicle prior to its removal for an expired registration. The vehicle may not be towed until five days after such notices are provided.

The amendment proposed by the measure's primary sponsor does not include line 25 of page 5 of the attached amendment. There are no fiscal notes associated with this measure.

Chair Monroe-Moreno:

I will entertain a motion to amend and do pass Assembly Bill 301.

ASSEMBLYWOMAN PETERS MADE A MOTION TO AMEND AND DO
PASS ASSEMBLY BILL 301.

ASSEMBLYMAN WATTS SECONDED THE MOTION.

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

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

I will assign the floor statement to Assemblyman Miller. The next bill on work session is Assembly Bill 349.

Assembly Bill 349: Revises provisions governing motor vehicles. (BDR 43-58)

Katie Siemon, Committee Policy Analyst:

Assembly Bill 349 provides that any vehicle which has been issued a special license plate and registration as an Old Timer vehicle—street rod, classic rod, or classic vehicle—must not be used for general transportation and may only be used for club activities, exhibitions, tours, parades or similar activities, or other uses as necessary for the operation and maintenance of the vehicle. In addition, they must be covered by either an endorsement or insurance that is designed or designated specifically for classic or antique vehicles.

On an annual basis, owners of such vehicles must pay a fee to the Department of Motor Vehicles (DMV) in an amount equal to the cost of a form certifying compliance with emission standards, to be accounted for in the Pollution Control Account.

Assembly Bill 349 amends existing law to require the regulations adopted by the DMV and the State Environmental Commission of the State Department of Conservation and Natural Resources to allow both types of licensed exhaust emissions inspectors to work at any authorized inspection stations, authorized stations, or any class of fleet stations or multiple locations of such stations. The measure authorizes the DMV to establish remote emissions sensing systems to test vehicles driven along highways in counties with populations of 100,000 or more. The DMV shall enact regulations to carry out the remote sensing systems, determine participation requirements and fees, and provide for data collection, use, and sharing with other state agencies.

The measure exempts new motor vehicles from emission testing until the fifth registration of the vehicle, or during the first four years of the life of the motor vehicle, and requires annual emissions testing after the fifth registration. Section 9 of A.B. 349 makes a technical change to reference a federal regulation relating to the exemption to emissions testing afforded by hybrid electric vehicles.

This bill prevents the State Environmental Commission from issuing a waiver of compliance with vehicle emission standards if a vehicle is repaired by its owner and defines such repair efforts. Finally, A.B. 349 increases fees for license renewals and forms for authorized inspection stations, authorized stations, or fleet stations [[Exhibit F](#)].

There has been one conceptual amendment [page 3] provided by the bill's sponsor that proposes to strike section 2 and amend section 1, subsection 10; section 3, subsection 11; and section 4, subsection 11 to read: "As used in this section, 'general transportation' means a vehicle that is driven more than 5,000 miles during the immediately preceding year, or used in any capacity for commercial purposes."

The amendment makes changes to subsection 2 of *Nevada Revised Statutes* 445B.767 to have the DMV collect a fee equal to the fee for a form certifying emission control compliance. Section 9, subsection 3, will exempt new vehicles from emissions testing until their fourth registration, instead of fifth, and the language proposed in section 9, subsection 4, shall read at the beginning, "The Commission shall provide for a waiver" In section 10, the annual station license fee is now \$100 and the form certifying emission control compliance is now \$8.50. *Nevada Revised Statutes* 482.2655 is retained in this amendment and the effective dates of A.B. 349 are changed to January 1, 2022, for the provisions of section 10, and January 1, 2023, for sections 1, 3, and 4.

The measure requires a two-thirds majority vote. There have been two fiscal notes received for A.B. 349. The Division of Environmental Protection with the State Department of Conservation and Natural Resources has determined there is no fiscal impact. The Pollution Control Unit within the Division of Compliance Enforcement of the DMV has provided a fiscal note indicating that as introduced, A.B. 349 would result in increased revenue over the upcoming biennium. However, it notes that this assumes that current workload may be absorbed by existing staff. If additional staff are required to facilitate programming under this measure, additional funds may be required.

Chair Monroe-Moreno:

I will entertain a motion to amend and do pass Assembly Bill 349.

ASSEMBLYMAN MILLER MADE A MOTION TO AMEND AND DO
PASS ASSEMBLY BILL 349.

