

**MINUTES OF THE
SENATE COMMITTEE ON TRANSPORTATION AND HOMELAND SECURITY**

**Seventy-fourth Session
April 26, 2007**

The Senate Committee on Transportation and Homeland Security was called to order by Chair Dennis Nolan at 2:34 p.m. on Thursday, April 26, 2007, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 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 Dennis Nolan, Chair
Senator Joseph J. Heck, Vice Chair
Senator Maurice E. Washington
Senator Mark E. Amodei
Senator Maggie Carlton
Senator John J. Lee
Senator Joyce Woodhouse

GUEST LEGISLATORS PRESENT:

Assemblywoman Marilyn Kirkpatrick, Assembly District No. 1
Assemblyman John Ocegueda, Assembly District No. 16
Assemblyman David R. Parks, Assembly District No. 41

STAFF MEMBERS PRESENT:

Wes Henderson, Intern to Senator Nolan
Nicholas Marquart, Intern to Senator Nolan
Matthew Pritchard, Intern to Senator Carlton
Matt Szudajski, Committee Policy Analyst
Sharon Wilkinson, Committee Counsel
Lynette M. Johnson, Committee Secretary

OTHERS PRESENT:

Raymond J. Flynn, Las Vegas Metropolitan Police Department; Nevada Sheriffs' and Chiefs' Association
Michael D. Geeser, AAA Nevada
Robert Roshak, Las Vegas Metropolitan Police Department; Nevada Sheriffs' and Chiefs' Association
Brad Smith, Sergeant, Nevada Highway Patrol, Department of Public Safety
Martha Barnes, Administrator, Central Services and Records Division, Department of Motor Vehicles
Robert (Bobby G.) Gronauer, Constable, Constable's Office, Las Vegas Township
Brian O'Callaghan, Las Vegas Metropolitan Police Department; Nevada Sheriffs' and Chiefs' Association

CHAIR NOLAN:

We will open the hearing on Assembly Bill (A.B.) 71.

ASSEMBLY BILL 71 (1st Reprint): Makes various changes to procedures when a vehicle is involved in a traffic accident. (BDR 43-747)

ASSEMBLYMAN JOHN OCEGUERA (Assembly District No. 16):

This bill clarifies that a vehicle involved in an accident resulting only in property damage can be moved if it is obstructing traffic and can be done so safely. Law enforcement has provided countless reports on how minor traffic accidents cause congestion on our roadways. The Assembly Committee on Transportation amended the bill by deleting sections 2 and 3. Those sections removed the driver's obligation to file an accident report. A working group comprised of legislators, law enforcement, trial lawyers and representatives from insurance companies agreed on the amended language.

RAYMOND J. FLYNN (Las Vegas Metropolitan Police Department; Nevada Sheriffs' and Chiefs' Association):

We support this bill as amended. It will assist our communities in relieving congestion when there is a traffic accident. Occasionally, secondary accidents occur as a result of vehicle backup from the initial accident.

SENATOR CARLTON:

Did you remove the requirement for the driver to file an accident report?

MR. FLYNN:

No. Original language could have been interpreted that an individual did not have to file an accident report. We were against that language. Reports should be filed whenever someone is involved in an accident. The amended language maintains that requirement.

SENATOR CARLTON:

Will an officer always appear at an accident scene to file an accident report?

MR. FLYNN:

The officers at the scene have the discretion to file a report or to have the drivers exchange names. We prefer them to file an accident report.

SENATOR CARLTON:

I was under the impression that an officer did not always respond to an accident even if the parties called 911.

MR. FLYNN:

The Las Vegas Metropolitan Police Department's (Metro's) policy, which is very similar to the *Nevada Revised Statutes* (NRS), requires us to send a unit whenever we receive a call. There may be a two-hour delay; therefore, the operator may suggest moving the vehicles and doing a name exchange as long as no one is hurt and the vehicles can be safely moved.

