

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

**Seventy-fourth Session
May 10, 2007**

The Senate Committee on Transportation and Homeland Security was called to order by Chair Dennis Nolan at 2:34 p.m. on Thursday, May 10, 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:

Assemblyman Kelvin D. Atkinson, Assembly District No. 17
Assemblyman Joe Hardy, Assembly District No. 20
Assemblyman Mark A. Manendo, Assembly District No. 18
Assemblywoman Debbie Smith, Assembly District No. 30

STAFF MEMBERS PRESENT:

Nicholas Marquart, Intern to Senator Nolan
Susan E. Scholley, Chief Principal Research Analyst
Matt Szudajski, Committee Policy Analyst
Sharon Wilkinson, Committee Counsel
Lynette M. Johnson, Committee Secretary

OTHERS PRESENT:

Micki Johnson, Nevada Land Title Association

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Jenny N. Welsh, Nevada Association of Realtors
Judge John Tatro, Justice Court II, Justice and Municipal Court, Carson City;
Nevada Judges Association
Sabra Smith-Newby, Clark County
Raymond J. Flynn, Las Vegas Metropolitan Police Department
Clark Whitney, Quality Towing
Bill Ferrence, Boulder Dam Credit Union
Randy Robison, Nevada Credit Union League
Cam Ferenbach, The Meadows School
Edgar Roberts, Administrator, Motor Carrier Division, Department of Motor
Vehicles
Thomas A. Roberts, Las Vegas Metropolitan Police Department
Scott Konnath, Parent Teachers Association Safety Committee Chair, Nevada
Parent Teachers Association; Secretary, Look Out Kids About
Craig Kadlub, Clark County School District
Michael A. Geeser, AAA Nevada
Erin Breen, Director of Safe Community Partnership, Transportation Research
Center, College of Engineering, University of Nevada, Las Vegas; Chair,
Child Passenger Safety Task Force, Office of Traffic Safety, Department
of Public Safety
Robert J. McCleary, Nevada Collision Industry Association
Michael Spears, Collision Authority; Nevada Collision Industry Association
Troy Dillard, Administrator, Compliance Enforcement Division, Department of
Motor Vehicles

CHAIR NOLAN:

We will open today's hearing with Assembly Bill (A.B.) 600.

ASSEMBLY BILL 600 (1st Reprint): Revises provisions concerning the protection
of certain personal identifying information. (BDR 19-774)

ASSEMBLYWOMAN DEBBIE SMITH (Assembly District No. 30):

I have provided the main points of my testimony to the Committee secretary
([Exhibit C](#)). This bill was drafted to resolve inconsistencies between two bills
enacted last Session that dealt with the protection of Social Security numbers
(SSNs) and personal information contained in documents filed or recorded with
a governmental agency. As passed, A.B. No. 334 of the 73rd Session prohibits
governmental agencies from accepting documents that contain SSNs unless
they are required by law. It also required agencies to protect and limit disclosure

of SSNs in filed or recorded documents and to remove SSNs from documents submitted prior to 2007. The second bill was S.B. No. 347 of the 73rd Session, which prohibits disclosure of personal information on government Websites.

After the 2005 Session, representatives of the real estate industry and county recorder offices voiced concerns regarding the implementation of the two bills. Their primary concerns were the inconsistencies between the bills, the confusion about when SSNs could be disclosed and the need for businesses to have access to some personal information. As a person with a common name, I am sympathetic to the difficulties of closing real estate or loan transactions without being able to distinguish between same-named individuals and different credit histories. When these concerns were brought forward, Assemblywoman Buckley had staff convene a working group with Realtors, mortgage and title company representatives and county officials to discuss the issues. I will now discuss the different sections of the bill ([Exhibit D](#)).

Nevada is not the only state struggling with this issue. We looked to other states and noted that ten states and the federal government allow disclosure of partial SSNs such as the last four digits. Assembly Bill 600 would allow the use of the last four digits in lieu of a full SSN in an attempt to seek a balance between protecting personal information and giving businesses a way to distinguish people with the same or similar names. In 2006, identity-theft costs were estimated at nearly \$57 billion and affected nearly 9 million Americans. Nevada is second in the nation in identity theft, with Arizona being the first. Las Vegas ranks second behind Phoenix in per capita identity-theft complaints. This bill, A.B. 600, addresses these concerns and amends the *Nevada Revised Statutes* (NRS) by deleting archaic provisions that unnecessarily require SSNs in governmental documents.

SENATOR LEE:

Part of the bill removes SSNs from marriage certificates for Native Americans. Why was this removed from the bill?

