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WORK SESSION

ASSEMBLY COMMITTEE ON TRANSPORTATION

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

WORK SESSION

Assembly Committee on Transportation

April 10, 2003

The following measures will be considered for action by the Assembly Committee on Transportation during a work session on Thursday, April 10, 2003:

ASSEMBLY BILL 197

Makes various changes concerning certain applications submitted to Department of Transportation by governmental entities for easements or licenses or permits for encroachments on certain highway rights-of-way.

Sponsored by: Assembly Committee on Transportation

Dates Heard: February 25, 2003—Discussed as BDR
March 18, 2003—NACT
April 3, 2003—NACT

Discussion

Assembly Bill 197 provides procedures for considering applications by governmental entities to encroach on a highway right-of-way for a public purpose such as a public work, public building, public road, or public highway. The bill requires the Department of Transportation to act within 60 days upon receiving an application by a governmental agency for an easement, license, or permit for an encroachment concerning any portion of highway rights-of-way owned or controlled by the Department.

- If the Department fails to approve or deny the application within that period, the application shall be deemed approved and the governmental agency, upon notifying the Department, may act in accordance with the application.
- If the Department conditionally denies an application within the 60-day period, the Department must furnish in writing a detailed explanation of all reasons for the denial and specify any actions the applicant may take that would result in the approval of the application.

- If the Department approves or denies an application within 60 days, the Department must provide in its final written decision all reasons for the denial. The applicant may appeal the decision to the district court.

If the Department approves an application, the Department shall not charge the applicant a fee for the use of the property so long as it is used for a public purpose.

The Department and the Nevada League of Cities and Municipalities were asked to prepare a Memorandum of Understanding regarding this matter.

Proposed Conceptual Amendments

There are no proposed amendments.

ASSEMBLY BILL 239

Provides for issuance of special permit to display vintage license plate on front of certain motor vehicles.

Sponsored by: Assembly Committee on Transportation

Dates Heard: March 20, 2003—NACT

Discussion

Assembly Bill 239 requires the Department of Motor Vehicles (DMV) to establish by regulation a procedure allowing an owner of a motor vehicle that is at least 25 years old to apply for special permit to display a vintage license plate on the front of the motor vehicle. The DMV may issue the permit if the owner submits a completed application, pays a fee of not more than \$35, and signs a declaration affirming he will affix a vintage license plate to the front of the motor vehicle only under circumstances that have been authorized by DMV. An owner of such a vehicle must display on the rear of the motor vehicle a license late that is not a vintage license plate and contains the required registration sticker or tab. A vintage license plate is a plate with a design that is not currently prepared or issued by DMV and has been reproduced to appear as it appeared at the time of issuance.

Proposed Conceptual Amendments

Bill Carpenter proposes the following amendments:

1. Amend the bill to allow that only owners of motor vehicles manufactured on or before 1942 display a reproduced vintage license plate from the year the vehicle was manufactured on the front and rear of the motor vehicle. An owner would only be allowed to display a plate reproduced by DMV. DMV must use digital plate technology to reproduce the plate. If DMV does not use such technology then an owner would be unable to display a vintage license plate.
2. Amend the bill as a whole by deleting provisions that would have required DMV to establish a procedure and regulations for an owner of a motor vehicle to apply for a special permit to display a vintage license plate on the motor vehicle.
3. Amend the bill by adding a new section allowing DMV to issue reproductions of Nevada license plates manufactured on or before 1942 only if DMV uses digital plate technology.
4. Amend the bill by adding a new section requiring DMV to charge and collect \$35 for the issuance of the reproduced license plate and \$10 for renewal of the reproduced license plate in addition to all other license fees and applicable taxes.

TAB A contains a history of Nevada license plates and pictures of the plate provided by Mr. Carpenter.

ASSEMBLY BILL 267

Revises provisions relating to certain fees and surcharges charged and collected in regard to vehicles leased for short term.

Sponsored by: Assemblyman Parks

Dates Heard: March 27, 2003—NACT

Discussion

This measure provides that a short-term lessor who charges and collects the governmental services tax may not include in total amount for the rental of a passenger car the amount of any charges for recovery, collisions damager waiver, fuel, insurance, damages to the vehicle, concessions fees for doing business at a airport. This bill requires the Department of Taxation to report on a quarterly basis the amount of any recovery surcharges collected by the short-term lessor during the immediately preceding calendar quarter. This measure removes the requirement for a short-term lessor to file with the Department of Motor Vehicles a report indicating vehicle licensing fees and taxes paid by the short-term lessor. The bill requires the Department of Taxation to adopt regulations and provide the Department of Motor Vehicles a copy any record relating to short-term lessors.

Proposed Conceptual Amendments

There are no proposed amendments.

ASSEMBLY BILL 324

Revises provisions governing frequency of renewal of registration of certain vehicles and frequency of renewal of certain drivers' licenses.

Sponsored by: Assemblymen Griffin, Claborn, Knecht, Brown, Andonov, Angle, Arberry Jr., Beers, Christensen, Conklin, Geddes, Goicoechea, Grady, Gustavson, Hardy, Hettrick, Horne, Leslie, Mabey, Marvel, McCleary, Mortenson, Parks, Sherer, Weber

Dates Heard: April 1, 2003—NACT

Discussion

Assembly Bill 324 provides that an owner of a motor vehicle may register his vehicle for period of 24 months. The bill requires the Department of Motor Vehicles (DMV) to collect the amount of the governmental services tax and, if applicable, the supplemental governmental services tax for a period of 24 months. The DMV will work with the State Environmental Commission and local air pollution control agencies concerning emission testing of vehicles for a 24-month period. The bill adjusts fees for special and personalized license plates to make them consistent with the longer registration period.

This measure also provides that a person must renew his driver's license every six years. Currently, a person must renew his driver's license every four years.