CHAIR NOLAN:

In southern Nevada, I understand that the system is so busy that an officer may not be available for several hours.

MR. FLYNN:

Correct. The purpose of this bill is to allow people to move slightly damaged vehicles to the side, which would allow traffic to move.

MICHAEL D. GEESER (AAA Nevada):

I participated in the working group. We agree with the amended language and feel that it would benefit motorists to move their vehicles after a minor accident. Even if an officer could not report to the accident scene for several hours, the drivers are required to file a report with the Department of Motor Vehicles (DMV).

SENATOR HECK MOVED TO DO PASS A.B. 71.

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR AMODEI WAS ABSENT FOR THE VOTE.)

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SENATOR HECK:

We will open the hearing on A.B. 380.

ASSEMBLY BILL 380: Revises certain requirements relating to radar guns.
(BDR 40-1188)

ASSEMBLYWOMAN MARILYN KIRKPATRICK (Assembly District No. 1):

This bill addresses radar guns. Under current law, law enforcement agencies must purchase radar guns that appear on a list that is continually updated. If a radar gun is removed from the list, agencies are required to replace those radar guns with ones that appear on the list. The other radar guns are in proper working order; therefore, radar guns are unnecessarily being disposed of by police agencies. Radar guns are recalibrated every three years by the manufacturer or a certified representative. I ask you to approve this legislation so police agencies can use them until they are no longer useful.

ROBERT ROSHAK (Las Vegas Metropolitan Police Department; Nevada Sheriffs' and Chiefs' Association):

We support this bill. The NRS currently requires police agencies to use radar guns listed on the International Association of Chiefs of Police (IACP) consumer guide. I will give you an example of a problem we encounter with this requirement. A company that manufactures radar guns submits them to the IACP for testing and certification. The IACP lists them on their consumer guide and police agencies purchase them. That company goes out of business and does not send in additional radar guns for IACP certification. Therefore, the IACP removes them from their consumer guide. Under current law, those radar guns can no longer be used by the police agency and the agency will have to purchase new radar guns. When the Metro discovered this law, we incurred an unexpected expense of \$50,000. At present, the Metro is 40 radar guns short. The Metro does not want to keep radar guns that are under recall or not

working properly. We feel that if the radar guns made the list once, are still functional, meet daily checks and are factory calibrated, we should be able to use them. This bill would save law enforcement agencies throughout the State money.

SENATOR CARLTON:

How do you decide when a radar gun is not functional?

MR. ROSHAK:

We replace them if they become damaged and the repair cost is equivalent to the purchase price of a new gun, or if the repair shop suggests we purchase a new one.

SENATOR HECK:

Are they removed from the list for other reasons? Can they have a manufacturer's defect that will take them off of the list? Can testing determine them to be unreliable?

MR. ROSHAK:

I am not aware of any instances. The manufacturer or the National Transportation Safety Board will issue a recall and we will remove them from service.

BRAD SMITH (Sergeant, Nevada Highway Patrol, Department of Public Safety):

We support this bill. As a radar gun instructor, I use radar guns that are no longer listed and are still functional. In the field, the officer uses the radar gun to verify a visual speed estimation.

SENATOR CARLTON MOVED TO DO PASS A.B. 380.

SENATOR AMODEI SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR NOLAN:

We will 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 (Administrator, Central Services and Records Division, Department of Motor Vehicles):

We support this bill and I will read from prepared testimony ([Exhibit C](#)).

SENATOR CARLTON:

What is the motivation behind the revocation running consecutively with the jail term or prison term rather than concurrently? For example, a person has their driver's license revoked and during that time they are, or become, incarcerated. Will they finish their license revocation time after they are released from incarceration?

MS. BARNES:

Yes. The statute provides that when they get incarcerated, the time clock stops. It resumes when they are released. We were not following the law because we were not receiving notification. We are working with the Department of Corrections and the Department of Public Safety (DPS) to establish a notification process so we will be in compliance with statute.

SENATOR CARLTON:

Do you know when that was established in statute?

