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WORK SESSION

Assembly Committee on Transportation

May 6, 2003

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

- Senate Bill 116 _____
- Senate Bill 288 _____
- Senate Bill 322 _____
- Senate Bill 355 _____
- Senate Bill 405 _____
- Senate Bill 476 _____

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WORK SESSION

ASSEMBLY COMMITTEE ON TRANSPORTATION

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WORK SESSION

Assembly Committee on Transportation

May 6, 2003

The following measures will be considered for action by the Assembly Committee on Transportation during a work session on Tuesday, May 6, 2003:

SENATE BILL 116

Revises provisions relating to use of equipment to secure children traveling in certain motor vehicles.

Sponsored by: Nolan, Wiener, Leslie, Chowning

Dates Heard: April 24, 2003—NACT

Discussion

Senate Bill 116 requires children who are less than nine years old and who weigh 80 pounds or less to be secured in a properly installed child restraint system when traveling in vehicles with an unladen weight of less than 10,000 pounds. Current law applies only to children under the age of five weighing less than 40 pounds.

The measure further stipulates that individuals who violate the requirements of this measure be fined a minimum of \$50 and a maximum of \$500, as opposed to the current fines of \$35 to \$100. Additionally, as an alternative to issuing a fine the measure allows the court to require individuals who violate the requirements of this measure to perform not less than 8 hours nor more than 50 hours of community service. The measure requires the court to provide a list of persons and agencies approved by the court to conduct programs of training and to perform inspections of child restraint systems. The bill further authorizes the court imposing punishment to waive any amount of the fine in excess of \$50 if a person or agency approved by the court certifies that the violator has completed an appropriate training program in the installation and use of child restraint systems and presented for inspection an appropriately installed child restraint system.

The measure also specifies that the National Highway Traffic Safety Administration has the authority in establishing the standard for proper child restraint systems and their safe installation.

L 30815

Proposed Conceptual Amendments

Justice Nancy A. Becker, Nevada Supreme Court, proposed the following amendment:

1. Amend the bill on page 2, subsection 2 of section 1, lines 18, 29, and 37, by deleting "court" and replacing it with the "Office of Traffic Safety, Department of Public Safety."

TAB A contains a mock-up of the bill.

SENATE BILL 288

Increases fees for compensable trips of taxicabs and driver's permit to operate taxicab.

Sponsored by: Senate Finance

Dates Heard: April 29, 2003—NACT

Discussion

Senate Bill 288 authorizes the Taxicab Authority to set a fee that must not exceed 20 cents per trip. The fee is to be paid to the Authority by any certificate holder who is subject to an order of allocation by the Authority. Current law limits the fee to 15 cents per trip. The measure further requires certain taxicab drivers to pay the Administrator of the Authority \$40 for an original driver's permit and \$10 for a renewal. Current law authorizes a payment of \$20 for an original driver's permit and \$5 for a renewal.

Proposed Conceptual Amendments

There are no proposed amendments.

SENATE BILL 322

Revises provisions relating to self-insurance for taxicabs regulated by Taxicab Authority.

Sponsored by: Senator Shaffer

Dates Heard: April 17, 2003—NACT

Discussion

Senate Bill 322 removes the provision that allows taxicabs regulated by the Taxicab Authority to self-insure for only the first \$50,000, combined single limit, per accident, of the coverage required under the insurance provisions governing such taxicabs. The bill allows such taxicabs to self-insure for the full amount of the insurance coverage required for taxicabs regulated by the Taxicab Authority.

Proposed Conceptual Amendments

There are no proposed amendments.

L 60815

SENATE BILL 355

Extends coverage of provisions relating to franchises for motor vehicles to include certain recreational vehicles.

Sponsored by: Senate Transportation

Dates Heard: April 24, 2003—NACT

Discussion

Senate Bill 355 extends, under circumstances involving the sale of a new vehicle, the coverage of certain provisions relating to franchises for motor vehicles to include recreational vehicles designed to be mounted upon or drawn by a motor vehicle. In addition to other changes, the measure removes the limited definition of "new vehicle" in the law governing the compensation owed to a dealer upon the termination or discontinuance of a franchise.

Proposed Conceptual Amendments

John Sande, Nevada Franchised Auto Dealers Association, proposed the following amendment:

1. Amend the bill on page 2, section 5.5, by deleting lines 17 through 25, which removes the definition for a new vehicle.
2. Amend the bill on page 3, section 11(1)(a), lines 19 through 22. This amendment would require that a manufacturer purchase a new vehicle if delivered to the dealer during the 18-month period prior to the effective date of the termination or refusal to continue the franchise. Also, if a vehicle is registered, it immediately becomes a used car and is not subject to the purchase by a manufacturer in the event of a franchise termination.

