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PREPARED BY
RESEARCH DIVISION
LEGISLATIVE COUNSEL BUREAU
Nonpartisan Staff of the Nevada State Legislature

WORK SESSION

Assembly Committee on Transportation

March 6, 2003

-
- Assembly Bill 30 _____
 - Assembly Bill 58 _____
 - Assembly Bill 83 _____

ASSEMBLY TRANSPORTATION

DATE: 3/6/03 ROOM: 3143 EXHIBIT J. 1 of 12

SUBMITTED BY: Marji Paolow Thomas

WORK SESSION

ASSEMBLY COMMITTEE ON TRANSPORTATION

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WORK SESSION

Assembly Committee on Transportation

March 6, 2003

The following measure will be considered for action by the Assembly Committee on Transportation during a work session on Thursday, March 6, 2003:

ASSEMBLY BILL 30

Makes various changes to the provisions governing the registration of motor vehicles by new residents of this state and the issuance of drivers' licenses to such persons.

Sponsored by: Assemblywoman McClain
Dates Heard: February 11, 2003—NACT
February 20, 2003 (previous work session)—A&DP
February 27, 2003 (previous work session)—Rescind the Amendment and NACT

Discussion

Assembly Bill 30 would require that before the Department of Motor Vehicles (DMV) issues a driver's license to a new resident of the state, the new resident must register each vehicle he owns which is operated in the state. However, the DMV may issue a driver's license to a new resident of the state who provides a signed affidavit to the DMV attesting that he does not own any vehicle, which is operated in the state or is exempt from the requirement to register each vehicle he owns. A person who files a false affidavit is subject to penalties of perjury. According to a representative of the DMV, the DMV can "flag" a person's information in its computer system when a person signs an affidavit. Law enforcement agencies would have access to this information.

Additionally, A.B. 30 provides that a person may transfer the original registration to another vehicle registered by him and receive a credit on the portion of the registration and taxes for the remainder of the current period of registration.

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Further, A.B. 30 repeals a provision that authorizes the DMV to refund unexpired registration fees and privilege taxes when the owner of a motor vehicle cancels his registration.

During the work session held on February 20, 2003, the Committee considered an amendment by Assemblyman Carpenter. The amendment would allow any Nevada resident who sells, trades, or junks a motor vehicle to receive a refund of the unexpired motor vehicle registration and taxes if the refund is more than \$100. The Committee requested the amendment and passed the bill out of Committee.

During the work session held on February 27, 2002, the Committee rescinded the action to request an amendment. The Committee considered an amendment by Assemblyman Carpenter. However, the Committee did not take action on the proposed amendment.

Proposed Conceptual Amendments

Assemblyman Carpenter proposes the following amendment:

1. Amend the bill to require that the Department of Motor Vehicles (DMV) issue a refund to a person only if:
 - The portion of the registration fee and governmental service tax paid on the vehicle attributable to the remainder of the current calendar year or registration period is more than \$100;
 - He sells, trades, or junks his motor vehicle and does not transfer the registration to a different vehicle;
 - Within 60 days after the sale, trade, or junking of his motor vehicle, he cancels his registration and surrenders to the DMV his license plates; and
 - Provides documentation which, in the determination of the DMV provides reasonable proof that he is a resident of the State of Nevada at the time he cancels his registration and surrenders to the DMV his license plates.

The DMV shall issue to the person a refund in an amount equal to the amount of the portion of the registration fee and governmental service tax paid on the vehicle attributable to the remainder of the current calendar year or registration period that exceeds \$100, except in no case may DMV issue a refund if the resulting amount is less than \$15.

Tab A contains a copy of the DMV Transaction Costs over \$100, which was prepared by the DMV on February 26, 2003.

ASSEMBLY BILL 58

Prohibits the driver of the motor vehicle from permitting passengers to ride upon or within the bed of a truck under certain circumstances.

Sponsored by: Assemblyman Grady (By Request)
Dates Heard: February 27, 2003—NACT

Discussion

Assembly Bill 58 prohibits passengers under 18 years of age in all counties from riding in the cargo space of a vehicle, including the bed of a truck, when the vehicle is traveling on a multilane highway. At present, this prohibition applies only in counties with populations of fewer than 100,000 persons.

Proposed Conceptual Amendment

Assemblyman Grady proposes the following amendments:

1. On page 1, subsection 1 of section 1, lines 4-5, delete "paved highway" and add "highway as defined under NRS 484.065."
2. Delete on page 2, subsection 2 (b)(1) of section 1, lines 5-6. This subsection permits a person under 18 years of age to ride upon the bed of a flatbed truck or within the bed of a pickup truck if the motor vehicle is not being operated on a freeway or other road that has two or more lanes for traffic traveling in one direction.

The amendment under **TAB B** provides suggested language. **TAB C** contains a copy of NRS 484.065.

ASSEMBLY BILL 83

Makes various changes concerning trucks.

Sponsored by: Assembly Committee on Transportation on behalf of the Nevada
Motor Transportation Association
Dates Heard: February 11, 2003—Discussed as BDR
February 20, 2003—NACT

Discussion

Assembly Bill 83 provides a driver of a truck equipped with a device for braking that uses the compression of an engine may use that device at any time if the device is equipped with an operational muffler. Otherwise, the driver can use compression brakes only in emergencies. Otherwise, the driver is guilty of a misdemeanor.

