

**MINUTES OF THE  
SENATE COMMITTEE ON GROWTH AND INFRASTRUCTURE**

**Eighty-second Session  
March 13, 2023**

The Senate Committee on Growth and Infrastructure was called to order by Chair Dallas Harris at 3:33 p.m. on Monday, March 13, 2023, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Dallas Harris, Chair  
Senator Pat Spearman, Vice Chair  
Senator Julie Pazina  
Senator Scott Hammond  
Senator Ira Hansen

**STAFF MEMBERS PRESENT:**

Kristin Rossiter, Policy Analyst  
Vicky Lind, Committee Secretary

**OTHERS PRESENT:**

Sean Sever, Deputy Administrator, Division of Research and Project Management, Nevada Department of Motor Vehicles  
Wayne Bahmiller, Branch Manager, Field Services Division, Nevada Department of Motor Vehicles  
Thomas Martin, Services Manager III, Nevada Department of Motor Vehicles  
Paul Enos, CEO, Nevada Trucking Association  
John J. Piro, Clark County Public Defender's Office  
Erica Roth, Washoe County Public Defender's Office

CHAIR HARRIS:

We will open the hearing with [Senate Bill \(S.B.\) 66](#).

[SENATE BILL 66](#): Revises provisions relating to public safety. (BDR 43-256)

SEAN SEVER (Deputy Administrator, Division of Research and Project Management, Nevada Department of Motor Vehicles):

Thank you for letting the Nevada Department of Motor Vehicles (DMV) present S.B. 66 to you today. This is a housekeeping bill. The bill is in response to a federal audit that would keep Nevada's commercial driver's license (CDL) statutes aligned with federal regulations. A review was conducted by the Federal Motor Carrier Safety Administration (FMCSA) of Nevada's legal authority to comply with federal CDL state mandates.

A new statute is required, as presented in section 2 of the proposed amendment (Exhibit C) that would require a person convicted of certain offenses to be disqualified from operating a commercial motor vehicle for a certain period, including for life, if that individual used it in the commission of a felony involving a severe form of human trafficking.

Section 3 requires the court to provide notice to DMV, within five days, after a person is convicted. Sections 4 and 8 prohibit an employer from allowing a person, convicted of certain offenses, to operate a commercial vehicle and those sections include civil penalties.

Section 7 requires the DMV to furnish that information to the Secretary of Transportation of the United States, upon request. Section 9 of the bill addresses commercial motor vehicles stopping at railroad crossings, which gives these provisions more weight than what is in the *Nevada Administrative Code*. A list of acts that constitute a crime will be revised in sections 10 and 11, to include holding a person in involuntary servitude and in acts of coercion, to conform more closely with the federal definitions.

We also have our own friendly amendment to subsection 2 of section 8, which allows the DMV to adhere to federal standards of providing driver information to other states and jurisdictions "upon his or her request." This amendment includes cleanup language that gives the DMV the authority to implement a Drug and Alcohol Clearinghouse through regulations and policy. In summary, this bill has cleanup language that will bring the DMV in compliance with FMCSA provisions.

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SENATOR HANSEN:

Is there anything in the amendment that is not a federal standard? It is obviously a little different than the original bill.

WAYNE BAHMILLER (Branch Manager, Field Services Division, Nevada Department of Motor Vehicles):

Of the two amendments that we have submitted, one is to comply with federal law. The second is to give the DMV authority to adopt regulations for a clearinghouse project that is also part of the *Code of Federal Regulations* (CFR).

SENATOR HANSEN:

For clarification, I only see one amendment.

MR. SEVER:

It is one amendment that has two items addressed.

SENATOR HANSEN:

So the majority is federal alignment in addition to setting up the clearinghouse project?

MR. BAHMILLER:

That is correct.

SENATOR PAZINA:

Is adding trafficking to the bill what would make this statute comply with federal regulations? The amendment adds the clearinghouse. Were there any federal restrictions regarding the railroad tracks or was that a part of the bill to make commercial vehicles operate in a safer manner in Nevada?

MR. BAHMILLER:

The railroad tracks were added in because of the federal audit. During the audit, it was said that the State has the authority to set the duration of a stop based upon the CFR. However, the State did not have all the underlying convictions needed to match federal regulations. They were added to match what is in federal regulations.

SENATOR PAZINA:

To confirm, adding in the trafficking component was the only addition to the offenses themselves, and that was to meet federal standards.

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MR. BAHMILLER

Yes, that is correct.

SENATOR HANSEN:

Can the federal government punish us if we decide that we do not want to comply with federal regulations?

MR. BAHMILLER:

Yes, we could have a loss of Motor Carrier Safety Improvement Act funds. I do not know how much those are, but we could also have a loss of federal highway funds, which is 4 percent for the first year and 8 percent for the second year. This could result in a loss of tens of millions of dollars. If we continue to be out of compliance, we can have the CDL program decertified for the State, meaning we could not issue CDLs to our constituents.

