

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON TRANSPORTATION

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
April 2, 1981

The Senate Committee on Transportation was called to order by Chairman Richard E. Blakemore, at 2:05 p.m., on Thursday, April 2, 1981, in Room 323 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Richard E. Blakemore, Chairman
Senator William Hernstadt, Vice Chairman
Senator Joe Neal
Senator Lawrence E. Jacobsen
Senator Wilbur Faiss
Senator Clifford E. McCorkle
Senator James H. Bilbray

STAFF MEMBER PRESENT:

Kelly R. Torvik, Committee Secretary

SENATE BILL NO. 459

Mr. Al Stone, Director, Department of Transportation, stated that the bill was a result of the Governor's Management Task Force. Section one of the bill allows the department to charge a one time reasonable fee for the administrative costs of granting permits to utilities. Last year the cost of granting permits was \$175,000. Mr. Stone cited examples where costs were incurred. He stated that the bill insures that there would be no profit made by the department. Section two of the bill is in regard to the advertising signs on the highways throughout the state. He explained that there is presently an \$8.00 annual permit fee for each sign. Last year, the revenues from permits were \$4,900, however, the cost for administering the permits was over \$30,000. This bill would raise the fee to a point which would cover administration costs. The cost of a permit, at today's standards, would be approximately \$50 per year, per sign. He explained that the fee would only apply to commercial signs.

Senate Committee on Transportation
April 2, 1981

Chairman Blakemore stated that he believed that the Highway Beautification Act had caused all commercial signs to be removed from the highways. Mr. Stone explained that the Highway Beautification Act only applied to the interstate and primary systems.

Senator McCorkle pointed out that the language which is presently in the statutes allows the department to prescribe regulations and collect fees to defray administrative costs. They were simply asking to be compensated for the costs of inspecting and surveying the signs. Mr. Stone agreed. He stated that the inspection and survey was required by the federal government.

Senator McCorkle asked what the department was actually inspecting. Mr. Stone explained that the signs are inspected to see that they have a valid permit issued by the department. The department is required to survey the signs in order to prove that they have control of the system.

Senator Faiss asked how often are the signs inspected. Mr. Stone stated that the department inspects the signs, throughout the state, annually.

SENATE BILL NO. 460

Mr. Stone explained that the bill was requested by the department for proposed public transit. He suggested two corrections to be amended into the bill. The first correction he suggested was to delete the words "for this purpose," on line four of page one, and insert "to conduct transportation studies or." The second correction he suggested was to insert "conducting transportation studies or" between the words "of" and "matching" on line 20 of page one of the bill. He stated that the bill proposes that the department would pay 50 percent of the matching funds for the capital costs in the Las Vegas and Reno areas. This would be 10 percent of the total capital costs. The federal government would be paying 80 percent, the local entities would be paying 10 percent and the state would be paying 10 percent. This would provide, under section 5 of the United States Urban Mass Transit Act (UMTA), during the biennium, for the purchase of 28 buses, which would break down into \$462,471 for Las Vegas and \$218,526 for Reno. Under Section 16(B)(2) of the UMTA, private, non-profit entities, throughout the state, would be eligible for 16 vans and station wagons, primarily for the elderly. Under Section 18 of the UMTA a total of \$1,068,624 would be available in the next biennium if the state could match the funds with \$133,570. Those funds are primarily for vans and buses which have to be allotted according to the federal allocation of those funds.

Senate Committee on Transportation
April 2, 1981

Sixty-five percent would be distributed to the counties, based on population, fifteen percent is allowed for administration and planning, and twenty percent is discretionary funds to be distributed by the department.

Senator Hernstadt noted that the bill would have to be referred to the Senate Committee on Finance. He asked what were the transportation aspects of the bill. Mr. Stone explained that basically the department would be matching the two year work plan for public transit in the two metropolitan areas of the state. These funds would go towards capital improvements rather than operating expenses.

