

Date: May 18, 1981

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Chairman Price called the meeting of the Assembly Transportation Committee to order on Monday, May 18, 1981, in room 214 of the Legislative Building.

MEMBERS PRESENT:

Assemblyman Price, Chairman
Assemblyman Polish, Vice Chairman
Assemblyman Beyer
Assemblyman DuBois
Assemblyman Glover
Assemblyman Mello
Assemblyman Prengaman
Assemblyman Schofield
Assemblyman Westall

MEMBERS ABSENT:

None

GUESTS PRESENT:

Hale Bennett, Department of Motor Vehicles
Barry Perea, Grayline Tours of Southern Nevada
Melvin Flanders, Chief, Services to the Blind

AB 636, Revises statutory provisions for special license plates for Congressmen.

Mr. Glover began by explaining that this would allow the DMV to issue license plates for Congressmen. He explained that Congressman Santini had had his license plate stolen and it had to be replaced and that there will be another seat in Congress after this session. This will allow both Congressman to have a plate and that they are not required to take them.

Mr. Prengaman stated that the bill does not designate what is going to be on the plate.

Hale Bennett, DMV, explained that this legislation would give the Department the authority to make a choice between MC or HR, which is what Mr. Santini currently desires. He stated that Mr. Santini was contacted and it was his request that it be HR. The department has no problem with either designation. At the present time they would intend to have HR1 and HR2.

In answer to Mr. Glover's question on whether this could be changed at some later date, should the congressmen want something else, Mr. Hale stated that they would have no conflict with that provided it did not conflict with something that already exists.

Mr. DuBois inquired if it was too long to put U.S. Congressman on the plates. Mr. Hale stated that it would be possible, the only problem would be the creation of an additional die with which to do it. This would cost about \$800 for the pair of die. The dies are made by a tool and die company back in Pennsylvania.

Mr. Polish inquired what other states use. Mr. Bennett explained that the HR is very much in conformance with other states. USS is also in conformance. Mr. Glover stated that these cars are driving in Virginia, Washington, D.C. and areas like that where the people who see them are very aware of what they stand for.

SB 379, Strengthens provisions for protection of blind persons in traffic.

Mervin Flanders, Chief, Services to the Blind, spoke in support of this bill. He explained that the background for this bill was that over the past few years there have been considerable instances of motor vehicle drivers ignoring the white cane and guide dogs. Approximately a year ago in Las Vegas, a young woman and her guide dog were killed while attempting to cross the street in Las Vegas. This brought about a necessity to take a look at the statutes and one of the problems they encountered was that there was nothing in motor vehicle code which covered right of way for the guide dog or the person using the white cane.

Mr. Flanders explained the section 1 of the bill adds a new section to NRS 484, which spells out the right of way and subsequent sections make appropriate exception references to traffic control.

One of the reasons for section 1 is in crossing streets often times the blind person doesn't know where the cross walk is or in crossing the street may deviate because of a curb or some projection that makes him change direction and misses the curb on the other side and actually discovers himself on the highway.

In the guide dog laws, NRS 426, there was reference to drivers of motor vehicles and because it was there instead of in the motor vehicle laws police officers had difficulty in understanding that it did apply plus the fact that there was no penalty.

Mr. Flanders stated that he wrote the amendments as they apply to the needs of the blind person and would recommend that the bill be passed.

Mr. Beyer stated that bill contains no minimum penalty and wondered if Mr. Flanders could see any problem with that. Mr. Flanders stated that he did have some concern about the penalty, however he would prefer not to amend it at this point in time. He stated that the individual in Las Vegas who killed the blind woman was given a 6 month suspended sentence. This does provide a penalty and if it succeeds over the next couple

years in addressing the needs and bringing attention of the drivers to the blind person then they have accomplished something. If it doesn't do that then they would propose to strengthen the penalties.

In response to Mr. Prengaman's question on how the penalties differ from what is in the law now, Mr. Flanders stated that it clearly spells that the blind person with a white cane or guide dog has the right of way, which is not presently defined in the Motor Vehicle act.

