

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

**Eighty-first Session
March 22, 2021**

The Senate Committee on Growth and Infrastructure was called to order by Chair Dallas Harris at 4:02 p.m. on Monday, March 22, 2021, Online. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Dallas Harris, Chair
Senator Chris Brooks, Vice Chair
Senator Pat Spearman
Senator Scott Hammond
Senator Keith F. Pickard

GUEST LEGISLATORS PRESENT:

Senator Moises Denis, Senatorial District No. 2
Senator Pete Goicoechea, Senatorial District No. 19

STAFF MEMBERS PRESENT:

Susan Scholley, Policy Analyst
Paula Peters, Committee Secretary

OTHERS PRESENT:

Sean Sever, Administrator, Division of Management Services and Programs,
Department of Motor Vehicles
Jude Hurin, Deputy Director, Department of Motor Vehicles
Andrew MacKay, Nevada Franchised Auto Dealers Association
Dawn Gibbons, Chair, Nevada Transportation Authority
Tessa Laxalt, Nevada Trucking Association
Lucas Foletta, Tow Operators of Northern Nevada
James Simpson, Nevada Highway Patrol, Department of Public Safety
Rodney Schilling, Assistant Chief Traffic Operations Engineer, Nevada
Department of Transportation

CHAIR HARRIS:

We will open the meeting on Senate Bill (S.B.) 204.

SENATE BILL 204: Revises provisions governing the Department of Motor Vehicles. (BDR 43-492)

SENATOR MOISES DENIS (Senatorial District No. 2):

Senate Bill 204 will assist with the transformation of the Department of Motor Vehicles (DMV). The DMV closed for two months last summer during the Covid 19 pandemic. When it reopened, the office was limited to 50 percent capacity. The limitation created a backlog, and DMV has yet to catch up.

The DMV added online services which were well received by the public. Seventy thousand customers have taken advantage of the new option to renew driver's licenses online. However, there are a number of critical services which can only be conducted in person, and DMV wants to offer them online.

Section 1 of the bill authorizes DMV to issue an electronic version of a card, certificate or license which has been issued in physical form. It requires a person who has been issued an electronic version of a form to have the physical version with them in their vehicle unless an exception is provided in *Nevada Revised Statutes* (NRS) 482.255 or any other specific statute.

Section 1 refers to the exception we enacted in S.B. No. 71 of the 80th Session which allows vehicles to register through the Motor Carrier Division of DMV and to use electronic images in lieu of carrying paper registrations. Senate Bill 204 builds on that foundation by providing DMV the latitude to expand the use of electronic images and formats for licenses, registrations, etc.

Section 2 of the bill grants DMV the authority to establish an electronic branch office and conduct transactions electronically if the Director has determined the transaction can be properly conducted by electronic means and is not prohibited by State or federal law.

Both of these provisions are not mandatory but will provide DMV additional flexibility to migrate more services online.

Customers who do not have internet access, or prefer conducting business in person, can visit a DMV office and obtain a traditional driver's license, vehicle

registration card, etc. However, many customers will opt to save time by conducting DMV transactions online.

The DMV will expand their campaign to educate customers about new online options. Customers who use these options will reduce or eliminate their visits to DMV offices. Their use of online options provides a benefit to all customers by reducing line wait times at DMV offices.

I urge your support of S.B. 204 to enable the electronic transformation of the DMV.

SENATOR SPEARMAN:

When you register your car and are eligible for a certain tax exemption, will the option to claim that exemption, and any others, be available online?

SENATOR DENIS:

I will defer to Sean Sever.

SEAN SEVER (Administrator, Division of Management Services and Programs,
Department of Motor Vehicles):

I will direct that question to Jude Hurin.

JUDE HURIN (Deputy Director, Department of Motor Vehicles):

That option is now available online.

The bill will provide us the ability to transform our process into a cloud-based system and provide us with the means to capture transactions we have not been able to capture with the card system.

MR. SEVER:

The bill will allow us to implement a program for the normal driver's licenses and to accept electronic documents in our virtual field office. It is part of our transformation effort to move all our services online.

SENATOR PICKARD:

If I register or renew online, I print a provisional document that I use until I receive the document from DMV via the mail. Will the process remain the same?

MR. HURIN:

Yes, there will be an electronic form and a physical form.

The bill will allow us the ability to use more technologies. If we receive funding for the transformation process, we will add all types of DMV transaction services online.

At the end of the four years, or as we progress through our four-year transitionary period, the customer will have the ability to perform the following from home: upload and print documents, access online chat and virtually track documents being uploaded, review documents, discuss and confirm receipt of the document.