Proposed Conceptual Amendments

Clay Thomas, Administrator—Field Services, Department of Motor Vehicles, proposes the following amendment:

1. Retain existing statutory language on page 49, section 46, line 35, and page 50, section 47, line 7.

ASSEMBLY BILL 346

Revises provisions governing operation or maintenance of vehicles on highways in this state using dyed special fuel.

Sponsored by: Assemblyman Carpenter

Dates Heard: April 8, 2003 - NACT

Discussion

Assembly Bill 346 provides that an owner of heavy-duty equipment may apply to the Department of Motor Vehicles (DMV) for a permit to operate or maintain that equipment on highways in this state using dyed special fuel. In addition to any fee charged for issuing a permit, DMV is required to collect an amount equal to the tax that would have been charged if the heavy-duty equipment been operated or maintained not using dyed special fuel. The permit must be on a form determined by DMV, expires at 5 p.m. on the 10th day after its issuance, bear the date of its expiration, must be affixed to the equipment, must indicate the starting and ending points of the distance to be traveled, and must be removed or destroyed upon its expiration. A person may operate heavy-duty equipment that contains dyed special fuel in the fuel tank if the equipment is being moved from one location to another location at the owner's place of business or to service or repair the equipment and DMV has issued a permit.

The bill also provides that, to the extent allowed by federal law, a person may operate farm equipment with dyed fuel in the tank, on highways, including freeways. At present, farm equipment may not operate on freeways. Special mobile equipment may also operate on the freeways with dyed fuel in the tank, providing it does not exceed the distance allowed by the Department.

Proposed Conceptual Amendments

Assemblyman Carpenter proposes the following amendments:

1. Amend the bill as a whole by deleting heavy-duty equipment.
2. Amend the bill as a whole by deleting provisions allowing owners of heavy-duty equipment to apply to the DMV for a permit to operate or maintain that equipment on a highway in this state using dyed special fuel.
3. Retain existing language concerning special mobile equipment and farm equipment.
4. Retain existing language concerning the definition of highways so that a person would not be able to operate farm or special mobile equipment on freeways.

5. Amend the bill by adding a new section allowing a person to operate a motor vehicle with dyed special fuel to cross a highway when traveling from one parcel of land owned or operated by the owner to another parcel of land owned or operated by the owner. The motor vehicle would not be allowed to travel on the highway.

TAB B contains a mock-up of the bill.

ASSEMBLY BILL 367

Makes various changes relating to repair of motor vehicles.

Sponsored by: Assemblywoman Chowning

Dates Heard: April 3, 2003—NACT

Discussion

Assembly Bill 367 allows an insured or a claimant on policy of motor vehicle insurance to select a licensed body shop for repairs to a motor vehicle. An insurer must notify the insured or claimant of this right at the time the insurer is first contacted concerning a claim for damage to a motor vehicle. The insurer may not interfere with the selection of a licensed body shop. If an insurer or representative of an insurer violates these provisions, an insured, claimant, or licensed body shop may file a complaint with the Commissioner of Insurance. If the Commissioner finds that a violation has occurred, he may impose an administrative fine of not more than \$5,000 against an insurer and not more than \$500 against a representative of an insurer. An insurer is not required to pay more than the reasonable rate required for repairs to a motor vehicle.

The bill also expands the definition of a rebuilt vehicle to include roof assembly and front clip assembly.

Proposed Conceptual Amendments

Michael Speers, General Manager, Green Valley Collision Center, proposes the following amendments:

1. On page 2, subsection 7(c) of section 2, line 38-39, amend the bill by retaining the current language.
2. On page 3, subsection 2(b) of section 3, line 10-11, amend the bill by retaining the current language.
3. On page 3, subsection 2(b), subsection 2(c), subsection 3, and subsection 4 of section 3, line 12-26, delete the proposed language.
4. Amend the bill by adding a new section defining front clip assembly as the complete front inner structure for a unibody.

TAB C is a mock-up of the bill with suggested amendments and a letter of intent written by Mr. Speers.

ASSEMBLY BILL 394

Revises provisions governing removal by police officer of vehicle or part of vehicle from highway to garage or other place of safekeeping.

Sponsored by: Assemblymen Goldwater and Chowning

Dates Heard: March 27, 2003—NACT

Discussion

This measure provides that a vehicle that is removed from a highway must be taken to a garage or other place of safekeeping that is not more than five miles from the location of the vehicle. If no such garage or other place of safekeeping exists, the vehicle must be taken to a garage or other place of safekeeping that is nearest to the location of the vehicle.

Proposed Conceptual Amendments

Ewing Bros. Towing proposes the following amendment:

1. Amend the bill to allow that unless a different course of action is necessary to preserve evidence of a criminal offense, a vehicle or part of a vehicle that is removed from a highway, pursuant to subsection 3, must be removed by the nearest tow operator on police duty rotation for the month. The vehicle must be moved to a place of safekeeping using the shortest and most direct practical route.

ASSEMBLY BILL 414

Authorizes use of single center lane to make left-hand turn onto highway.

Sponsored by: Assemblymen Knecht, Hettrick, Brown, Beers, Angle, Andonov, Arberry Jr., Carpenter, Christensen, Claborn, Conklin, Geddes, Gibbons, Goicoechea, Grady, Griffin, Hardy, Marvel, McClain, McCleary, Mortenson, Sherer, Weber

Dates Heard: April 3, 2003—NACT

Discussion

Assembly Bill 414 provides that a vehicle must not travel more than 200 feet in a center turn lane after making a left-hand turn onto the highway before merging with traffic.

Proposed Conceptual Amendments

Assemblyman Knecht proposes the following amendments:

1. Amend the bill by adding a new section providing that when two or more vehicles enter the center turn lane, the first vehicle to enter the lane shall have the right-of-way.
2. Amend the bill by providing that these provisions apply only to counties under 400,000. Therefore, this would not apply to Clark County.