Senator Hernstadt asked if the Clark County Regional Transportation Commission and the Washoe County authority were supportive of the bill. Mr. Stone stated that they were in support of the bill.

Mr. Stone explained that funds have been available for the rural counties, however, the counties have not had the matching funds and the department has had no method of spending state highway funds in order to match the federal funds for the counties' benefit. There is a constitutional prohibition. Senator Hernstadt noted that there is a proposed constitutional amendment to allow the department to match federal funds for mass transportation purposes. Mr. Stone stated that the amendment could not be approved in less than two to three years and Senate Bill No. 460 is only a two year program.

Senator McCorkle asked if the appropriations in the bill were in the Governor's budget. Mr. Stone stated that they were.

SENATE BILL NO. 431

Mr. Bob Shriver, Executive Director, Nevada Trial Lawyers Association, stated that the increases as outlined in the bill were important and needed. He explained that the bill would apply to short term leases, such as those used in the rent-a-car business. Currently the lessee of a rent-a-car is only required to show his driver's license. Since Nevada is a tourist state, most lessees are unfamiliar with the roadways and a dangerous driving condition is created. Mr. Shriver stated that, in some cases, the tourists are on vacation and they may not be as responsible as they should be. The costs of the increases within the bill would be passed onto the lessee of the vehicle. There would be no direct impact on the residents or the businessmen. He said

Senate Committee on Transportation
April 2, 1981

that increased costs of medical care and automobile repairs justify the increased insurance as provided in the bill.

Senator Hernstadt asked why a rent-a-car vehicle should be required to have much higher insurance coverage than an individually owned vehicle. Mr. Shriver stated that there is presently a bill being considered to address that.

Mr. Shriver felt that the prominent, rent-a-car businessman would not have any problems with the bill. Chairman Blakemore pointed out that the small businesses in Ely and Elko would be affected.

Senator Neal noted that a long term lease requires that the lessee carry a minimum of \$300,000 worth of insurance for one individual, \$500,000 for the total accident, and \$50,000 for property damage.

Senator McCorkle asked why a surety bond would be needed. Mr. Shriver stated that the surety bond would be used when the automobile is faulty and there is no fault of the drivers. Also, a surety bond insures the credibility of the business.

There was a question whether the bill required that the lessor have insurance, a surety bond, or a certificate of deposit; or if the bill required that the lessor must have insurance and either a surety bond or a certificate of deposit. There was no one present who could answer the question.

SENATE BILL NO. 444

Senator Hernstadt explained that he requested the bill because the Allied Arts Council was having problems finding transportation for art tours.

Ms. Elizabeth Warren, Allied Arts Council, gave an overview of the council, a non-profit organization. She explained that the bill allows the council to be in the business of offering tours.

Mr. Heber Hardy, Commissioner, Public Service Commission, explained that the council had a problem finding transportation for their tours because the motor carriers also provide tours. He stated that it was determined that the tours provided by the profit and non-profit organizations could be considered charters. Mr. Hardy stated that since 1971 the P.S.C. had not regulated brokers. This was because the commission could not develop reasonable rules and regulations to regulate the brokers. He stated that most of the brokers are out-of-state. He felt that competition should govern

Senate Committee on Transportation
April 2, 1981

the brokers, rather than regulations. Because the motor carriers are regulated and receive a compensatory rate, there is no reason to regulate the brokers.

Mr. Hardy felt that Senate Bill No. 444 would be advantageous to the motor carriers. He stated that a recent district court case determined that the P.S.C. could not require a local broker to cease and desist because the P.S.C. had not provided regulations for the broker.

Chairman Blakemore asked how the freight broker would be affected. Mr. Hardy explained that because the broker would have to use a certificated motor carrier for transportation there would be no need to regulate the broker.

Mr. Hardy stated that the Nevada Motor Transport Association opposed the bill. He did not know of a valid reason for the opposition.

Senator Hernstadt pointed out that there would not be an overwhelming demand for the tours provided by the non-profit organizations.

Senator Jacobsen noted that any complaint by the broker that the motor carriers were not providing transportation would be addressed to the P.S.C.

