

MEMBERS PRESENT

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

GUESTS PRESENT

Senator Blakemore
Senator Dodge
Senator McCorkle
Keith J. Henrikson, UMRON, NACM, NFMDA
G. B. Westenhoefer, Nevada Highway Dept.
Bob Hamlin, Nevada Highway Dept.
C.A. Soderblom, Nevada Railroad Assn.
B. W. Thomason, Nevada Independent Insurance Agents
Daryl E. Capurro, Nevada Franchised Auto Dealers
Richard D. Gillespie, Dick's Tricky Trikes
John Ciardella, Dept. of Motor Vehicles
Bob Warren, Nevada Mining Assn.

Chairman Sena called the meeting to order and announced that A.B. 679 would be the first bill on the agenda.

A.B. 679 - Creating classification of motor vehicle with three wheels, two of which are power driven.

Assemblyman Robert Price said this bill was drafted at the request of one of his constituents, Mr. Dick Gillespie, owner of Dick's Tricky Trikes, since there had been problems in classifying and regulating the 3-wheel vehicles manufactured by Mr. Gillespie. A.B. 679 is the result of efforts of the Department of Motor Vehicles and the Nevada Highway Patrol to design proper regulations covering these vehicles.

Mr. Gillespie presented the committee with photographs of the vehicles under discussion and certain letters relating to his operation, copies of which are attached as Exhibit A. He explained his problems with having the "trimobile" classified as a motor-cycle such as obtaining insurance and registration. Mr. Gillespie further described the operation and advantages of the vehicle.

Mrs. Hayes interpreted 486.071 at the bottom of page 3 and top of page 4 to provide that no driver's license was necessary to

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operate a trimobile. Mr. Ciardella said this was not the intention of the bill and suggested that it should be specified that an individual should be able to operate a trimobile under any of the classes of licenses. He said that a driver's license was required, but it was a question of which one.

Mr. Ciardella explained the various provisions of the bill to the committee. Mrs. Westall felt that perhaps a separate driver's license to operate the trimobile should be issued to accommodate older people who cannot operate an automobile or motorcycle. Mr. Gillespie told Mr. Glover of the inability to obtain insurance due to the lack of rate structures and said that Nevada could benefit the world by setting up a classification for trimobiles which would enable insurance companies to develop coverage for 3-wheel motor powered vehicles. In response to a question by Mrs. Wagner, Mr. Gillespie said there were over 100 such vehicles in Nevada and that he was building many for other states. He further told Mrs. Wagner he would like an amendment to A.B. 679 which would require some kind of wind screen or eye protection.

Mrs. Hayes also questioned the language on line 37 through 39 on page 4, and said this would allow trimobiles to travel 5 or 10 abreast. It was agreed that this language was confusing. Mr. Glover listed the various changes that should be made in the bill to cover all the questions raised.

Mr. Keith Henrikson stated that all the organizations he represents are generally in favor of A.B. 679.

S.B. 335 - Authorizes state plan for rail service and projects to preserve, rehabilitate and restore rail lines.

Senator McCorkle said that he had severe reservations about the broad language contained in this bill. The two sections of his particular concern are 5 and 6 on page 2 and 3. He believed the language of Section 5 on line 42, "The department of highways may contract for.....operation of trackage" gives the department authority to operate a rail line. He did not believe the state had any business being in the railroad business. He further said that Section 6, "The department of highways may contract for the construction.....of the trackage.." gave the department the authority to add to the rail line. He requested the committee to amend the bill to limit the language.

Senator McCorkle agreed with Chairman Sena that the Constitution prevented the state from getting in the railroad business but said legislation could be changed, the Constitution could be changed, and if this legislation is passed and it violates the Constitution it is unconstitutional.

Mr. Carl Soderblom, representing the Southern Pacific Railway, explained the reason for the requested abandonment of the Fallon branch due to the cost of maintenance and crews. He said that under the terms of S.B. 335, the community and the businessmen, under matching funds on the federal level, could rehabilitate the line. Southern Pacific would continue to operate over it and it would not mean that the local community would necessarily own the property.

Senator McCorkle said he would like to leave the committee with one parting thought -- the legitimate function of the state in this area is to preserve the rights of way. He said that to subsidize a borderline rail operation, to prevent it from being abandoned, is not the legitimate function of the state.