This measure requires that the Department of Transportation adopt regulation concerning combinations of vehicles in excess of 70 feet in length be consistent with federal regulations. Assembly Bill 83 eliminates the limit on the maximum fee that may be charged for a permit for a combination of vehicles in excess of 80,000 pounds. Finally, this measure repeals provisions relating to alternative limitations on the weight of a trailer or semi-trailer.

Proposed Conceptual Amendment

Assemblywoman Chowning proposes the following amendment:

1. On page 1, section 1, subsection 1, lines 4-5, delete "may use the device at any time if" and add "shall not use the device at any time unless."
2. Delete subsection 2 of section 1.

TAB A

Transactions Over One Hundred Dollars

Projected Refund Count

CY 03	CY 04	CY 05
18,256	21,122	24,438

Projected Refund Dollars

CY 03	CY 04	CY 05
2,237,137.85	2,580,852.14	2,978,852.78

	Refunds per week	Dollars Refunded per week
CY 03	351	\$43,021.88
CY 04	406	\$49,631.77
CY 05	470	\$57,285.63

OR

Effect on Future Biennia (FY 04 + FY 05)

Projected Refund Count	45,560	438 Refunds issued per week
Projected Refund Dollars	\$5,559,704.92	\$53,458.70 Dollars refunded per week

Transaction Details	CY 01	CY 02	CY 03
Total Number of Refunds Processed	70,071	101,019	116,879
Number of Refunds Processed Over \$100	9,425	13,614	18,256
Total Refunds Processed	\$3,818,385.65	\$4,417,932.69	\$5,093,665.42
Total Refunds Processed Over \$100	\$1,937,464.81	\$2,782,296.00	\$2,237,137.85
Savings to the State	\$1,880,920.84	\$1,635,636.69	\$2,856,527.57

Transactions Over One Hundred Dollars

Transaction Details	CY 01	CY 02
Total Number of Refunds Processed	9,425	13,614
Highest refund	\$3,675.00	\$5,003.20
Lowest refund	\$100.00	\$100.00
Average refund	\$205.57	\$204.37

Prepared by the Department of Motor Vehicles, February 26, 2003

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TAB B

Proposed Amendment to Assembly Bill 58

Assembly Committee on Transportation

March 3, 2003

Section 1, subsection 1 (pg. 1, lines 4 & 5) should be amended as follows:

being operated on a [~~paved highway,~~] *highway as defined by NRS 484.065* [~~within a county whose population is 100,000 or more,~~] to ride upon or within any portion

Section 1, subsection 2, (b) (1) (pg. 2, lines 5 & 6) should be deleted and subsections renumbered as follows:

~~(1) Not being operated on a freeway or other road that has two or more lanes [for traffic traveling in one direction]:~~

~~[(2)]~~ (1) Being used in the course of farming or ranching; or

~~[(3)]~~ (2) Being driven in a parade authorized by a local authority.

Section 1, subsection 3 (lines 10 & 11) are LCB technical corrections.

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TAB C

J 11412

NRS 484.065 "Highway" defined. "Highway" means the entire width between the boundary lines of every way dedicated to a public authority when any part of the way is open to the use of the public for purposes of vehicular traffic, whether or not the public authority is maintaining the way.

(Added to NRS by 1969, 1478; A 1981, 1690)

NEVADA CASES.

Section limits applicability of chapter to highways maintained by public authorities. It was not a violation of the statute and therefore not negligence per se to leave an automobile in the private driveway of a casino in the care of an attendant with the keys in the ignition. NRS 484.445, which prohibits leaving a motor vehicle unattended without stopping the engine, locking the ignition and removing the key, did not apply to a casino driveway because the provisions of NRS 484.065 and 484.777 limit the applicability of NRS ch. 484 to highways maintained by public authorities. *Elliott v. Mallory Elec. Corp.*, 93 Nev. 580, 571 P.2d 397 (1977), cited, *Merluzzi v. Larson*, 96 Nev. 409, at 414, 610 P.2d 739 (1980), *Lee v. State*, 116 Nev. 452, at 454, 997 P.2d 138 (2000)

Access road constructed by a mining corporation on federal property did not constitute a "highway" under the circumstances. Where: (1) the defendant was charged with one count of reckless driving causing substantial bodily harm in violation of NRS 484.377 for an accident that occurred on an access road; (2) the access road was constructed by a mining corporation on federal property pursuant to a right-of-way granted by the Bureau of Land Management; and (3) the access road was open to the public for vehicular traffic, but was never dedicated to a public authority, the supreme court held that the access road was not a highway for the purposes of chapter 484 of NRS. The court noted that while NRS 484.377 does not limit its application to certain types of roads, NRS 484.777 provides that the provisions of chapter 484 of NRS apply uniformly on all highways. While NRS 484.065 defines the term "highway" to mean a road that is open to the public for vehicular traffic and dedicated to a public authority, a road does not become dedicated to a public authority simply because the public has access to it. *Lee v. State*, 116 Nev. 452, 997 P.2d 138 (2000)

ATTORNEY GENERAL'S OPINIONS.

Requirement for reporting of accidents applies only to accidents occurring on highway. Provisions of NRS 484.229 which require reporting of any accident resulting in bodily injury or death or property damage of \$350 (now \$750) or more apply only to accidents occurring on a "highway" as defined by NRS 484.065 (see NRS 481.027 and 484.777). The department of motor vehicles cannot require reporting of accidents occurring on private property. AGO 82-11 (6-3-1982)