

ASSEMBLY TRANSPORTATION COMMITTEE MINUTES
May 8, 1975

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Members Present:

Chairman Glover

Mr. Howard

Mr. Dini

Mr. May

Mr. Dreyer

Mr. J. cobsen

Guests

Representing

John Ciardelli

Dept Motor Vehicle

Freddie Little

Dept Motor Vehicle

V.L. Fletcher

Dept Motor Vehicle

Bill Shewan

Highway Dept

John Madole

Assoc General Contractors

Noel Clark

Public Service Commission

Brian W. Firth

W.W. Richards

Motor Carrier Division DMV

Dan Sparkman

Easter Seals Society of Nev

Wayne Tetrault

Office of Highway Safety

Mr. and Mrs. Earl Christensen

Chairman Glover called the meeting to order at 3:55 p.m.

A.B. 772 Provides for designation of certain street and highway accident sites as hazardous areas

Assemblyman Robinson, introducer of the bill, spoke to the Committee first. He stated this bill came about because his plastic surgeon friends had spent so much time sewing up accident victims. He would like to see all these hazardous areas marked such as "dip ahead" "sharp curve"

Mr. Glover asked specifically where these areas were.

Mr. Robinson said one he knew of was at the intersection of Paradise Valley Road and Sahara, but he was not sure of all the others.

Grant Bastian, State Highway Engineer, told the Committee that his dept is at present developing a statewide inventory that will detail high hazardous locations on the highways, but the criteria is different than what is listed in A.B. 772. The reason for this inventory is so that we can receive highway safety funds from the Federal Government. He said if these signs were put up and no correction work was done on the problem areas then the liability of the State of Nevada would just be increased. There have been cases where putting up of these signs has been used against the Highway Dept.

Mrs. Hayes said that she thought the use of these signs would reduce the liability. Mr. Bastian said the public has misconstrued this though; they think the road should be fixed if the highway dept knows there is something wrong.

Mrs. Hayes said many of the hazardous areas in Vegas are because of heavy traffic problems, and she thought signs

could be put up indicating this without increased liability to the State because there isn't much that can be done with heavy traffic problems.

Wayne Tetrault, Highway Safety Dept, spoke next. He said his department has collected many statistics in these high hazardous areas and they have programs going on now attempting to reduce the accident rate.

A.B. 573 - Revises conditions that common and contract motor carriers must satisfy in order to qualify for reduced license fees.

Grant Bastian, State Highway Engineer, was opposed to the Bill. He said it would not be a big loss to the highway fund, but since the fund is having so many problems, we can't keep chipping away little by little. He thought the bill was moving in the wrong direction and only benefiting a few people in the hauling industry.

Wink Richards, Motor Carrier Dept of Dept of Motor Vehicle, testified next. He stated the amount of money this bill would cost the highway fund is \$16,425.00. He said there was a problem in the bill on line 5. Under the present statute NRS 706736.1 there is an exemption that says any vehicles operated wholly within the city are exempt from 70611 through 706791 which is a contradiction because this bill says that we are going to tax them at half fee if they operate within the city limits and under the exemption it says the exemption does not apply as long the vehicle is operated within the city limits. He said if this legislation was to be considered, he would like it for the common and contract carrier that only has the limited operating authority of the city limits plus five miles. What has happened is there have been a number of people out of state that are common and contract carriers that have moved into our metropolitan areas and just have a terminal and so this bill is also applying to their terminals even though it may be a corporation based out of state. Another solution Mr Richards said was to repeal 706511 because one of the biggest problems with enforcement is determining a city limit

Assemblyman Sena presented an opinion from the Attorney General defining the lines of the city limit. (See attached)

Assemblyman Jeffrey explained that this bill is amending the statute so that if the 5 mile radius enters into another a city limit then that city be given the same consideration of a 5 mile radius. He said there is a problem with the city of Henderson

Bob Guinn said there is no way his group can support this bill. He said if the committee gives this privilege to the common carrier then they have to give it to the private carrier as well. He said all departments need to come to some agreement on this problem in the next two years.

S.B. 394 Prohibits certain uses of special parking permits or plates for physically handicapped

~~Mr. Little, Dept of Motor Vehicle, stated that there have~~ been abuses of using the handicapped license plates mainly for overparking in these special parking areas. Now the dept will issue a permit or sticker that is transferable to allow privileges to a handicapped person when he is in the vehicle Mr. Ciardelli, Dept of Motor Vehicle, said handicapped license plates would be only on vehicle that a handicapped person was using every day. If handicapped person is using more than one car or if other people are driving his car when he is not with them, then they should get the sticker instead of the plates.

