

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

**Seventy-Fourth Session  
February 22, 2007**

The Committee on Transportation was called to order by Chair Kelvin Atkinson at 1:32 p.m., on Thursday, February 22, 2007, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/74th/committees/](http://www.leg.state.nv.us/74th/committees/). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Kelvin Atkinson, Chair  
Assemblyman Mark Manendo, Vice Chair  
Assemblyman David Bobzien  
Assemblyman John C. Carpenter  
Assemblyman Jerry D. Claborn  
Assemblywoman Susan Gerhardt  
Assemblyman Ed Goedhart  
Assemblyman Pete Goicoechea  
Assemblyman Joseph Hogan  
Assemblywoman RoseMary Womack

**COMMITTEE MEMBERS ABSENT:**

Assemblyman Ty Cobb, excused

**GUEST LEGISLATORS PRESENT:**

Assemblyman John Ocegüera, Assembly District No. 16



**STAFF MEMBERS PRESENT:**

Marjorie Paslov Thomas, Committee Policy Analyst  
Sharon Wilkinson, Committee Counsel  
Christine Henriksen, Committee Secretary  
Kelly Troescher, Committee Secretary  
Matt Mowbray, Committee Assistant

**OTHERS PRESENT:**

Kevin Tice, Deputy Chief, Division of Parole and Probation, Department of Public Safety  
Tony Almaraz, Major, Nevada Highway Patrol, Department of Public Safety  
John H. Douglas, Chief, Investigation Division, Department of Public Safety  
Gordon Rogers, Supervising Investigator, Compliance Enforcement Division, Department of Motor Vehicles  
Raymond J. Flynn, Assistant Sheriff, Las Vegas Metropolitan Police Department  
Rob Buonamici, Chief, Game Warden, Division of Law Enforcement, Department of Wildlife  
Michael Geeser, Media/Government Relations, California State Automobile Association, AAA, Nevada  
Bob Roshak, Sergeant, Office of Intergovernmental Affairs, Las Vegas Metropolitan Police Department  
Chris Perry, Chief, Nevada Highway Patrol, Department of Public Safety  
Graham Galloway, representing of the Nevada Trial Lawyers Association and Citizens for Justice

**Chair Atkinson:**

[Meeting called to order. Roll taken.] We are going to start with Assembly Bill 29.

**Assembly Bill 29:** Adds certain vehicles of the Division of Parole and Probation of the Department of Public Safety to the authorized emergency vehicles list. (BDR 43-557)

**Kevin Tice, Deputy Chief, Division of Parole and Probation, Department of Public Safety:**

To my right is Major Tony Almaraz, Deputy Chief, Nevada Highway Patrol (NHP). We are here today in support of A.B. 29. Of course this is a bill draft from the Department of Public Safety (DPS) which corrects a wrong. We always assumed that the Division of Parole and Probation (P and P) had the authority to have emergency vehicles and lights and siren. We were advised several months ago by the Legislative Counsel Bureau (LCB) that there was no such law giving us that authorization. We were surprised to find that out. This is a clean-up bill to give us the authority we need. We can offer some reasons and answer questions of the committee.

**Chair Atkinson:**

Assemblyman Cobb is marked excused today. Mr. Almaraz, did you have something you wanted to add at this time?

**Tony Almaraz, Major, Division of Highway Patrol, Department of Public Safety:**

The primary reason that DPS, and specifically P and P, wanted this cleanup involves the following example: we had a shooting in the Reno office which involved one of our officers who was having contact with one of the offenders. The offender became violent. There was a violent struggle in the office, which resulted in the death of the offender. During the entire episode, there was screaming, yelling, and chaos on the radio. Several officers, who were listening to the radio call at the time of the incident, had lights and siren and had the ability to get there immediately to cover what was going on in the office.

Unfortunately, in the situation of P and P, they are not equipped with emergency lights or siren to lawfully move traffic out of the way and get to the emergency in time. As you well understand, these conditions are very sensitive. The officers were dealing with a gun struggle, and things happened in seconds. For us to get there quickly was critical. Not only was there an officer's safety issue here, but also the public's safety. We need to be able to arrive and respond to these incidents for the protection of both the officers and the public. If we have to exceed the speed limits and to break the laws to get there, the *Nevada Revised Statutes* will require us to have those lights and siren to move traffic out of the way.