TAB D contains a a letter of explanation regarding the proposed amendment provided by Assemblyman Knecht.

TAB E contains a letter of opposition from Laurel Stadler, Chapter Director of Mother's Against Drunk Driving.

ASSEMBLY BILL 521

Expands title and duties of Section for Control of Emissions from Vehicles of Department of Motor Vehicles to include enforcement of certain matters relating to use of special fuel.

Sponsored by: Assembly Committee on Transportation

Dates Heard: April 8, 2003—NACT

Discussion

This measure renames the section in the Department of Motor Vehicles responsible for enforcing laws relating to the control of emissions from motor vehicles and charges it with responsibility for also enforcing laws relating to special fuel. (In the statutes, the term “special fuel” includes fuels other than gasoline used to propel motor vehicles, boats, or aircraft, such as diesel, kerosene, or liquefied petroleum gas.) The employees in this section of the Department are required to cooperate and coordinate with the Nevada Highway Patrol, which is presently responsible for enforcing these laws.

Proposed Conceptual Amendments

There are no proposed amendments.

ASSEMBLY BILL 522

Revises provisions governing short-term leases of passenger cars.

Sponsored by: Assembly Committee on Transportation

Dates Heard: April 8, 2003—NACT

Discussion

This measure provides that the lessor and the lessee may agree to a waiver of responsibility for damage to a rental car regardless of the cause of the damage. At present, these waivers release the lessee from responsibility for damage caused by a collision. The lease agreement may provide that the waiver does not apply if the passenger car is operated outside of the State of Nevada unless specified. Further, the agreement may provide that the waiver of damages does not apply when the vehicle is stolen and the authorized driver was negligent in securing it. Finally, the bill provides a maximum charge of \$15 for a damage waiver is to be based upon a rental day rather than a 24 hour period.

Proposed Conceptual Amendments

Enterprise Rent-A-Car proposes the following amendments:

1. On page 1, amend the bill by deleting lines 6-8 and adding that the lessee is responsible for physical damage to the passenger car regardless of the cause of the damage and mechanical damage resulting from impact, collision, or driver negligence up to and including its fair market value.
2. Amend the bill to provide that a lessee who has purchased a waiver of damages may operate a motor vehicle outside of Nevada in a state adjoining Nevada without expressly notifying the lessor.
3. Amend the bill on page 2, by deleting lines 40 through 44 and on page 3, amend the bill by deleting lines 1 through 11. This amendment would provide that an authorized driver who has purchased a waiver of damages is not required to have in his possession the ignition key or to establish that the ignition key was not in the car at the time of theft in order to be covered under the waiver. Further, the authorized driver would not be required to file an official report of the theft with an appropriate law enforcement agency.

TAB F contains a copy of the proposed language as submitted by Enterprise Rent-A-Car.

ASSEMBLY BILL 523

Authorizes certain counties to use proceeds from county motor vehicle fuel tax for maintenance and repair of streets, highways and various other projects.

Sponsored by: Assembly Committee on Transportation

Dates Heard: April 8, 2003—NACT

Discussion

This measure authorizes counties with populations of up to 100,000 to use proceeds from the county option gasoline tax for highway maintenance. At present, only counties with populations of less than 50,000 can use these funds for maintenance. Other counties must use them for new construction.

Proposed Conceptual Amendments

There are no proposed amendments.

TAB A

NEVADA

PRE-STATES

Nevada is another one of those states where the best evidence of the early history is found in the plates which survive today. In 1913, the state began registering vehicles, issuing a small round dashboard disc carrying the number assigned to the vehicle. It was then up to the owner to provide the plates to match. Apparently, there was a factory in Carson City that made high quality properly embossed plates to order, and this is an area where Nevada differs from most states. Thus, a great many Nevada pre-states are well made, properly embossed plates. Today, a number of these dated, embossed 1913 Nevada plates survive, as well as a number of embossed but undated plates, believed to have been used in 1914 or 1915. These plates could be a logical extension of the numbers that began in the 1913 series. In addition to the embossed plates, there are surviving examples of flat plates, kit plates and porcelains. Further, one flat plate exists with *RENO* painted diagonally at the right of the number, and is about the only surviving evidence that the cities may have been involved with early Nevada registrations.

FIRST YEAR OF ISSUE 1916
UNDATED ISSUES 1916
PORCELAINS None
WINDSHIELD STICKERS None
METAL DATE TABS 1943, June 1964 (date strip)

SLOGANS

The June 1964 date strip commemorated 100 years of Nevada statehood with the legend *1864-NEVADA-1964* above the word *CENTENNIAL*. The 1983 graphic base introduced the slogan *THE SILVER STATE* along the bottom of the plate, and this base is still valid through 1996.

GRAPHICS

The 1983 issue, Nevada's first screened graphic, shows a rugged mountain scene ranging from desert terrain to snowcapped peaks, complete with a mountain goat! Interestingly, as the reflective sheeting was moved in relation to the steel base, revealing more or less of the design at the left side, it appears that the goat was roaming to different mountaintop locations in the scene. Foraging for Illinois soybean plates, no doubt!

OTHER FEATURES

The years from 1917 through 1922 showed a nice array of colors, all on flat plates. The years from 1923 through 1927 also had interesting colors, this time on debossed plates. The June 1964 date strip, which measures 2" X 12", was used to revalidate the 1961 base. This date strip could then itself be extended till year's end with a 1964 sticker, which interestingly was placed on the strip itself, not on the base.

