

SENATE TRANSPORTATION COMMITTEE

MINUTES OF MEETING

Tuesday, March 29, 1977

The meeting was called to order in Room #323, Legislative Building at 2:00 p.m. on Tuesday, March 29, 1977.

Senator Richard Blakemore was in the chair.

PRESENT: Senator Richard Blakemore, Chairman
Senator Keith Ashworth, Vice Chairman
Senator Margie Foote
Senator Joe Neal
Senator Wilbur Faiss
Senator William Hernstadt
Senator Clifton Young

OTHERS PRESENT: Senator Carl Dodge
Daisy Talvitie, League of Women Voters
John Borda, Office of Traffic Safety
Darryl Capurro, Nevada Motor Transport Ass'n.
James Lambert, Chief, Nevada Highway Patrol
Grant Bastian, Nevada Highway Department
William Fitzpatrick, Driver's License Division
John Ciardella, Registration Division
W. Richards, Motor Carrier Division
Walter Scott, Motor Carrier Division
Robert Guinn, Nevada Motor Transport Ass'n
Assemblyman Sue Wagner
Assemblyman John Jeffrey

The Committee then heard testimony on the following measures:

SB 311 REVISES SANCTIONS IMPOSED FOR EXCEEDING NATIONAL MAXIMUM SPEED LIMIT AND LIMITS INSURANCE RATE INCREASES THEREFOR.

Senator Dodge testified that the sole purpose he had for introducing this bill was because the 55 mile speed limit had been forced upon the State and when drivers were ticketed for speeding between 55 and 70 miles per hour (which was never done before two years ago except when a person was ticketed for reckless driving) this citation is recorded and not only are drivers being imposed with points, but the insurance companies are raising rates and/or cancelling insurance policies. He felt this was extremely unfair to Nevada drivers. He said that he was aware that the Federal Department of Transportation could hold back State Highway funds if the state were to lessen penalties of enforcement of the 55 mile speed limit. He did feel, however, that if the bill included an amendment for a safety clause whereby the state could negate the bill if the DOT were to penalize Nevada for not

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enforcing the 55 mile speed limit. He also said that he would agree to any increase in fines imposed on those ticketed for driving speeds between 55 mph and 70 mph. He felt that it should be left up to the traffic judges as to what penalties be given to repetitive offenders.

Senator Dodge closed by urging that the members of the Committee address the insurance part of the problem which was caused by the fallout of the imposed 55 mile speed limit law.

Ms. Daisy Talvitie, League of Woman Voters said that she had no consensus of the League regarding SB 311, however, she clarified that the environmentalists attitude is that they are always pressuring Congress to do two things: 1) Clean up automobiles; and 2) Do it in a manner that reduces the consumption of gasoline. She stated that the one thing the Committee could do in that matter which would help the environmentalists would be to send a resolution to Congress to the affect that Nevada stands behind that approach.

John Borda of the Office of Traffic Safety testified that if the speed limit law is weakened we will see an increase in traffic fatalities. He then distributed a telegram from the Department of Transportation which stated that any state that does not strictly enforce the 55 mile speed limit will result in the immediate cessation of project approval under 23 USC 106 (withholding of State Highway Department funds.) See Attachment A.

Senator Neal said that he believed that the spirit of the law must be compatable with the instrument of the law and he felt that SB 311 would bring back into focus the spirit of the law.

Senator Hernstadt asked if Mr. Borda felt that it would be considered a weakening of the 55 mile an hour speed limit law if the Legislature were to change the insurance law regarding this matter? Mr. Borda said he did not believe so.

Darryl Capurro, representing the Nevada Motor Transport Association, was the next to testify. He urged the Committee that if they process the bill that they include the language that this law would be null and void if the

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Department of Transportation tells the Highway Department that they will take away Highway funds because of noncompliance.

James Lambert, Chief of the Highway Patrol was the next to testify. He said that if the meaning of misdemeanor were changed to traffic infraction for speeding violations, as it has been in New York, and many places, this does not change the points assessed against the violation.

Senator Blakemore asked how the insurance companies get traffic violation information on drivers? Mr. Lambert said that they ask for and get it from the Driver's License Division just as anyone can ask and get this information for a fee.

Grant Bastian, State Highway Engineer, Highway Department stated that if this law were passed and there were no safety clause in it, it could mean the loss of \$47 million and 5,000 jobs.