ASSEMBLYWOMAN PETERS SECONDED THE MOTION.

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

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

I will assign the floor statement to Assemblyman Watts. The next bill on work session is Assembly Bill 379.

Assembly Bill 379: Revises provisions governing license plate decals. (BDR 43-985)

Katie Siemon, Committee Policy Analyst:

Assembly Bill 379 was first heard before this Committee on April 1, 2021. The measure removes any authorization or requirement in law for the Department of Motor Vehicles (DMV) to issue license plate registration decals, stickers, and tabs; and any requirement for owners of vehicles registered in Nevada to display license plate registration decals, stickers, or tabs [[Exhibit G](#)].

There is one amendment submitted by the measure's sponsor [page 2], which repeals the bill text as introduced with the exception of section 2. Additionally, the amendment would require the Department to adopt regulations which would allow short-term lessors to issue license plates for their vehicles.

There has been one unsolicited fiscal note received from the Office of Project Management within the DMV related to the measure as introduced. As the fiscal note is dependent on the elimination of registration decals, and the amendment submitted repeals the language, this fiscal note would no longer apply after amendment.

Chair Monroe-Moreno:

I will entertain a motion to amend and do pass Assembly Bill 379.

ASSEMBLYWOMAN PETERS MADE A MOTION TO AMEND AND DO
PASS ASSEMBLY BILL 379.

ASSEMBLYMAN WATTS SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblyman Roberts:

After the hearing, I did some research. One of the three states that do not have stickers was Pennsylvania. Pennsylvania switched in 2017, and as a result of the change, lost \$51 million in revenue and are now switching back, passing a bill this spring. As a concern for the loss of revenue, I will not be supporting this measure today.

Chair Monroe-Moreno:

I believe with the amendment made by the sponsor of the bill, the decal part of the bill was totally omitted. I will let the sponsor of the bill answer that.

Assemblyman Miller:

The bill has pretty much been gutted, and we are only retaining the space that would allow short-term lessors of vehicles to self-plate their vehicles when they get new vehicles. The reason this part of the bill has remained is because right now there is a gap that happens when a fleet gets new cars; they have a permit that goes in the front window. By maintaining this portion of the legislation, it would allow them to immediately put a license plate on the vehicle so at no point when the vehicle is rented out would someone be subject to a probable-cause stop simply because there is no license plate. This was something I really wanted to hold onto and I am grateful I was able to. I would appreciate any support I can get on that.

Assemblyman Roberts:

You have my support. Thank you very much; I appreciate the explanation. I missed the omission from the work session document.

Assemblyman Ellison:

I really like the change in the legislation, but we never received the amendment. I will vote yes to move the bill out of Committee, but reserve my right to change my vote on the floor until I see the amendment. My biggest concern was the sticker.

Chair Monroe-Moreno:

Assemblyman Ellison, if you are able to print the work session document, the amendment is on the second page.

Assemblyman Ellison:

I will get it and look at it.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblywoman Peters. The next bill on work session is Assembly Bill 383.

Assembly Bill 383: Establishes provisions governing the energy efficiency of certain appliances. (BDR 58-490)

Katie Siemon, Committee Policy Analyst:

Assembly Bill 383 was first heard before this Committee on March 30, 2021. The measure provides for definitions of terms related to the energy efficiency of appliances, and it requires the Director of the Office of Energy within the Office of the Governor to adopt regulations for prescribed minimum standards of energy efficiency for certain appliances and develop methods for testing compliance with these standards. The measure prohibits the sale, lease, rental, or installation of a new appliance that does not meet these standards after certain dates and excludes certain appliances from these requirements.

If the Director of the Office of Energy intends to adopt a standard of energy efficiency for an appliance that is more stringent than the energy efficiency standard under federal law, he or she shall seek a waiver of preemption from the Secretary of Energy of the U.S. Department of Energy. The Director is required to adopt regulations prescribing the procedures for certifying and labeling appliances, and A.B. 383 prohibits manufacturers from making appliances available for sale that have not obtained certification from the Director that the appliance meets established energy efficiency standards.

