

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

**Seventy-fourth Session
May 15, 2007**

The Senate Committee on Transportation and Homeland Security was called to order by Chair Dennis Nolan at 1:46 p.m. on Tuesday, May 15, 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 Francis Allen, Assembly District No. 4

STAFF MEMBERS PRESENT:

Elana Graham, Assistant to Committee Manager
Nick Marquart, Intern to Senator Nolan
Susan E. Scholley, Chief Principal Research Analyst
Matt Szudajski, Committee Policy Analyst
Sharon Wilkinson, Committee Counsel
Carolyn Allfree, Committee Secretary

OTHERS PRESENT:

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

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Kenneth E. Mayer, Director, Department of Wildlife
Sabra Smith-Newby, Director, Intergovernmental Relations, Clark County

CHAIR NOLAN:

We will open the work session with Assembly Bill (A.B.) 76.

ASSEMBLY BILL 76 (1st Reprint): Makes various changes to provisions governing the Account for License Plates for the Support of the Education of Children in the Arts. (BDR 18-853)

MATT SZUDAJSKI (Committee Policy Analyst):

Assembly Bill 76 provides that one-half of the money received from the Support of the Education of Children in the Arts special license plate is to be distributed quarterly to VSA arts of Nevada. If VSA arts of Nevada ceases to exist, the Nevada Arts Council shall retain all fees collected from this special license plate.

No amendments have been submitted.

Both VSA arts of Nevada and the Nevada Arts Council testified in support of this bill. In response to Senator Heck's request, the legal staff looked into the legislative record for the original intent of the law. Although it was not explicitly stated that the two agencies would split the proceeds, it was clear that VSA arts of Nevada worked with the Nevada Arts Council in the initial application for the special license plate.

SENATOR WOODHOUSE MOVED TO DO PASS A.B. 76.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS AMODEI AND LEE WERE ABSENT FOR THE VOTE.)

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CHAIR NOLAN:

We will close the work-session hearing on A.B. 76 and open the work-session hearing on A.B. 289.

ASSEMBLY BILL 289: Exempts the rental or lease of certain space at certain local governmental airports from requirements relating to appraisals and public auctions. (BDR 44-344)

MR. SZUDAJSKI:

Assembly Bill 289 authorizes the governing body of a city located in a county whose population is less than 40,000, or an airport authority located in such county, to rent or lease space for the parking or storage of aircraft without conducting an appraisal or public auction.

No proposed amendments have been submitted.

CHAIR NOLAN:

We had no opposition to this bill.

MR. SZUDAJSKI:

That is correct. Assemblyman Tom Grady and Dan Newell, City Manager, City of Yerington, testified in support of this bill. In addition, J. David Fraser, Nevada League of Cities and Municipalities, expressed his support.

SENATOR CARLTON MOVED TO DO PASS A.B. 289.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR NOLAN:

We will close the work-session hearing on A.B. 289 and open the work-session hearing on A.B. 321.

ASSEMBLY BILL 321 (1st Reprint): Exempts certain vehicles from inspection requirements for the control of emissions. (BDR 43-1185)

MR. SZUDAJSKI:

Assembly Bill 321 authorizes the Department of Motor Vehicles (DMV) to register 100 replica vehicles each year as outlined in the work-session document ([Exhibit C](#)). One amendment is proposed to this bill from this Committee, [Exhibit C](#).

SENATOR HECK MOVED TO DO PASS A.B. 321.

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR NOLAN:

We will close the work-session hearing on A.B. 321 and open the work-session hearing on A.B. 497.

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

MR. SZUDAJSKI:

The Committee may recall from the testimony of Martha Barnes, Administrator, Central Services and Records Division, Department of Motor Vehicles, that this is a DMV cleanup bill. Assembly Bill 497 transfers the duty of training peace officers in identifying and handling drivers who suffer from insulin shock or epileptic seizures from the DMV to the Department of Public Safety (DPS) as outlined in the work-session document ([Exhibit D](#)).

We have two proposed amendments to this bill, one from Senator Carlton and the second from this Committee, [Exhibit D](#).

CHAIR NOLAN:

We have a third amendment proposed by Senator Heck ([Exhibit E](#)).