TAB B contains a copy of the proposed amendment.

SENATE BILL 405

Allows certain owners of fleets of motor vehicles to apply for participation in program allowing electronic submission and storage of certain documents relating to registration and ownership of motor vehicles.

Sponsored by: Senate Transportation

Dates Heard: May 1, 2003—NACT

Discussion

Senate Bill 405 adds the owners of fleets composed of ten or more vehicles to the list of entities and individuals who may apply to Nevada's Department of Motor Vehicles to participate in the electronic submission and filing of documents. Current law provides that the Department may establish a program for the electronic submission and storage of documents. Under this measure, if the Department creates such a program, owners of fleet motor vehicles would be able to register their fleet vehicles electronically.

Proposed Conceptual Amendments

There are no proposed amendments.

SENATE BILL 476

Makes various changes relating to regulation of taxicabs.

Sponsored by: Senate Transportation

Dates Heard: April 29, 2003—NACT

Discussion

The measure clarifies that the term for members of the Taxicab Authority is three years, except as otherwise provided in *Nevada Revised Statutes 232A.020*. The measure increases, from \$1,000 to \$2,000, the maximum amount to be in the petty cash account of the Administrator of the Taxicab Authority.

Proposed Conceptual Amendments

There are no proposed amendments.

MOCK-UP

PROPOSED AMENDMENT TO
SENATE BILL NO. 116
FIRST REPRINT

PREPARED FOR NEVADA SUPREME COURT
APRIL 18, 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 484.474 is hereby amended to read as follows:
2 484.474 1. Except as otherwise provided in subsection 5, any
3 person who is transporting a child who is ~~[under 5]~~ *less than 9* years of age
4 and who weighs *80 pounds or less* ~~[than 40 pounds]~~ in a motor vehicle
5 operated in this state which is equipped to carry passengers shall secure
6 ~~[him]~~ *the child* in a ~~[device for restraining a]~~ *child restraint system* which
7 ~~[has]~~ :
- 8 (a) *Has been approved by the United States Department of*
9 *Transportation [] in accordance with the Federal Motor Vehicle Safety*
10 *Standards set forth in 49 C.F.R. Part 571;*
11 (b) *Is appropriate for the size and weight of the child; and*
12 (c) *Is installed within and attached safely and securely to the motor*
13 *vehicle:*
- 14 (1) *In accordance with the instructions for installation and*
15 *attachment provided by the manufacturer of the child restraint system;*
16 or
17 (2) *In another manner that is approved by the National Highway*
18 *Traffic Safety Administration.*

2. A person who violates the provisions of subsection 1 shall be :

(a) *Required to complete a program of training conducted by a person or agency approved by the court in the installation and use of child restraint systems; and*

(b) *Except as otherwise provided in this paragraph, punished by a fine of not less than ~~[\$25]~~ \$50 nor more than ~~[\$100 unless, within 14 days after the issuance of the citation for such a violation, the person presents to the court specified in the citation proof of his purchase of such a restraining device. Upon presentation of such proof, the court shall void the citation.]~~ \$500, or required to perform not less than 8 hours nor more than 50 hours of community service. The court may waive any amount of the fine in excess of \$50 or any amount of the community service in excess of 8 hours if a person or agency approved by the court certifies that the violator has:*

(1) *Completed the program of training required by paragraph (a); and*

(2) *Presented for inspection by the person or agency an installed child restraint system that satisfies the provisions of subsection 1.*

The court shall make available a list of persons and agencies approved by the Department of Pulic Safety (Office of Traffic Safety) ~~court~~ to conduct programs of training and perform inspections of child restraint systems.

3. For the purposes of NRS 483.473, a violation of this section is not a moving traffic violation.

4. A violation of this section may not be considered:

(a) Negligence in any civil action; or

(b) Negligence or reckless driving for the purposes of NRS 484.377.

5. This section does not apply:

(a) To a person who is transporting a child in a means of public transportation, including a taxi, school bus or emergency vehicle.

(b) When a physician determines that the use of such a ~~restraining device~~ *child restraint system* for the particular child would be impractical or dangerous because of such factors as the child's weight, physical unfitness or medical condition. In this case, the person transporting the child shall carry in the vehicle the signed statement of the physician to that effect.