NEBRASKA (Continued)

1957: Green on White
 1958: Black on Deep Yellow
 1959: Black on Aluminum Tab
 1960: Deep Yellow on Black
 1961: Black on White Sticker
 1962: Green on White (undated)
 1963: White on Red Sticker
 1964: Green on White Sticker
 1965: Black on White
 1966: Red on Reflective White
 1967: Black on Orange Sticker
 1968: Blue on White Sticker
 1969: Black on Reflective White
 1970: Red on White Sticker
 1971: Green on White Sticker
 1972: Red on Reflective White
 1973: Black on White Sticker
 1974: Blue on White Sticker
 1975: Red on White Sticker

1976: Red on Reflective Red, Blue and White graphic base
 1977: White on Red Sticker
 1978: Blue on White Sticker
 1979: White on Green Sticker
 1980: Black on White Sticker
 1981: Black on Yellow Sticker
 1982: Black on Blue Sticker (undated)
 1983: White on Black Sticker
 1984: White on Red Sticker
 New base issued: Blue on Reflective White undated base with 1985 sticker.
 1985: Blue on White Sticker
 1986: White on Green Sticker
 1987: Black on Yellow Sticker
 New base issued: Red on Reflective Red, Orange, Yellow, Black and White graphic undated base with 1988 sticker.
 1988: Red on White Sticker

1989: Black on White Sticker
 1990: Black on Yellow Sticker
 New base issued: Black on Reflective Black, Sky Blue, Orange and White graphic undated base with 1991 sticker.
 1991: Black on White Sticker
 1992: Black on Yellow Sticker
 1993: Black on Orange Sticker
 New base issued: Dark Blue on Reflective Dark Blue, Red and Gold and White graphic undated base with 1994 sticker.
 1994: Red on White Sticker
 1995: White on Red Sticker
 1996: White on Blue Sticker
 New base issued: Black on Reflective Black, Yellow, Red and White graphic undated base with 1997 sticker.
 1997: Black on Orange Sticker

NEVADA

1916: Yellow on Green (undated)
 1917: Silver on Blue (Flat)
 1918: Black on Yellow (Flat)
 1919: Red on White (Flat)
 1920: Yellow on Red (Flat)
 1921: Green on White (Flat)
 1922: Black on Gray (Flat)
 1923: Deep Yellow on Black
 1924: White on Light Green
 1925: White on Purple
 1926: Yellow on Black
 1927: Yellow on Green
 1928: White on Red
 1929: Black on Orange
 1930: Orange on Black
 1931: Black on Orange
 1932: Orange on Black
 1933: White on Green
 1934: Green on White
 1935: White on Green
 1936: Silver on Blue
 1937: Blue on Silver
 1938: Silver on Blue
 1939: Blue on Silver
 1940: Silver on Blue
 1941: Blue on Silver
 1942: Silver on Blue
 1943: Yellow on Red Tab
 1944: White on Red
 1945: Blue on Silver
 1946: Silver on Blue
 1947: Blue on Silver
 1948: Silver on Blue

1949: Blue on Silver
 1950: Silver on Blue
 1951: Blue on Silver
 1952: Silver on Blue
 1953: Gold on Green
 1954: Silver on Blue
 6/30/55: Black on Red Sticker
 6/30/56: Blue on Silver
 1956-57: Silver on Blue
 June 1958: Light Blue on Silver
 June 1959: Silver on Light Blue
 June 1960: Blue on White
 June 1961: Silver on Blue
 June 1962: Aluminum on Red Sticker
 June 1963: Black on Yellow Sticker
 June 1964: Silver on Blue Date Strip
 1964: Black on Yellow Sticker on Date Strip
 1965: Blue on Aluminum
 1966: Black on Orange Sticker
 1967: Black on Yellow Sticker
 New registrations received Blue on Reflective White 1965 base with above sticker.
 1968: White on Pink Sticker on 1965 and 1967 bases
 1969: Reflective White on Blue
 1970: Black on Reflective Orange Sticker
 1971: White on Red Sticker
 New registrations received Reflective White on Blue base with above sticker.
 1972: Black on Yellow Sticker
 1973: White on Green Sticker
 1974: White on Red Sticker

1975: Blue on White Sticker
 New registrations received Reflective White on Blue base with above sticker.
 1976: Black on Yellow Sticker
 1977: White on Red Sticker
 1978: White on Green Sticker
 1979: White on Blue Sticker
 1980: Black on Yellow Sticker
 1981: White on Red Sticker
 1982: Blue on White Sticker
 New registrations received a White on Reflective Blue undated base with above sticker.
 1983: White on Green Sticker
 New registrations received a Blue on Reflective Silver and White graphic undated base with 1984 sticker.
 1984: White on Blue Sticker
 1985: Black on Yellow Sticker
 1986: Blue on White Sticker
 1987: White on Red Sticker
 1988: White on Green Sticker
 1989: White on Blue Sticker
 1990: Black on Orange Sticker
 1991: Blue on White Sticker
 1992: White on Green Sticker
 1993: White on Red Sticker
 1994: Black on Yellow Sticker
 1995: White on Blue Sticker
 1997: White on Red Sticker

Note: All bases since 1969 are still valid.

AMPSHIRE

1905-11: White on Green (u
 1912: Green on White
 1913: White on Green (Porc
 1914: White on Green (Porc
 1915: Green on White (Porc
 1916: White on Green (Porc
 1917: Green on White (Porc