SENATOR HECK:

This proposed amendment addresses some of the issues we heard from individuals who register their vehicles and have insurance from the state from whence they came. They find themselves out of compliance, and their registration is suspended. This amendment reverts to language that was changed in the 2003 Legislative Session requiring persons registering their vehicles with the DMV to show their insurance cards. This way, when they show their insurance card from another state, the vehicle will be registered and they will be told they must transfer their insurance to an in-state provider.

The information is posted on the DMV Website and in DMV offices, but we have people constantly getting caught in this predicament.

CHAIR NOLAN:
Have you shared this with the DMV?

SENATOR HECK:
No, I have not. I completed the proposed amendment late last night.

CHAIR NOLAN:
We will address this and any issues associated with it later. I would like to let Ms. Barnes look at the proposed amendment.

SENATOR LEE:
I am concerned that people may get to the DMV and not have their proof of insurance with them. Then, we have people driving in our State with vehicles not licensed properly and without proof of insurance for longer periods.

SENATOR HECK:
They are supposed to have it with them in their vehicles at all times. Of all the things you should bring with you to the DMV, your insurance card should be one.

MARTHA BARNES (Administrator, Central Services and Records Division, Department of Motor Vehicles):
One of the reasons the bill was passed in 2003 was that individuals often could not provide the insurance card and would have to wait in the DMV office for the proof of insurance to be faxed. That was clogging the DMV lobbies.

CHAIR NOLAN:
With the amendment as proposed, which makes a lot of sense to me, do you see the same problem occurring?

Ms. BARNES:
People coming into the offices now can provide a proof-of-insurance card. At the same time, if they sign an affidavit saying they would provide proof of insurance, we would catch them on the back end in the insurance-verification program. It would probably be better if we did not have to require the card, but

if we can see the card, we know they have insurance at the time they register the vehicle. However, they can cancel it as soon as they walk out of the office.

SENATOR HECK:

This is not to ensure that they have insurance. I am trying to get to those people registering their vehicles for the first time after moving into Nevada. The issue is that people from out of state sign the affidavit saying they have insurance but are unaware they have to transfer to a carrier domiciled in Nevada. Then, when the back-end check is done, they do not have proper Nevada insurance, their registration is suspended and they have to pay the \$250 fee for reinstatement.

With this proposed amendment, they can show the card from out of state and still sign the affidavit. By showing an out-of-state card at the counter, they can be advised they need to transfer to a carrier in Nevada. That is what I am trying to accomplish.

MS. BARNES:

We have tried to take these same steps in the offices and ensure there is information for the customers, with signage and so on, when they first come in. I agree it is a problem.

CHAIR NOLAN:

I want to make sure the customers do not wait a long time and get to the counter before they realize they are missing a piece of required information. Can this be easily interjected into the informational system you have?

MS. BARNES:

I would like to check with the administrator.

SENATOR HECK:

The DMV Website lists the items needed for new-resident vehicle registration. If an insurance card is listed, it will help.

CHAIR NOLAN:

We will hold the bill while Ms. Barnes obtains an answer. In the meantime, we will consider the other proposed amendments. Senator Carlton's proposed amendment would allow the Nevada Highway Patrol (NHP) to enter into contracts to provide services for special events by non-NHP personnel.

SENATOR CARLTON:

On New Year's Eve, the NHP was going to use some DPS officers for special duty to move some wide loads, but they could not because the DPS was omitted from the statute. Those officers are qualified, and this would give them an opportunity to participate in the contract work and relieve the NHP of some of the responsibility.

CHAIR NOLAN:

It appears that the amendment is permissive. There are some officers who like the overtime and others who do not. The way the amendment is written, the NHP can utilize its own officers or contract with qualified people from the DPS.

SENATOR CARLTON:

It would be seamless going back and forth between the NHP and the DPS.

CHAIR NOLAN:

A problem I see is making this portion effective upon passage and approval. Without testimony from the agencies, we may not be providing them with enough time to implement procedures. Would there be a problem with allowing this amendment to proceed and be enacted with the rest of the bill?

SENATOR CARLTON:

This is a way to get this done sooner. The DPS and the NHP are conjoined and nearly synonymous. They have been waiting for this for a few months.