The Director is authorized to test appliances for compliance with established energy efficiency standards and conduct periodic compliance inspections of the premises of manufacturers, distributors, retailers, and installers of new appliances and newly constructed buildings containing new appliances. The Director shall investigate complaints of alleged violations of the provisions of A.B. 383. The measure establishes a civil penalty for violations and authorizes the Attorney General to institute civil action for violations. The Director is authorized to adopt regulations and standards for appliances and other provisions to facilitate the deployment of flexible demand technologies [[Exhibit H](#)].

There has been one amendment proposed by the primary sponsor [page 3] to eliminate section 33 regarding federal waivers, and it rewrites section 34 to require manufacturers to provide proof of ENERGY STAR or other certification from their product testing to the Office of Energy to demonstrate compliance rather than requiring certification to be obtained from the Director. It also removes the prescriptive consultation in the rulemaking process, as well as the Office's ability to independently test appliances and conduct periodic inspections.

The amendment also allows—rather than requires—the investigation of complaints and provides that a first-time violation would receive a warning instead of a civil penalty. Finally, it moves the effective date to July 1, 2023, to provide ample time for rulemaking and for manufacturers and others to adjust inventory.

There has been one fiscal note received from the Office of Energy describing the fiscal impact on future biennia. The fiscal note was submitted in response to the bill as introduced, and during the hearing, representatives from the Office of Energy stated they would remove this fiscal note should A.B. 383 proceed with the amendment proposed.

Chair Monroe-Moreno:

I will entertain a motion to amend and do pass Assembly Bill 383.

ASSEMBLYMAN WATTS MADE A MOTION TO AMEND AND DO
PASS ASSEMBLY BILL 383.

ASSEMBLYWOMAN PETERS SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblyman Watts:

I do not know if I sent the latest version of the amendment, but there are some additional tweaks we are going to have to make. We have also been working with Southern Nevada Home Builders Association and other stakeholders to address their concerns. It looks like some of those changes may not be in the version of the amendment in the work session document. It may be because I sent this late at night after working on it. We will get that fixed, but I want to let the members of the Committee know that we have been talking with them, local government, and building officials and do have language worked out that addresses their concerns. I am committed to making sure we get all of that incorporated.

There was some concern that the Office of Energy would incorporate the provisions of this bill into the International Energy Conservation Code. The Office has indicated that will not be the case. I just want to get on the record that we appreciate the engagement of different stakeholders in the process. We are at a point where we can get changes made that address all of the concerns that have been brought up to this point.

Chair Monroe-Moreno:

Thank you for sharing that and also for continuing to work with the stakeholders to get the legislation at a more acceptable point for everyone.

Assemblyman Roberts:

I appreciate the sponsor of the bill working with the folks who had issues with the legislation. I look forward to the floor amendment. I will vote yes to move the bill out of the Committee today, but I obviously need to see the amendment. I will reserve my right to change my vote on the floor in case it does not get where we need it to be.

Assemblyman Wheeler:

I will be voting no today. We will see if we can get the legislation to where the builders are happy, and we can get it to where we think it is a good bill. If I do change my vote on the floor, I will let you know prior.

Assemblyman Leavitt:

I will vote yes to move it out of Committee, but until the issues are resolved, I will reserve my right to change my vote on the floor.

Assemblyman Ellison:

I will be voting no, but I will reserve my right to change my vote on the floor. We really had a hard time getting amendments today. Several of us have not gotten them.

Chair Monroe-Moreno:

As far as the amendment for A.B. 383, there is one attached to the work session document [pages 3-17, [Exhibit H](#)]. I believe one of the sponsors of the bill said he had not submitted his final language, but we will be seeing that on the floor. Seeing no further discussion, we will vote on the motion to amend and do pass.

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

I will assign the floor statement to Assemblywoman Brown-May. The next bill on work session is Assembly Bill 388.

**Assembly Bill 388: Revises provisions governing access to broadband services.
(BDR 58-790)**

Katie Siemon, Committee Policy Analyst:

Assembly Bill 388 was first heard before this Committee on April 8, 2021. The measure replaces the definition of "broadband service" in existing law, includes broadband service within the existing definition of "telecommunication," and makes conforming changes. The measure requires the Public Utilities Commission of Nevada (PUCN) to establish a program to assist persons with low income in obtaining access to broadband services.