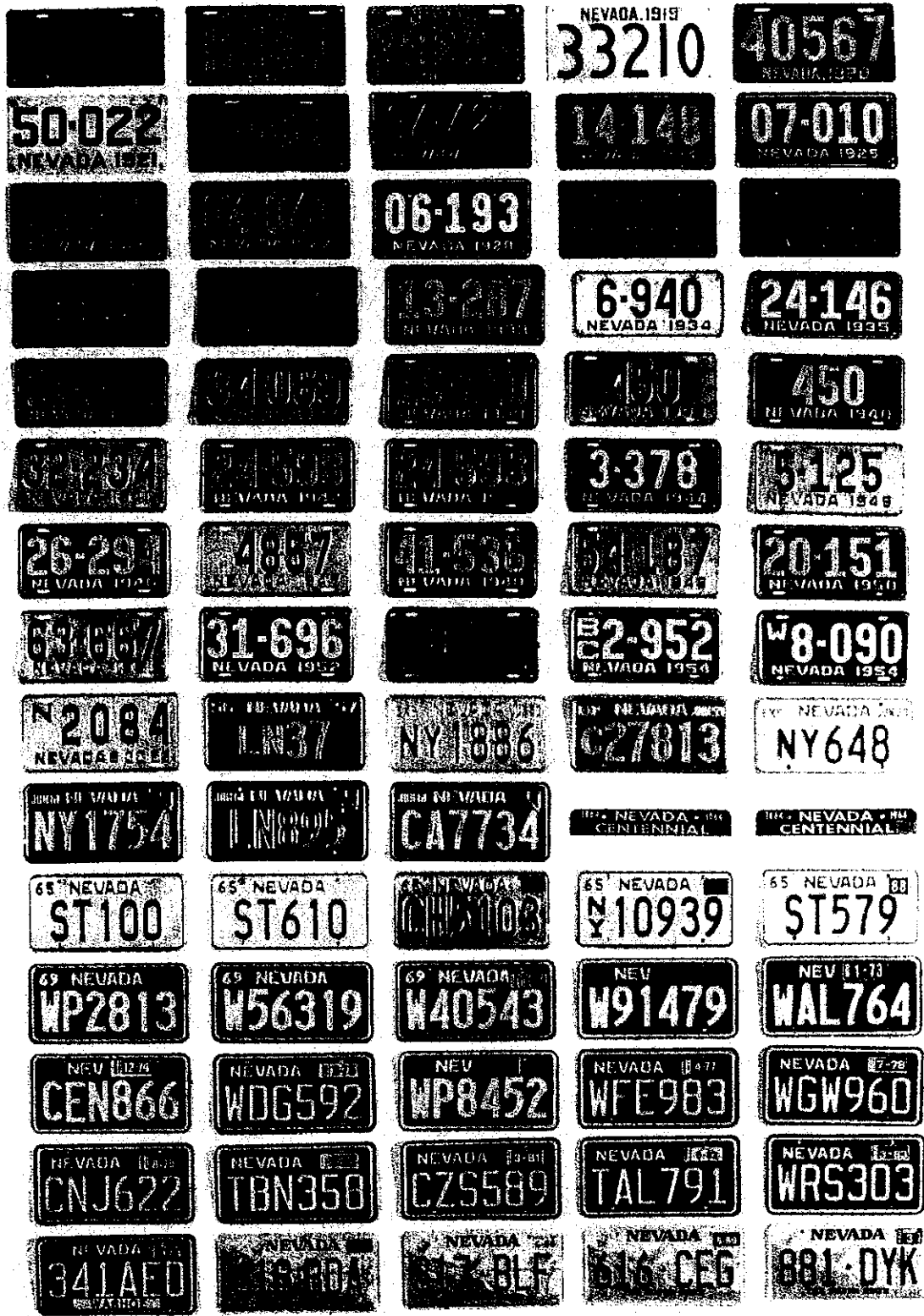
1st reflective
 NV 1967
 blue on reflective
 white

l Green (Porcelain)
 te (Flat)
 on (Flat)
 ite (Flat)
 en
 ite
 k Green

1925: Green on White
 1926: White on Dark Green
 1927: Green on White
 1928: White on Green
 1929: Green on White
 1930: White on Dark Green
 1931: Green on White

sucs were White on Green

fiberboard.



TAB B

MOCK-UP

PROPOSED AMENDMENT TO
ASSEMBLY BILL NO. 346

PREPARED FOR ASSEMBLYMAN CARPENTER
APRIL 9, 2003

PREPARED BY THE RESEARCH DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN
CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE
OFFICIAL AMENDMENT MAY DIFFER.

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~green bold double strikethrough~~ is language proposed to be deleted in this amendment and (5) ~~green bold dashed underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 366 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 and 3 of this act.
3 **Sec. 2.** ~~1. "Heavy duty equipment" means any self-propelled~~
4 ~~machinery or motor vehicle that:~~
5 ~~(a) Is used exclusively or in part by the owner thereof in the ordinary~~
6 ~~course of his business; and~~
7 ~~(b) Has a minimum declared gross weight established by the~~
8 ~~Department.~~
9 ~~2. The term does not include:~~
10 ~~(a) Farm equipment as defined in NRS 366.203.~~
11 ~~(b) Special mobile equipment.~~
12 **Sec. 3.** ~~1. An owner of heavy duty equipment may apply to the~~
13 ~~Department for a permit to operate or maintain that equipment on a~~
14 ~~highway in this state using special fuel which has been dyed.~~
15 ~~2. The Department may charge a fee for issuing the permit in an~~
16 ~~amount not to exceed the administrative costs of issuing the permit.~~
17 ~~3. In addition to any fee charged pursuant to subsection 2, the~~
18 ~~Department shall, before issuing a permit, collect an amount equal to the~~

Proposed Amendment No. 1
Amend the bill as a whole by
deleting heavy-duty
equipment.

Proposed Amendment No. 2
Amend the bill as a whole by
deleting provisions allowing
owners of heavy-duty
equipment to apply to the
DMV for a permit to operate
or maintain that equipment on
a highway in this state using
dyed special fuel.