You will be able to track the transaction upon completion, pay any fees and DMV will process it through an electronic branch office.

SENATOR PICKARD:

I support moving everything online, but I do not understand how DMV will authenticate documents submitted to support customer identification, particularly those provided to obtain the Real ID. The purpose of the Real ID is to verify the person by using physical documents with proper embossed seals. We need those indicia of authenticity, and they will be lost in an electronic transmittal.

I did not see enabling language in the bill about a four-year development process. Will enabling language be enacted in regulations regarding the standards of care and authenticity required for the authentication process to provide you with the confidence you are meeting the Real ID criteria?

MR. HURIN:

On December 27, 2020, the U.S. Congress passed the Consolidated Appropriations Act of 2021, Pub. L. No. 116-260, 134 Stat. 1182 (2020). The Consolidated Appropriations Act modernized the REAL ID Act and includes a provision that allows states to accept identity and lawful status information from individuals using electronic transmission methods. Our understanding is that federal regulations may be completed by August 2021.

A vendor, IDEMIA, has been working with many DMVs throughout the Nation. They work with the American Association of Motor Vehicle Administrators,

which is our DMV hub service, and the United States Department of Homeland Security. They have an authentication and verification system that we are considering which would align with our current contract. We will be working with IDEMIA to expand our contract and amend it to adopt their system.

We expect to have a system in place within the next 18 months to 2 years, which will be approximately halfway into our DMV four-year internal transformation process.

SENATOR PICKARD:

Does the July 2021 effective date properly align with what you need?

MR. HURIN:

Yes.

ANDREW MACKAY (Nevada Franchised Auto Dealers Association):

Our dealer members interact with the DMV countless times on a daily basis. They appreciate DMV's efforts to shift more services to an online digitized process. We support the bill as it enables them to move forward with their transformation process.

SENATOR DENIS:

The bill will allow the DMV to start the process to move into the electronic age. It will make it easier for their customers to obtain the services they need online.

I envision a future where we will carry our driver's licenses and other documents on our mobile phones. A future that will not require us to wait in long lines at DMV offices to obtain these documents.

The bill will provide DMV the legislation to move forward with their four-year transformation goal. I urge you to support the bill as it will benefit everyone.

CHAIR HARRIS:

We will now close the hearing on S.B. 204. We will open the hearing on S.B. 259.

SENATE BILL 259: Revises provisions relating to operators of tow cars.
(BDR 58-179)

SENATOR MOISES DENIS (SENATORIAL DISTRICT NO. 2):

Senate Bill 259 addresses tow car operator training. The idea for the bill began during a discussion I had with a tow car operator who was concerned about the level of training for operators in the industry. Tow car operators are required to receive Certificates of Public Conveyance and Necessity (CPCN), which are issued and regulated by the Nevada Transportation Authority (NTA).

Tow car operators are required to comply with the provisions and regulations governing motor carriers. However, staying current with them is not easy. The bill is designed to ensure that operators receive the training they need so they are aware of new provisions and regulations.

Section 1 is the primary substantive provision and requires the NTA to provide annual training to tow car operators on any new provisions or regulations affecting tow cars and motor carriers under their authority. The annual training is mandatory, but if no new provisions or regulations were enacted in the preceding year, the training will not be held.

Section 2 allows a person to file a complaint against a tow car operator who fails to attend the annual training. The NTA will then be required to investigate the complaint.

Sections 3 and 4 are conforming provisions. Sections 5 and 6 are also conforming provisions to clarify that tow car operations, employed within Clark County to abate public nuisances, must take the annual training. Section 7 requires the first new training to be held by October 1, 2022, and authorizes the NTA to adopt any regulations necessary to implement the training program.

I have been asked about the references to holders of CPCNs and whether the bill is limited to tow car operators. It is limited solely to tow car operators. The bill summary, digest and conforming sections all relate specifically to tow car operators.

A proposed amendment has been submitted by the Nevada Trucking Association ([Exhibit B](#)) that will require the NTA investigators to receive the same training as the tow car operators. The proposed amendment will make the bill more effective.

DAWN GIBBONS (Chair, Nevada Transportation Authority):

The NTA supports S.B. 259 which will have tow operators and NTA staff training together. It will provide a relaxed environment which will encourage discussion of industry topics and issues.

Section 1, subsection 1 of the bill states the NTA shall provide tow company operators a yearly training session for any new provisions added to NRS 706.011 to NRS 706.791, inclusive, and new regulations that have been adopted by the NTA. If no new provisions or regulations are adopted, we are not required to host a training session.