CHAIR NOLAN:

We can allow it to go into effect. There are two different dates for enactment of different provisions in the bill. We can take the earlier date, October 1, 2007, as opposed to March 1, 2008.

The second proposed amendment is mine. It is in recognition of the fact that insulin shock is just one part of a number of diabetic problems.

We will hold the bill and give the DMV an opportunity to review it. We will close the work-session hearing on A.B. 497 and open the work-session hearing on A.B. 91.

ASSEMBLY BILL 91 (1st Reprint): Makes various changes to provisions governing explosives. (BDR 42-691)

MR. SZUDAJSKI:

Assembly Bill 91 requires that local law-enforcement agencies and fire departments be notified of the unusual sale, purchase, theft or loss of any explosives in the State as outlined in the work-session document ([Exhibit F](#)).

We have an amendment proposed by Senator Heck, [Exhibit F](#). Behind the mockup of Senator Heck's proposed amendment you will find an itemized list of exceptions from the *United States Code* (U.S.C.).

SENATOR HECK:

During testimony on the bill, we kept hearing it would not preclude the things covered under the exceptions, but nowhere in the bill is that clearly stated. The bill refers to the U.S.C. and the *Code of Federal Regulations*, but did not state anywhere that the exceptions in the U.S.C. did not apply, hence the proposed amendment.

SENATOR LEE:

Does this bill affect some of the things the Nevada System of Higher Education is doing in the educational process?

MR. SZUDAJSKI:

There was testimony indicating they had concerns that the extensive list under the federal regulations would cause them to report substances they use in fairly regular activities which were not necessarily explosive. They thought this would require them to report when a cleaning product or such went missing and it would be too much of a constraint on them.

SENATOR HECK:

The bill refers to the list of explosive materials as updated and published in the *Federal Register*. If you look at the 2006 list, you will see it is explosive materials, not cleaning solvents. The university system's angst was premature.

SHARON WILKINSON (Committee Counsel):

Pursuant to section 4 of the bill, a person must have knowledge of any unusual sale, theft or loss. In the normal course of business, a professor losing some alcohol or acetone should not be a concern. It would have to be an unusual amount to require reporting.

SENATOR HECK MOVED TO AMEND AND DO PASS A.B. 91 WITH THE AMENDMENTS AS OUTLINED.

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR NOLAN:

We will close the work-session hearing on A.B. 91 and open the work-session 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)

MR. SZUDAJSKI:

Assembly Bill 64 increases the penalties for failing to properly restrain a child in a car seat as outlined in the work-session document ([Exhibit G](#)). Senator Heck proposed an amendment, [Exhibit G](#).

CHAIR NOLAN:

It is a straightforward amendment.

SENATOR LEE MOVED TO AMEND AND DO PASS AS AMENDED A.B. 64.

SENATOR WASHINGTON SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR CARLTON VOTED NO.)

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CHAIR NOLAN:

We will close the work-session hearing on A.B. 64 and open the work-session hearing on A.B. 297.

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ASSEMBLY BILL 297 (1st Reprint): Makes various changes to provisions relating to special license plates. (BDR 43-979)

MR. SZUDAJSKI:

Assembly Bill 297 provides for the issuance of a special license plate for the support and enhancement of parks, recreational facilities and programs in the City of Reno as outlined in the work-session document ([Exhibit H](#)). No proposed amendments have been submitted.

SENATOR WOODHOUSE MOVED TO DO PASS A.B. 297.

SENATOR AMODEI SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS HECK, CARLTON AND LEE VOTED NO.)

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MR. SZUDAJSKI:

This bill would put this license plate in queue with the rest of the special license plates; it would not jump ahead of other special license plates in the process.

SENATOR CARLTON:

This provides that the Commission on Special License Plates must approve any special license plate authorized by the Legislature after January 1, 2007. If we approve the plate, we will not have an opportunity to evaluate it when it comes to the Commission. This bill takes away the discretion of the Commission.

MR. SZUDAJSKI:

The Commission does not have to approve the plate, but they must consider it. It is mandatory to move it forward and that the Commission on Special License Plates approve it, but they do not have to do so.

SENATOR CARLTON:

The summary here, [Exhibit H](#), says the Commission must approve any special license plate authorized by the Legislature.