SUSAN E. SCHOLLEY (Chief Principal Research Analyst):

We reviewed all the NRS sections that currently require SSNs focusing on those sections that require them in recorded documents. We found a provision that required SSNs of Native Americans to be included on the marriage certificate which is a recorded document. We could not find a parallel requirement in federal law; therefore, we decided to remove this section to avoid disclosing

their SSNs in public records. Marriage certificates for other ethnicities do not require SSNs; however, the marriage license applications do require SSNs. There is also no requirement for marriage certificates of non-Native Americans to be recorded. This language actually singled out Native Americans for a rather unusual reason. It would potentially expose them to identity theft where non-Native Americans would not be exposed.

MICKI JOHNSON (Nevada Land Title Association):

I would like to thank Assemblywoman Buckley, Assemblywoman Smith and the Legislative Counsel Bureau staff for their assistance with this issue. I was a member of the working group. The title and escrow industry is respectful of the need for privacy, and we are in the business of protecting an individual's privacy. Section 8 of the bill would allow us to use the last four digits of a person's SSN. The only way we can differentiate liens and judgments is by use of those last four digits. This is important because when we conduct research prior to a home closing, we research the property and the individuals because liens and judgments can be recorded against an individual's name. Those last four digits are critical to avoid misrepresentation.

SENATOR CARLTON:

The last four digits of your SSN are already being used in some instances. I am not sure we are protecting people from identity theft. Why not use an individual's birth date?

Ms. JOHNSON:

I will use a federal tax lien as an example. Federal tax liens customarily contained a person's complete SSN. Those documents are being redacted and the SSN is the only identifier on that document. Other judgments and liens do not have birth dates or home addresses; therefore, the only identifiers are the SSNs. We do not need the entire SSN; the last four digits will be sufficient. I have never encountered two individuals with the same name and the same last four digits of a SSN.

SENATOR CARLTON:

I think the odds of the same name and the same birth date are going to be rare. Thank you.

JENNY N. WELSH (Nevada Association of Realtors):

The Realtors are in full support of A.B. 600. We thank Assemblywoman Buckley for assembling the working group and Assemblywoman Smith for her work on this issue. The Nevada Association of Realtors supports the effort of this body to protect the consumer's personal identification. Every attempt should be made against identity theft. We believe that A.B. 600 strikes a good balance between the ability to protect the consumer and the ability of entities to access information.

CHAIR NOLAN:

We will close the hearing on A.B. 600. We have a work session scheduled for May 15, 2007, and will include this bill. We will open the hearing on A.B. 64.

ASSEMBLY BILL 64 (1st Reprint): Makes various changes concerning the penalties imposed by a court when a defendant fails to properly secure a child in a child restraint system in a vehicle. (BDR 43-268)

JUDGE JOHN TATRO (Justice Court II, Justice and Municipal Court, Carson City; Nevada Judges Association):

Over the last two years, the courts have been required to impose a fine and send an offender to the Family Vehicle Safety Program (Safety Program), Office of Traffic Safety, Department of Public Safety, whenever an individual has been cited for failing to restrain a child. The Safety Program, however, has not been offered as frequently as originally indicated. The Safety Program is taught by volunteers; therefore, the classes are offered sporadically. The court judge would sentence a person to complete a class, and they would not be able to complete it because the class had not been offered at the time or date specified in the schedule. The court would issue a warrant for failure to comply with a court order. When the individual appeared in court, we would find out that the class had not been offered. Granted, the person should have notified the court that the class had not been held as scheduled, but they did not and were being sent to jail for failing to complete a class that never occurred. Based on this, we have submitted A.B. 64 in an attempt to rectify this problem. The original bill allowed the judge discretion to send the offender to the class. The Assembly did not support that language and offered an amendment. The amendment allows the courts to impose a progressive fine structure and send them to the Safety Program at their discretion. If they successfully attend the Safety Program on the first offense, the fine will be dismissed. This provides an incentive for offenders to complete the Safety Program. On a second offense, if they

successfully attend the class, the fine would be reduced by half. We support the bill as amended.

SENATOR HECK:

What happens to the person that is cited for a first offense, attends the class, has the fine waived, and then commits a second offense? Will they be allowed to attend the class again and have the fine reduced?

JUDGE TATRO:

Yes, as amended, the bill allows that person to commit a second offense, attend the class and get the fine reduced. It is similar to convictions of driving under the influence (DUI). A DUI offender can attend the victim impact panel on the first offense. They can get cited for a second DUI and attend the victim impact panel for a second time. Hopefully, the discussion registers with the offender during the second attendance.