Mrs. Wagner asked the fiscal note for S.B. 335. From information provided by Mr. Soderblom, Senator McCorkle said \$12,000, 80 percent federal monies, 20 percent state, and up to \$100,000 can be expended. The state matching funds would be \$12,500.

Mr. Soderblom further explained that the fiscal note said: Nevada's entitlement under the 1978 Act for the year 1978-79 is \$670,000 with \$1 million expected for fiscal year 1979-80. The matching ratio for these funds is 80 to 20 percent. Since Nevada's Constitution prohibits the state from providing match, match must come from some other source, like the local governments, the shippers and even the railroads themselves, or a combination.

Chairman Sena said Section 9 of the Nevada Constitution is the section prohibiting the state from lending public credit or gifts to corporations.

Senator Blakemore, cosponsor of the bill with Senator Dodge, said S.B. 335 is basically a rail bank bill which came out of the Four R proposal from Washington to keep from abandoning rail rural branch lines. This bill allows a town such as Fallon, Mina or Yerington to say that their town is planning to use the railroad at some time and place the branch line in a rail bank for up to 5 years which can be extended for an additional 5 years if they foresee some industry eventually using the line. Senator Blakemore further explained the Nevada Highway Department may only act as a funnel for any federal funds that may be derived under this bill.

Senator Dodge explained the background of S.B. 335 and the Federal Governments' efforts to preserve the national rail system, including branch and feeder lines. In response to Senator McCorkle's statements, Senator Dodge referred to a letter from the Department of Highways to Senator Blakemore, a copy of which is attached as Exhibit B. Senator Dodge said that while he had been a user of the Fallon line but he did not anticipate using it in the future and did not believe there was any conflict of interest.

Mr. George B. Westenhoefer, Department of Highways, also gave the background of S.B. 335 and the department's part in the study designated by Governor O'Callaghan.

Mr. Soderblom said that in case he had not made himself clear in prior statements, he wished to state that he was definitely in favor of S.B. 335 even though it did not mean any money to the railroad.

Mr. Bob Warren, Executive Secretary of Nevada Mining Association, said that as a taxpayer he would rather see his money used to preserve the rail systems than many other projects. He expressed approval of S.B. 335 and cited many instances where the rail lines could be used if they were not abandoned.

A.B. 677 - Brings motorcycles within compulsory coverage of no-fault insurance.

Mr. FitzPatrick said this bill did not conform with his request to the bill drafter as he had asked that only bodily injury and property damage be required and not basic reparation benefits. He cited four recent cases of accidents caused by motorcycles in which there should have been property damage coverage.

Mr. FitzPatrick said he had inquired as to the cost of such coverage and had received the following information: for a motorcycle up to 850 cc's for the basic coverage of \$15,000, \$30,000 and \$5,000, over 25 years of age the cost is \$2.00 a month; under 25 years of age the cost is \$3.00 a month. For a motorcycle with higher cc's the coverage is \$9.00 a month if under 25, and \$5.00 if over 25. If basic reparation benefits were included it would be extremely expensive for motorcyclists.

Mr. FitzPatrick felt that motorcyclists should be held responsible for their actions and should be required to carry liability insurance. He would like to have A.B. 677 amended to cover only bodily injury and property damage.

Mr. Stewart asked if mopeds were included and Mr. FitzPatrick said they were not but they could be added and that perhaps trimobiles should also be added.

Mr. Henrikson, representing the Nevada Motorcycle Riders of Nevada, the Nevada Association of Concerned Motorcyclists and Nevada Franchised Motorcycle Dealers Association, appeared in opposition to A.B. 677. Based upon a survey sent to all motorcyclists, the number one concern was mandatory insurance, and anything applying to motorcycles should apply to mopeds, including helmets or any other safety device. All of the organizations he represents are violently opposed to A.B. 677 as it now reads and as it is proposed to be amended.

Mr. Henrikson challenged Mr. FitzPatrick's statements regarding the cost of insurance and said he did not believe Dairyland

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would insure for only bodily injury and property damage at that price. Referring to the four motorcycle accidents cited, Mr. Henrikson suggested that there had probably been over 100 automobile accidents during the same period of time where the motorists did not have insurance. He further said that motorcycles and mopeds were classed in one group in Nevada and if a moped has an accident it goes against the motorcycle statistics.