**Assemblyman Hogan:**

Your testimony raises the question about the availability of vehicles in the Division of Parole and Probation which are equipped with the emergency official lights. I understood that most of the vehicles being used are not so equipped.

They are not regular pursuit or high-performance type vehicles. Could you indicate if that would be a problem? Would it be for a very limited number of vehicles which would have the capability?

**Kevin Tice:**

Currently, P and P has no vehicles that are equipped with the emergency equipment of overhead headlights and siren for emergency response. The need exists to have them because of our role in public safety. We often respond to emergencies in rural Nevada. Recently, a deputy was involved in a shooting in Schurz. Our officers were the closest officers, and they had to respond. They did not have emergency equipment for that response. That is not at all uncommon.

The recent floods, fires, and large scale public events that occur; such as, the NASCAR race in Las Vegas, and New Year's Eve around the State, are Public Safety events when the DPS needs to use all its resources for public safety. This generally involves traffic. To be able to effectively navigate through traffic in emergency situations, our division requires that emergency equipment.

To answer your question, we currently do not have equipped vehicles because according to the LCB, we do not have that authority, which was a surprise to us.

**Assemblywoman Gerhardt:**

When you actually go out and do parole and probation revocations, is it one or two officers? How does that scenario take place?

**Kevin Tice:**

It happens in different ways. Depending on the nature of the offender, our officers do home visits and employment visits. If they are involved in gangs, we do surveillance with allied local law enforcement agencies. The most typical is either a home or office visit because of a new arrest for a new crime or a violation of their probation. Sometimes, the officers have to make an arrest when they are alone. In all events that occur outside, and even at our office, the offender has to be transported. To transport prisoners you need emergency vehicles.

**Assemblywoman Gerhardt:**

Do you meet resistance on some of these occasions?

**Kevin Tice:**

Yes we do. It is not uncommon that offenders resist arrest. The incident that Major Almaraz spoke of earlier was an incident in which an officer attempted to

take an offender under arrest because he was under the influence of methamphetamine. It was a very violent confrontation. Our officer is quite fortunate to have her life today. Unfortunately, it resulted in the death of the offender.

We are seeing violent incidents with offender contacts more and more frequently. The hardening of the criminals in the State is a fact that we are all dealing with in the public safety environment. Having the emergency vehicle authorization will help us respond to fellow officers and sister agencies, such as the Highway Patrol, who need help when these events occur. We share the same dispatchers and the same radios. It is common that we help each other out in those emergency situations. This bill will help give us the authority to do it.

**Assemblywoman Gerhardt:**

When you have a Code 3 situation, it signals everybody down the line that you have an emergency situation. Perhaps, the people at the jail are now alerted that you are coming in on a Code 3, and they know what to do as well.

**Kevin Tice:**

In southern Nevada, where I am in charge, we call that a Code 5. Code 5 is an unruly person in custody that is fighting and combative. Yes, it is radioed ahead to the jail that we have a combative subject in route and they meet us at the jail doors with plenty of help.

**Assemblyman Manendo:**

Approximately how many vehicles do you have in your fleet?

**Kevin Tice:**

Currently, we have 202 vehicles statewide managed by the State motor pool.

**Assemblyman Manendo:**

How many of those 202 are you planning on putting in the emergency equipment?

**Kevin Tice:**

I would not be able to give you an exact figure, but approximately 90%. Approximately 10% of our vehicles are used by administrative staff and specialists for travel to and from the jails and courts. They are not officers and would not have the authority to drive an emergency vehicle.

**Assemblyman Manendo:**

If this bill has a fiscal note on it, it will need to go to the Ways and Means Committee. It will have to be retrofitted.

**Kevin Tice:**

Actually, our long-term plan is to buy, at a reduced cost, excess equipment from our sister division, the Highway Patrol. We will use that until we can get an actual budget request, possibly in the next Session, for equipment.

**Chair Atkinson:**

You are saying it is not in your budget now?

**Kevin Tice:**

I do not believe we have the request for emergency equipment, overhead lights and siren, as line items in our current budget, no.

**Assemblyman Goicoechea:**

Are all your P and P officers Category 1 police officers?

**Kevin Tice:**

No, but we are working in that direction. A large percentage of our officers are Category 1 certified. All DPS officers who have been hired for the last three years are Category 1 certified. There are many Category 2 P and P employees, who have been employed for many years, are being grandfathered in and are getting the training as it becomes available to become Category 1 certified. As of this date, not all of our staff has accomplished that, but many have.