SENATOR HECK:

I appreciate the logic, but I have concerns because this is about restraining a child. If it does not register after attending the class on the first offense, then I do not think it will register by taking the class again and getting the fine reduced. I do not think they should have the option of attending the class again on the second offense. I understand the situation on a first offense and they paid the fine and did not attend the class and then on the second offense they attend the class. Is this in the best interest of the child?

SENATOR CARLTON:

I am struggling with the fines. This is a significant increase. Community service is difficult to complete. There are people sentenced to community service all the time and it is difficult to find projects for them to do. How did the Assembly arrive at this language?

JUDGE TATRO:

In my jurisdiction, there are plenty of community-service projects.

SENATOR CARLTON:

I disagree with you about the community service because my husband is a parole officer. It is hard to find community service because there is a big liability with community service. Shifting focus back to the fines, they are increasing from \$50 to \$100 with a maximum of \$500. The Chair knew I would be

outspoken on this issue. The ultimate goal is to educate the person, but now it appears to be about the money. When are we going to make sure the children end up in the car seat? I have a problem with the way this is structured.

JUDGE TATRO:

Our intent was to provide an incentive for these offenders to receive the education by attending the class. The fines are high because a lot of people cannot afford them; therefore, there is the incentive to attend the class. Existing law allows us to fine them up to \$500 and possibly even \$1,000.

SENATOR CARLTON:

Your testimony mentioned that these classes were not always available; therefore, the person is going to have to pay the fine anyway. It seems like we are putting them in a Catch-22 situation.

JUDGE TATRO:

Senator Carlton, that is a good observation. I need to clarify my earlier testimony. The classes are being offered. The problem is they are conducted by volunteers; therefore, they offer them around the volunteer's schedule. The courts are given a schedule of the Safety Program classes. For example, the judge would direct a person to attend the class on June 1, at 9 a.m. based on that schedule. The judge orders the offender to submit their completion report by June 5. The court does not receive the completion report by that date because the June 1 class had been cancelled. Therefore, the court would issue an arrest warrant for the individual since they did not receive the completion report. This bill as amended would allow that person to select a class that accommodates their schedule. It also provides an incentive for them to attend the class to avoid paying the fine. Again, we are trying to educate the offender, not punish them.

CHAIR NOLAN:

As I understand it, the Nevada Judges Association had worked on the language in this bill with the Assembly. Due to the problems with the class schedule, they had initially felt that eliminating the class requirement altogether would be best. The class is readily available in the urban areas where the population is greatest and the violations are prevalent. The problem occurs in the rural areas where there are not as many volunteers to run these classes. From reviewing the Assembly action, they felt that since the vast majority of these citations are issued in areas where the classes are available, they did not want to remove the

class requirement. However, they also wanted to develop some language that would accommodate the rural areas.

We will close the hearing on A.B. 64 and hold it for our work session. We will open the hearing on A.B. 489.

ASSEMBLY BILL 489 (1st Reprint): Revises provisions governing the towing of motor vehicles from public or private property. (BDR 43-345)

SABRA SMITH-NEWBY (Clark County):

Assembly Bill 489 is a bill from Clark County (County) that attempts to solve a problem. At present, the County cannot have vehicles towed from any of our properties. Last summer there was a newspaper article that brought this to light. An attorney's vehicle was towed from a County lot. That attorney appealed the tow claiming there was no appeal process in place and that the County did not have the authority to tow a vehicle from its property. Upon further review, we found out that he was correct.

The County has three garages and nine surface lots. One lot is adjacent to the Regional Justice Center. People go into the Regional Justice Center and they may have a warrant on them at which point they get detained. Their car sits in the parking lot until it is retrieved. In other instances, we occasionally have someone illegally parking in a loading dock. The County office calls the Las Vegas Metropolitan Police Department (Metro) who checks the vehicle to see if it has been stolen or has other suspicious characteristics. If, however, the Metro does not find it stolen or suspicious, they do not have the authority to have the vehicle towed; therefore, it remains in the loading dock. This bill allows towing from a public lot and mimics the language for towing from a private lot. The County has submitted a proposed amendment ([Exhibit E](#)) for your consideration. This proposed amendment addresses the number of days between when the vehicle is towed and legal action. The parties settled on four days.

SENATOR CARLTON:

How many lots do you have?

MS. SMITH-NEWBY:

We have three parking structures and nine surface parking lots.

SENATOR CARLTON:

Was the lot near the Regional Justice Center more problematic than the others?

