

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON TRANSPORTATION**

**Seventy-Third Session
March 17, 2005**

The Committee on Transportation was called to order at 1:30 p.m., on Thursday, March 17, 2005. Chairman John Ocegüera presided in Room 3143 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Ms. Genie Ohrenschall, Vice Chairwoman
Mr. Kelvin Atkinson
Mr. John Carpenter
Mr. John Ocegüera, Chairman
Mr. Chad Christensen
Mr. Jerry Claborn
Ms. Susan Gerhardt
Mr. Pete Goicoechea
Mr. Mark Manendo
Mr. Rod Sherer

COMMITTEE MEMBERS ABSENT:

Mr. Joseph Hogan (excused)

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Marjorie Paslov-Thomas, Committee Policy Analyst
Linda Ronnow, Committee Attaché

OTHERS PRESENT:

None

Chairman Oceguera:

[Meeting called to order. Roll called.]

We have a work session on the agenda today. We are going to consider Assembly Bill 52 and Assembly Bill 77.

Assembly Bill 52: Makes various changes concerning drivers' licenses issued to persons under 18 years of age. (BDR 43-972)

Assembly Bill 77: Revises provisions regarding courses in automobile drivers' education and issuance of driver instruction permits and requires reduction in insurance premiums for certain insureds. (BDR 34-474)

Marjorie Paslov-Thomas, Committee Policy Analyst, Legislative Counsel Bureau:
Open your blue binders ([Exhibit B](#)) and you will see a work session document for Assembly Bill 52, which has to do with drivers' licenses issued to persons under 18 years of age or the graduated drivers' licensing. Also, we will discuss A.B. 77, which is drivers' education requirements sponsored by Assemblyman Horne and Assemblywoman Giunchigliani.

What A. B. 52 does is prohibit persons from under the age of 16 from obtaining a drivers' license. The person who is 16 or 17 years old would have to hold an instruction permit for at least six months prior to applying for a license. The bill required that the applicants must not have been in a motor vehicle accident or convicted of driving under the influence of a controlled substance during the six months immediately prior to applying for a drivers' license. It also prohibits people 16 or 17 years old from transporting anyone under the age of 18 for 6 months after license issuance except for immediate family members of any age.

Assembly Bill 52, as introduced, also makes any parent or legal guardian liable for all fines and penalties imposed against the driver. The measure also provides that any drivers' education course offered in a public school must include a component of classroom driving training.

[Marjorie Paslov-Thomas, continued.] On page two ([Exhibit B](#)), there are some proposed conceptual amendments. As you will see under Tab A, there is a mock-up prepared for the Chairman on amendments that he suggested. Under Tab B are proposals by Assemblyman Carpenter. When you look at the mock-up, these are conceptual ideas. The language will change when they are drafted, if the amendments are adopted by the Committee.

[Read from [Exhibit B](#).]

1. Requires that a person who is 16 or 17 years old must successfully complete a drivers' education course prior to applying with the DMV [Department of Motor Vehicles] for a drivers' license. There is an exemption for people when drivers' education courses are not offered within 30 miles of a person's residence; he may substitute an additional 50 hours of supervised experience driving a motor vehicle. This would be included when the parent goes and attests that the child has had the 50 hours of behind-the-wheel training, so this would make it 100 hours for those exempted people.
2. The second proposal is to exempt a person who is 16 or 17 years of age from completing drivers' education by deleting the provisions that exempt people living in rural areas.
3. Restrict to one the number of passengers who may be transported by a driver who is 16 or 17 years of age. However, a parent or legal guardian of a driver under the age of 18 may provide a written statement allowing his or her son or daughter to transport additional passengers under 18 years of age in the motor vehicle. A person who is 16 or 17 years old may transport members of his immediate family regardless the age of these family members.
4. To delete the provision that a person must not operate a motor vehicle in a jurisdiction if doing so would place a violation of a curfew in the jurisdiction. This goes along with the proposed amendment 5.
5. Amend into that section new language that prohibits a person who is 16 or 17 years of age from driving between the hours of 10:00 p.m. and 5:00 a.m. However, a person may drive between these hours if he is driving to or from a scheduled event. A scheduled event would be: working, dance, concert, or something with definable hours. The person must have satisfactory evidence to provide to a police officer if stopped for another alleged violation. This would be a secondary enforcement.