**Assemblywoman Gerhardt:**

Are you doing defense driving training?

**Kevin Tice:**

Yes, all of the DPS officers participate in the same Emergency Vehicle Operations Training (EVOT). In fact, we share instructors and train each other.

**Chair Atkinson:**

Any more questions for the two witnesses here?

**Kevin Tice:**

I would like to add that Chief Douglas is here from the Investigation Division. Initially, we had hoped A.B. 29 addressed that division also, but there were some specific lines put in the bill. Chief Douglas would like to address that.

**Chair Atkinson:**

There are several people who would like to speak in favor of the bill. Most of them did not check if they were speaking for or against the bill. At this point we will call the people who were going to speak in favor of the bill.

**John H. Douglas, Chief, Investigation Division, Department of Public Safety:**

When the Department of Motor Vehicles (DMV) and Public Safety split in 2001, assumption within the DPS was that all those peace officers had the authority to have lights and siren in the vehicles. As long as I have been with the Division, since 1998, the Investigation Division has equipped our undercover, unmarked vehicles with covert lights and siren. Research was done recently. I failed to respond in a timely fashion; that is why the Investigation Division was not included in this bill. I am requesting a consideration that the Investigation Division be added to this bill ([Exhibit C](#)).

**Assemblyman Claborn:**

I thought when you see a red light you always pull over to the right. Are you just making sure that you get back into the status of emergency vehicles within the authorized public safety? Did you want to be in the revised statutes? Did they pull you out of there and forgot to admit you? Is that the idea?

**John Douglas:**

We were omitted. I did not respond as the Division Chief in a timely fashion.

**Assemblyman Claborn:**

Your bill is going to reinstate you?

**John Douglas:**

Yes, sir.

**Assemblyman Claborn:**

I must confess that every time you see a red light blinking you pull over to the right.

**John Douglas:**

Most of my investigators work under cover. For the most part, they try to wait for a uniformed presence. Sometimes, the situation is pretty dynamic and we have to do what needs to be done and get the suspects out.

**Assemblyman Claborn:**

That is a real safety bill you have here and a good bill.

**Gordon Rogers, Supervising Investigator, Department of Motor Vehicles (DMV):**

The DMV also wishes to make an amendment to A.B. 29 ([Exhibit D](#)). During the split of the DMV and DPS we had vehicles, marked patrol units that were doing an emission control program. Currently, we do not have the statutory authority for these vehicles to be considered authorized emergency vehicles.

**Assemblyman Manendo:**

Can you give me an example of the types of vehicles the department would include?

**Gordon Rogers:**

Currently, the DMV handles the heavy duty diesel vehicle program. These are three marked units statewide that do traffic stops along side the roadway to test for heavy duty diesel emissions.

**Assemblyman Manendo:**

What about the freeway assistance vans? Would those be included as well?

**Gordon Rogers:**

Those vehicles are used by the Nevada Department of Transportation (NDOT).

**Assemblywoman Gerhardt:**

Can you explain what kind of emergency situations you would encounter that would necessitate lights and siren?

**Gordon Rogers**

The heavy duty diesel officers drive marked patrol units that use those lights and siren to pull over violators of the law. They are testing for emissions control under *Nevada Revised Statutes (NRS)* 481.0481. While patrolling, they happen upon normal vehicles, passenger cars, involved in accidents. Sometimes they are the first units on the scene and need the lights and siren to direct traffic.

**Assemblywoman Gerhardt:**

Maybe you could give me clarification; you test for emissions. In the process of patrolling an area, for instance, can you visually see a problem that would require pulling somebody over? Or is it a situation in which you have the ability to send people through check points, and then you test? Can you give me a real life scenario?

**Gordon Rogers:**

The heavy duty diesel program utilizes all those things that you discussed: check sites, with vehicles that are actually brought in. These are diesel

operated vehicles over 10,001 pounds. The majority of our time is spent patrolling the local streets where we do not have check sites available. The officers are trained in visual inspection. They will see a truck emitting black diesel smoke, which you have probably seen when you watch big rigs. That gives them their probable cause to make a traffic stop wherever it is safe and test for emissions.