MR. SZUDAJSKI:

I apologize. It is my poor writing. The intent is that the Commission must consider it. They do not have to approve it, but for it to move forward they must approve it.

SENATOR CARLTON:

We are making the Commission consider a plate which they may not have chosen to consider if there were 15 in 5 slots.

CHAIR NOLAN:

Any plate that meets the requirements and falls into queue would eventually be considered by the Commission.

SENATOR CARLTON:

We are trying to do the right thing with the Commission, but we still have people coming to the Legislature. That bothers me.

CHAIR NOLAN:

On A.B. 54, we have a proposed amendment that should help us.

ASSEMBLY BILL 54 (1st Reprint): Requires applicants for a special license plate to pay an application fee which is refundable in certain circumstances. (BDR 43-740)

SENATOR LEE:

This bill would require a person to post a \$5,000 fee. Would the entity such as the parks department be a person, or would it be exempt?

CHAIR NOLAN:

The amendment to A.B. 54 requires that any change to a license plate or anything that deals with revenue come back to the Commission. We cannot absolutely preclude any Legislator from bringing a special license plate bill forward to this session. The Assembly Committee on Transportation chair and I have committed to each other not to hear any specialty license plate bills attempting to circumvent the process. Statutorily, we cannot completely preclude someone from bringing a bill to this Committee.

MS. WILKINSON:

There are two ways special license plates may be designed, prepared and issued. One is to petition the DMV through the Commission; the second way is to apply to the Legislature. Assembly Bill 297 is being amended so the Commission shall approve or disapprove both types.

Senator Lee looked forward to A.B. 54 and the \$5,000 fee. That is only for the petition process and would not be for a plate passed by the Legislature, even through the Commission.

SENATOR LEE:

If a parks or recreation department comes forth because a city council is not putting enough money into the programs, what is to stop a dog pound or some other agency within the city from putting a special license plate together? That is my reason for voting against the bill. I believe it is the duty of the city council.

CHAIR NOLAN:

We addressed that in another bill which precluded local governments from supplanting their budgets with specialty license plates. There are a few plates out there that were questionable. We can ask staff to clarify, but we did something to put a cork in that.

MR. SZUDAJSKI:

Senate Bill 315, in an amendment by this Committee, includes a provision saying that an organization which is a government entity may use the financial support generated by the special license plate only for charitable purposes relating to public health, education or general welfare.

SENATE BILL 315 (1st Reprint): Imposes certain conditions before a special license plate may be designed, prepared and issued. (BDR 43-859)

MS. WILKINSON:

That provision is amending the petition process. It would not apply to the plates that get through the legislative process.

CHAIR NOLAN:

We are trying to put them back on the Commission. We cannot strictly prohibit Legislators from bringing requests for specialty license plates. We have put on

the record that we are not hearing any more specialty license plate bills. People can take them to the Commission and do it the way they are supposed to do it.

We will close the work-session hearing on A.B. 297 and open the work-session hearing on A.B. 54.

MR. SZUDAJSKI:

Assembly Bill 54 requires a person submitting an application to the DMV for the design, preparation and issuance of a special license plate to submit a fee in the amount of \$5,000 with the application as outlined in the work-session document ([Exhibit I](#)).

This Committee proposed an amendment, [Exhibit I](#).

CHAIR NOLAN:

We all understand this bill is intended to take some of these problems out of this Committee.

SENATOR CARLTON:

We will end up in the same Catch-22 we just discussed on the previous bill: You cannot tie the hands of a future Legislator. The public policy issue has always been that, if the people want to play, they put their signatures on a petition. Now, if you can buy the plate, you do not have to go out and get the 1,000 signatures. We heard how the DMV was printing so many extra plates, and they want people to pay for all those extra plates. We are making people go to the Commission on something they can, legitimately, bring here. The different schemes of getting plates will make things so much more confusing. We are making it too complicated for people to figure out.

CHAIR NOLAN:

The testimony on the 1,000 plates was that a number of organizations come in with 1,000 signatures and those people never purchased plates. They felt a monetary commitment to producing the plates was a lot stronger than 1,000 signatures with no commitment at all.