SENATOR HANSEN:

So much for states' rights. To be honest with you, that is a disappointing answer.

CHAIR HARRIS:

Senator Hansen, this may have to do with the fact that these trucks are driving across the Country. There is a bit of interstate commerce, especially with CDLs.

Do you know how many individuals have been convicted of these types of crimes in Nevada and nationally each year? What kind of numbers are we looking at?

MR. BAHMILLER:

I do not know the numbers. I am not aware of anybody that has been convicted since we do not have the full definition in statute to convict people. We do have the capability at the DMV, but we do not have the full definition.

CHAIR HARRIS:

How would you envision an employer demonstrating that they are complying with this requirement? Is it simply by performing a standard background check prior to hiring?

MR. BAHMILLER:

Can you elaborate? Are you talking about the federal clearinghouse?

CHAIR HARRIS:

If you look at section 4, this is where we have the prohibition on employers. They "shall not allow, require, permit or authorize a person to operate a commercial motor vehicle." How do you envision them demonstrating that they are complying with this section of the bill?

THOMAS MARTIN (Services Manager III, Nevada Department of Motor Vehicles):

Through our normal issuance process at the DMV, we run driver records checks, criminal activities, etc., for these citations. As Mr. Bahmiller said, once we get these definitions of human trafficking in place, we will be able to get those on record and have them defined more exactly. As to the employer specifically, they do driver records checks. I will not speak on behalf of the employers, but we know some companies do frequent records checks. The burden is on them to not only monitor these records that they retain, but also to check them in their initial hiring process. This bill does not give the DMV the authority to enforce compliance. That burden is on the employer to ensure compliance.

SENATOR SPEARMAN:

You said you run the background check. Is that like the National Crime Information Center (NCIC)?

MR. MARTIN:

No, our DMV process is a driver records check. The criminal background check that an employer would use is through the NCIC. The two processes of verifying driving records are through two different paths.

SENATOR SPEARMAN:

I was curious of the employers' path.

PAUL ENOS (CEO, Nevada Trucking Association):

I am here today to support S.B. 66. This bill is in accordance with federal law in terms of human trafficking violations and railroad crossings. If you look at the Clearinghouse, it has been implemented at the federal level since January 2020. As of the end of last year, there have been 166,296 drivers who tested positive for violations. A CDL driver can complete the return-to-duty process with a U.S. Department of Transportation (USDOT) substance-abuse professional. The USDOT employer annually checks the employee's motor vehicle record. If there is a violation found in the Clearinghouse, the driver would then show a prohibited status. All USDOT trucking companies and drivers have their own

access to the FMCSA Clearinghouse. All USDOT carriers are subject to a compliance review by the FMCSA. If an employer is found to be in violation, they could be fined \$11,000 per violation. I do not know how many human trafficking convictions there have been, but that is something I can find out.

Truck drivers and the Nevada Trucking Association have partnered together against human trafficking for the last decade. Nationwide, we have trained over 1.5 million truck drivers to recognize and report the signs of human trafficking. We receive \$5.2 million in FMCSA funds. Most of those funds go to the Nevada State Police Highway Patrol with a portion of that going to the DMV for the management of the CDL program. As Chair Harris said, we want to keep our ability to issue CDLs here in Nevada.

JOHN J. PIRO (Clark County Public Defender's Office):

The only issue we have is with section 11 of the bill, which expands the definition of coercion. We have talked with the bill sponsors, and we are going to meet with them to see if we can work on some new language. It would have a negative effect if we changed the definition for DMV and would result in ripple effects throughout the criminal code and other areas of criminal law.

ERICA ROTH (Washoe County Public Defender's Office):

I echo the sentiments of Mr. Piro. I do appreciate the bill sponsors meeting and speaking with us. We are currently in opposition as to section 11 and look forward to further conversations.

MR. SEVER:

We are happy to work with anyone who has concerns with this bill. We are not sure how much flexibility we have in the rewording of the bill as our DMV legal staff worked with FMCSA legal staff to match the federal guidelines; however, we will get together with the opponents and see what can be done.

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CHAIR HARRIS:

Having nothing further to come before the Senate Committee on Growth and Infrastructure, we are adjourned at 3:53 p.m.

RESPECTFULLY SUBMITTED:

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Vicky Lind,  
Committee Secretary

APPROVED BY:

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Senator Dallas Harris, Chair

DATE: \_\_\_\_\_

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit Letter</b>	<b>Introduced on Minute Report Page No.</b>	<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
	B	1		Attendance Roster
S.B. 66	C	2	Sean Sever, Nevada Department of Motor Vehicles	Proposed Amendment