6. To amend the Bill by deleting the provisions stating that a parent or legal guardian who knowingly and willfully allows a person under the age of 18 to violate the provisions regarding transporting passengers under the age of 18 and driving after curfew, is liable for all fines and penalties incurred against the person, and that a court may order community service in place of payment of funds where financial hardship exists.

[Marjorie Paslov-Thomas, continued.] On page 3 there are proposed amendments by Assemblyman Carpenter.

7. Amend the Bill to add a new section that allows a person to apply with the DMV for an instruction permit at 15 years and 5 months of age. As introduced in this Bill, it's 15 years and 6 months, and the previous proposals to retain that at 15 years and 6 months.
8. Provide that a person who is 16 or 17 years of age may not transport more than three passengers at any one time, unless he has had his license for 1 year. So at 17 years, or depending on the age of licensure, they could begin transporting other members at that point. Each passenger in the car must wear a seat belt, and the violation of this provision is a secondary offense.
9. Add a new section that allows persons under the age of 18 to transport a passenger to and from a scheduled event. That would be something with a school, church, or other sponsored organization, regardless of the time of day, provided that the parent or legal guardian of the passenger writes a statement of approval. The written statement must include the time, day, event, and the name of the driver, and the letter must be in possession of the driver while the person is being transported.

On page 4 ([Exhibit B](#)) is Assembly Bill 77. As you recall, this was sponsored by Assemblyman Horne and Assemblywoman Giunchigliani. As introduced, this bill requires each school district to establish and maintain driver education courses. It prohibits a person who is less than 16 years of age from obtaining a driver instruction permit. However, a person who is under 18 years of age, and is enrolled in a driver education course, may receive a restricted instruction permit. It also requires a policy of liability insurance for a motor vehicle to provide reduced premiums to persons who have completed a drivers' education course.

On page 5 are the proposed conceptual amendments. The first 8 were proposed by the sponsors and a mock-up was prepared. Their conceptual amendments

are under Tab C. Basically, amendments 1 and 2 add a behind-the-wheel component to drivers' education.

[Marjorie Paslov-Thomas, continued.] Proposed amendment 3 provides an exception for school districts in rural counties that the class could be offered at a college rather than only in a school.

Proposed amendment 4 adds Saturdays to the times when drivers' education must be offered by a school district.

Proposed amendment 5 requires charter schools to establish driver education courses.

Proposed amendment 6 deletes Sections 2 and 3 because they conflict with provisions in A. B. 52. Those are having to do with the instruction permit age.

Proposed amendment 7 is to delete existing language in Section 4 and add new language stating that, if there is a lab fee for drivers' education and the student is enrolled in a drivers' education course in a school district and is in need of financial assistance, the district will cover the lab costs. Currently, this is usually done through the Department of Motor Vehicles through a grant to the school district.

Proposed amendment 8 provides a condition for receiving a reduction in premiums for motor vehicle insurance for a grade of B.

The proposed amendment 9 was proposed by Chairman Ocegüera. This is to add a new section requiring that people enrolled in drivers' education at a public school, which includes behind the-wheel instruction, must be at least 15 1/2 years of age for the behind-the-wheel portion of the course. Currently, NRS 389.090 [*Nevada Revised Statutes*,] does require that the State Board of Education come up with regulations that puts the minimum age for a person to take drives' education at 15.

Proposed amendment 10 was by Ken Krueger. He is suggesting to amend the bill to provide that drivers' education in public schools must provide a minimum of 30 hours of classroom instruction or its equivalent, plus 2 hours in a virtual reality driving simulator with at least a 120 degree panoramic view that is programmed with real-life driving scenarios. Additionally, a class in drivers' education may be conducted on-line. He is also proposing to require that each school district must establish and maintain or contract with a licensed driving school to provide driver education courses during regular school semesters.

Currently, school districts are not required to contract with a licensed driving school. Under Tab D ([Exhibit B](#)), you will see a copy of his suggested language.

[Marjorie Paslov-Thomas, continued.] Amendment 11 proposes to amend the bill to require that each school district must establish and maintain or contract with a licensed driving school to provide driver education courses during regular school semesters.]