**Assemblywoman Gerhardt:**

Do you encounter resistance during this process routinely?

**Gordon Rogers:**

We have had many arguments, but we have never been physical. We have a very close working relationship with the Highway Patrol, whose officers stop by to assist us on a great number of occasions.

**Assemblyman Goicoechea:**

I am getting concerned about where we are headed with this. Is this a case in which someone forgot to get the legislation right? What are we doing for probable cause here? If we talk about a DMV vehicle, you already have lights and siren. I do not understand what we are doing here.

**Chair Atkinson:**

I believe this has to do with Assembly Bill 521 from 72nd Legislative Session. I think what you are trying to tell us, and the Chief said earlier, was that you wanted to be included in it last year but did not get the information submitted in time, so you got left out. Now you are trying to get included?

**John Douglas:**

Yes.

**Assemblyman Goicoechea:**

I am getting a little nervous as I look up and down the list and more people are coming. Did everybody forget to comply?

**Raymond Flynn, Assistant Sheriff, Las Vegas Metropolitan Police Department,  
representing Nevada Sheriff's and Chiefs Association:**

We are in favor of A.B. 29.

**Assemblywoman Gerhardt:**

What about the amendments, are you in favor of those as well?

**Raymond Flynn:**

At the tables this afternoon was the first that I have heard about them. In concept I do agree with them.

**Assemblyman Carpenter:**

The question I have is to Mr. Rogers. How are you able to stop a truck going down the highway now, if you do not have red lights?

**Gordon Rogers:**

Prior to the split of the DMV and DPS, we had marked patrol units designed specifically for the emission control program. Once the split occurred, we did not realize that we did not have the statute authority for emergency vehicles. What we currently have are vehicles with red lights and siren out on the street working.

**Assemblyman Carpenter:**

You want to make legal what you have illegal, is that right?

**Gordon Rogers:**

That is correct.

**Rob Buonamici, Chief Game Warden, Division of Law Enforcement, Nevada Department of Wildlife:**

We respectfully request your consideration for including game wardens in this bill. Game wardens are Category 1 peace officers. They go through post-certified EVOT. All our game wardens' vehicles are equipped with red lights and siren. We have been doing this for 27 years and have been making vehicle stops for at least that length of time. We make vehicle stops in the form of fish and game stops, immediate threats to public safety. For example, if we are driving on the remote portions of Highway 50 and see someone crossing the double yellow line, they are drunk, we arrest them, and take them off the highway. We respond to fatal or serious injury boat accidents. This requires our getting to the scene in a timely fashion to on Lake Mead, Mojave, and particularly, the Colorado River.

We respond to hunting accidents, which are usually serious accidents involving gunshot wounds. Traffic accidents, if they are in the rural area of the State, we are the first on the scene, and control situations until the NHP, sheriff, and ambulance arrive. We are the backup to local sheriffs and NHP in rural areas; and they back us up. We have game wardens backing up each other. There are 31 field game wardens in the State. There are no additional costs to the State if we were to be included. As I stated, we already equip our vehicles with all the emergency equipment.

**Chair Atkinson:**

We will need your amendment in writing to be included in here. We did not get anything. [[Exhibit E](#) provided after meeting.]

**Assemblyman Bobzien:**

It was mentioned by one of the previous speakers that in order to outfit the included emergency vehicles with the proper lighting and other equipment, there was some sort of pass-through program whereby one could buy equipment on surplus or hand-me-down. Recognizing NDOW is a vastly different situation, and the budget situation that you have, which is paid for by sportsman licenses and fees, what would be the budgetary impact? Do you have similar means to do that or are you looking at a budget request in the future?

**Rob Buonamici:**

There is no budget impact as all our vehicles are already emergency-equipped with red lights and siren. We would not have to purchase additional red lights and siren.

**Chair Atkinson:**

Are there any other questions from the Committee Members? That is all we have signed up to speak. Anyone in Las Vegas who would like to speak on the bill? [There were none.] We will close the hearing on A.B. 29. Just a reminder, for the individuals who testified and wanted to be included but did not give us any language at this time, we will respectfully request that language before we move it to a work session. We will open the hearing for A.B. 71. Welcome, Majority Leader Ocegura.