A copy of a letter from Mr. Fredric W. Harrell, Executive Director of Motorcycle Dealers Association of Nevada, expressing opposition to A.B. 677, is attached as Exhibit C.

Mr. Ciardella stated that if A.B. 677 is to be processed, the Department of Motor Vehicles would request an effective date of January 1, 1980, in order that all forms of the department could be changed. Chairman Sena requested Mr. Ciardella to obtain figures regarding the number of accidents involving mopeds and motorcycles separately. Mr. Ciardella said that mopeds were not required to be registered, but he would attempt to obtain such figures.

Mr. Bill Thomason, Nevada Independent Insurance Agents, said they would be opposed to A.B. 677 in its present form, but they would be in favor of liability insurance for motorcycles. Mr. Thomason said that all insurance companies will write liability only for motorcycles and he estimated the cost to be under \$100.00 a year. He also believed that mopeds should be required to carry the liability insurance.

Chairman Sena said that A.B. 281 and A.B. 453 had been amended and rereferred back to the committee and the amendments would now be reviewed.

A.B. 281 - Revises laws regulating motor vehicle dealers.

Mr. Daryl Capurro and Mr. Ciardella appeared to discuss the amendments. Mr. Capurro said the amendment generally puts in language describing the diagnostic equipment necessary to perform the required inspection. Mr. Ciardella explained the amendment requiring dealers to issue proper certificates. He further explained the department's enforcement procedure to Mrs. Wagner.

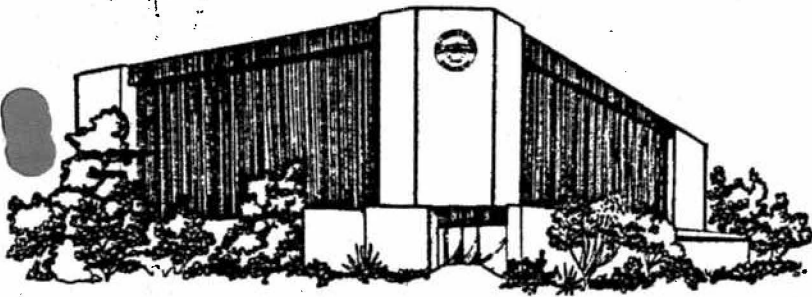
A.B. 453 - Revises requirements of reporting sale of certain vehicles.

Mr. Capurro and Mr. Ciardella discussed and explained the various amendments to the committee.

The meeting was adjourned at 5 p.m.

Respectfully submitted,

Jane Dunne
Assembly Attache



CITY OF NORTH LAS VEGAS POLICE DEPARTMENT

February 23, 1979



W. L. THARP
CHIEF OF POLICE

REF. NO. T79-37

Mr. Dick Gillespie
Dick's Tricky Trikes
2255 Crestline Loop
North Las Vegas, Nevada 89030

Dear Mr. Gillespie:

On January 12, 1979, at approximately 2:30 p.m., at your request, Officer Andrew Bieker performed the below tests which consisted of a brake test on a Volkswagen-powered trike, manufactured by Dick's Tricky Trikes.

The test was conducted in the 2200 block of Crestline Loop. The location was found to be level and has a smooth hard surface of asphalt and is free of loose material. The 1975 Volkswagen-powered three-wheel motorcycle, manufactured by Dick's Tricky Trikes, Nevada license No. 67835, was used and driven by Dick Gillespie. The front wheel brake was disconnected for this test. A Decatur hand-held radar gun was used to check the speed of the trike for an accurate speed of 20 miles per hour. Three tests were run and measured from the start of the impending skid to the end of the skid by using a 100 foot steel tape, as follows:

| | |
|---------------------------|-------------------|
| Test #1 measurements..... | 19 feet, 7 inches |
| Test #2 measurements..... | 19 feet, 2 inches |
| Test #3 measurements..... | 20 feet, 8 inches |

Nevada Revised Statutes 582, Chapter 484.595, Section 2 requires a motorcycle using both front and rear brakes to stop in 30 feet at 20 miles per hour. The results of this test show the three-wheel Volkswagen-powered trike stops far shorter than a conventional motorcycle and more than meets the requirements of NRS 582, Chapter 484.595.

Officer Andrew Bieker has the following qualifications in the traffic field: He has been a police officer for the past 13 years, eight of them with the City of North Las Vegas and five years in the traffic division as a motorcycle officer. He went to Colorado Law Enforcement Training Academy 40 hour course in Accident Investigation in 1968, and a 40 hour accident investigation course put on

EXHIBIT A (6 pages)

D & M Enterprises Inc.