The program must require certain providers of telephone service to provide a reduction in rates for telephone services to certain low-income customers to ensure access to broadband services for such customers and must enable providers to be reimbursed the amount of this reduction in rates from the fund to maintain availability of telephone service. The bill extends the provisions governing certain reductions in rates for the telephone rates to apply to reductions in rates required by this broadband access program [[Exhibit I](#)].

There has been a conceptual amendment [pages 2-6] received by the measure's sponsor that would require the Office of Science, Innovation and Technology within the Office of the Governor to:

1. Establish a grant program to assist in the extension of broadband service to low-income and rural communities, funded on an opt-in basis through a voluntary contribution program established by the PUCN.
2. Conduct statewide mapping to determine where broadband services do not meet the definition provided for by this measure.
3. Create a Broadband Ready Community Certification program to encourage local governments to adopt policies that expand broadband infrastructure.

There has been one fiscal note received from the PUCN indicating an expense in future biennia, as the measure will require additional staffing.

Chair Monroe-Moreno:

I will entertain a motion to amend and do pass Assembly Bill 388.

ASSEMBLYWOMAN BROWN-MAY MADE A MOTION TO AMEND
AND DO PASS ASSEMBLY BILL 388.

ASSEMBLYMAN MILLER 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 Yeager. The next bill on work session is Assembly Bill 411.

Assembly Bill 411: Makes changes to provisions governing fuel. (BDR 51-1022)

Katie Siemon, Committee Policy Analyst:

Assembly Bill 411 was first heard in this Committee on April 8, 2021. The measure requires that the regulations adopted by the State Board of Agriculture within the State Department of Agriculture for motor fuel allow the sale of motor vehicle fuel containing not more than 15 percent ethanol by volume [[Exhibit J](#)].

There has been an amendment proposed by the bill's sponsor that would change the effective date of section 1 of the bill from January 1, 2022, to July 1, 2022, for all purposes other than the adoption of regulations and other preparatory administrative tasks.

There were two fiscal notes for the measure as introduced. If the proposed amendment is adopted, there will be no fiscal notes associated with this measure.

Chair Monroe-Moreno:

I will entertain a motion to amend and do pass Assembly Bill 411.

ASSEMBLYMAN WATTS MADE A MOTION TO AMEND AND DO
PASS ASSEMBLY BILL 411.

ASSEMBLYMAN MILLER SECONDED THE MOTION.

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

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

I will assign the floor statement to Assemblyman Leavitt. The next bill on work session is Assembly Bill 412.

Assembly Bill 412: Revises provisions governing motor vehicles. (BDR 43-1050)

Katie Siemon, Committee Policy Analyst:

Assembly Bill 412 was first heard in this Committee on April 8, 2021. The measure defines a "neighborhood occupantless vehicle" as a "low-speed vehicle that is not designed, intended or marketed for human occupancy." Operation of such a vehicle on a roadway with a speed limit greater than 35 miles per hour, but less than 45 miles per hour, is in compliance with state law if the operator complies with certain speed restrictions and equipment requirements for motor vehicles.

The measure extends certain requirements applicable to drivers of low-speed vehicles to extend to operators of such vehicles and exempts certain autonomous vehicles operated exclusively by an automated driving system from provisions requiring equipment. A fully

autonomous vehicle that is exclusively operated by an automated driving system is exempted from requirements for mirrors to reflect to the driver a view of the highway; windshield wipers; equipment to illuminate with multiple beams; and a muffler, unless the vehicle contains an internal combustion engine [[Exhibit K](#)].

There have been no amendments proposed and there are no fiscal notes associated with this measure.

Chair Monroe-Moreno:

I will entertain a motion to do pass Assembly Bill 412.

ASSEMBLYMAN YEAGER MADE A MOTION TO DO PASS
ASSEMBLY BILL 412.

ASSEMBLYMAN WATTS SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblyman Ellison:

I believe in these little cars and I think they will eventually have a great place in our economy. Right now, there are taxicab drivers and Uber drivers who depend on them to pick up and deliver to a lot of people. I just think this will put a lot of people out of work, so I am going to vote no.

THE MOTION PASSED. (ASSEMBLYMAN ELLISON VOTED NO.)

I will assign the floor statement to Assemblyman Roberts. The next bill on work session is Assembly Bill 413.