MS. SMITH-NEWBY:

That lot is the main problem for abandoned vehicles.

SENATOR CARLTON:

Does this bill only address abandoned vehicles?

MS. SMITH-NEWBY:

No. This bill authorizes towing from public off-street parking facilities. It has similar language already in place for towing from private facilities. The County would have to post signs, contact the Metro and the other standards that apply to private parking facilities.

SENATOR CARLTON:

Do other entities have this authority? I believe what happens is the entity calls the local law-enforcement agency and they have the vehicle towed. Does the County want to skip the call to law enforcement so that they can call a tow company directly to have the vehicle removed?

MS. SMITH-NEWBY:

I am not familiar with the process you described. The County is not trying to skip any process through this bill. Under current law, the County cannot have a vehicle towed from any of its properties because they are considered public property. The County would like to be able to have a vehicle towed after we have complied with established standards.

SENATOR CARLTON:

Does any other municipality such as North Las Vegas, the City of Henderson, etc., have the ability to tow a vehicle off their property?

MS. SMITH-NEWBY:

I believe they have that ability because they are under charter.

SENATOR CARLTON:

I am getting a lot of different sides to this; therefore, I need some time to sort through the information. I have heard the exact opposite.

MS. SMITH-NEWBY:

I will research your questions and concerns and provide additional information for you.

RAYMOND J. FLYNN (Las Vegas Metropolitan Police Department):

This is in reference to Senator Carlton's question regarding towing vehicles from a public facility. The Metro's role is to check if the vehicle has been reported stolen or otherwise involved in a crime. If not, it is up to the County or business to tow the vehicle. The Metro has its own parking facilities. We tow a vehicle when someone has been incarcerated.

CHAIR NOLAN:

Is this procedure the same for a private facility?

MR. FLYNN:

Correct, this applies to a public or private facility. For example, if there is an abandoned vehicle in an apartment complex, the property owner contacts a tow company to have that vehicle removed.

SENATOR AMODEI:

I would like to disclose that I had received communication from someone that had a vehicle towed. The vehicle used to belong to them but they sold it; however, the registration had not been changed with the DMV. The tow company had the information for the previous owner and they proceeded to charge them for towing and storage and tried to take them to collection. Instead of trying to change the NRS affecting title transfer, I may pursue an avenue through this bill. I plan to see if this bill is a good mechanism to make sure that the registration is current before a vehicle is towed. I do not expect you to comment, and I am not sure that I am going to pursue this avenue. I am telling you so you can discuss it with me.

SENATOR CARLTON:

Are the parking facilities metered, ticketed or manned?

MS. SMITH-NEWBY:

The facilities are a combination.

SENATOR CARLTON:

Is the lot near the Regional Justice Center metered?

MS. SMITH-NEWBY:

I believe a portion of it is metered. Is that lot located at 300 East Clark Street?

SENATOR CARLTON:

I believe so.

MS. SMITH-NEWBY:

I can check on that and get back to you with an answer.

SENATOR CARLTON:

I will share the following information with the Committee. I have heard horror stories about this lot. A lot of my husband's coworkers have to go down to the criminal justice center whenever a client ends up back in jail and they have to go to court. There have been some problems. I do not want to see the State have to pay to get a car out of storage. I do not want the County to start towing State cars because they are unmarked. One of my concerns is if it is a metered lot and there is not a way to tell that it is a State car. The officer goes to court and can literally be there for six hours when they thought it would be two hours. They put money in the meter but sometimes they cannot leave the courtroom. The last thing I want to see is a State car in an impound lot and that officer having to explain why his car is there. Those are my concerns regarding that particular lot.

MS. SMITH-NEWBY:

I can only speak for myself but the last thing I want to see is a State car towed from a county lot as well.

CHAIR NOLAN:

We will close the hearing on A.B. 489 and schedule it for a work session. We will open the hearing on A.B. 311.

ASSEMBLY BILL 311 (1st Reprint): Revises provisions regarding the imposition of certain fees for the storage of a motor vehicle. (BDR 58-1066)

ASSEMBLYMAN JOE HARDY (Assembly District No. 20):

This bill had its genesis when the credit union in Boulder City approached me with a concern about not being notified when they held title to a vehicle that had been towed and impounded for a long period of time. This led to impound fees and charges that accrued to the point that it was no longer financially

viable to retrieve their investment. They were losing money and the members would thus be adversely affected. We arranged a meeting with industry representatives and discovered common ground in that it was difficult to obtain information. We approached the DMV and they have cooperated with the accessing of information when a car is towed. The effective date of this bill is January 1, 2008, which would allow the DMV sufficient transition time. The bill allows a credit union or tow company to get information from the DMV and to retrieve the vehicle within a timely manner.