**Assembly Bill 71: Makes various changes to procedures when a vehicle is involved in a traffic accident. (BDR 43-747)**

**John Ocegura, Assemblyman, District No. 16:**

I am actually handling this bill as a courtesy from former Speaker, Mr. Perkins. I will not be your expert. Hopefully, there will be one behind me. [Spoke from prepared text ([Exhibit F](#)).]

**Chair Atkinson:**

Thank you, Majority Leader. I do have a few people signed in to speak in favor of the bill. Are there any individuals whom you would like to speak first?

**Assemblyman Goicoechea:**

My biggest concern is the fact that you do not file a report of any kind. If someone wants to sue you for whiplash afterwards, or if someone hands you bogus insurance information, it does not take much to run up a \$2,000 bill.

**Assemblyman John Ocegüera:**

While reading this bill I have noticed the same problem. There are a couple of issues. In my line of work, people do not report their injuries until maybe the next day. The way this bill is drafted, it seems that it might be a free pass if you were to move your vehicle off to the side of the road and did not have to file a report. I would hate to say that our drafters would ever draft anything that is not exactly what we told them. It seems it may be the case in this instance.

**Chair Atkinson:**

I believe that the intent was to get cars out of the way so traffic can proceed. This is another case of saying, every little bit helps with relieving congestion. Certainly, before we go too far into the report part of it, it is an aspect we will look at.

**Assemblywoman Womack:**

Once a vehicle is moved, you cannot determine who is at fault, but neither can that person be ticketed for the events. Is that true?

**Michael Geeser, American Automobile Association (AAA), Nevada:**

There are two parts of this bill and to say we are in opposition to it may not be completely accurate. We are in favor of cars involved in minor accidents, where the damage is under the \$750 threshold, to be moved out of traffic lanes to allow traffic to continue. If you have driven in Las Vegas recently, that is a really good thing. The problem we have is on the back end of that, where no report has to be filed. You can understand, as you already have had the conversation, why that would be a problem for us. The simple fact is that we need as much information as we can possibly get about an accident to process a claim or adjust the accident itself. To say that there would not be a report, either with the police or law enforcement or with the DMV, would create quite a problem for insurers.

We would be happy to work with the sponsor of the bill to see if we can meet halfway on how to do it. It appears, as I read the language now in this bill, we are not quite there. I want to offer that concern by us and other insurers as well. We need that information to follow-up on an accident.

One more thing, the way the law is written now, since there is not much information given when an accident occurs, and if police do not respond to the scene of an accident, the driver's insurance company sends an SR1 form to the driver. They have to fill that out and file it with the DMV within 10 days of the accident. Even under those circumstances, we may not be getting all the information we need. While that helps, it may not be the entire answer. We would oppose the bill, simply because we would like to see a report filed on the basis that any report is going to help us process the accident.

**Assemblyman Carpenter:**

Is there any such thing as a \$750 dent?

**Michael Geeser:**

In Nevada, the threshold set is \$750. There are pieces and panels on cars that cost well over \$750 these days. Whether or not that threshold is raised is another bill. The point is well taken. There are not a lot of pieces on the car that cost less than \$750.

**Chair Atkinson:**

How does a driver involved in an automobile accident determine that cost on his own?

**Michael Geeser:**

We cannot expect every driver to be an adjuster, nor can we expect him to know if he is injured at the scene. Many times, as was stated, injuries show up sometimes days after the fact. The bill seems to be asking a lot of the motorist, not only to get the car off to the side of the road, which would be a great thing, but also to pass judgment on many things on which he may not be an expert.

**Bob Roshak, Las Vegas Metropolitan Police Department, Nevada Sheriffs and Chiefs Association:**

We are here in support of the bill for minor accidents. The police do not need to come out and take a report; however, we do have a concern with no report being filed. We would like to see in minor accident cases that the parties involved are required to exchange information and to file an SR1 form with the State, in order to have the circumstances of the accident documented. I understand this bill came out of southern Nevada because of the overwhelming number of fender-bender accidents and tying up of the units. The injury accidents hold and we do not have time for enforcement.

In many areas all we are doing is documenting incidents for the insurance

companies when we are taking a report. On the minor ones we talk to the drivers, find out what happened, and write down what they tell us. On the minor ones there is not the substantial physical evidence that is present on the bigger ones.

**Assemblywoman Gerhardt:**

On the typical fender-bender that you just described, how long before a unit might be able to respond, understanding that traffic is tied up?