MS. BARNES:

No, I do not know at this time.

SENATOR CARLTON:

I am trying to understand the rationale behind this law. The purpose behind revoking an individual's driver's license is to get them off the road and being incarcerated gets them off the road. Correct?

MS. BARNES:

Correct.

SENATOR CARLTON:

I do not understand the idea behind their license revocation time resuming after they have been released from incarceration.

Ms. BARNES:

I believe there was an incident where a person was incarcerated and by the time they were released, their license revocation time had expired. Therefore, that individual did not experience the inconvenience of having their driver's license revoked because they were incarcerated. The intent of the law is to cause an inconvenience or problem and to get them off the road.

SENATOR HECK:

My question relates to section 7. Can a driver have insurance through a company that is not licensed in the State?

Ms. BARNES:

Yes. For example, you live in Oregon and have insurance through an AAA agent in Oregon. You move to Nevada but keep your insurance through that agent in Oregon. That agent is not able to report your insurance status to us. Only those insurance agencies licensed to do business in Nevada have the ability to report insurance status to the DMV.

SENATOR HECK:

What is the problem? Why is it that out-of-state agents do not have the ability to report insurance status to the DMV?

Ms. BARNES:

It has to do with technology and the process by which they submit the information to us. There are a few out-of-state insurance companies that will provide the information to us for their customers.

SENATOR HECK:

I am concerned that this narrows the marketplace because there is a communications problem between an out-of-state company and the DMV. Plus, that out-of-state company might be providing a better rate or better service to that client; therefore, they do not want to change agents. It does not seem reasonable to force them to do that over a communications problem.

Ms. BARNES:

Nevada law requires that they be licensed or approved to be licensed in the State through the Division of Insurance, Department of Business and Industry. Due to this requirement, the DMV has to work with insurance companies licensed in Nevada.

SENATOR HECK:

I will go back to my original question, which was how can a Nevada driver have insurance with an out-of-state company?

MS. BARNES:

That is part of the problem. That driver gets caught in the system and they will have to pay a reinstatement fee. All companies that are licensed in Nevada have established a reporting process through the DMV. They send us the policy information and we attach it to the vehicle in our database. If an individual comes into our office and they have insurance from another state, we will not have that information so we cannot match it to the vehicle. It appears as an insurance lapse.

SENATOR HECK:

Is there a law that requires an individual to have insurance from an insurance company licensed in the State?

MS. BARNES:

Yes. It is in statute but it is confusing, which is why we are addressing it in this bill.

SENATOR CARLTON:

To clarify, can I keep the same insurance company but switch to an agent licensed in Nevada? By doing this, would you then have access to my insurance information?

MS. BARNES:

Yes, you could keep the same insurance company, but you must have an agent licensed in Nevada.

SENATOR CARLTON:

Usually whenever you make a change, there is an increase in price, and I understand that is up to the insurance company. There are insurance companies that operate nationwide. In order for them to access the DMV's information system, an office would have to be domiciled within Nevada. Therefore, a driver would not be able to use their agent from Missouri or Arizona or another state. Correct?

Ms. BARNES:

Correct. Insurance companies in Nevada have the ability to directly report to our insurance verification program.

SENATOR CARLTON:

Is Nevada different in how the insurance covers the vehicle versus the person?
How does it work in Nevada?

Ms. BARNES:

Your question should be addressed to an insurance company or to the Division of Insurance. The DMV applies the policy to the vehicle in our database.

SENATOR CARLTON:

Does that information have to be verified through an insurance company?

Ms. BARNES:

Yes, that is correct based on statute.

SENATOR HECK:

Where in statute does it require the insurance company to be licensed in Nevada? I cannot find that reference in the DMV statutes.

Ms. BARNES:

I do not have the reference, but will be able to provide that information. It is under the statutes for the Division of Insurance.

CHAIR NOLAN:

In section 1, can we change the reference from "insulin shock" to "diabetic-related problems"?