CLARK WHITNEY (Quality Towing):

I want to thank everyone for including us in the discussions. I expressed my concerns in those meetings and Assemblyman Hardy approached the DMV. A problem is recording the liens in a timely manner and communicating that to the tow companies electronically. The DMV is moving forward and we appreciate their efforts. In those meetings, I noted there was a *Nevada Administrative Code* (NAC) that addressed this issue and is enforced by the Transportation Services Authority (TSA). It was suggested that the NAC be codified into the NRS. I talked to other tow companies and they support this bill as amended. We think it is fair to towing companies, financial institutions and the legal owners.

BILL FERRENCE (Boulder Dam Credit Union):

When our credit union suffers a loss, that money we could have returned to our members. Bankruptcy, credit card fraud or loan losses directly affect our ability to compensate our members. After much research and discussion, this legislation addresses the problem. Passage of A.B. 311 will diminish potential losses. I thank Mr. Whitney for providing information that both helped and clarified how reputable tow operators handle notification of registered and legal owners of vehicles. I encourage you to favorably consider A.B. 311. I also thank Assemblyman Hardy for sponsoring this legislation.

RANDY ROBISON (Nevada Credit Union League):

We were privileged to work with Assemblyman Hardy on this measure and we support A.B. 311.

SENATOR WASHINGTON:

Last Session we processed a similar bill. Did that bill address this topic?

MR. ROBISON:

To my understanding, that bill dealt with a separate issue regarding liens.

SENATOR CARLTON MOVED TO DO PASS A.B. 311.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR NOLAN:

We will open the hearing on A.B. 154.

ASSEMBLY BILL 154 (1st Reprint): Revises provisions governing the transportation of pupils by certain private schools. (BDR 58-1190)

CAM FERENBACH (The Meadows School):

Under existing statute, some of our school bus activity might be regulated by the TSA since we charge a fee for bus service. When the bill was heard before the Assembly Committee on Transportation, the DMV had concerns and generated the fiscal note. A portion of the statute that we want to be exempt from also regulates apportionment of licenses among states. It was not our intent to be exempt from that and we did not realize that would be a consequence of this bill. We developed an amendment that the DMV supported. I believe the DMV's fiscal note is no longer relevant. The only other point to make is the TSA commissioner took a neutral position and, I believe, stated they did not have an interest in regulating this activity but felt compelled to under statute. We appreciate Assemblyman Atkinson's efforts on this bill.

ASSEMBLYMAN KELVIN D. ATKINSON (Assembly District No. 17):

Mr. Ferenbach covered the main points of the bill. The Assembly Committee on Transportation worked together to develop an amendment agreeable to all parties.

CHAIR NOLAN:

Did the Washoe County School District testify before your committee? They also charge a fee for bus service to extracurricular activities.

ASSEMBLYMAN ATKINSON:

No, they did not testify and I believe their situation is different.

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CHAIR NOLAN:

I think the difference is a public school district versus a private school.

EDGAR ROBERTS (Administrator, Motor Carrier Division, Department of Motor Vehicles):

The amended bill removes the fiscal note and the DMV concerns.

SENATOR CARLTON MOVED TO DO PASS A.B. 154.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR NOLAN:

We will open the hearing on A.B. 57.

ASSEMBLY BILL 57 (1st Reprint): Revises provisions governing crosswalks.
(BDR 43-896)

ASSEMBLYMAN MARK A. MANENDO (Assembly District No. 18):

I will provide some history to this bill. The traffic situation around schools is chaotic as people drop off and pick up children. Members of the Look Out Kids About (LOKA) organization are here to testify and have provided a handout for your review ([Exhibit F](#)). In some instances, people park their vehicles close to or over mid-block crosswalks. Children are trying to cross the street and these vehicles are in their way. The children are put in harm's way because they cannot see around these vehicles. To maintain consistency in the statutes, we have focused on the mid-block crosswalks requiring the vehicles to stop or park away from them. This will enable pedestrians to see oncoming traffic and safely cross the street.

SENATOR CARLTON:

Will law enforcement be able to issue a citation?

ASSEMBLYMAN MANENDO:

Correct.

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SENATOR CARLTON:
Do you know cost of that citation?

ASSEMBLYMAN MANENDO:
No, I do not know.