Dan Spartman, Easter Seal Society, stated that the bill was not clear on page 2 line 18-20. A person would have to change plates anytime a handicapped person was not in the car.

Mrs. Earl Christensen testified that she had checked with the Reno Police Dept, the Washoe County Sheriff Dept, and the Nevada Highway Patrol and all these depts told her she would be in violation of the law the way it reads now if she were driving her husband's car (who is a handicapped person) for her job if he were not in the car. She said she has already purchased the plates and does not want to pay the fee to get new ones.

Virgil Anderson suggested some new working: after the last word "person" on line 20 insert "for the purpose of obtaining the special parking privileges available under this section."

S.B. 496 Clarifies common or contract motor carrier penalties

Senator Dodge explained this bill was a result of a conference with the Public Service Commission who had had a problem with Franchised hay haulers. He said the bill will give an authority to the Public Service Commission to levy fines against persons who agree to perform a service and do not do it. Mr. Dini asked how many franchised hay haulers there were in western Nevada. Senator Dodge answered about 10

Noel Clark, Public Service Commission, told the Committee that there was a safeguard in this bill in that if there were a problem it would have to be decided by the Courts and the Commission could in no way arbitrate. It also provides civil penalty for uniformity both in the Motor Carrier and there is another bill which cleans up the penalty section of public utilities with a civil penalty which is almost identical.

Mr. Howard asked if this would cover all the haulers. Senator Dodge said yes all forms of transportation He also stated that the users of this service are not free to go out and get a truck that is not franchised

Mr. Jacobsen asked if we have provisions for those people

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out of state. Mr. Clark stated they would have to abide by their agreement the same way.

Mr. Robert Guinn, Nevada Motor Transport, presented an amendment to the committee to S.B. 496. (see attached) He said there is a problem with the justice department taking a position that even though the federal law permits collective rate making, and specifies that that is not a violation of the federal antitrust law, if the state itself does not have some authority for collective rate making and publishing joint tariffs on an intrastate basis then that is a possible violation of the federal anti trust law. This is the purpose of the amendment.

S.B. 120 Requires installation of curb ramps on public highways, roads, streets, and alleys

Grant Bastian, State Highway Engineer, told the committee that apparently the bill drafter had taken the liberty to add some changes to this bill. He said the way they had intended the bill to read the cost of any such ramp shall be born by public which originally commissions the construction or improvement not just the highway road street or alley.

Mr. May made a motion to indefinitely postpone S.B. 120. Mr. Dreyer seconded, and the motion was unanimous.

A.B. 775 Revises certain provisions regulating operation of taxicabs in larger counties

Bart Schouweiler representing Whittlesea Cab Co in Las Vegas spoke against certain parts of the bill; however he stated that he felt it was a better piece of legislation than S.B. 191. His 2 objections were: line 9-10 page 2 He felt 6 months was too long. Would like to see it changed to 30 days residency requirement or have it deleted. He was also opposed to line 11 on page 3.. He said it was too easy for a person to get around this. Maybe the wording is not good.

Mr. Jacobsen asked if 30 days was long enough to complete an investigation. Mr. Schouweiler stated that Mr. Cortez had agreed that it was. Mr. Jacobsen asked if he had any wording for line 11 page 3. Mr Schouweiler said either to delete it or change it to 10 hours in a 24 hour period.

S.B. 488 Enables board of directors of department of highways to establish statewide speed limit

Brian W. Firth presented a written statement against this bill. (see attached)

A.B. 351 Makes failure to comply with command or signal of authorized flagman or other person serving in traffic control capacity unlawful.

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Mr. Bill Shewan asked the committee to reconsider this bill with an amendment. (see attached) Mr. Jacobsen moved to reconsider, Mr. Howard seconded, and it was unanimous.

As there was no other testimony the guests were excused and a five minute recess was declared.

After the recess the following action was taken. Mrs Hayes was absent at time of voting.

A.B. 351 Mr. Howard moved a Do Pass as amended, Mr. Jacobsen seconded, and the motion was unanimous. Mr May voted No.

S.B. 488 Enables board of directors of department of highways to establish a statewide speed limit

Mr. Dini made a motion for Do Pass; Mr. Jacobsen seconded, and it was unanimous. Mr. May voted No.