2255 CRESTLINE LOOP
NORTH LAS VEGAS, NEVADA 89030
PHONE 642-4801

10 February 1979

To: Captain J. Zohner

Jerry:

I would like to have one of your officers come to 2255 Crestline Loop to make a brake safety test on a three wheel Tri-Mobile that I manufacture, at your earliest convenience.

Thank you for your attention in this matter.

Very truly yours,

R. D. Gillespie,
dba/ Dick's Tricky Trikes

RDG:ll

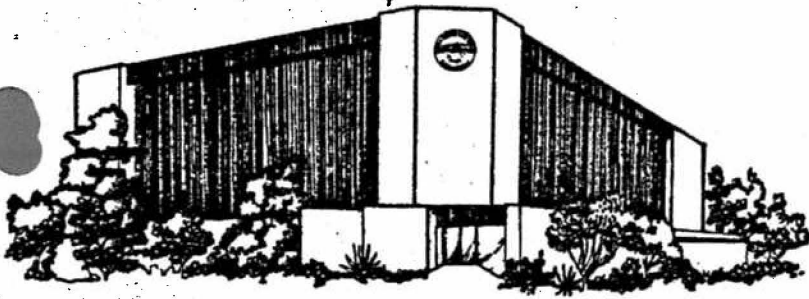
by the Missouri University at Henderson, Nevada, in 1974. He has been qualified to run and instruct radar by Vern Bolander of Bolander Electronics Company of Salt Lake City, Utah.

cc: Chief Tharp
Officer A. Bieker

Sincerely,

W. L. THARP,
Chief of Police

by: *J. Zohner*
Capt. J. Zohner
Uniform Commander
Police Department
North Las Vegas, Nevada



CITY OF NORTH LAS VEGAS POLICE DEPARTMENT



W. L. THARP
CHIEF OF POLICE

February 23, 1979

REF. NO. A-79-12

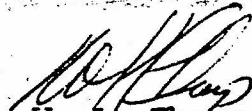
TO WHOM IT MAY CONCERN:

This is a letter of introduction for Mr. Dick Gillespie.

I have known Mr. Gillespie for approximately seven (7) years as a business man in the City of North Las Vegas, Nevada. During that time I have become aware that the product that he manufactures (Tri-Mobiles) are of excellent quality. It is my opinion that Mr. Gillespie has placed excellent engineering into each vehicle that he has produced over the years.

The most significant factor from a law enforcement point of view is the attention to safety equipment installed on these vehicles.

I would highly recommend him as a consultant when dealing with the particular vehicle that he manufactures and the necessary safety features needed to insure operator, public and property safety.


W. L. Tharp
Chief of Police

WLT/mb

EXHIBIT A

210

ZANE E. AZBAREA
Municipal Judge



MUNICIPAL COURT
City of North Las Vegas

1928 North Bruce Street : P.O. Box 4086
NORTH LAS VEGAS, NEVADA 89030
Telephone 649-5811 - Ext. 337

Feb. 23, 1979

Director Bart Jacka
Dept. of Motor Vehicles
555 Wright Way
Carson City, Nv. 89711

Dear Sir:

It has been brought to my attention that the Department of Motor Vehicles is attempting to establish guidelines in the regulation of three wheel motor-driven vehicles

May I respectfully suggest that Richard Gillespie, of 2255 Crestline Loop, North Las Vegas, Nv. 89030, could be of assistance to your department in the drafting of such guidelines.

Mr. Gillespie has been licensed with the State of Nevada as a motorcycle dealer for the past seven years and does business within the City of North Las Vegas as "Dick's Tricky Trikes."

During the seven years he has manufactured Tri-mobiles which are licensed throughout the United States. His expertise with this vehicle has included stability and durability as well as other safety features.

Please consider this letter as my introduction of Mr. Gillespie and if you feel he can be of assistance to your department, he may be contacted at 642-4801 or at the above address.

Best regards

Zane Azbarea
Zane Azbarea
Municipal Court Judge

EXHIBIT A 211

North Las Vegas CHAMBER OF COMMERCE

1023 East Lake Mead Boulevard
North Las Vegas, Nevada 89030
phone 702 642-9595



February 23, 1979

To Whom It May Concern:

This is a letter of confidence in Mr. Richard Gillespie.