**Bob Roshak:**

That could depend on the time of day. We have had accidents hold for two to three hours, depending on morning or afternoon rush hour, or in wet conditions when we get overwhelmed with them. Another concern we have is the case of making people wait on a small, minor accident, especially in the summer. For example, a mother with a couple of children waits for the police who may not be able to arrive for awhile. In reality she could go to a DMV or a substation and file a simple SR1 which would resolve the issue.

**Chris Perry, Chief, Nevada Highway Patrol (NHP), Department of Public Safety:**

In response to Assemblywoman Womack's question, we typically still respond to all crashes reported within our jurisdiction. We are able to respond within 45 minutes, particularly to a property damage accident in the Las Vegas area. A number of crashes are moved prior to our arrival and we are still able to investigate them fully and determine an at-fault driver in that case. This does not have a bearing for the NHP. The intent of this bill, at least the way I read it is to move vehicles out of the roadway in order to get traffic flowing again. We deal with high-speed roadways throughout the State, and we see in congested areas is one small traffic accident results in several more crashes behind it. This bill is designed to clear that problem. We are neutral on the fact that it is a bill that would be nice to be passed. We support the position that it would likely create less work for us, if we were able to move vehicles immediately or as soon as practical after the crash.

**Graham Galloway, representing the Nevada Trial Lawyers Association and Citizens for Justice:**

We are in support of part of the bill. We have concerns about the other half of the bill. Obviously, the provision changing the rules requiring individuals to move their vehicles is a sound change. It is appropriate, and we are behind it. The reporting change is our concern. We have an issue about the way the proposed change is set up. Presently it distinguishes between two different types of motorists. The motorist who has a fender-bender, but is not blocking

traffic and does not move his vehicle, is required to make a report. The other motorist is the individual who moves his vehicle. I do not know whether there is a basis for distinguishing between the two. It should either be everybody reports or nobody reports.

We, as trial lawyers, believe reports are appropriate and necessary. It is part of the documentation process because you never know what is going to happen. As the Assembly Majority Leader alluded to, often people at an accident will indicate to the officer that they are fine or there is no problem. Within two days, two weeks, or even two months, they are having major problems. I have had many clients who told the officer at the scene that they were ok, there was no injury, and then six months to a year down the line, they are having some kind of neck or back surgery.

Our concern is, if you eliminate the reporting requirement, you lose that opportunity to get the most accurate rendition, the recollection of the events. If you wait six months, a year, you will have filtering. People are going to talk to family members, insurance companies, and are going to have what I call a sense of denial that they created or caused an accident. You are going to get a totally different version of what you would get if somebody is required to make a report within an appropriate length of time. We would suggest or recommend 48 hours.

There has been some expression or concern that you burden the local law enforcement agencies by requiring them to accept station or counter reports. That is what we envision here. If it seems to be a relatively benign situation, require individuals to submit a counter report or a station report, or set it up so that they can go on-line and check the box and fill in the information. Require them to put something in writing as to their position. That will lock them in. Many times I have seen individuals later down the line say something that is completely contrary to what they had written down at the accident scene. It is important and critical for our area, for the consumer, for the individual who has been involved in an accident to have that early reporting.

The way the Statute is set up now; there is a duplication of effort. You are required to report to the local law enforcement agencies and then to the DMV. The solution, perhaps, is an issue raised by the law enforcement gentlemen, it burdens them. It frees them up. I am for that, too. We are very appreciative of their efforts and some of the burden should be taken off them. You could do that by eliminating the requirement of reporting to the local law enforcement agency, and simply direct the reporting to the DMV, which is already required under the Statute. You have that protection for individuals, except in one particular area, the Statute regarding an SR1. The DMV prohibits the use of

that report in a civil or criminal proceeding. If you change the Statute and eliminate that prohibition of the use in a civil or criminal situation, then that report could be used in a civil case, a personal injury case. That would satisfy everyone's needs, except for the DMV because there would be some reporting requirement. The proposed changes do not serve the needs. A couple of simple changes would fix the proposed bill.

**Chair Atkinson:**

I was looking at the SR1 and the three components are: when an accident was not investigated at the scene by law enforcement; only if damage occurs in excess of \$750 to any one person, or if the accident resulted in injury or death; and, within 10 days of the accident. It clarifies it a little bit, but I would have a problem with the \$750.