A.B. 775 Revises certain provisions regulating operation of taxicabs in larger counties

Mr. Dini made a motion for Do Pass. It died for lack of a second. Mr. Howard moved to indefinitely postpone, Mr. Dreyer seconded and it was unanimous. Mr. Glover and Mr. Dini voted No.

S.B. 394 Prohibits certain uses of special parking permits or plates for physically handicapped

Mr. Howard made a motion to amend and Do Pass; Mr. May seconded and the vote was unanimous. Mr. Dini voted No

A.B. 573 Revises conditions that common and contract motor carriers must satisfy in order to qualify for reduced license fees. Mr. Jacobsen moved to indefinitely postpone; Mr. Dreyer seconded, and the vote was unanimous. Mr. Dini voted No.

A.B. 772 Provides for designation of certain street and highway accident sites as hazardous areas. Mr. Dini moved to indefinitely postpone; Mr. Dreyer seconded, and it was unanimous.

S.B. 496 Hold

S.B. 174 Exempts motor-assisted bicycles from motor vehicle registration and driver's license provisions and provides for application of traffic laws and certain equipment provisions to motor-assisted bicycles. Mr. May moved a Do Pass, Mr. Dreyer seconded, and the motion was unanimous.

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S.B. 434 Requires department of motor vehicles to issue license plates having representation of the desert bighorn sheep.

Mr. May made a motion for Do Pass. That motion died for lack of a second. The committee decided to hold this bill.

The following were assigned to speak on the bills.

A.B. 351 Mr. Howard

As there was no other business, the meeting was adjourned at 5:45 p.m.

Respectfully submitted,

Camille Lee
Assembly Attache

HEARING

COMMITTEE ON TRANSPORTATION

Date Thursday, May 8 Time 3:00 P.M. Room 214

Bill or Resolution to be considered	Subject
A.B. 573 ✓	Revises conditions that common and contract motor carriers must satisfy in order to qualify for reduced license fees.
A.B. 772 ✓	Provides for designation of certain street and highway accident sites as hazardous areas.
A.B. 775 ✓	Revises certain provisions regulating operation of taxicabs in larger counties
S.B. 496 ✓	Clarifies common or contract motor carrier penalties.
S.B. 394 ✓	Prohibits certain uses of special parking permits or plates for physically handicapped
S.B. 120 ✓	Requires installation of curb ramps on public highways, roads, streets, and alleys
S.B. 488 ✓	Enables board of directors of department of highways to establish statewide speed limit

The Assembly Transportation Committee has voted unanimously to suspend Assembly Standing Rule #92 for the remainder of the 58th Session

AB 351

SB 174

SB 434



DEPARTMENT OF MOTOR VEHICLES

555 WRIGHT WAY

CARSON CITY, NEVADA 89701

MOTOR CARRIER DIVISION

DIRECTOR'S STAFF:

DEPUTY ATTORNEY
GENERAL

Richard Bortolin
(702) 882-7591

HIGHWAY SAFETY
COORDINATOR

John W. Borda
(702) 882-7307

INTERNAL AUDITOR

Leonard H. Winkelman
(702) 882-7158

LAS VEGAS
REPRESENTATIVE

Marjorie Robinson
(702) 385-0322

PERSONNEL OFFICER

Bruce W. Cheney
(702) 882-7820

PUBLIC INFORMATION
OFFICER

Martin Bibb
(702) 882-7300

TRAINING OFFICER

William E. Bradley
(702) 882-7820

DIVISIONS:

ADMINISTRATIVE
SERVICES

J. W. Williams
Chief
(702) 882-7305

AUTOMATION

Hale B. Bennett
Chief
(702) 882-7316

DRIVER'S LICENSE

William A. Fitzpatrick
Chief
(702) 882-7286

HIGHWAY PATROL

James L. Lambert
Chief
(702) 882-7353

MOTOR CARRIER

Winston W. Richards
Chief
(702) 882-7311

REGISTRATION

H. John Ciardella
Chief
(702) 882-7301

March 29, 1973

Re: Telephone Conversation
this date regarding
commercial vehicle taxes
and exemptions, N.R.S. 706

Mr. Gary Johnson
Henderson Chamber of Commerce
152 Water Street
Henderson, Nv. 89015

Dear Mr. Johnson:

I am enclosing the complete Department of Motor Vehicles' statutes. For your detailed information refer to N.R.S. 706.036, 706.041, 706.046, 706.051, 706.111 for definitions regarding common, contract, and private carriers.

