

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

**Seventy-Fourth Session
April 5, 2007**

The Committee on Transportation was called to order by Chair Kelvin Atkinson at 1:39 p.m., on Thursday, April 5, 2007, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: 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 Jerry D. Claborn
Assemblyman Ty Cobb
Assemblywoman Susan Gerhardt
Assemblyman Ed Goedhart
Assemblyman Joseph Hogan
Assemblywoman RoseMary Womack

COMMITTEE MEMBERS ABSENT:

Assemblyman John C. Carpenter (excused)
Assemblyman Pete Goicoechea (excused)



STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Sabra Smith-Newby, Director, Intergovernmental Relations, Clark County
Stephen Dahl, Judge, North Las Vegas Township, President, Nevada
Judges Association
Martha Barnes, Central Services and Records Division Administrator,
Department of Motor Vehicles

Chair Atkinson:

[Meeting called to order at 1:39 p.m. Roll called.] Assemblyman Goicoechea and Assemblyman Carpenter are testifying in other committees and should be here shortly. Today we have three bills before us: Assembly Bill 489, Assembly Bill 497, and Assembly Bill 552. We will not be having a work session today. We will be hearing the three bills in order.

I will open the hearing on A.B. 489.

Assembly Bill 489: Revises provisions governing the towing of motor vehicles from public or private property. (BDR 43-345)

[Assemblyman Goedhart left the meeting.]

Sabra Smith-Newby, Director, Intergovernmental Relations, Clark County:

Assembly Bill 489 is a bill that Clark County requested. We believe it helps us solve a relatively small problem of ours, which is the fact that we are unable to tow cars from County-owned lots or garages. This issue came to our attention during the interim between last session and now when a car was towed and the owner challenged it. We discovered that state law does not give us the ability to tow the car, and we do not have the ability to give the owner due process and a hearing after their car is towed. Assembly Bill 489 attempts to rectify that situation.

While it may seem like a fairly insignificant issue, it is actually quite important to us. We have three garages in Clark County owned by the County and nine surface lots. In those lots, particularly the ones around the justice buildings, there may be someone who has business in the justice center and has

an outstanding warrant, or something of that sort. They park their car, go in, and get arrested. The car stays there for an indeterminable amount of time.

In addition, we also have a homeland security issue where sometimes cars can be parked by loading docks or outside buildings. We will typically call the police department and do a run on the plates, but as long as the car is not stolen or there is nothing wrong with it, the car can remain there. We do not know why the car is there or what the purpose is. We cannot tell if the person has good intent or not, or if they just had to leave the car.

The amendment you received ([Exhibit C](#)) deals with a slight change. We had been working off a 1985 circuit court case in terms of changing from the seven days to two working days. We have been in contact with the courts, and they believed they needed more time than that. This amendment goes from the two working days to seven working days. It gives them more time to respond to this issue.

Assemblyman Hogan:

I wanted to get an idea as to whether the people in the courts feel they can live with the seven days. Is that halfway between your position and their position?

Sabra Smith-Newby:

The courts were opposed to the two days. They wanted to go back to seven days. We actually gave them a little more time than what was originally in there by going to seven working days.

Assemblyman Claborn:

Do they tow these vehicles to a designated impound, or do you have different towing outfits towing them to different compounds in the city?

Sabra Smith-Newby:

We do not currently tow because we are prohibited from doing so. I am not sure where we would tow to or whether we would go with particular companies. I can find that information and get back to you.

Assemblyman Claborn:

The reason I am asking is because we heard a bill earlier this year about towing the vehicles somewhere and leaving them for 30 or 40 days before contacting the owner. They run up such a large bill for having cars impounded that the owners tell them to keep the car because there is such a large penalty against it.

Chair Atkinson:

I have a question in line with Mr. Claborn's question. What are the notification requirements going to be? As you mentioned, a person may go to court and be incarcerated. Who is going to notify the individual in a timely manner that his vehicle is no longer where he parked it?

Sabra Smith-Newby:

I believe the bill makes reference to *Nevada Revised Statutes* (NRS) 487.037. If I am not mistaken, sections .037 and .038 make reference to the time lines and the proper procedure for noticing those things. I am not entirely sure. I know it says you cannot tow a vehicle within 24 hours of the expiration period. I can get the answer to you. It is not coming to me right now unless staff has an answer to it.

Chair Atkinson:

That is important to me. Staff is looking as quickly as possible. I am trying to figure out how we can help our rural districts, as well. While we are waiting, I will ask anyone else who wants to speak in favor of A.B. 489 to come to the table. [There were none.] Is there anyone wishing to speak against A.B. 489?

Stephen Dahl, Judge, North Las Vegas Township, President, Nevada Judges Association:

Our concern with the bill had been the two-day turnaround on the filing of a complaint and in getting a hearing, which would be a burden on both the courts and the constables. The Sheriff's offices are supposed to serve those notices. That has been resolved with the amendment, which would provide for sufficient time. That does not mean the courts have to wait that long. If we can do it sooner, we will, but it gives us adequate time to be able to take care of the problem.

In answer to Assemblyman Claborn's question, towing is usually done on a rotating basis. There is a call made to any of four or five different towing companies. They come out and take the cars to the various lots. I am glad this bill is being done because I have a parking lot which sometimes has cars of people who are arrested. We have been towing those cars, apparently illegally. When that happens, we keep track of that, and if someone comes back to ask where their car is, court staff can tell them exactly what happened. If it is towed from the lot, they can go to whoever is running it and ask what happened to the car. There should be a record as to which tow company that took their car away.