SENATOR CARLTON:

You do not know until you put out a plate whether people will like it and want to support the cause. If we want to start weeding out these things, it is our

responsibility to determine whether a plate has potential and to say no, if necessary.

CHAIR NOLAN:

I agree with you; we just disagree on where the forum should be. I do not want it here.

SENATOR AMODEI MOVED TO DO PASS A.B. 54.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR CARLTON VOTED NO.)

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CHAIR NOLAN:

We will close the work-session hearing on A.B. 54 and open the work-session hearing on A.B. 176.

ASSEMBLY BILL 176 (1st Reprint): Provides for the automatic transfer of ownership of certain vehicles and motorboats to the designated beneficiary on the death of the owner. (BDR 43-425)

MR. SZUDAJSKI:

Assembly Bill 176 provides that an owner or joint owner of a motor vehicle, trailer or semitrailer may apply to the DMV for a certificate of title in beneficiary form which directs the DMV to transfer the title to a designated beneficiary on the death of the owner or joint owners. The bill also enables the owner of a motorboat to apply to the Department of Wildlife for a certificate of ownership in beneficiary form.

No amendments have been proposed. The Committee may recall that the Department of Wildlife had concerns surrounding programming costs and financial institutions. Those have been worked out with Assemblywoman Allen.

CHAIR NOLAN:

We received an e-mail from Kenneth E. Mayer, Director, Department of Wildlife, stating the issues were resolved.

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ASSEMBLYWOMAN FRANCIS ALLEN (Assembly District No. 4):

We have agreed to change the effective date to January 31, 2008. It will take some time for the Department of Wildlife to reprogram its computers.

KENNETH E. MAYER (Director, Department of Wildlife):

We have to do our programming through a contractor and would not be able to implement the changes until the end of January 2008.

CHAIR NOLAN:

The recommended date of implementation is January 31, 2008.

SENATOR CARLTON MOVED TO AMEND AND DO PASS A.B. 176 WITH AMENDMENT CHANGING THE EFFECTIVE DATE OF IMPLEMENTATION.

SENATOR LEE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR NOLAN:

We will close the work-session hearing on A.B. 176 and open the work-session hearing on A.B. 239.

ASSEMBLY BILL 239: Requires a vehicle dealer to notify the buyer of a vehicle service contract if the provider of the vehicle service contract ceases doing business in this State. (BDR 43-971)

MR. SZUDAJSKI:

Assembly Bill 239 provides that a vehicle dealer who has sold a vehicle service contract must notify the buyer if the service provider ceases doing business in Nevada as outlined in the work-session document ([Exhibit J](#)).

Assemblywoman Koivisto has proposed an amendment, [Exhibit J](#). The intent is to place the obligation on vehicle companies rather than dealers.

SENATOR HECK MOVED TO AMEND DO PASS AS AMENDED A.B. 239.

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR NOLAN:

We will close the work-session hearing on A.B. 239 and open the work-session 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)

MR. SZUDAJSKI:

Assembly Bill 489 provides that a person who believes his vehicle has been unlawfully towed may file a civil action in the justice court of the township where the vehicle was towed as outlined in the work-session document (Exhibit K).

Clark County proposed an amendment, Exhibit K.

SENATOR CARLTON:

I had asked Sabra Smith-Newby, Director, Intergovernmental Relations, Clark County, about the towing at the Regional Justice Center, and she sent me an answer. My concern was regarding the law-enforcement vehicles at the center. I did not want to see a State-owned vehicle towed. Ms. Smith-Newby has assured me that will not happen, unless it is there for longer than 24 hours. With that answer, I am comfortable with the amendment and the bill.

CHAIR NOLAN:

Another question came up: Does parking enforcement at these garages have the ability to ticket or otherwise notify the person the car is about to be towed?

SABRA SMITH-NEWBY (Director, Intergovernmental Relations, Clark County):
We provide notice before the tow.

CHAIR NOLAN:

Thank you for putting that on the record.

SENATOR HECK MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 489.

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR NOLAN:

We will close the work-session hearing on A.B. 489 and open the work-session hearing on A.B. 600.