Assembly Bill 413: Requires the Department of Transportation to establish an Advisory Working Group to Study Certain Issues Related to Transportation during the 2021-2022 interim. (BDR S-458)

Katie Siemon, Committee Policy Analyst:

Assembly Bill 413 was first heard before this Committee on April 8, 2021. The bill requires the Department of Transportation to establish an Advisory Working Group to Study Certain Issues Related to Transportation during the 2021-2022 interim. The measure prescribes the membership and duties of the Working Group and provides for the compensation of its legislative members and the travel and per diem allowance for all Working Group members. The Department shall submit a written report describing the activities, findings, conclusion, and recommendations of the Working Group for transmittal to the 82nd Session of the Nevada Legislature [[Exhibit L](#)].

There are several amendments requested by stakeholders [pages 2-7], which have been approved by Assemblywoman Daniele Monroe-Moreno, Chair of the Assembly Committee on Growth and Infrastructure. The first eliminates the provision for compensation for legislative members of the Working Group, and the travel and per diem allowance for all members. The second requests the addition of members from local chambers of commerce and the Nevada Resort Association. Based upon an amendment submitted by the Department, Assemblywoman Monroe-Moreno has also requested the following amendments:

1. The Working Group will have a minimum of 20 and no more than 30 members.
2. The Working Group will include three members who must be appointed from a list of persons recommended to the Department by organizations and other entities which represent or promote the interests of minority groups in the state.
3. To the extent practicable, the members of the Working Group must be representative of the various geographic areas and ethnic groups of the state.

There have been two fiscal notes submitted for this measure as introduced. The Department of Transportation determined there was no fiscal impact, while the Legislative Counsel Bureau was unable to determine a specific fiscal impact. I would note, that was related to the per diem, travel, and compensation of members. With the amendment, that would likely not be subject to a fiscal note.

Chair Monroe-Moreno:

I will entertain a motion to amend and do pass Assembly Bill 413.

ASSEMBLYMAN WATTS MADE A MOTION TO AMEND AND DO
PASS ASSEMBLY BILL 413.

ASSEMBLYWOMAN PETERS 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 Summers-Armstrong. The next bill on work session is Assembly Bill 429.

Assembly Bill 429: Establishes provisions governing peer-to-peer car sharing programs. (BDR 43-861)

Katie Siemon, Committee Policy Analyst:

Assembly Bill 429 was first heard in this Committee on April 8, 2021. The measure provides peer-to-peer car sharing programs within law, defines terms relating to these programs, and requires the Director of the Department of Motor Vehicles (DMV) to adopt regulations to carry out the provisions of law relating to such programs. A person must obtain and renew a license from the DMV before operating a peer-to-peer car sharing program within this state, and the DMV may require that the licensee file a bond or deposit with this application. Such licenses may be refused to be issued, suspended, or revoked by the DMV upon certain grounds, and the measure establishes procedures to review these decisions.

The measure provides that peer-to-peer car sharing programs assume liability for certain damages on behalf of shared vehicle owners, and it requires that such programs ensure that both shared vehicle owners and drivers are insured under motor vehicle liability insurance policies meeting certain requirements. Additionally, a program may not accept an individual who does not possess a valid driver's license. If an insurance policy has lapsed or does not meet the requirements in law, the peer-to-peer car sharing program assumes liability for damages up to the required level of coverage, and the measure authorizes an insurer to exclude from the coverage claims afforded under a shared vehicle owner's motor vehicle liability insurance policy.

Peer-to-peer car sharing programs are required to make certain disclosures to shared vehicle owners and drivers and to maintain certain records. Nothing within A.B. 429 is to be construed to impose liability, which is inconsistent with federal law governing vicarious liability for harm found at *United States Code*, Title 49, Section 30106. Insurers who defend or indemnify certain claims are authorized to seek recovery from motor vehicle insurers of the peer-to-peer car sharing programs in certain circumstances. Peer-to-peer car sharing programs have an insurable interest in a shared vehicle during the time the vehicle is shared under a program and may own and maintain certain types of motor vehicle liability insurance. The bill establishes liability for loss of, or damage to, equipment placed on a shared vehicle and establishes provisions for safety recalls on shared vehicles.