SHARON WILKINSON (Committee Counsel):
The *Nevada Revised Statutes* (NRS) chapter 44 refers to any statute that does not specifically list a criminal penalty would be considered a misdemeanor, which would be up to a \$1,000 fine at the judge's discretion. I believe this chapter would apply to this situation.

SENATOR CARLTON:
Ms. Wilkinson, may I have the NRS citation? I want to review it since we are giving them this new authority. I am concerned, Assemblyman Manendo, that someone is going to be unjustly ticketed. The power to ticket is very tempting.

MS. WILKINSON:
Yes, I will provide the reference.

ASSEMBLYMAN MANENDO:
I understand your concerns, Senator Carlton. The LOKA is focusing on educating the parents. They have wonderful volunteers that are out there setting up cones and educating the parents. Under current law, the Metro can issue a citation for parking over a crosswalk.

SENATOR CARLTON:
Will the curbs be painted red or have some other form of notification?

ASSEMBLYMAN MANENDO:
I am not sure if they would be marked. Currently, it is against the law to park over crosswalks at intersections and they are not painted. I will look into that matter, but I think it is up to the local jurisdiction.

CHAIR NOLAN:
If I understand correctly, you are referring to a marked crosswalk that is located mid-block. Correct?

ASSEMBLYMAN MANENDO:

Correct. They are marked and striped otherwise it would not be considered a crosswalk.

CHAIR NOLAN:

Would law enforcement issue the citation? There are school employees or volunteers that monitor the crosswalks and they warn the offender. However, would a police officer or a school district police officer issue the citation?

ASSEMBLYMAN MANENDO:

Correct. That is how it currently works.

THOMAS A. ROBERTS (Las Vegas Metropolitan Police Department):

I have an answer to Senator Carlton's question. Within Clark County, the fine for parking in a crosswalk is \$190. It is normally reduced to \$90.

CHAIR NOLAN:

Thank you for getting that answer.

SCOTT KONNATH (Parent Teachers Association Safety Committee Chair, Nevada Parent Teachers Association; Secretary, Look Out Kids About):

I would like to clarify a great point brought up by Senator Carlton. Red curbing is an educational tool. Some parents do not realize they are too close to a crosswalk. The penalty already exists for parking on an intersection crosswalk. We want to include mid-block crosswalks. Clark County will not put red curbing near any of our school crosswalks. Furthermore, the Metro will not issue a citation if there is no red curbing. North Las Vegas has some red curbing around crosswalks near schools. We would like to standardize the traffic engineering practices throughout the State to make it safer for our children. Our mission is to educate drivers to improve their driving habits and increase their knowledge of the laws. Another part of our mission is to create mutual respect between pedestrians and drivers.

ASSEMBLYMAN MANENDO:

Charlene Gumber is involved with the LOKA organization and has also worked on this issue. Mr. Konnath has devoted many hours on this matter.

CRAIG KADLUB (Clark County School District):

The critical points have been made and I would like to add our enthusiastic support for this bill.

MICHAEL D. GEESER (AAA Nevada):

We have been a part of the LOKA since it was enacted. We thought it was important to participate because we have an educational branch within our organization. We currently have a program in southern Nevada where a small robot goes around to the elementary schools. He is referred to as Otto the Auto, is shaped like a car and makes presentations to kindergartners through third graders. It is a 30-minute presentation on traffic safety. The idea is to educate children before they even start riding a bicycle.

SENATOR LEE:

Is a motorcycle also included in the definition of a vehicle?

MR. GEESER:

Yes, a motorcycle is considered a vehicle.

ERIN BREEN (Director of Safe Community Partnership, Transportation Research Center, College of Engineering, University of Nevada, Las Vegas):

We are in full support of A.B. 57. It has been well stated and it is rewarding to be part of an organization that works with the community for a positive result. This legislation is needed for our children. This is important and will enhance visibility as well as safety.

SENATOR WOODHOUSE:

To all of you involved in the LOKA, I would like to applaud you for taking on this issue. This bill is long overdue and is a good step to a solution. I appreciate everything you are doing.

SENATOR WOODHOUSE MOVED TO DO PASS A.B. 57.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR CARLTON ABSTAINED FROM THE VOTE.)

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CHAIR NOLAN:

We will reopen the hearing on A.B. 64.