Ms. BARNES:

We would be agreeable to that change. The DMV is moving the training requirement to the DPS because we do not have the expertise to provide that training.

CHAIR NOLAN:

The Committee will look into a possible amendment. We will close the hearing on A.B. 497 and 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)

ASSEMBLYMAN DAVID R. PARKS (Assembly District No. 41):

I support A.B. 552, which was introduced in the Assembly Committee on Government Affairs prior to the start of the Session on behalf of the Constable's Office of the Las Vegas Township. The bill allows the constable's office in any township to collect a fee for removal of abandoned automobiles from public property after proper notification. Southern Nevada has a problem of abandoned vehicles becoming an eyesore within communities.

ROBERT (BOBBY G.) GRONAUER (Constable, Constable's Office, Las Vegas Township):

The Metro and other law enforcement agencies throughout southern Nevada have received numerous complaints regarding abandoned vehicles. Area commands receive approximately 200 complaints monthly about abandoned vehicles. This bill will relieve law enforcement officers of civil functions.

SENATOR LEE:

Will the Metro refer callers to the constable's office or will they continue to remove abandoned vehicles? Are you taking on this responsibility for all of Clark County?

MR. GRONAUER:

We are working on the logistics with local law enforcement officers. This bill will enable the constable's offices throughout the State to collect a fee for removal of abandoned vehicles.

SENATOR HECK:

Do you currently have the authority to remove abandoned vehicles? My understanding is this bill allows your office to collect a fee for removal of abandoned vehicles. Am I correct?

MR. GRONAUER:

You are correct. The statutes do not allow us to collect a fee for this service. We are a law enforcement agency and have the same authority as other police agencies.

CHAIR NOLAN:

How will you collect the fee if you are unable to collect from the owner? Will the individual who reported it be liable?

MR. GRONAUER:

I think the law protects all parties. The constable's office might bear the burden if we cannot collect from the owner.

BRIAN O'CALLAGHAN (Las Vegas Metropolitan Police Department; Nevada Sheriffs' and Chiefs' Association):

We support this bill. I was a community-oriented police officer and we would receive numerous calls regarding abandoned vehicles. This bill will relieve the burden on local law enforcement offices.

CHAIR NOLAN:

Have you received any feedback from the Governor's Office on this fee assessment?

ASSEMBLYMAN PARKS:

We drafted this bill before receiving the information that the Governor's Office would not approve fee or tax increases. This bill does impose a fee; however, it is a fee for services performed. I do know the Governor's position on this matter.

CHAIR NOLAN:

We would be willing to include clarifying language delineating that it is a fee for service.

SENATOR CARLTON:

The delineation has been made between "fee" versus "fine." To me, the constable's office is assessing a fine for abandoning a vehicle. I do not know what the official definitions are, but this is not a fee in the sense of a licensing fee or similar fee. The vehicle has been abandoned and the owner is being assessed a fine. I think we should move this bill.

SENATOR AMODEI:

I think we should move the bill. If there is a problem, the bill will be returned in time to include additional language.

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SENATOR LEE:

Section 4 refers to the authority to remove vehicles on public property. How will the situation change if you find out the vehicle is stolen?

MR. GRONAUER:

We would notify the owner that the vehicle has been found and allow them adequate time to collect the vehicle.

CHAIR NOLAN:

Assemblyman Parks, would you like us to hold the bill until we receive feedback from the Governor's Office?

ASSEMBLYMAN PARKS:

The Assembly Committee on Transportation had a similar concern and they felt it was adequate. I would like the bill to move forward as written.

SENATOR CARLTON MOVED TO DO PASS A.B. 552.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR NOLAN:

There being no further comments or business, this meeting of the Senate Committee on Transportation and Homeland Security is adjourned at 3:25 p.m.

RESPECTFULLY SUBMITTED:

Lynette M. Johnson,
Committee Secretary

APPROVED BY:

Senator Dennis Nolan, Chair

DATE: _____