The NTA supervisors are excited they will be teaching the training session. Many of our enforcement people and other staff will attend the training classes.

Prior to the pandemic, the NTA taught training classes on driver qualification files and vehicle maintenance files. The classes were well received. Carriers who were unable to attend them requested we offer them again. In view of our success with past training, we anticipate it will be easy to implement the new training classes.

The NTA will likely host in-person training in the Reno and Las Vegas offices. We have alternatives to in-person training. Webex allows for up to 200 participants. A participant can connect through computer audio, phone-in or video conferencing. Webex has been an effective tool when we hold our hearings and general session. Options exist for successful training.

We are happy to provide services on the bill with no fiscal note.

TESSA LAXALT (Nevada Trucking Association):

Our members include tow operators. We are in support of S.B. 259 with our proposed amendment [Exhibit B](#). The NTA will provide annual training to both tow car operators across the State and investigators of the NTA enforcement division. It will keep our tow operators apprised of new regulations set forth by the authorities from year to year.

Our proposed amendment makes it a better bill by ensuring that the tow car operator and the enforcement officers have the same understanding of the law. We thank the sponsor of the bill for supporting our proposed amendment.

LUCAS FOLETTA (Tow Operators of Northern Nevada):

We are here to provide supportive testimony. We appreciate the bill's sponsor working with us on the bill. A prior testifier said the proposed amendment will make it a better bill. We are hopeful the bill will increase communication among tow car operators and investigators of the NTA enforcement division and ensure a smooth transition as new provisions and regulations are implemented.

SENATOR DENIS:

The bill and the proposed amendment will direct NTA to provide training to tow car operators and NTA enforcement personnel. It will enable tow car operators to stay current with new provisions and regulations and foster a good working relationship with the NTA.

CHAIR HARRIS:

We will close the hearing on S.B. 259 and open the hearing on S.B. 232.

SENATE BILL 232: Revises provisions governing the operation of vehicles on certain highways in the State of Nevada. (BDR 43-69)

SENATOR PETE GOICOECHEA (Senatorial District No. 19):

Senate Bill 232 is a bill that I refer to as a commonsense bill. The bill will require the display of daytime running lamps or lighted lamps and illuminating devices on all two-lane highways. Two-lane highways are highways that have one lane for traveling in each direction in the State of Nevada.

Nevada Revised Statutes 484D.100, subsection 1, paragraph (a) requires lighted lamps and illuminating devices be displayed at any time from one-half hour after sunset to one-half hour before sunrise. I do not know if all drivers are aware of the requirement; I was not. If you are driving along the highway you would need to know the exact time of sunset and sunrise to comply with the law.

Nevada Revised Statutes 484D.100, subsection 1, paragraph (b) requires lighted lamps and illuminating devices be displayed at any other time when, because of insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1,000 feet ahead. I do not think I am capable of judging a distance of 1,000 feet accurately.

Section 4 of the bill addresses implements of husbandry, farm tractors and towed implements of husbandry. Section 5 of the bill addresses animal-drawn vehicles.

Senate Bill 232 will amend NRS 484D and require the display of daytime running lamps or lighted lamps and illuminating devices while operating on a two-lane highway at all times. We have thousands of miles of two-lane highways, and we need this bill.

I contacted the Nevada Department of Transportation (NDOT) and they provided an unsolicited fiscal note. The estimated cost was extremely high and I question if we need to spend \$1.8 million to sign all the highways reminding drivers that they must display their daytime running lamps or lighted lamps and illuminating devices. I doubt all drivers have read the criteria for existing requirements.

The bill will make our highways safer. It pertains to two-lane highways. The Nevada Department of Transportation suggested that we restrict it to U.S. routes, but safety is key and I did not want to limit my bill to these particular highways.

Most modern vehicles have a feature which turns on the daytime running lamps automatically. The bill will require that everyone on our two-lane highways display their daytime running lamps or lighted lamps and illuminating devices. The bill will make our highways safer.

Major Simpson, the Northern Commander for Nevada Highway Patrol (NHP), will now provide testimony and share accident statistics.

JAMES SIMPSON (Nevada Highway Patrol, Department of Public Safety):
The Department of Public Safety (DPS) and NHP are in support of S.B. 232.

I will present data as it relates to the daytime running lamps. The DPS Office of Traffic Safety received information today from the National Highway Traffic Safety Administration regarding daytime running lamps.