1 ~~tax that would have been imposed pursuant to NRS 366.190 had the~~
2 ~~heavy duty equipment been operated or maintained using special fuel~~
3 ~~that had not been dyed.~~

4 ~~4. The permit:~~

5 ~~(a) Must be in a form to be determined by the Department.~~

6 ~~(b) Expires at 5 p.m. on the 10th day after its issuance.~~

7 ~~(c) Must bear the date of its expiration.~~

8 ~~(d) Must indicate the starting and ending points of the distance to be~~
9 ~~traveled.~~

10 ~~(e) Must be affixed to the heavy duty equipment in a manner to be~~
11 ~~determined by the Department.~~

12 ~~(f) Must be removed or destroyed upon its expiration.~~

13 Sec. 4. NRS 366.203 is hereby amended to read as follows:

14 366.203 1. Special fuel, other than compressed natural gas,
15 liquefied petroleum gas or kerosene, which is exempt from the tax
16 pursuant to subsection 3 or 4 of NRS 366.200 must be dyed before it is
17 removed for distribution from a rack. The dye added to the exempt special
18 fuel must be of the color and concentration required by the regulations
19 adopted by the Secretary of the Treasury pursuant to 26 U.S.C. § 4082.

20 2. Except as otherwise provided in subsections 3 and 4, a person shall
21 not operate or maintain on any highway in this state a motor vehicle which
22 contains in the fuel tank of that vehicle special fuel which has been dyed.

23 3. A person who, pursuant to subsection 2, 3 or 4 of NRS 366.200, is
24 exempt from the tax imposed by this chapter ~~{}~~ may operate or maintain a
25 motor vehicle on a highway in this state which contains in the fuel tank of
26 that vehicle special fuel which has been dyed.

27 4. ~~{A}~~ To the extent permitted by federal law, a person may operate
28 or maintain on a highway in this state any [special mobile equipment or
29 farm] :

30 (a) ~~Farm~~ equipment that contains in the fuel tank of the [special
31 mobile equipment or] farm equipment special fuel which has been dyed.
32 As used in this [subsection]:

33 (a) “Farm] paragraph, “farm equipment” means any self-propelled
34 machinery or motor vehicle that is designed solely for tilling soil or for
35 cultivating, harvesting or transporting crops or other agricultural products
36 from a field or other area owned or leased by the operator of the farm
37 equipment and in which the crops or agricultural products are grown, to a
38 field, yard, silo, cellar, shed or other facility which is:

39 (1) Owned or leased by the operator of the farm equipment; and

40 (2) Used to store or process the crops or agricultural products.

41 The term includes a tractor, baler or swather or any implement used to
42 retrieve hay.

43 (b) ~~“Highway” does not include a controlled access highway as~~
44 ~~defined in NRS 484.041.] Special mobile equipment that contains in the~~
45 ~~fuel tank of the special mobile equipment special fuel which has been~~

Proposed Amendment No. 3
retain existing language.

Proposed Amendment No. 4
retain existing language.

1 ~~dyed if the distance traveled on the highway does not exceed a maximum~~
2 ~~allowable distance established by the Department.~~

Add a new section to the bill

A person may not operate a motor vehicle on the highway if a fuel supply tank of the motor vehicle contains dyed special fuel unless:

1. it is permitted under federal law; and
2. the motor vehicle is used only to cross a highway only to travel from one parcel of land owned or operated by the owner to another parcel of land owned or operated by the owner.

Proposed Amendment No. 5
 Amend the bill by adding a new section allowing a person to operate a motor vehicle with dyed special fuel to cross a highway when traveling from one parcel of land owned or operated by the owner to another parcel of land owned or operated by the owner. The motor vehicle would not be allowed to travel on the highway.

3
4 ~~(c) Heavy duty equipment that contains in the fuel tank of the heavy~~
5 ~~duty equipment special fuel which has been dyed if~~

6 ~~(1) The heavy duty equipment is being moved;~~
7 ~~(I) From one location at the owner's place of business to~~
8 ~~another location at the owner's place of business; or~~

9 ~~(II) To service or repair the heavy duty equipment; and~~
10 ~~(2) A permit has been issued by the Department pursuant to~~
11 ~~section 3 of this act for the movement of the heavy duty equipment.~~

12 5. There is a rebuttable presumption that all special fuel which has not
13 been dyed and which is sold or distributed in this state is for the purpose of
14 propelling a motor vehicle.

15 Sec. 5. This act becomes effective on July 1, 2003.

H

F 23 of 35

TAB C

MOCK-UP

PROPOSED AMENDMENT TO
ASSEMBLY BILL NO. 367

PREPARED FOR ASSEMBLYWOMAN CHOWNING
APRIL 7, 2003

PREPARED BY THE RESEARCH DIVISION

**NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN
CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE
OFFICIAL AMENDMENT MAY DIFFER.**

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~green bold double strikethrough~~ is language proposed to be deleted in this amendment and (5) green bold dashed underlining is deleted language in the original bill that is proposed to be retained in this amendment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 482.098 is hereby amended to read as follows:
2 482.098 "Rebuilt vehicle" means a vehicle, one or more major
3 components of which have been replaced as set forth in this subsection.
4 For the purposes of this section, the requisite major components of a
5 vehicle which must be replaced for a vehicle to be considered rebuilt are
6 the:
7 1. Cowl assembly;
8 2. Rear clip assembly;
9 3. Roof ~~{;}~~ *assembly*;
10 4. Floor pan assembly; ~~{or}~~
11 5. Conventional frame coupled with one additional major component
12 ~~{;}~~ *or*
13 6. *Front clip assembly.*
14 **Sec. 2.** NRS 487.002 is hereby amended to read as follows:
15 487.002 1. As used in this section:
16 (a) "Commissioner" means the Commissioner of Insurance.
17 (b) "Department" means the Department of Motor Vehicles.

1 2. The Advisory Board on Automotive Affairs, consisting of seven
2 members appointed by the Governor, is hereby created within the Division
3 of Insurance of the Department of Business and Industry.