SB 444, Removes brokers from regulations pertaining to motor carriers.

Darryl Capurro, Nevada State Motor Transport Association, stated that this was result of a compromise on the Senate side. The original bill eliminated the regulation of brokers in the motor carrier industry. This would have some form of identification of the people engaged in this business. Part of the reason for the bill in its original state was that there was a court case that in effect negated the way the law was written. One of the reasons for that was that the PSC had not adopted any regulations regarding the regulation of brokers. The problem with eliminating brokers altogether is that there should be some list of people engaged in this activity. The basic provisions of the act are contained in subsection 2 of section 2. The industry would like to know where the people are who are engaging in this type of activity. They would be required to file a business license with the PSC. The compromise was worked out by a subcommittee consisting of Senator Hernstadt, Virgil Anderson, Commissioner Hardy and Mr. Capurro.

Mrs. Westall inquired how much investigation was done in order to be given a business license. Mr. Capurro stated that this varies from county and city. The point should be made that at least it is tied down and if they don't get a business license they won't get a certificate as a broker. At least the people will be identified.

Mr. Capurro stated that if they did not get a city license the person would be in violation of the law and it would be much easier to prosecute him.

This bill would not require a large investigation by the PSC as all they would have to do would be to provide the PSC with evidence that they have a county or city business license and then they would be issued a certificate as a broker. Then somebody both state and city wide would have a handle on who these people are and where they are located.

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Barry Perea, Grayline Tours of Southern Nevada, stated that they endorse the bill. He stated that they have encountered several problems with people acting as brokers and having no regulations in effect. Because of the problems that came about the county enacted some regulations which require "ground handlers" to be licensed to do business in Clark County. The city does not enter into this. The ground handlers themselves have formed a loose knit association and they pretty well police their activities.

Mr. Perea stated that they have been able to weed out the "sharpies that moved in from New York and caused us a lot of problems" in Clark County. This bill would satisfy the requirements needed. The PSC has not been able to enforce this. Personally, Mr. Perea stated that he would like to see a bond required for these people. He stated that the way they go away from the unscrupulous person collecting money from the public and then not delivering any was that in Clark County the carriers will provide a service unless they have been prepaid for it, which means that the person collecting the money has to pay them before the tour. Before they were paying 30 days, 60 days or 90 days afterwards and in his particular company on any given day they had 1/2 million dollars out on accounts receivable. Often when they went to collect the money from the brokers, they couldn't pay and they had to take them to court. This bill will protect the public.

Mrs. Westall inquired how many brokers would be covered, Mr. Perea stated that it would be about 20-25 in Clark County. He also stated that in answer to a previous question posed by Mrs. Westall regarding junkets that come in, this would be interstate commerce so that the state could not regulate them in any manner.

Mr. Perea stated that he understood there was a suggested amendment for SB 44 which would include the regulation of car pooling. He stated that carpooling was attempted in Southern Nevada and there was very little response to it. He stated that he feels the bill is fine just the way it is and that he did not feel that it needs to be amended further to include van pooling or carpooling.

Herber Hardy, PSC, stated that Mr. Capurro had outlined the history of the bill and the original position was with the original bill and that was to totally deregulate brokers because in the ten years he has been with the commission they have never really regulated brokers. Most of the arrangements even for local tours are made outside of this state and they would have no control over this.

He stated that he did work with the subcommittee on this compromised language. He stated that he did have a slight problem with the bill as written, because what this requires is that upon filing of valid city or county license the commission must issue a certificate of public convenience or necessity. It is almost a meaningless piece of paper because they do not make any finding as to

fitness or any other finding that they make with everyone else that they issue certificates to. It does leave them for having to file annual reports which is also meaningless. Mr. Hardy stated that he would like to suggest that the following amendment which they feel will resolve the problem of making sure that they at least have a valid city or county business license. On line 4, (a) valid business license issued by a city or county and filing the license with the commission. They would then suggest that the next section be deleted. This would provide that there be a depository for these licenses.

This would avoid them having to assess them filing fee, which is now \$200 to get a certificate. This would also make them become a public record and anyone could determine just who is licensed and who isn't.