Proposal 12 was proposed by Rich Heinrich of the Nevada Professional Driving School Association. He proposes to amend the bill to require that all school districts in Nevada establish and maintain elective courses in drivers' education that earn credit. The course must be offered each semester and may be offered during summer sessions and at times other than during the regular school day. Under Tab E is a copy of his suggested language.

Proposal 13 was by Jeanette Belz with Property Casualty Insurers Association of America. The suggestion is to delete provisions contained in Section 5 of the Bill. Add a new section requiring a policy of liability or collision insurance covering a motor vehicle insurer. Offer a discount to persons who have completed a drivers' education course. A person must have completed the course no more than three years prior to the beginning of the policy period for which the discounted rate applies. The vehicle cannot be used for business purposes.

Additionally, the premium reduction must be approved by the Commissioner of Insurance and apply to only one vehicle if the person qualifying for a premium reduction is the principal operator of two or more vehicles. The reduction in premium does not apply to a person who has had a moving violation or an accident for which he was primarily at fault. That suggested language is under Tab F.

Assemblyman Christensen:

For the people who have proposed amendments, have they already gone by the bill's sponsors, Assemblyman Horne, and Assemblywoman Giunchigliani? If so, do we have a response from them? One of these is to delete all of Section 5. Are we looking at a combination of all these amendment requests? Do they all go in concert?

Chairman Ocegüera:

They all don't go in concert. However, as we go through them, if we decide to move forward with this bill, I can tell you which ones have agreed.

Assemblyman Christensen:

To delete Section 5?

Assemblyman Manendo:

I hope that the insurance companies do something good for the young folks that complete this and that is not just a couple of pennies here or there. I really hope that the insurance companies that are out there listening and their representatives give some type of meaningful discount to these folks. They deserve something more than just 1 percent. I know we don't have a specific figure; I am trusting that the dignity of these businesses will prevail and they will do something good.

Chairman Oceguera:

I think it gives them the opportunity to be competitive in the marketplace.

Assemblywoman Ohrenschall:

I agree with you. At least in this case there is the competitive element, the educational element, and the act of participation by parents for the driving record of the young people.

Chairman Oceguera:

Let go back to A.B. 52 Mr. Carpenter, I think that we are probably in agreement that the language that I have suggested in 1 through 6 answers your concerns in 8 and 9. I don't know how firm you are on to number 7. I think that with the two bills dove-tailing together, the 15 years 6 months works with both of them, but I would be willing listen to your arguments.

Assemblyman Carpenter:

Why would you need to have your learner's permit for 6 months before you could get your license? I thought that if you could get it at 15 years and 5 months, then it would make sure that you could get that license at 16. I think the way it reads, if you couldn't get down there to get it for a week or two, you couldn't get your license until you are 16 years and a month. That is my only concern, because sometimes those kids can't get in to get their learner's permit at 15 years 6 months. I thought that a extra month would help them.

Chairman Oceguera:

In the Bill, it is exactly as you said. Let's say you didn't go get your learner's permit until you were 17, you still would have to have that for six months. So you couldn't get your license until you were 17 years, 6 months.

Assemblyman Carpenter:

I think that the kids would like to get their license when they are 16, and this could give them 30 days to make sure that they could get in there and get it.

Assemblyman Goicoechea:

I am trying to walk through and match the two bills. It looks to me like you can start taking drivers' education at 15, is that correct?

Chairman Ocegüera:

You could take the education part, the classroom part, but you couldn't do the behind-the-wheel part until you are 15 years 6 months. We talked about trying to figure out how that would work with semesters and hours, but I think what we found was that the course isn't necessarily by semester. It's a certain amount of hours, so it may be three Saturdays and you are done.

Assemblyman Goicoechea:

It allows them 100 hours in lieu of driver's education.

Marjorie Paslov-Thomas:

For the public schools they are required to do drivers' education. The way it's written right now, they have to be 15 years of age. If you can't get your instruction permit until you are 15 years, 6 months, then you could take the classroom portion. Then depending on how the schools implement the behind-the-wheel portion, it would end up being a ten minute ride around town. They could do that when they turn 15 years, 6 months, and they would be eligible to receive their instruction permit, if you adopt that amendment by the Chairman under A.B. 77.

Assemblyman Goicoechea:

You would have to have the learner's permit in hand in order to move ahead with any of it?

Marjorie Paslov-Thomas:

Correct.

Chairman Ocegüera:

I think that I have incorporated Assemblyman Carpenter's concerns, and I am inclined to take a motion to just to amend the first six.