4 3. The Governor shall appoint to the Board one representative of:

- 5 (a) The Commissioner;
- 6 (b) The Department;
- 7 (c) Licensed operators of body shops;
- 8 (d) Licensed automobile wreckers;
- 9 (e) Insurers of motor vehicles;
- 10 (f) Automobile manufacturers; and
- 11 (g) The general public.

12 4. After the initial terms, each member of the Board serves a term of 4
13 years. The members of the Board shall annually elect from among their
14 number a Chairman and a Vice Chairman. The Commissioner shall
15 provide secretarial services for the Board.

16 5. The Board shall meet regularly at least twice each year and may
17 meet at other times upon the call of the Chairman. Each member of the
18 Board is entitled to the per diem allowance and travel expenses provided
19 for state officers and employees generally.

20 6. Not less than 30 days before the adoption by the Commissioner or
21 the Department of any regulation pursuant to subsection 7 or otherwise
22 relating to the operation of body shops or automobile wreckers, the
23 Commissioner or the Director, as appropriate, shall submit the proposed
24 regulation to the Board for its review and comment.

25 7. The Commissioner and the Department, jointly, shall adopt and the
26 Board may propose, pursuant to NRS 233B.100, regulations to the
27 appropriate agency concerning:

28 (a) The use of new or used parts for the repair of motor vehicles and
29 parts that are not manufactured by the manufacturers of the motor vehicles
30 for which they are used.

31 (b) The survey methodology that may be used by an insurer to
32 ascertain prevailing charges for the repair of a motor vehicle.

33 ~~[(c) The preferred use of a business which repairs motor vehicles~~
34 ~~by an insurer of motor vehicles.]~~

Proposed Amendment No. 1

35 **Sec. 3.** NRS 690B.016 is hereby amended to read as follows:

36 690B.016 1. *An insured or a claimant under a policy of*
37 *insurance may have repairs to a motor vehicle made at the licensed body*
38 *shop of his choice. An insurer of motor vehicles shall notify the insured*
39 *or the claimant of this right when the insurer is first contacted*
40 *concerning a claim for damage to a motor vehicle.*

41 2. An insurer of motor vehicles *or a representative of the insurer*
42 shall not:

43 (a) Knowingly recommend to an insured ~~†~~ *or a claimant*, or direct an
44 insured *or a claimant* to, a body shop in this state which is not licensed
45 pursuant to NRS 487.630; ~~††~~

1 (b) Require an insured or a claimant to patronize any licensed body
2 shop in this state in preference to another such business], except in
3 accordance with the regulations adopted pursuant to paragraph (c)
4 of subsection 7 of NRS 487.002.

Proposed Amendment No. 2

5 ~~2.} or interfere with the right of an insured or a claimant to use the~~
6 ~~licensed body shop of his choice; or~~

7 ~~(c) Recommend that an insured or a claimant use a different body~~
8 ~~shop than the insured or claimant has chosen, unless the chosen body~~
9 ~~shop is not licensed pursuant to NRS 487.630.~~

Proposed Amendment No. 3

10 ~~3. If an insurer or a representative of an insurer violates the~~
11 ~~provisions of this section, an insured, a claimant or a licensed body shop~~
12 ~~that is adversely affected by the violation may file a complaint with the~~
13 ~~Commissioner. If the Commissioner finds that a violation has occurred,~~
14 ~~he may impose an administrative fine of not more than \$5,000 against~~
15 ~~an insurer and not more than \$500 against a representative of an~~
16 ~~insurer.~~

17 ~~4. The provisions of this section do not require an insurer to pay~~
18 ~~more than the reasonable rate required pursuant to a policy of insurance~~
19 ~~for repairs to a motor vehicle.~~

Proposed Amendment No. 4
provides a definition for
front clip assembly.

Add a new section:

Front clip assembly is defined as the complete front inner structure for a
unibody.

20
21 5. For the purposes of this section, an insurer is entitled to rely upon
22 the validity of the license number included by the body shop on its
23 estimates and invoices for repairs.

H

Ab 367 section 3 should accomplish a greater sense of freedom for the consumer when it comes to choosing a collision repair shop. If consumers are notified at the time of filing a claim with an insurance provider, that they are free to choose their own collision repair shop, they'll be less likely to be misled into thinking they have to go with the insurance company's choice, which is not always in the best interest of the consumer due to the fact some preferred shops work more for the insurance provider than for the consumer. This, in turn, should allow high quality collision repair shops not on an insurance company's preferred list to benefit from their own good reputation, advertising, and marketing.

Currently, some insurers are using unfair tactics to steer consumers to their preferred shops by suggesting or implying that the auto body shop selected by the consumer is inferior or inconvenient. I'm not sure if the current amendments made to AB 367 will cure this problem, but perhaps code adopted by the Department of Insurance and the advisory board will help. Most insurance providers only allow a handful of shops on their preferred lists & direct repair programs; so countless others are not able to get on regardless of qualifications.

I believe Ab 367 section 1 line 9 changes help clarify that only a roof assembly (as in a used roof with windshield and back glass pillars attached) classify a car as rebuilt, and that a roof skin only (as in thin metal panel between pillars) does not classify a vehicle as rebuilt. This benefits the consumer by allowing a vehicle to be repaired without losing vehicle value due to a simple roof skin replacement.

Ab 367 section 1 line 6 adding Front clip assembly (defined as complete front weld-on inner structure assembly from the cowl forward on a unibody vehicle) to the definition of rebuilt will prevent some insurance companies from intimidating collision repair shops into doing this type of repair on a vehicle that would otherwise be a total loss. This is a very extensive repair as everything from the firewall forward is replaced and/or rebuilt, with the possible exception of the engine and transmission. Benefit to the consumer would be immediate replacement value paid to them instead of receiving back a car with such major repair completed and losing value upon trade-in or re-sale. Benefit to collision repair shops and insurance providers would be cheaper used front-end bolt on parts (fender, hoods, headlights, bumpers, etc.) that could then be purchased individually. Currently, salvage part resellers only sell these parts with complete front-end assemblies at a high price, and it is next to impossible to buy them one component at a time.