Section 3 and the remainder of the bill could remain as it is without causing any problems. Mr. Hardy stated that the way that business has been conducted over these many years is that in most cases the carrier will designate a person who arranges the transportation as their agent and then sell the tours on ticket stub of the carrier and then it becomes a legal operation. Even in the cases where they have acted outright as a broker the court has determined that it is unenforceable because the PSC had not been regulating therefore they would not be held to comply with the law because they have not enforced it.

In answer to Mrs. Westall's question regarding why they have not had any regulations, Mr. Hardy explained that they have wrestled with this particular problem for a long time and they have not been able to decide what kind of regulations they can come up with. They do not fit into any area of their regulations. They originally had wanted to completely deregulate them but because of a problem presented of identifying who these people are he would go along with this language.

Virgil Anderson, AAA, reiterated his testimony of the previous Monday. He stated that they had asked to be exempt from the provisions of the bill as they are covered under another section. Motor clubs are regulated as travel agencies and they do file a bond and the bond is maintained on file by the Department of Insurance.

Mrs. Westall moved to "amend and do pass" using the amendment suggested by Mr. Hardy. Mr. Glover seconded the motion. The motion carried with Mr. Schofield absent.

AB 636

Mr. Beyer moved to "do pass" and Mr. Polish seconded the motion. The motion carried with Mr. Schofield absent.

SB 379

Mr. Glover moved for "do pass" and Mr. Beyer seconded the motion.

Under discussion it was pointed out that this should already be a part of the motor vehicles law in that right of way must be given to pedestrian. If a driver hit a pedestrian whether they are blind or not, the judge would have to find him guilty if they were in a cross walk.

As there appeared to be some unanswered questions in the minds of the members of the committee, Mr. Glover withdrew his motion.

AB 338

Mr. Mello stated that he would like to reconsider this bill. He stated that he received a call from the Mayor of Sparks stating that they would have to withdraw from mass transit system as they lack the funds to pay their fair and equal share particularly in light of the tax package just passed. The only way that Sparks would be able to continue would be with the passage of this bill.

Mr. Mello moved "amend and do pass" allowing for the option of the county to either enact it themselves or go to the vote of the people for such enactment. Mr. Prengaman seconded the motion. He stated that this would not preclude Washoe County from going to a vote, but they would not be required to do so.

Mr. Glover amended the motion to make it mandatory that the county have a vote of the people in order to enact it and eliminate the option. Mrs. Westall seconded the motion.

Mr. Prengaman stated that he would prefer it the other way. He stated that if the county commissioners choose to do this without the vote of the people they are the ones that take the "heat". If an election is required Washoe County will have the same problems they had before and that is a bad tax climate and consequently the issue would fail. He stated that he felt in Washoe County this was too important an issue not to all the choice.

In response to Mr. Prengaman's comment regarding tax climate, Mr. Beyer pointed out that other areas were able to float a bond issue such as Sparks in spite of the tax climate. He stated that Reno did a very poor sales job and got several issues turned down. He felt that having the choice was a lazy man's way of getting around going out and selling a project.

Mr. Mello stated that he could go along with it if only Sparks had to pass it, but it would have to be passed by the whole county of Washoe. County wide he felt that it would be turned down and the people of Sparks will lose their bus system. He stated that he felt that it would not be passed because the people of Reno do not have confidence in the people who represent them. He again stated that with this type of attitude the legislature should have put the sales tax issue before a vote of the people.

Mr. Schofield stated that he felt in Clark County the Commissioners would go to a vote of the people. He stated that he felt that any county commission at this particular point in time that doesn't take it to a vote of the people is creating a large problem for themselves. They are also elected by the people and the bill would give the opportunity to make the choice and they would be answerable to the people who voted for them.

Mrs. Westall stated that when they put the 5 3/4% sales tax on they felt that that was the maximum that ought to be on during this session. She stated that she was willing to go along with this bill if it were required to go to a vote of the people or to stipulate that if the sales tax was to be reduced after the constitutional amendment was passed.