706.501 provides for a private carrier license fee for single vehicle; 706.506 is the annual unladen weight license fees; 706.511 license fees for vehicles operated exclusively within city and adjacent areas; 706.736 provides for exemptions for certain motor vehicles with emphasis on Subsection 3: "Private motor carriers of property operating within a 5-mile radius of the limits of a city."

I hope this information will be the information you are seeking regarding the taxes required for commercial vehicles.

If we can be of further assistance, please feel free to contact the division at any time.

Very truly yours,

Handwritten signature of W. W. Richards in cursive.

W. W. Richards, Chief
Motor Carrier Division

WWR/th
Enclosures



CITY OF HENDERSON

CITY HALL

243 WATER STREET

702/565-8921

HENDERSON, NEVADA 89015

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Gateway to Lake Mead Resorts

July 12, 1973

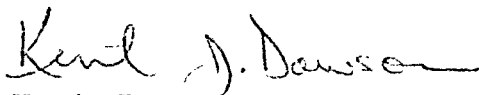
Mr. Gary Johnson
Executive Director
Henderson Chamber of Commerce
152 Water Street
Henderson, Nevada 89015

Dear Gary:

The following is a list of references to Attorney General Opinions dealing with the exemption created by NRS 706.736 (3):

1. A.G.O. 1967-8 P. 117 (1967/#475)
Rationale for 5 mile radius
Exemptions: "Carriers would primarily use city streets, with very little use of state highways."
2. A.G.O. 1964-5 P. 89 (1964/#194)
"...radius would include all territory within a line drawn completely around the city at a point 5 miles from every point or projection of such city or town"
3. A.G.O. 1963-4 P. 47 (1963/#69)
"Those seeking exemption must present a clear case free from doubt...such laws being in derogation of the general rule must be strictly construed against the person claiming the exemption and in favor of the public."
4. A.G.O. 1960-1 P. 131 (1961/#209)
(Federal Authority Cited)
Continental Baking Co. vs. Woodring
286 US 352
(5 mile policy reiterated in interpretation of similar Kansas Statute)

I hope that the foregoing will be of help to you.


Kent J. Dawson,
Assistant City Attorney

203 Federal Building ³⁹⁷
705 North Plaza Street
Carson City, Nev. 89701
March 9, 1973

Jules Sarrett
Nevada Cartage Company
P.O. Box 4567
Las Vegas, Nevada 89106

Re: Las Vegas, Nevada
Commercial Zone

Dear Mr. Sarrett;

I regret the delay in responding to your letter dated January 9, 1973 by which you inquired as to whether the city of Henderson, Nevada is within the Commercial Zone of Las Vegas, Nevada. A substantial amount of research has been required in order to answer your question.

Mr. E. J. Downey, Clark County, Nevada, Director of Planning recently advised me that recent annexation actions by the city of Henderson, Nevada results in extending the city boundary to a point that is 24,921.76 feet or 4.72 miles from the nearest proximity to the Las Vegas, Nevada city boundary. Based on this information it is my opinion that the city of Henderson is included in the Commercial Zone of the Las Vegas.

It is also my opinion that the "Industrial Complex", an unincorporated area, entirely surrounded by the city of Henderson, is also included in the Commercial Zone of the city of Las Vegas.

I hope the foregoing will be of some assistance to you.

Respectfully,

Robert G. Harrison
District Supervisor

cc: Donald Dawson, City Manager, Henderson, Nev.
Regional Director Van Cleave
Nevada PSC



PUBLIC SERVICE COMMISSION
STATE OF NEVADA

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222 E. WASHINGTON STREET
CARSON CITY, NEVADA 89701

Address all communications to the Commission
Telephone (702) 882-7341

June 14, 1973

Mr. Gary Johnson
Executive Director
Henderson Chamber of Commerce
152 Water Street
Henderson, Nevada 89015

Dear Gary:

In response to the questions posed in your letter of June 4, 1973, with reference to the portion of NRS 706.511 reading "within the limits of a city and an area 5 miles outside such limits", we can more accurately define such an area as "within the city limits and a radius of 5 airline miles of such city limits". -

If you have any further questions, please let us know.