Chair Atkinson:

Is there anyone else who wishes to be heard on A.B. 489? [There were none.] We have a few questions that still need to be answered, so we will look at some things and bring it up in a work session next week.

I will close the hearing on A.B. 489 and open the hearing on A.B. 497.

Assembly Bill 497: Makes various changes to provisions governing driver's licenses and public safety. (BDR 43-642)

**Martha Barnes, Central Services and Records Division Administrator,
Department of Motor Vehicles:**

[Spoke from prepared text ([Exhibit D](#)).]

Assemblywoman Womack:

I would like to make a disclosure that my husband is involved in the correctional release program for the Nevada State prisons, and that I will excuse myself from this issue.

Assemblyman Manendo:

What is the fiscal note on your bill?

Martha Barnes:

We did not put a fiscal note on this bill.

Assemblyman Manendo:

This bill says it does have a fiscal note. I am thinking the Ways and Means Committee would want to review it anyway.

Chair Atkinson:

We are looking at the bill, and there is no fiscal note. Are there any other questions from Committee members? [There were none.] Is there anyone else who wishes to be heard on A.B. 497? [There were none.]

I will close the hearing on A. B. 497. I will entertain a motion of Do Pass for A.B. 497.

ASSEMBLYMAN HOGAN MOVED TO DO PASS
ASSEMBLY BILL 497.

ASSEMBLYMAN COBB SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN WOMACK
ABSTAINED FROM THE VOTE. ASSEMBLYMEN CARPENTER,
GOICOECHEA, AND GOEDHART WERE ABSENT FOR THE VOTE.)

I will open the hearing on A.B. 552.

**Assembly Bill 552: Authorizes constables to collect fees for removing or
causing the removal of abandoned vehicles from public property.
(BDR 20-291)**

Is there anyone here to testify on A.B. 552? [There were none.]

Marji Thomas will read the digest.

Marjorie Paslov-Thomas, Committee Policy Analyst:

I can provide a summary from the Legislative Counsel's Digest on
A.B. 552. This was sponsored by the Committee on Government Affairs on
behalf of the Office of the Las Vegas Township Constable. It says in the digest
that:

Section 1 of this bill adds to the list of fees to which constables
are entitled for their services a fee of \$50 for removing or causing
the removal of an abandoned vehicle from public property.
Sections 3 and 5 of this bill require an automobile wrecker that
removes an abandoned vehicle from public property at the request
of a constable to collect the \$50 fee on behalf of the constable and
transmit the fee to the constable. Section 5 also makes the
constable's fee part of the lien that a garage owner or automobile
wrecker who removes an abandoned vehicle from public property
at the request of a constable has on the vehicle. Section 5
provides that if the wrecker is unable to collect the constable's fee
from the owner of the vehicle, the wrecker is not required to
transmit the fee to the constable unless the wrecker is able to
satisfy his own lien. Section 4 of this bill clarifies that such
authority to remove abandoned vehicles from public property also
includes the authority to cause the removal of the vehicles.

Chair Atkinson:

I do not know why the sponsor of the bill is not here. The County marked "for" it, but they are not speaking on it.

Assemblyman Claborn:

I want to talk on Section 4, page 5, line 29. It says,

If the vehicle is appraised at a value of \$500 or less and is not reclaimed within the period prescribed in NRS 487.250, the owner of the garage or automobile wrecker may satisfy his lien by retaining the vehicle and obtaining a certificate pursuant to NRS 487.880, if applicable, or a salvage title as provided in NRS 487.810.

I want to talk to them about that. What happens with these cars being left is if a guy is down and out, and he gets caught, his car is put in a compound, he is not notified, and when the bill is over \$500, they confiscate the automobile. I think we heard this earlier, and I am not sure if this bill is it, but I have had many constituents call me on this to tell me they lost their automobile. I have told them they did not really lose it, they just did not have enough money to get it out of the impound. I said they needed to be notified within 14 days. We may have already acted on that. Do you remember, Mr. Chairman, if that is coming up or if we heard it?

Chair Atkinson:

Yes, I remember. It was a bill we heard earlier in session. The language you are discussing is existing language in this bill. That is not being changed, but I understand your concerns.

I just spoke with staff, and we are going to stop taking testimony on this bill. We are going to see if we have time to put it on the agenda for next Tuesday or Thursday and see if we can get the County, the Constable's Office, or somebody to come and give us some testimony on this to tell us why they need it. I have not spoken to them either.

I am going to close the hearing on A.B. 552.

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Is there any other discussion from Committee members or public comment?
[There was none.] The meeting is adjourned. [2:06 p.m.]

RESPECTFULLY SUBMITTED:

Kelly Troescher
Committee Secretary

APPROVED BY:

Assemblyman Kelvin Atkinson, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Transportation

Date: April 5, 2007

Time of Meeting: 1:30 p.m.

Bill	Exhibit	Witness / Agency	Description
	A	Committee on Transportation	Agenda
	B	Committee on Transportation	Attendance Roster
A.B. 489	C	Sabra Smith-Newby, Clark County	Proposed Amendment to Assembly Bill 489
A.B. 497	D	Martha Barnes, Department of Motor Vehicles	Prepared text