Mr. Polish stated that he felt that it was something that should go to the people and get the response from them as to whether they feel mass transportation is that important or not.

Mr. Prengaman pointed out that there isn't another election before next year and to have a special election would be quite expensive. It would be too late for the city elections that will be held in June.

The amended motion passed with Mr. Beyer, Mr. DuBois, Mr. Polish, Mr. Price and Mr. Glover voting for the amended motion and Mr. Mello, Mr. Prengaman and Mr. Schofield voting against it.

Mr. Beyer moved to "amend and do pass" with the amendment that would require the it go to a vote of the people before enactment. Mrs. Westall seconded the motion. The motion carried with Mr. Glover and Mr. DuBois voting no.

SB 379

Senator Jean Ford, sponsor of the bill, spoke in favor of the bill. Mrs. Ford stated that she had requested the bill when she was made aware of a problem in Clark County of legally blind people having a number of near misses in trying to get around their apartments and dwelling places. They wondered why law enforcement did not do more about this problem. It became apparent that in the DMV motor vehicles there is no clear statement that one has to give a blind person the right of way and stop and proceed with caution. The only reference to this kind of thing is in the blind law. She stated that she felt it would be helpful in training of traffic officers to make it very clear in the traffic law that a blind person had the right of way and that motorists should recognize that.

Mr. Glover stated that discussion was held that most of the time someone would stop for these people but if they step out in front there might be a chance to stop. He stated that he could not see a driver being cited in this instance.

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Mrs. Ford stated that in the blind law it tells the driver of a vehicle about the right of way of the blind person and all they did was take this language and put it into the motor vehicle law because there is nothing there. ~~In fact there is conflicting~~ language that states that a person has to be in a crosswalk and there are no exceptions for a person not being in a crosswalk and yet in the blind law there is an exception. She stated that they are not adding a new body of law but simply taking the part that told a driver of vehicle what to do from a place they are never going to read and put it into the the motor vehicle law. A blind person does have the right to occasionally not be in a crosswalk and the motorist ought to have to stop and proceed with caution. She stated that they are also making the penalty a minimum of a \$100 fine for failure to yield right of way.

In answer to Mr. Polish's question regarding pedestrian right of way, Senator Ford stated that legally the pedestrian does not have the right of way except in the crosswalk.

Mrs. Westall inquired if this would then make it a part of the booklet that has to be studied in order to get a driver's license. Mrs. Ford stated that it would and it would give it more stress in the training of law enforcement officers.

Mr. Glover moved for "do pass" and Mrs. Westall seconded the motion.

Under discussion, Mr. Schofield inquired if the person would have to be in a crosswalk. Mrs. Ford stated that a blind person does not always realize whether they are in the a crosswalk or not.

The motion carried with Mr. Mello, Mr. Prengaman and Mr. DuBois absent at this point.

As there was no further testimony to be heard or action to be taken, Mr. Price adjourned the meeting.

Respectfully submitted,

Sandee Gagnier
Assembly Attache

ASSEMBLY

AGENDA FOR COMMITTEE ON.....TRANSPORTATION.....

MONDAY

Date.....MAY 18.....1981.....Time.....5:00 P.M.....Room.....214.....

Bills or Resolutions
to be considered

Subject

Counsel
requested*

THIS AGENDA CANCELS AND SUPERSEDES THE PREVIOUS AGENDA FOR THIS DATE

AB 636	Revises statutory provisions for special license plates for Congressmen.	
SB 379	Strengthens provisions for protection of blind persons in traffic.	
SB 444	Removes brokers from regulations pertaining to motor carriers.	

ASSEMBLY

AGENDA FOR COMMITTEE ON TRANSPORTATION
MONDAY

Date MAY 18, 1981 Time 5:00 P.M. Room 214

Bills or Resolutions to be considered	Subject	Counsel requested*
AB 621	Limits access of manufacturers and importers of motor vehicles to records of vehicle registrations.	
SB 444	Removes brokers from regulations pertaining to motor carriers.	
SB 161	Authorizes borrowing by department of transportation from financial institutions.	

*Please do not ask for counsel unless necessary.