Very truly yours,

PUBLIC SERVICE COMMISSION OF NEVADA

Noel A. Clark
NOEL A. CLARK
Chairman

NAC:NI

Add a new section as follows:

Section 2. NRS 706.151 is hereby amended to read as follows:

706.151 1. It is hereby declared to be the purpose and policy of the legislature in enacting this chapter:

(a) Except to the extent otherwise provided in NRS 706.881 to 706.885, inclusive, to confer upon the commission the power and authority and to make it the duty of the commission to supervise and regulate common and contract motor carriers and brokers, and to regulate for licensing purposes private motor carriers of property when used for private commercial enterprises on the highways of this state, and to confer upon the department the power and authority to license all motor carriers, so as to relieve the existing and all future undue burdens on such highways arising by reason of the use of such highways by vehicles in a gainful occupation thereon;

(b) To provide for reasonable compensation for the use of such highways in such gainful occupations, and enable the State of Nevada, by a utilization of the license fees, to provide more fully for the proper construction, maintenance and repair thereof, and thereby protect the safety and welfare of the traveling and shipping public in their use of the highways; and

(c) To provide for fair and impartial regulation, to promote safe, adequate, economical and efficient service and foster sound economic conditions in motor transportation, and to encourage the establishment and maintenance of reasonable charges for such transportation services, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices. In furtherance of the objectives of this subparagraph the Commission shall adopt rules and regulations providing for collective agreements between two or more motor carriers relating to fares, rates, classifications, divisions, allowances (including charges between carriers and compensation paid or received for the use of facilities and equipment), provided, however, such rules and regulations may not provide for collective agreements which preclude the unrestrained right of any party to take free and independent action.

2. All of the provisions of this chapter shall be administered and enforced with a view to carrying out the declaration of policy contained in subsection 1.

A. B. 351

ASSEMBLY BILL NO. 351—COMMITTEE ON
TRANSPORTATION

MARCH 5, 1975

Referred to Committee on Transportation

SUMMARY—Makes failure to comply with command or signal of authorized flagman or other person serving in traffic control capacity unlawful. Fiscal Note: No. (BDR 43-928)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

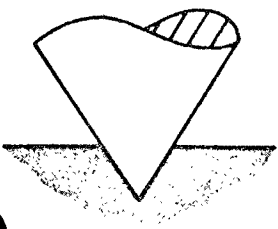
AN ACT relating to traffic laws; making unlawful any failure to comply with a command or signal of an authorized flagman or other person serving in a traffic control capacity; creating a penalty; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Chapter 484 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 1. *It is unlawful for a driver of a vehicle to fail or refuse to comply*
4 *with any ~~signals~~ signals of an authorized flagman ~~or other person~~*
5 *serving in a traffic control capacity in a clearly marked area of highway*
6 *construction or maintenance.*
7 2. *As used in this section, "authorized flagman ~~or other person~~ serv-*
8 *ing in a traffic control capacity" means an employee of the department of*
9 *highways or of a contractor performing highway construction or mainte-*
10 *nance for the department while he is carrying out the duties of his employ-*
11 *ment.*

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Max Riggs Pre-bid G.
Robt. Helmer Stewart Con. Co.
Klococh Const.



Brian W. Firth

CONSULTING LOGICIAN

CARSON CITY
NEVADA 89701

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INTELLIGENT LIFE ≡ SCIENTIFIC METHOD ≡ ENGINEERING DESIGN ≡ CYBERNETIC CONTROL ≡ FREE ENTERPRISE

Transportation Committee,
The Assembly.

May 6th., 1975.

Senate Bill 488

No part of NRS 484.361 has any place in the criminal statutes of a republic.

Sub-section 2 is a defective definition of a crime: a criminal law must define the crime in such a manner that a person can recognize the act as criminal prior to, and not subsequent to, the commission of the act. Sub. 2 requires that the individual use his own judgement.

Sub-section 1 conflicts with sub.2 in denying the right of the person to use his own judgement: it states, in effect, that it is a crime to make a mistake. This is bad law at its worst: instead of drawing a division between conduct which is wrongful and conduct which is innocent, it discriminates between persons who are competent and persons who are incompetent.

Sub-section 3 challenges the basic concept that there is to be a government of laws and not of men. If an act is a crime, then no man may perform it and no man may condone it (unless it be the victim): but if an act is not a crime, then any man is at liberty to do it and take the consequences.

Sub-section 4 defies the express commands of the people. The people have constituted a federal republic, and enacted safeguards to ensure that it remains a federal republic - for instance, that the officers of the National Guard be appointed by the States. The legislature is in contravention of the Constitution when it denies that the State of Nevada is self-governing and pretends that there can be a national maximum speed limit.

Even if the highway provider and the highway users had agreed together that high-performance vehicles should pay taxes at a higher rate, it would still not be a crime for a user who had paid the low rate of tax to drive at the high speed: the remedy of the highway provider would be to sue for breach of contract in the civil court, and secure whatever damages the jury saw fit to award.

Submitted;