

MEMBERS PRESENT

Chairman Sena  
Vice Chairman Glover  
Mr. FitzPatrick  
Mrs. Hayes  
Mr. Polish  
Mr. Prengaman  
Mrs. Wagner  
Mrs. Westall

MEMBERS ABSENT

Mr. Stewart

GUESTS PRESENT

Sally E. Landis, Ormsby Assn. for Retarded Citizens  
Jim Pollard, Developmental Disabilities Planning Council  
Ted Robey, Las Vegas  
Orvis Reil, NRTA and AARP  
Hap Haight, Retired Senior Volunteer Program  
Daryl E. Capurro, Nevada Motor Transport Assn.

Chairman Sena called the meeting to order at 3 p.m.

Assembly Bill 66 - Exempts certain transportation of elderly and handicapped persons from requirement of obtaining certificate of public convenience and necessity.

Assembly Bill 79 - Permits reduced rates of transportation for elderly and handicapped persons.

Mrs. Hayes and Mr. Glover were members of the interim subcommittee to study the feasibility of creating a commission to regulate transportation and A.B. 66 and A.B. 79 were proposed as a result of this study.

In discussing A.B. 66, Mrs. Hayes said there are a number of vans and minibuses being used to transport the elderly and handicapped on a nonprofit basis and the subcommittee was of the opinion that these should not be required to obtain a certificate of public convenience and necessity. The subcommittee did believe that such vehicles should be subject to safety inspection and insurance requirements under the Public Service Commission. In response to a question by Mr. Polish, Mr. Glover explained that these nonprofit groups had to meet certain criteria to qualify for federal funds.

Mr. Prengaman said it had been suggested to him that the words "physically handicapped" were restrictive and that possibly the word "physically" should be deleted. The committee discussed the definition of "handicapped" and the possibility of including "mentally handicapped" in line 11.

Mrs. Hayes explained that the purpose of A.B. 79 was to correct inconsistencies in the statute inasmuch as the elderly can now ride at reduced fares and the handicapped can not. The handicapped are requesting the same privilege.

Mrs. Wagner asked to whom the written statement from a physician was to be presented. Mrs. Hayes said it would be presented to the public utility company who would then issue a card to the person qualifying. Under the current law, the public utility company has no authority to do this for handicapped persons.

Mr. Ted Robey appeared in support of A.B. 66 as he is interested in forming a nonprofit business under a federal grant for the transportation of elderly and handicapped but had been told by the PSC that a certificate of public convenience and necessity was required. Mr. Robey further expressed the opinion that taxicabs should be included in A.B. 79 since they would be more convenient in many instances.

Sally E. Landis also supported A.B. 66, but requested that the word "physically" be stricken from line 11. Ms. Landis is currently providing transportation for elderly and handicapped persons and is working under a federal grant. She described her operations which meet all safety and insurance requirements.

Mr. Capurro questioned whether A.B. 66 was properly written to cover the intent of the interim subcommittee as he is not certain it ensures that safety inspections or insurance requirements must be met by the nonprofit carrier. He discussed the definition of a common motor carrier of passengers under Chapter 706 and expressed doubt that A.B. 66 was necessary. Mr. Capurro further questioned deleting the word "physically" and the vagueness of "nonprofit carrier".

Mr. Glover said that he and Mrs. Hayes would review A.B. 66 and try to clear up the various questions raised.

Hap Haight, supporting A.B. 66, described the transportation operations of the Retired Senior Volunteer Program and its usefulness to the elderly and handicapped. He did not believe that any organization operating in this manner should have to qualify for a certificate of public convenience and necessity.

In discussing A.B. 79, Mr. Capurro asked the committee to bear in mind that the first part of the bill is on Chapter 704 which is the Utility Act, and pages 2, 3 and 4 are on Chapter 706, the Motor Carrier Act. He said the question of "physically" handicapped was also contained in this bill. He further informed Chairman Sena that representatives of taxicab companies should be contacted to ascertain if there would be problems including them in A.B. 79.

Mr. Pollard said the Developmental Disabilities Planning Council was concerned with the exclusion of "mentally handicapped" from A.B. 79. He also felt the words "written statement from a physician" might be inappropriate and should be changed to "written statement from a physician or other qualified person" or "written statement from a physician or certified psychologist".

Mr. Prengaman commented that he thought A.B. 66 was directed to the wrong section of the statutes since it is directed to 706.386 and he feels it should be 706.406. Mr. Glover said he and Mrs. Hayes would also check that aspect of the bill.

Chairman Sena said that Mr. Bart Jacka, Director of the Department of Motor Vehicles, and Mr. Larry Ketzenberger, Las Vegas Metropolitan Police Department, had informed him it was their opinion that the penalty for muffler violations should be the same for both automobiles and motorcycles. Chairman Sena asked the committee to consider this in forming an opinion on A.B. 44.

Mr. FitzPatrick presented the committee with proposed amendments to A.B. 42, a copy of which is attached as Exhibit A. Chairman Sena requested Mr. FitzPatrick to ask Mr. Daykin why the words, "moved upon a public highway" were deleted.

Chairman Sena announced that the meeting set for February 6, 1979, would be cancelled.

The meeting was adjourned at 4 p.m.

Respectfully submitted,

Jane Dunne  
Assembly Attache

1979 REGULAR SESSION (60TH)

| ASSEMBLY ACTION  |                          | SENATE ACTION    |                          | Assembly      | AMENDMENT BLANK             |
|------------------|--------------------------|------------------|--------------------------|---------------|-----------------------------|
| Adopted          | <input type="checkbox"/> | Adopted          | <input type="checkbox"/> | AMENDMENTS to | Assembly                    |
| Lost             | <input type="checkbox"/> | Lost             | <input type="checkbox"/> |               | <del>Joint</del>            |
| Date:            |                          | Date:            |                          | Bill No. 42   | <del>Resolution No.</del>   |
| Initial:         |                          | Initial:         |                          | BDR 43-882    |                             |
| Concurred in     | <input type="checkbox"/> | Concurred in     | <input type="checkbox"/> | Proposed by   | Committee on Transportation |
| Not concurred in | <input type="checkbox"/> | Not concurred in | <input type="checkbox"/> |               |                             |
| Date:            |                          | Date:            |                          |               |                             |
| Initial:         |                          | Initial:         |                          |               |                             |

Amendment N<sup>o</sup> 33



Amend section 1, page 1, by deleting lines 2 through 4 and inserting:

"484.455 [No] Except as otherwise provided in this section, a person shall not occupy or ride upon a [house] trailer or semitrailer while it is being [moved upon a public highway.] towed by a motor vehicle. This prohibition does not apply to:

1. A person whose duty requires him to occupy or ride upon the vehicle;
2. A vehicle drawn by a tow car; or
3. A trailer or semitrailer designed for the transportation of persons."

Amend the title of the bill, 1st line, by deleting "boats" and inserting "certain vehicles".

To: E & E  
LCB File  
Journal ✓  
Engrossment  
Bill

Date 2-4-79 Drafted by FWD:ml

Exhibit A