He is highly qualified to set safety standards for Tri Mobiles.

Mr. Gillespie is competent and an outstanding judge of safety construction of three wheel vehicles.

I would recommend him as a consultant to help set safety standards.

Sincerely,

Ellen Frehner, CCE
Executive Vice President

EXHIBIT A





CITY OF NORTH LAS VEGAS POLICE DEPARTMENT

February 23, 1979



W. L. THARP
CHIEF OF POLICE

REF. NO. A-79-12

TO WHOM IT MAY CONCERN:

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The most significant factor from a law enforcement point of view is the attention to safety equipment installed on these vehicles.

I would highly recommend him as a consultant when dealing with the particular vehicle that he manufactures and the necessary safety features needed to insure operator, public and property safety.

W. L. Tharp
Chief of Police

WLT/mb

EXHIBIT A

213

STATE OF NEVADA
DEPARTMENT OF HIGHWAYS
CARSON CITY, NEVADA 89402

March 30, 1979

PSD 1.11

Honorable Richard E. Blakemore, Chairman
Senate Transportation
Legislative Building
Carson City, Nevada 89701

Dear Senator Blakemore:

In response to a question we have received on Senate Bill 335, Sections 5 and 6 regarding Highway Department actions involving railroad purchase, lease, operation and rehabilitation.

The Highway Department is constitutionally prohibited from spending highway user funds for purposes other than highway improvements.

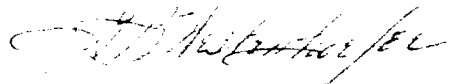
In order for the Department to lease, purchase, operate, improve or rehabilitate any railroad facilities one of the following actions would be required:

1. The Legislature would have to appropriate general fund monies to accomplish the task.
2. One or more city (s) and/or county (s) would need to request the Department act as their agent and they would be required to furnish all funds, other than Federal, that would be required to accomplish the task.

The reason Sections 5 and 6 were inserted was that a number of the branch lines and the Nevada Northern lie in multiple jurisdictions and there is some legal question if one entity may directly purchase, lease, operate, improve or rehabilitate a portion of a facility lying in another jurisdiction.

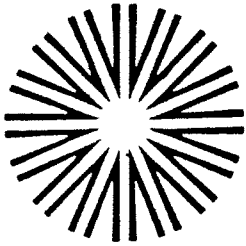
In reference to my previous correspondence Boulder City also shares the same concerns regarding the loss of their branch line as Fallon.

Your truly,



GEORGE B. WESTENHOEFER, P.E.
Chief Planning Survey Engineer

GBW:bb



MOTORCYCLE DEALERS ASSOCIATION OF NEVADA

MEMBER: April 3, 1979

WESTERN
MOTORCYCLE
DEALERS
ASSOCIATION

Assemblyman Nash Sena
Chairman, Assembly Transportation Committee
State Capitol Building
Carson City, NV 89711

AFFILIATE
OF
MOTORCYCLE
INDUSTRY
COUNCIL

Dear Assemblyman Sena:

The Motorcycle Dealers Association of Nevada is adamantly opposed to any form of no-fault insurance for motorcycles. A.B. 677 would be detrimental to motorcycling in Nevada.

We conducted a rider survey this past summer and found that continued exclusion of no-fault insurance was the #1 concern of motorcyclists. With no-fault insurance the costs to operate a motorcycle would be so prohibitive that only the wealthy could afford them. The continuing increase in gas prices has made motorcycling more popular than it already was. However, if a no-fault insurance bill is passed in Nevada you will witness a complete reversal in the popularity of motorcycling. Motorcyclists, when involved in an accident with an auto, obviously would be the ones exposed to greater potential physical and property damage. Yet the most generally accepted studies indicate that over two-thirds of those accidents are the fault of automobile drivers. Because of this imbalance, motorcycle insurance rates would soar under no-fault, thus placing an entirely inequitable burden on motorcyclists and the motorcycle businesses of Nevada.

The Motorcycle Dealers Association of Nevada and motorcyclists throughout the state urge you and the Transportation Committee not to allow A.B.677 to pass. Thank you for this consideration.

Sincerely yours,

Fredric W. Harrell
Executive Director

cc:Trans. Committee members

FWH/dl

Exhibit C