Local government entities are prohibited from imposing additional taxes, fees, or licensing requirements on peer-to-peer car sharing programs or shared vehicle owners, drivers, or vehicles other than what are generally applicable to all businesses. The measure clarifies that sharing a vehicle through a peer-to-peer car sharing program is not considered a lease, and those engaged in such a program do not meet the definition of a short-term lessor within existing law [[Exhibit M](#)].

There has been one proposed amendment [page 2] which would:

1. Alter certain definitions and terms relating to peer-to-peer car sharing.
2. Provide that the peer-to-peer car sharing program's insurable interest in the shared vehicle does not impose a requirement for the program to maintain the insurance coverage which is required for the shared vehicle.
3. An airport is not prohibited from requiring a program to pay a fee to operate at the airport.

An additional proposed amendment would:

1. Increase insurance limits for bodily injury or death of one person in any one crash from \$25,000 to \$50,000.
2. Increase insurance limits for bodily injury or death of two or more persons in any one crash from \$50,000 to \$100,000.
3. Revise the record retention period for peer-to-peer car sharing services from four to six years.
4. Add claimants alleging damages related to the use of the shared vehicle to the list of persons who can request these records.
5. Revise language related to airports as provided in the first amendment.

This measure requires a two-thirds majority vote, and there have been two fiscal notes received. The Office of Project Management within the DMV estimated staffing costs of approximately \$126,734 during fiscal year 2021-2022, while the Department of Taxation determined there is no fiscal impact from the measure as introduced.

Chair Monroe-Moreno:

I will entertain a motion to amend and do pass Assembly Bill 429.

ASSEMBLYMAN WATTS MADE A MOTION TO AMEND AND DO
PASS ASSEMBLY BILL 429.

ASSEMBLYWOMAN PETERS SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblyman Yeager:

I want to thank the sponsors for the second amendment about the insurance coverage. I was a little concerned about that. I just think we need to make sure, if we are operating these sorts of things, we have adequate coverage. When there is not adequate coverage, we as the taxpayers end up footing the bill. I will enthusiastically support the bill.

Assemblyman Roberts:

The amendments make it good. I know we will see this bill again in the Assembly Committee on Ways and Means because of the fiscal note. I will vote yes today to get it out of Committee, but I will reserve my right to change my vote on the floor.

Assemblyman Leavitt:

I will ditto Assemblyman Roberts' statement.

THE MOTION PASSED. (ASSEMBLYMAN ELLISON VOTED NO.)

Chair Monroe-Moreno:

I will take the floor statement myself. That was the last item on our work session. That takes us to the last item on our agenda, which is public comment. Is there anyone waiting to provide public comment? [There was no one.]

Members, I want to tell you how much I appreciate your flexibility this week with all the extra hearings and late nights. I truly appreciate our staff. I think we were working until 11:30 p.m. on Zoom, but they stayed up much longer than that—not just last night, but a few nights this week. To all of our Committee staff, you are amazing. To the broadcast staff, you have been key through all of this in getting people connected. You all make us look good as legislators, and we thank you for that. It does not go unacknowledged. You will be happy to know, I believe our staff needs a break. We will not have Committee next week.

This meeting is recessed [at 5:08 p.m.].

This meeting is adjourned [at 5:22 p.m.] on the floor of the Assembly.

RESPECTFULLY SUBMITTED:

Lori McCleary
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 a copy of a PowerPoint presentation titled "Kaptyn: Sustainable Transportation Network," dated March 2021, presented by David Goldwater, representing Kaptyn, regarding Assembly Bill 444.

[Exhibit D](#) is a proposed amendment to Assembly Bill 444, dated April 6, 2021, submitted by Alex Ortiz, representing, Clark County.

[Exhibit E](#) is the Work Session Document for Assembly Bill 301, presented by Katie Siemon, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for Assembly Bill 349, presented by Katie Siemon, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for Assembly Bill 379, presented by Katie Siemon, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document for Assembly Bill 383, presented by Katie Siemon, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session Document for Assembly Bill 388, presented by Katie Siemon, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is the Work Session Document for Assembly Bill 411, presented by Katie Siemon, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit K](#) is the Work Session Document for Assembly Bill 412, presented by Katie Siemon, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit L](#) is the Work Session Document for Assembly Bill 413, presented by Katie Siemon, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit M](#) is the Work Session Document for Assembly Bill 429, presented by Katie Siemon, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.