AB 15 REDUCES DRIVER'S LICENSE FEES FOR OLDER PERSONS

William Fitzpatrick, Chief, Driver's License Division, said that the Department was not appearing in favor or opposing this measure. He stated that there are 12,500 persons licensed in the State who are over 70 years of age, therefore, it would reduce the monetary input into the Highway fund by that amount of money every two years. He remarked that there is another bill (SB 57) which, if enacted, would eliminate this inequity and make all driver licenses for four year periods.

SB 375 REQUIRES REGISTRATION AND LICENSING OF CERTAIN SPECIAL MOBILE EQUIPMENT FOR MOVEMENT ON HIGHWAYS.

Senator Hernstadt stated that the reason for his introducing this bill because he had a constituent who had had private property destroyed by a piece of construction equipment going down the street and running over a section of her lawn. She was unable to be reimbursed for this damage because there was no identification marks on the equipment so that she could find the owner. This bill would require that this type of equipment would have to be registered and carry some type of identification when traveling on roadways. The fee would be minimal and possibly given on a one time basis.

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Mr. John Ciardella, Chief, Registration Division, Department of Motor Vehicles stated that there was approximately 12,000 pieces of this type of equipment in the state that this legislation would affect. He then offered some amendments (see Attachment B) if the Committee were to process the measure.

Mr. W. Richards and Mr. Walter Scott, of the Registration Division, Department of Motor Vehicles stated that they didn't have any objection to the bill as far as identification was concerned, however, the way the bill has been drafted; on page 1, line 3, it refers to "owner." This could be any owner from any state in the Union and any equipment operating in the state from another state comes under the Prorate Registration Apportionment Act" and the Motor Carrier Division would then be charged with prorating any fee which would mean that we would only be collecting approximately \$.01 on over half of these vehicles for identification registration. The only way we could get away from this is if the wording were changed to read "identification fee" instead of "registration fee."

AB 422 REVISES DISTRIBUTION OF MOTOR VEHICLE PRIVILEGE TAXES.

Assemblyman Jeffrey could not be present until later to testify on this measure.

Robert Guinn of the Nevada Motor Transport Association testified that there is presently a provision in the law which provides that the privilege taxes collected from interstate operators be allocated between the counties on a formula basis. As it is now, some of the counties are dealing with very small amounts. This bill does not disturb the formula for distributing these privilege taxes, it simply says that it shouldn't be less than \$100, which makes it easier to dispense the money. He felt that it was probably a good piece of legislation.

Chairman Blakemore stated that the Committee would wait to take action until they heard from Mr. Jeffrey.

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AB 15 REDUCES DRIVER'S LICENSE FEES FOR OLDER PERSONS.

Assemblyman Sue Wagner testified that the reason this bill was introduced was because Senator Gojack, bill (SB 57) which addressed this same issue, was killed in the Assembly Transportation Committee. Mrs. Wagner said that basically the bill just equalizes the fees charged for driver's licenses for those over 70 years of age with those under 70 years of age. NRS 483.380 requires those over 70 years of age to renew every two years and other people every 4 years. The person over 70 would pay \$3 every two years, thus costing him a total of \$6 every four years, whereas those under 70 pay only \$5 every four years. This would equalize this charge by lowering the fee for those over 70 to \$2 every two years plus \$1 for their photograph and \$5 every four years for those under 70 years of age plus \$1 for their photograph.

THE COMMITTEE THEN TOOK ACTION ON THE FOLLOWING BILLS:

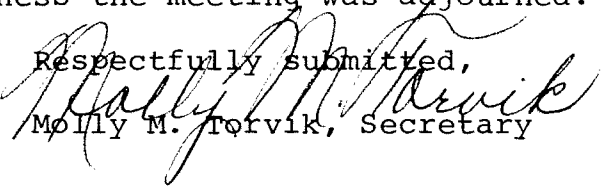
AJR 13 Senator Ashworth moved DO PASS.
Senator Neal seconded the motion.
Motion carried with Senators Ashworth, Neal, Faiss
Hernstadt and Blakemore voting aye. Senators Young
and Foote voted nay.

SB 311 Senator Neal moved DO PASS.
Senator Hernstadt seconded the motion.
Motion carried with Senators Ashworth, Neal, Hernstadt
and Faiss voting aye. Senators Blakemore, Young and
Foote voted nay.

SB 375 Senator Ashworth moved DO KILL.
Senator Young seconded the motion
Motion carried with all voting aye except Senator
Hernstadt, who did not vote.

There being no further business the meeting was adjourned.

Respectfully submitted,


Molly M. Torvik, Secretary

APPROVED BY:


Senator Richard Blakemore, Chairman

AMENDMENT TO SENATE BILL 311

Add a new section which shall read as follows:

Sec. 7. This act shall not be operative whenever it is determined by the State Highway Board that the provisions of this act will prevent the State of Nevada from receiving any federal funds for highway purposes.