ASSEMBLYMAN ATKINSON MOVED FOR THE COMMITTEE TO
AMEND AND DO PASS ASSEMBLY BILL 52 WITH THE FIRST SIX
AMENDMENTS PROPOSED BY CHAIRMAN OCEGUERA.

ASSEMBLYWOMAN OHRENSCHALL SECONDED THE MOTION

THE MOTION CARRIED. (Mr. Hogan was not present for the vote)

Assemblyman Carpenter:

When young drivers get in trouble, it's usually when they have lots of kids in the vehicle. On my amendment, it would be cut down to three, and yours is one. Even though I think that is kind of tight, I will go with it and see what happens. I think there needs to be restriction on the numbers, because if they get five or six kids in the vehicles, that is where they usually have the problem.

Chairman Ocegueda:

That is why I tried to add the exception for family members and also the written exception. If you are driving on the rural highway to go pick up your three buddies to go to basketball practice, you could get that exception to do that.

Assemblyman Goicoechea:

I want to go to the 10:00 p.m. to 5:00 a.m. curfew hours: Are you going to require something other than saying, "I am on the way home from ball practice." I don't believe it requires anything in that section. I don't mind it the way it is.

Chairman Ocegueda:

We tried to craft that in such a way that, if you had a job, or you are coming home from a ball game, it would be easy to identify that.

Assemblyman Goicoechea:

That probably would be a moving violation at that point? Let's say you couldn't convince the officer or the judge that you were really on your way home.

Chairman Ocegueda:

The initial violation, if you are pulled over for speeding, that would be a moving violation, but the other violation is not a moving violation.

Assemblyman Goicoechea:

Would it impact his license in any way?

Chairman Ocegueda:

It wouldn't. The other mock-up that we did had that in there. We probably should have specified that more clearly.

Assemblyman Goicoechea:

If you got pulled over and it was a curfew violation, it wouldn't impact his driver's license at all?

Chairman Ocegüera:

That is correct.

We will move to Assembly Bill 77, the drivers' education bill, sponsored by Assemblyman Horne and Assemblywoman Giunchigliani.

The first 8 amendments are clean-up; they all help the bill. Amendment 9 adds that these two bills are considered together. I am not really supportive of amendment 10 because it seems like its supporting one company. I would be more comfortable if amendment 11 said, "the bill would be amended" and each school district "may" establish contracts with driving schools. I think that is fine if they have contracts with driving schools, but I don't think it should be required to contract with them. I can go either way with amendment 12, whatever the Committee's pleasure is. I am fine with amendment 13, as proposed by Jeannette Belz.

Assemblyman Goicoechea:

I am assuming that you can take these classes through your community college system, with credits offered. I think, if the high school is going to offer it as an elective, there should be some credit.

Chairman Ocegüera:

That is correct.

Assemblyman Sherer:

I have a question on the first section of the bill paragraph. It says, "for populations fewer than 50,000." Which counties does that affect?

Chairman Ocegüera:

It's everything but Clark, Washoe, and Carson. Mr. Carpenter, the accommodations for school districts located in counties with fewer than 50,000, how would that affect you?

I will entertain a motion to amend and do pass with the conceptual amendments 1 through 9, deleting 10, changing 11 to "may" instead of "must", 12 as written, and 13 as written.

ASSEMBLYWOMAN OHRENSCHALL MOVED FOR THE
COMMITTEE TO AMEND AND DO PASS AS FOLLOWS:

- WITH THE CONCEPTUAL AMENDMENTS 1 THROUGH 9
- DELETING AMENDMENT 10
- CHANGING AMENDMENT 11 TO "MAY," INSTEAD OF "MUST"
- AMENDMENT 12 AS WRITTEN
- AMENDMENT 13 AS WRITTEN.

ASSEMBLYMAN ATKINSON SECONDED THE MOTION.
THE MOTION CARRIED. (Mr. Hogan was not present for the vote)

Meeting adjourned at [2:10 p.m.].

RESPECTFULLY SUBMITTED:

Linda Ronnow
Committee Attaché

APPROVED BY:

Assemblyman John Ocegüera, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Transportation

Date: March 17, 2005

Time of Meeting: 1:30 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B	Marjorie Paslov-Thomas	Work Session (27 pages)