ASSEMBLY BILL 64 (1st Reprint): Makes various changes concerning the penalties imposed by a court when a defendant fails to properly secure a child in a child restraint system in a vehicle. (BDR 43-268)

ERIN BREEN (Chair, Child Passenger Safety Task Force, Office of Traffic Safety, Department of Public Safety; Director of Safe Community Partnership, Transportation Research Center, College of Engineering, University of Nevada, Las Vegas):

The Child Passenger Safety Task Force was established to address the changes to the booster-seat bill. When we started down the road of trying to protect children, our goal was to get parents educated about the importance of child safety seats. We feel that in the last two years we have made great strides with the Safety Program and we have seen thousands of people attend that program. The class is offered quite frequently in the urban areas and yes, we have struggled with the class in the rural areas. The volunteers are required to go through a four-day technician class and are required to maintain their skills by attending at least one child safety seat checkpoint a month. These are not your average volunteers. We support A.B. 64 as amended because we think it will put the responsibility on the defendant to attend this class. Approximately half the people that sign up for a class do not attend that class. This bill puts the responsibility on them to attend a class. We are continually trying to get new volunteers to provide the class in the rural areas. We are also working on videoconferencing to these areas. We are working with the universities to provide translators for languages other than Spanish, and we have classes for Spanish-speaking offenders.

CHAIR NOLAN:

We will close the hearing on A.B. 64 and open the hearing on A.B. 181.

ASSEMBLY BILL 181 (1st Reprint): Revises provisions relating to the survey of labor rates charged by body shops. (BDR 43-456)

ASSEMBLYMAN MANENDO:

I work for Collision Authority. They are a collision repair facility. I do marketing and public relations work for them. I will have Mr. McCleary and Mr. Spears present the bill.

ROBERT J. MCCLEARY (Nevada Collision Industry Association):

This bill, A.B. 181, addresses the annual Survey of Automobile Body Shops (Survey), which is overseen by the Division of Insurance (DOI), Department of Business and Industry. Several insurance companies use the Survey as a gauge for payment to body shops. We are concerned because we have to have an accurate depiction of the industry. Over the last few years, we have encountered problems with the DOI and the Survey. Each year, the DOI sends the survey form out later and later. For example, in 2006, the industry received the document at the end of April with a requested return date to DOI of April 10, 2006. A majority of the businesses discarded the form because it had been received after the requested due date. We called the DOI and were informed that the Central Mailing Department had encountered a problem; therefore, they were not able to deliver the survey in a timely manner. With the DOI's permission, we contacted several body shops throughout the State and asked them to fill out the form. The DOI extended the submittal deadline; however, the results were not posted until October 2006.

The State Farm Insurance Company does not use the Survey to determine their reimbursement to body shops and we felt other companies should follow suit.

MICHAEL SPEARS (Collision Authority; Nevada Collision Industry Association):

The main purpose of A. B. 181 is to help the state-mandated Survey become more efficient and accurate by automating the process and requiring all body shops to participate. This Survey establishes prevailing market rates, which are considered the usual and customary charges for a given area. Insurance companies use these rates in processing customer claims. As Mr. McCleary stated, the Survey is currently delivered by mail at great time and expense and unfortunately only a few are returned to the DOI. This method does not provide an accurate picture of the costs pertaining to auto body repair. I believe this contradicts the intent of the Survey. In addition, the DOI takes a long time to compile the information. For example, it took them approximately five months to compile the 2006 data. During this time, friction mounted between the body shops that had changed their rates and the insurance companies that were using the outdated survey information. The customer was stuck in the middle. Many customers had to cover the difference in those rates. This could have been avoided if the survey been released in a timely manner. An online automation system could expedite the results and produce a more accurate picture of local collision repair costs. This bill proposes that the body shop complete the online form within 30 days from renewal of their license. The

Nevada Collision Industry Association feels the DMV is the proper agency to oversee the Survey since the DMV is responsible for licensing. This bill requires all body shops to participate in the survey as a condition of license renewal. An added benefit would be the ability for anyone to validate a body shop's license. We urge you to support this bill.

SENATOR LEE:

According to Mr. McCleary, this survey has been done for years. Have they always put the prevailing labor rate on the list? I am concerned about collusion. Are there standard rates? Is this information private?

MR. SPEARS:

The insurance companies were concerned about that as well. The bill originally said two days. They felt that as long as the information was not posted for approximately 30 days, collusion could be avoided.

SENATOR LEE:

Does it list the hourly rate?

MR. SPEARS:

Correct, and everyone agreed that no problems should occur as long as it was extended to 30 days. I do not see that collusion could occur.

MR. MCCLEARY:

The rates are not confidential because a body shop is required to post them on the door. This survey is conducted once a year and includes the rates at that time. According to Mr. Spears, that information will not be released for 30 days.

SENATOR LEE:

Do all body shops post their rates on the door?