**Graham Galloway:**

I would like to add one little suggestion. Ten days is a long time. If there is any thought to changing the statutory scheme or set up, it seems it would be better to shorten the time frame in which to report the accident? You have more accuracy and less opportunity for people to be influenced or to filter the information.

**Assemblyman Goicoechea:**

What concerns me is the voluntary reporting. One person has a dent in his fender and the other person has a crease in his bumper and feels he is not impacted and does not file a report. The other one files an SR1. Does that automatically make the one who did not file a report at fault? I can see some real issues with the bill. The existing statute clearly allows you to move to a location that does not obstruct traffic and wait at the scene. I understand the problems you have in southern Nevada with police officers responding. To be honest, I would have a hard time with this bill in any direction other than the existing statute. I do not see where there is a real problem with it as it exists today.

**Chair Atkinson:**

We have a letter ([Exhibit G](#)), from the Property Casualty Insurers Association of America against the bill. The members should have one since it was mailed to us. The appropriate thing to do is send this to a working group. There are some good parts to the bill and I understand the intent. I understand where the Majority Leader and the original sponsor are going with the bill, but I also recognize that there are a few problems in the bill. I have some concerns about

reporting and about the \$750 requirement. I am going to assign three members from this Committee; Assemblyman Bobzien, Assemblywoman Gerhardt, if you do not mind leading the group, and Assemblyman Goicoechea.

**Assemblyman Goicoechea:**

I would be glad to, but you know my position on the bill. I do not know how flexible I am going to be.

**Chair Atkinson:**

We need to hear the other side. It is good to discuss it in the work group as well. Staff is going to coordinate with Assemblywoman Gerhardt, and she will work with the other members to see if you can come up with anything. We are going to close the hearing on A.B. 71. The second order of business today is to introduce three committee requests for bill drafting.

**BDR S-1186**—Makes appropriation for the Clayton Street Overpass in North Las Vegas. (Later introduced as [Assembly Bill 537](#).)

**Chair Atkinson:**

I will entertain a motion to introduce it as a Committee bill.

ASSEMBLYWOMAN WOMACK MOVED FOR COMMITTEE INTRODUCTION OF BDR S-1186.

ASSEMBLYMAN MANENDO SECONDED THE MOTION.

THE MOTION PASSED. [ASSEMBLYMAN COBB WAS NOT PRESENT FOR THE VOTE.]

**BDR S-1187**—Makes appropriation for changing the names of certain additional streets to Martin Luther King Boulevard. (Later introduced as [Assembly Bill 538](#).)

**Chair Atkinson:**

ASSEMBLYMAN BOBZIEN MOVED FOR COMMITTEE INTRODUCTION OF BDR S-1187.

ASSEMBLYWOMAN GERHARDT SECONDED THE MOTION.

THE MOTION PASSED. [ASSEMBLYMAN COBB WAS NOT PRESENT FOR THE VOTE.]

**BDR 1393**—Urges Congress To Repeal The Real ID Act of 2005.  
(Later introduced as [Assembly Joint Resolution 6](#).)

**Chair Atkinson:**

I will entertain a motion to introduce it as a committee bill.

ASSEMBLYMAN HOGAN MOVED FOR COMMITTEE  
INTRODUCTION OF BDR R-1393.

ASSEMBLYMAN CARPENTER SECONDED THE MOTION.

THE MOTION PASSED [ASSEMBLYMAN COBB WAS NOT PRESENT  
FOR THE VOTE.]

**Chair Atkinson:**

Our next meeting is going to be Tuesday, February 27. We have three bills that we are hearing. We do have a work session that day. [Meeting adjourned at 2:34 p.m.]

RESPECTFULLY SUBMITTED:

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Christine Henricksen  
Committee Secretary

APPROVED BY:

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Assemblyman Kelvin Atkinson, Chair

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

**EXHIBITS**

**Committee Name:** Committee on Transportation

**Date:** February 22, 2007

**Time of Meeting:** 1:30 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
A.B. 29	C	Chief John H. Douglas, DPS	Letter
A.B. 29	D	Gordon Rogers, DMV	Amendment
A.B. 29	E	Rob Buonamici, Department of Wildlife	Amendment
A.B. 71	F	Assemblyman John Oceguera	Prepared written text
A.B. 71	G	Property Casualty Insurers Assoc. Of America	Letter in opposition