The statistics provided are from multiple studies conducted over the years.
Daytime running lamps reduced:

- Opposite direction daytime fatal crashes by 5 percent. This is when you have two-lane roads with vehicles traveling toward each other.
- Opposite direction/angle daytime crashes by 5 percent. This is when vehicles are at an intersection and they can see the cars coming.
- Pedestrian and cyclist daytime fatalities in single-vehicle crashes by 12 percent.
- Daytime opposite direction fatal crashes of a passenger vehicle with a motorcycle by 23 percent.
- Light truck and van involvement in two-vehicle crashes—head on crashes—by 5.7 percent.

Five percent might not seem significant, but if you have 200 fatalities a year, that is potentially 10 fewer people dying in crashes on our roadways in that year. For those families not having a member die from a fatal crash, it is significant.

I am speaking to you not only as the Deputy Chief for the NHP and responsible for 200-plus troopers, but as a parent of 3 boys who drive on two-lane roads in rural Nevada.

Having spent most of my time with NHP assigned to rural areas, I have traveled our State's highway system east to west, north to south and back again. I drive 40,000 miles a year, and I see a lot of crashes.

Drivers travel when they are tired. The daytime running lamps of an approaching vehicle might be a good reminder to a driver that they are tired and need to pay more attention.

Over the years, I have had discussions with various NHP employees on the safety benefits of utilizing daytime running lamps. For the past few years, I have used daytime running lamps on my personal vehicles and my State-issued cruiser. My children are aware of the safety issue.

The NHP shares a building with the DMV in Elko. I routinely lecture and speak to the young drivers at the DMV. I advise them to drive with their daytime running lamps on so they can be seen. It is important.

In the past few days, I have had discussions with coworkers regarding running daytime lamps. Scott Simon, our acting captain has been assigned to our Major Accident Investigation Team for the majority of his career and works out of our Ely office. He has seen a lot of crash fatalities and believes they make a difference as they help the driver judge distance and depth perception.

Anyone who has driven on U.S. Route 93 thinks they can see for 10 miles to 20 miles. However, the dips in the road can hinder visibility. Approaching daytime running lamps could alert you to an oncoming vehicle.

I spoke with Lieutenant Howell and he said daytime running lamps can help you see through the heat waves and mirages.

Many years ago, I saw a sign on the back of a Walmart tractor-trailer that read, "lights on for safety." I thought, if one of the largest corporations in the world turn their lights on for safety, it must be worth doing and is something we should consider doing on our highways.

Speaking as the Deputy Chief of the Nevada Highway Patrol, and a parent with children who drive cars, I am in support of this commonsense bill. The bill will make a difference.

SENATOR PICKARD:

Daytime running lamps are already required in large segments of our highways. Why do we require it on some highways and not all highways?

MR. SIMPSON:

I will direct that question to Rodney Schilling who works for NDOT.

RODNEY SCHILLING (Assistant Chief Traffic Operations Engineer, Nevada Department of Transportation):

When we receive a request for a certain segment of a road, we develop a daylight headlamp study plan which reviews crash rates. We compile data, and if signage is approved, we work with our districts responsible for signing that segment.

There are seven segments of roads throughout the State that we have signed, including segments of U.S. Route 93 and U.S. Route 95.

SENATOR PICKARD:

That makes sense. Rather than wait until someone dies on a segment that is not signed, would it make sense to have all two-lane highways signed?

MR. SIMPSON:

I agree. I drive these roads; my family drives these roads. I have driven long hours and have driven tired. I use my daytime running lamps. I want everyone driving on two-lane highways using theirs. If you can save one life, it is worth it. I have been working with law enforcement for 26 years and I dislike visiting crash sites, especially those that were preventable.

MS. LAXALT:

We support S.B. 232 as it increases safety measures for our truck drivers and our partners in safety and all of the motoring public.

SENATOR GOICOECHEA:

I want to find a way to reduce or remove the fiscal note on the bill. The bill is critical for highway safety and will save lives. Most of us use daytime running lamps. We need to make it mandatory for everyone driving on two-lane highways to use their daytime running lamps.

Remainder of page intentionally left blank; signature page to follow.

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CHAIR HARRIS:

We will close the hearing on S.B. 232. There being no further business, we are adjourned at 5:28 p.m.

RESPECTFULLY SUBMITTED:

Paula Peters,
Committee Secretary

APPROVED BY:

Senator Dallas Harris, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda
S.B. 259	B	1	Tessa Laxalt / Nevada Trucking Association	Proposed amendment