MR. MCCLEARY:

Yes.

ASSEMBLYMAN MANENDO:

If this bill passes, the rates will be posted on the Website. This information is important to the consumers.

CHAIR NOLAN:

How many members belong to the association you are representing?

MR. MCCLEARY:

I am the executive director for the Nevada Collision Industry Association (Association). This bill was requested and endorsed by the Association through Assemblyman Manendo. Mr. Spears is representing his business, Collision Authority. The Association has 91 members.

TROY DILLARD (Administrator, Compliance Enforcement Division, Department of Motor Vehicles):

I will address Senator Lee's question and concern. It is my understanding that body shops are required to report their rates to the DMV. The Survey discloses average rates based on a geographical region. The Survey does not disclose each body shop's rate.

The DMV is neutral on this bill. We have no problem with the legislation; however, we have submitted a fiscal note to cover programming costs since this bill is driven 95 percent by information technology. The money to implement this legislation must come from a fee-funded budget or a self-funded budget that is supported by the licensing fees. The programming cannot be accomplished through our portion of the State Highway Fund. It is not funded by highway taxes; therefore, the money to cover our programming expenses should not come from that account. This bill was not heard in the Assembly Committee on Ways and Means.

CHAIR NOLAN:

Since this is a fee-funded budget, will the implementation costs be covered by collecting the fees from the body shops?

MR. DILLARD:

It is a fee-funded budget and there is a reserve account; however, the reserve account is in trouble. There is a proposal to move this budget into our portion of the State Highway Fund budget. If that occurs, the integrity issue would be subverted. I wanted to point that out so the Committee understands that without the computer programming, we cannot implement this legislation.

SENATOR LEE:

What is the penalty for not completing this survey?

MR. DILLARD:

That is a point the sponsors were attempting to address with this bill. They want to have businesses complete this document as a condition of renewing their license. They only receive a partial response to the Survey and there are approximately 300 body shops licensed in the State. All 300 shops would be required to complete the Survey. If they do not complete it, they cannot renew their license and would have to discontinue their business.

CHAIR NOLAN:

This bill with the fiscal note will probably be heard in the Senate Committee on Finance. We will have staff prepare a memorandum explaining the fee structure and its purpose.

SENATOR CARLTON:

Please explain how you increase your fees.

MR. MCCLEARY:

Are you referring to fees or what we charge for our rates?

SENATOR CARLTON:

I thought I heard that your industry was self-funded through fees.

MR. MCCLEARY:

It is for our business licenses.

MR. DILLARD:

The fees are set in statute and include wreckers, body shops, salvage pools and garages. They all fall into this budget account. With the exception of garages, the fees are set at \$300 a year. Garage fees are set at \$25 a year. Over several years, the reserve account has increased because revenues exceeded expenses. At present, the opposite is occurring where expenses are exceeding revenues. I believe there is roughly \$300,000 to \$350,000 remaining in that reserve account.

SENATOR CARLTON:

Is your fiscal note approximately \$28,000?

MR. DILLARD:

Yes, to cover programming to implement this legislation.

SENATOR CARLTON MOVED TO DO PASS A.B. 181.

SENATOR LEE SECONDED THE MOTION.

SENATOR CARLTON:

I think the memorandum to the Senate Committee on Finance should emphasize that it is a small amount of money and it may be covered by the license fees.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR NOLAN:

We have a bill draft request (BDR) to introduce. This was a Committee BDR. We changed a bill requested by the operators of private driving schools who had requested an ominous bill to improve the quality of driver-training education.

BILL DRAFT REQUEST R-1473: Urges the Department of Motor Vehicles to develop a tiered classification system to evaluate and rate driving schools. (Later introduced as [Senate Concurrent Resolution 40](#).)

MATT SZUDAJSKI (Committee Policy Analyst):

The bill was Senate Bill (S.B.) 91. The Committee had voted to amend the bill into a Senate Concurrent Resolution and this is the BDR that resulted from that amendment. This BDR is to urge the DMV to establish a tiered rating system for driving schools that is available over the Internet so that people can research driving schools to see whether they are an A, B or C rating.

CHAIR NOLAN:

This BDR resulted after consulting the DMV. They preferred doing it through a resolution because it would give them time to adjust their budget.

SENATOR HECK MOVED TO INTRODUCE BDR R-1473.

SENATOR CARLTON 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 4:27 p.m.

RESPECTFULLY SUBMITTED:

Lynette M. Johnson,
Committee Secretary

APPROVED BY:

Senator Dennis Nolan, Chair

DATE: _____