6. *As used in this section, "child restraint system" means any device except safety belts that is designed for use in a motor vehicle to restrain, seat or position children. The term includes, without limitation, booster seats and belt-positioning seats that are designed to elevate a child so as to allow the child to be secured with a safety belt.*

Sec. 2. NRS 484.641 is hereby amended to read as follows:

- 1 484.641 1. It is unlawful to drive a passenger car manufactured
2 after:
3 (a) January 1, 1968, on a highway unless it is equipped with at least
4 two lap-type safety belt assemblies for use in the front seating positions.
5 (b) January 1, 1970, on a highway, unless it is equipped with a lap-type
6 safety belt assembly for each permanent seating position for passengers.
7 This requirement does not apply to the rear seats of vehicles operated by a
8 police department or sheriff's office.
9 (c) January 1, 1970, unless it is equipped with at least two shoulder-
10 harness-type safety belt assemblies for use in the front seating positions.
11 2. Any person driving, and any passenger ~~{5}~~ who:
12 (a) Is 9 years of age or older ; or
13 (b) Weighs more than 80 pounds, regardless of age,
14 who rides in the front or back seat of any vehicle described in subsection 1,
15 having an unladen weight of less than ~~{6,000}~~ 10,000 pounds, on any
16 highway, road or street in this state shall wear a safety belt if one is
17 available for his seating position.
18 3. A citation must be issued to any driver or to any adult passenger
19 who fails to wear a safety belt as required by
20 subsection 2. If the passenger is a child ~~{5}~~ who:
21 (a) Is 9 years of age or older but ~~{under}~~ less than 18 years ~~{,}~~ of age,
22 regardless of weight; or
23 (b) Is less than 9 years of age but who weighs more than 80 pounds,
24 a citation must be issued to the driver for his failure to require that child to
25 wear the safety belt, but if both the driver and that child are not wearing
26 safety belts, only one citation may be issued to the driver for both
27 violations. A citation may be issued pursuant to this subsection only if the
28 violation is discovered when the vehicle is halted or its driver arrested for
29 another alleged violation or offense. Any person who violates the
30 provisions of subsection 2 shall be punished by a fine of not more than \$25
31 or by a sentence to perform a certain number of hours of community
32 service.
33 4. A violation of subsection 2:
34 (a) Is not a moving traffic violation under NRS 483.473.
35 (b) May not be considered as negligence or as causation in any civil
36 action or as negligent or reckless driving under NRS 484.377.
37 (c) May not be considered as misuse or abuse of a product or as
38 causation in any action brought to recover damages for injury to a person
39 or property resulting from the manufacture, distribution, sale or use of a
40 product.
41 5. The Department shall exempt those types of motor vehicles or
42 seating positions from the requirements of subsection 1 when compliance
43 would be impractical.
44 6. The provisions of subsections 2 and 3 do not apply:

1 (a) To a driver or passenger who possesses a written statement by a
2 physician certifying that he is unable to wear a safety belt for medical or
3 physical reasons;

4 (b) If the vehicle is not required by federal law to be equipped with
5 safety belts;

6 (c) To an employee of the United States Postal Service while
7 delivering mail in the rural areas of this state;

8 (d) If the vehicle is stopping frequently, the speed of that vehicle does
9 not exceed 15 miles per hour between stops and the driver or passenger is
10 frequently leaving the vehicle or delivering property from the vehicle; or

11 (e) To a passenger riding in a means of public transportation, including
12 a taxi, school bus or emergency vehicle.

13 7. It is unlawful for any person to distribute, have for sale, offer for
14 sale or sell any safety belt or shoulder harness assembly for use in a motor
15 vehicle unless it meets current minimum standards and specifications of
16 the United States Department of Transportation.

17 Sec. 3. This act becomes effective on June 1, 2004.

H

**PROPOSED AMENDMENT TO
NEVADA 2003 SENATE BILL 355
(FIRST REPRINT)**

By John P. Sande, III

**On behalf of the Nevada Franchised Auto Dealers
Association**

**Section 5.5 of the bill should be deleted in its
entirety.**

**Section 11(1)(a) should be amended to read as
follows:**

***“(a) The dealer’s inventory of new vehicles,
including new vehicles not of the current model year, if
delivered to the Dealer during the 18-month period prior
to the effective date of the termination or refusal to
continue the franchise. As used in this paragraph, a
“new vehicle” is one which has not been damaged, or
materially altered, ~~and, if it is equipped with an
odometer, registers 50 miles or less on it’s the
odometer or registered with the Department or with the
appropriate agency of authority of any other state, the
District of Columbia, any territory or possession of the
United States or foreign state, province or country.”~~***

Reason for Amendment:

**As testified in committee, the Senate attempted to
utilize the definition of “new vehicle” created in 482.076
so that definition of “new vehicle” would be consistent
within all sections of Chapter 482. However, it became**

apparent that the issue of 2,500 miles contained in the above definition was probably not appropriate in the event of termination of a franchise. Therefore, we have suggested that rather than using any type of mileage limitation for termination purposes, we add to existing law a limitation on the age of a new vehicle and the requirement that if a vehicle is registered, it immediately becomes a used car and is not subject to purchase by a manufacturer in the event of a franchise termination.