Still to be addressed is whose responsibility is it to notify DMV, when a vehicle is repaired in a manner that would define it as rebuilt? Repairs are being done now that meet the definition of current rebuilt definition laws, but to my knowledge DMV has not been notified of such, and these vehicles are on the road with regular titles and most likely their owners are unaware of the situation!

TAB D

RON KNECHT
ASSEMBLYMAN
District No. 40



DISTRICT OFFICE:
1009 Spencer Street
Carson City, Nevada 89703-5422
Office: (775) 882-2935
Fax No.: (775) 882-6348

COMMITTEES:
Member
Commerce and Labor
Government Affairs
Transportation

LEGISLATIVE BUILDING:
401 S. Carson Street
Carson City, Nevada 89701-4747
Office: (775) 684-8825
Fax No.: (775) 684-1357
E-mail: rknecht@asm.state.nv.us

State of Nevada Assembly

Seventy-Second Session

10 April 2003

Hon. Vonne Chowning, Chairwoman
Assembly Committee on Transportation.

Dear Chairwoman Chowning,

Thank you for the opportunity to discuss Assembly Bill 414 yesterday. Thanks especially for your explanation concerning the traffic flow and design regimes in the large urban area of Clark County, as contrasted to those in rural and Western Nevada, and their relationship to this bill.

Your information has helped me understand that, while the left-turn provisions of AB414 are, as numerous parties testified, important in the rural and smaller urban areas of Western Nevada, they may require further consideration in the Southern Nevada large urban context. As you know, there is a straightforward amendment that will accommodate both concerns, and I respectfully request the opportunity to present such an amendment to your Committee today and seek a vote on it and the bill.

The amendment I would propose is to make the provisions of AB414 apply only to counties with a population of less than 500,000, or other similar limit which you find appropriate. This change would exempt the Southern Nevada large urban areas in which traffic flow and design parameters that raise questions about the bill, questions that do not attend its application elsewhere in Nevada.

I am prepared to present this amendment immediately, and I believe the simplicity of it, coupled with the clear state of the Committee's record on this bill, would allow the Committee to handle this matter expeditiously – which I recognize is an important consideration, given the Committee and Assembly schedules. Again, I thank you for valuable discussion and insight on this matter, and I look forward to hearing your pleasure on this matter.

Very truly yours

Ron Knecht
Assembly District 40

*Under
400,000
is the max.
Lang. for
Clark Co. to be
exempt.
Yes on No 7*

TAB E



MADD

Activism | Victim Services | Education

Mothers Against Drunk Driving
LYON COUNTY CHAPTER
PO Box 1354
Dayton, NV 89403
775-246-7522
Fax: 775-246-3687
Tax ID # EIN-94-270-7273

April 8, 2003

Assemblywoman Vonne Chowning, Chairman
Assembly Transportation Committee

Dear Chairman Chowning,

I am writing today in opposition to AB414, the left turn lane bill. I signed-in but did not testify last Thursday because I was expecting to hear crash statistics involving left turns. I was planning to support opposition to the bill, but that testimony never surfaced.

MADD does not have an official position on this exact legislation, so I am speaking as a public safety advocate. In addition to my concern regarding left turns at intersections and the possibility of two drivers thinking that they have the right of way in the turn lane, my even greater concern focuses on those drivers making left turns out of driveways, parking lots, etc, into the center lane. I didn't hear anyone address this issue during the hearing. It is very difficult, as a driver, to "read the minds" of those drivers darting out of parking lots and trying to know if they've seen me and are going to pause in the middle lane, or if they haven't seen me and will cut me off while trying to merge.

I believe the law should be kept "as is" and hopefully the positive effect of AB414 will be to educate the public on this issue. I am reminded of the old adage: *Wrong is wrong, even if everyone's doing it; and right is right, even if nobody's doing it.* I think this applies to this driving behavior and what we really need is proper education and more enforcement of the current law.

Thank you for considering my thoughts and I can be reached 246-7522 to answer any questions.

Sincerely,

Laurel Stadler
Chapter Director

TAB F

Proposed Amendments to Assembly Bill 522

from
Enterprise Rent-A-Car

Page 1, Section 1:

- (a) [~~Physical or mechanical damage to the car, up to and including its fair market value, regardless of the cause of the damage.~~] *Physical damage regardless of the cause of the damage.*
- (b) *Mechanical damage resulting from impact, collision, or driver negligence up to and including its fair market value.*
- (c) ~~[(b)]~~ Loss resulting from theft of the car, up to and including its fair market value, except that the lessee is presumed to have no liability for any loss resulting from theft if an authorized driver:

Page 2, Section 2, subsection 2, line 38:

(e) Operated outside of the [~~State of Nevada or the~~] United States *or beyond the borders of states adjacent to Nevada, including the States of Arizona, California, Oregon, or Utah* unless expressly permitted by the lease.

Page 2, Section 2, lines 40 through 44 and Page 3, Section 2, lines 1 through 11:

~~(f) Stolen and the authorized driver was negligent in securing the passenger car. A lease that contains such a provision must provide that:~~

~~(1) The authorized driver will be presumed to have not been negligent in securing the passenger car if he:~~

~~(I) Has possession of the ignition key furnished by the lessor or establishes that the ignition key furnished by the lessor was not in the car at the time of the theft; and~~

~~(II) Files an official report of the theft with an appropriate law enforcement agency within 24 hours after learning of the theft and cooperating with the lessor and the law enforcement agency in providing information concerning the theft; and~~

~~(2) The lessor may rebut the presumption by establishing that the authorized driver committed or aided and abetted the commission of the theft.~~