THE ATTACHED TELEGRAM WAS RECEIVED BY
GOVERNOR MIKE O'CALLAGHAN ON MARCH 28, 1977

THE TELEGRAM WAS SENT TO ALL GOVERNORS BY
BROCK ADAMS, SECRETARY, U. S. DEPARTMENT OF TRANSPORTATION

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PMS HON. MIKE O CALLAGHAN

GOVERNOR OF NEVADA

CARSON CITY, NEVADA

THE FOLLOWING IS A CORRECTED COPY OF MAILGRAM SENT 3/26/77:
PROPOSALS HAVE BEEN INTRODUCED IN MANY STATE LEGISLATURES
CONCERNING THE NATIONAL MAXIMUM SPEED LIMIT. IN ORDER TO
FORESTALL CONFUSION AS TO THE FEDERAL COMMITMENT TO THE 55
M.P.H. SPEED LIMIT, I ENLIST YOUR SUPPORT IN COMMUNICATING
TO YOUR LEGISLATURE AND THE PUBLIC MY POSITION ON THAT LAW.

1201 (RS-00)

I REMAIN COMMITTED TO THE 55 M.P.H. SPEED LIMIT. THE CONTINUED
DEPENDENCE UPON FOREIGN ENERGY SOURCES UNDERLIES THE CONSERVATION
ROLE OF THE LIMIT, AND THE CONTINUED SAVINGS OF LIFE REFLECTED IN
THE FATALITY REDUCTION RATE HIGHLIGHT THE IMPORTANCE OF THE SPEED
LIMIT AS A NATIONAL REQUIREMENT.

ACCORDINGLY, THE ENACTMENT OF ANY HIGHER SPEED LIMIT WILL INDICATE
YOUR NONCOMPLIANCE WITH 23 USC 154 AND RESULT IN THE IMMEDIATE
CESSATION OF PROJECT APPROVAL UNDER 23 USC 106.

IN ORDER TO ACHIEVE A 55 M.P.H. SPEED LIMIT, A STRONG ENFORCEMENT
POSTURE IS NECESSARY. THIS INCLUDES A LAW WITH STRICT PENALTIES
FOR VIOLATORS. ANY LESSENING OF PENALTIES WHICH CREATES A

SITUATION WHERE VIOLATORS ARE PENALIZED LESS NOW FOR FAILING TO COMPLY WITH SPEED LIMITS THAN PRIOR TO ENACTMENT OF THE 55 M.P.H. LAW WILL RAISE A SUBSTANTIAL QUESTION AS TO WHETHER THE STATE IS IN COMPLIANCE WITH 23 USC 141.

EROCK ADAMS
SECRETARY OF TRANSPORTATION
DEPARTMENT OF TRANSPORTATION
WASHINGTON DC 20590
TLX 89-2427
NNNN

Department of Motor Vehicle Motor Carrier Division
recommended amendment to SB 375

Page 5, after line 16 add:

12. The provisions of NRS 706.801 to 706.861, inclusive,
do not apply to vehicles which are exempt from regu-
lation and licensing as a motor carrier under subsection
10 of NRS 706.736.

or

Page 5 line 16 to read:

11. For special mobile equipment, the registration fee shall
be \$10[.] not subject to the provisions of NRS 706.801 to
706.861, inclusive.

ASSEMBLY JOINT RESOLUTION NO. 13—ASSEMBLYMEN
DINI, MELLO, SERPA, JACOBSEN, MOODY, DEMERS,
SENA, MANN, MAY, HICKEY, ROBINSON, COULTER,
SCHOFIELD, DREYER, JEFFREY, HAYES, HOWARD,
WEISE, HARMON, GOODMAN, BARENGO, PRICE, KOSIN-
SKI, GOMES, HORN, RHOADS, CRADDOCK, CHANEY,
POLISH AND BROOKMAN

JANUARY 20, 1977

Referred to Committee on Transportation

SUMMARY—Memorializes Congress to permit states to raise speed limit to at
least 65 miles per hour outside urban areas. (BDR 511)

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

ASSEMBLY JOINT RESOLUTION—Memorializing Congress to amend the
Emergency Highway Energy Conservation Act to permit states to raise the
speed limit to at least 65 miles per hour outside urban areas.