SENATE BILL NO. 455

Mr. Enrico Togneri, Director of the Washoe County Sheriff's Office Crime Lab, stated that the sheriff's office was in favor of the bill. He suggested that an addition be amended into the bill. This addition would provide that if an officer had a reasonable cause to suspect that a driver was under the influence of alcohol or a controlled substance, the officer can give either a blood test or urine test in addition to the breath test to determine whether the driver is under the influence of a controlled substance. The way the law is written the officer can only give one test, which is the test of the driver's choice. Controlled substances cannot be detected by the breath test, however, they can be detected through blood or urine tests.

Chairman Blakemore pointed out that it had become practice with users of a controlled substance to drink a small amount of alcohol in case they are stopped for erratic driving. With liquor on their breath the officer would believe they had been drinking, however,

Senate Committee on Transportation
April 2, 1981

they would be able to pass the breath test and no other test could be given.

Senator Hernstadt asked where it was provided within the statutes that a person is only required to take one test. Mr. Shriver stated that the courts interpret the law to read that only one test is required.

Senator Neal felt that Mr. Togneri's proposal would eliminate the option of a driver taking either the breath, blood or urine test. Mr. Togneri stated that the driver would have the option to take the breath test, however, if the officer believed that the driver was under the influence of a controlled substance the driver would be given the option of taking the blood or urine test.

Chairman Blakemore stated that the Department of Motor Vehicles should give testimony on the bill.

Senator Jacobsen cited a case where a driver would put a controlled substance into a bottle with a prescription label so the officer would believe that the controlled substance was actually prescribed medication. Chairman Blakemore stated that there are cases where a doctor issues medication to a patient and the patient is not aware of the effect of the medication and is actually driving under the influence of a controlled substance.

Mr. Togneri stated that within the next year there should be studies available from California which would state the actual impairment caused by alcohol and controlled substances. He explained the process of determining the amount of controlled substance in the blood. He stated that urine tests are less expensive to administer than the blood tests.

SENATE BILL NO. 461

Mr. Leonard Winkleman, Chief, Division of Administrative Services, Department of Motor Vehicles, stated that the division was neutral as to the fund which finances the department. He explained that at the present time all revenues collected by the department are deposited into the motor vehicle fund. The money is transferred from that fund. The bill would change the depositing procedure so that monies would go into the state highway fund. He explained that in 1973 it was advised that all monies which were handled by the department be deposited into one fund and distributed from that fund. He stated that the division did not want to be reverting back to depositing money into more than one fund. He said

Senate Committee on Transportation
April 2, 1981

that the bill was similiar to Senate Bill No. 158, which already had been heard by the Senate Committee on Transportation.

Chairman Blakemore noted that no one was at the meeting to testify in support of the bill. He stated that he would check the Bill Draft Request to find out where Senate Bill No. 461 originated and if there was a compelling reason for the bill to be processed.

Mr. Hale Bennett, Department of Motor Vehicles, requested that if the committee decided to hear the bill again that the department be made aware of the meeting so they could testify on it in full.

There being no further business, the meeting adjourned at 3:10 p.m.

Respectfully submitted by:


Kelly R. Torvik

APPROVED:


Senator Richard E. Blakemore
Chairman

Dated: 4/7, 1981

SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A.

Committee on Transportation, Room 323.
Day Thursday, Date April 2, 1981, Time 2:00 p.m.

S. B. No. 431--Increases amounts required for lessors of motor vehicles to show financial ability to respond to damages.

S. B. No. 444--Removes brokers from regulations pertaining to motor carriers.

S. B. No. 455--Amends provisions of traffic laws relating to persons who have become incapacitated.

S. B. No. 459--Allows fee for inspection of encroachments and devices used for outdoor advertising.

S. B. No. 460--Authorizes department of transportation to use appropriations from state general fund to match federal money for certain projects.

S. B. No. 461--Changes source of financing for administration of department of motor vehicles