- 1 WHEREAS, Many states contain large geographical areas with sparse
2 population and low traffic density; and
3 WHEREAS, Travel between urban areas within these states frequently
4 requires driving for long distances through sparsely settled country with
5 little traffic; and
6 WHEREAS, Many motor vehicles do not operate efficiently at the pres-
7 ent maximum speed limit but could be operated safely at their efficient
8 speeds outside urban areas; and
9 WHEREAS, A slightly higher maximum speed outside urban areas
10 would facilitate travel, reduce driver fatigue, improve the efficiency of
11 many vehicles, and not significantly affect total fuel consumption in the
12 nation as a whole; now, therefore, be it
13 *Resolved by the Assembly and Senate of the State of Nevada, jointly,*
14 That the legislature hereby memorializes the Congress of the United
15 States to amend the Emergency Highway Energy Conservation Act to
16 permit states to raise the speed limit to at least 65 miles per hour outside
17 urban areas; and be it further
18 *Resolved,* That copies of this resolution be prepared and transmitted
19 forthwith by the legislative counsel to the Vice President of the United
20 States as presiding officer of the Senate, to the Speaker of the House of
21 Representatives and to all members of the Nevada congressional delega-
22 tion; and be it further
23 *Resolved,* That this resolution shall become effective upon passage
24 and approval.

SENATE BILL NO. 311—SENATORS
DODGE AND ASHWORTH

MARCH 7, 1977

Referred to Committee on Transportation

SUMMARY—Revises sanctions imposed for exceeding national maximum speed limit and limits insurance rate increases therefor. (BDR 43-1070)

FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: No.

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

AN ACT relating to the national maximum speed limit; revising the sanctions for driving at rates of speed greater than that limit; prohibiting insurers from imposing increased motor vehicle insurance rates due to certain lesser violations; 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 the provisions set forth as sections 2 and 3 of this act.
3 SEC. 2. "National maximum speed limit" means the speed limit speci-
4 fied in section 114 of P.L. 93-643 (23 U.S.C. § 154).
5 SEC. 3. 1. *A person who drives or operates a vehicle of any kind or*
6 *character at a rate of speed which would not be unlawful except that it is*
7 *1 to 15 miles per hour greater than the national maximum speed limit is*
8 *guilty of unnecessary waste of a resource currently in short supply.*
9 2. *Every person convicted of unnecessary waste of a resource cur-*
10 *rently in short supply shall be punished by a fine of not less than \$5 nor*
11 *more than \$15.*
12 3. *A violation of this section does not become a part of the driver's*
13 *record.*
14 SEC. 4. NRS 484.013 is hereby amended to read as follows:
15 484.013 As used in this chapter, unless the context otherwise
16 requires, the words and terms defined in NRS 484.015 to 484.217, inclu-
17 sive, and section 2 of this act, have the meaning ascribed to them in
18 [such] those sections.
19 SEC. 5. NRS 484.361 is hereby amended to read as follows:
20 484.361 It is unlawful for any person to drive or operate a vehicle
21 of any kind or character at:

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SENATE BILL NO. 375—SENATOR HERNSTADT

MARCH 22, 1977

Referred to Committee on Transportation

SUMMARY—Requires registration and licensing of certain special mobile equipment for movement on highways. (BDR 43-1164)

FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: No.

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

AN ACT relating to vehicle licensing and registration; requiring registration and licensing of certain special mobile equipment before movement on any highway; providing for a registration fee; 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 482 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:

3 1. *Except as provided in NRS 482.210, the owner of any special*
4 *mobile equipment intended to be moved upon any highway in this state*
5 *shall, before such movement, apply for a registration certificate and*
6 *license plates for the current registration period.*

7 2. *The license plates shall be displayed on the front and rear of the*
8 *special mobile equipment at all times during which it is being moved*
9 *upon any highway.*

10 3. *License plates and certificates of registration issued pursuant to this*
11 *section shall be used for purposes of identification only and shall not be*
12 *used on any other type of vehicle.*

13 4. *The director may make an individual determination as to whether*
14 *any particular vehicle or kind of vehicle shall be registered as special*
15 *mobile equipment pursuant to this section.*

16 SEC. 2. NRS 482.123 is hereby amended to read as follows:

17 482.123 1. "Special mobile equipment" means every vehicle not
18 designed or used primarily for the transportation of persons or property
19 and only incidentally operated or moved upon a highway, including but
20 not limited to scoopmobiles, forklifts, ditch-digging apparatus, well-boring
21 apparatus and road construction and maintenance machinery such as
22 asphalt graders, bituminous mixers, bucket loaders, tractors other than
23 truck tractors, leveling graders, finishing machines, motor graders, road

Original bill is 5 pages long.
Contact the Research Library for
a copy of the complete bill.