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

MR. SZUDAJSKI:

Assembly Bill 600 contains several provisions concerning the protection of personal identifying information. A section-by-section analysis is attached to the bill summary as outlined in the work-session document ([Exhibit L](#)).

The Clark County Recorder's Office has proposed an amendment, [Exhibit L](#).

SENATOR CARLTON:

What is the purpose behind the proposed amendment? Would I have to name each document? Can I not ask for a name search and have a number redacted on everything in their possession?

MR. SZUDAJSKI:

My understanding is that the intent behind the proposed amendment is to prevent inundation of the offices with requests that say, "I want my number off of all documents," without any specification. It would require a significant amount of work for the office staff to find all the documents.

SENATOR CARLTON:

When we file deeds and such, we file them with the recorder's office. When you buy a home, how much of the paperwork is filed with the recorder's office? Are you going to remember the number of different sheets of paper? If you miss one, we are defeating the purpose of redacting information.

CHAIR NOLAN:

You are given a complete set of documents at closing. The documents received in escrow are recorded with the county assessor's office. Some of those documents go to the recorder's office, but most are filed with the assessor.

SENATOR CARLTON:

Would this bill apply to the county assessor? Is it just the recorder who wants the list of specific documents? If the number is public information, you could make the same request of the assessor. Am I correct?

MS. WILKINSON:

Section 2, subsection 7, of the bill states, "'Governmental agency' means an officer, board, commission, department, division, bureau, district or any other unit of government of the State or local government."

The proposed amendment states the document has to be described with sufficient specificity. That could be open to interpretation. If a person is able to describe a document so the agency can determine what he is looking for, that should be sufficient.

CHAIR NOLAN:

Is somebody here who can address that?

SUSAN E. SCHOLLEY (Chief Principal Research Analyst, Research Division, Legislative Counsel Bureau):

I am here monitoring this bill at the request of Assemblywoman Smith. The amendment was proposed in the Assembly Committee on Government Affairs. The original proposal was to require the identification of documents by book and page number. This proposal before you is a compromise. Since the amendment would apply to any government agency, the concern is that people might come into an office and say, "If I have any personal information in any documents that may be in your office, I want my personal information redacted." That would be difficult in contexts where things are not searchable or indexed. This requires people to have some idea that they do have some personal information in a document and to identify it with sufficient specificity to allow the government agency to reasonably find it.

There is already in law a requirement to redact all personal information out of government documents by 2017. Eventually, the government agencies will have

to deal with it. In the meantime, this gives an individual who has reason to believe there is some personal information in a document a way to get it out early.

SENATOR CARLTON:

We want people to be able to get out their information, but they may not know everything their information is on. It is complicated when you do not know how much of your information is out there and you are concerned about identify fraud. If you miss one document and your information does not get removed, it is still out there. It seems we are putting a great burden on the consumer to figure out what documents an entity actually has.

SENATOR AMODEI:

The other side of the coin is whether we have public personnel resources to do the search. If the governmental agency has a database that is searchable, for no fee or a nominal fee they can ask them to search it. Not all government offices have databases; to ask them to do the search is a nonstarter. If there is a searchable database and it does not take a big dedication of resources or personnel, it may be okay to ask them to search. If it is still paper records and you do not have any idea what you are looking for, how are you going to ask the clerk's office to look for your documents by hand? It is a practical matter.

I do not want to get into population caps. If they have the resources and database, we can ask them to search; if they do not, they will need some hints.

CHAIR NOLAN:

We will note that as a conceptual amendment.

SENATOR LEE:

If you know the last four digits of my social security number and you know I live in Nevada, how hard is it to find the rest?

MS. SCHOLLEY:

As a Research Division staff member, I am nonpartisan and I do not want my remarks to be interpreted in any way as advocating for this amendment or against or for this bill. There is an interesting debate in the consumer-data industry on the last four digits versus the first five digits. The last four digits won out at the federal level. For consistency, the thought was to go with the same thing.

It is not necessarily where you are born that the first three digits apply; it is where you live when you apply for your Social Security card. You do have a point: If someone knows enough about you to know your place of birth and your date of birth, they can start to puzzle it together. However, there are much easier ways to get Social Security numbers than to go through that sort of painstaking process.

CHAIR NOLAN:

I want to put on the record that the bill is really a measure designed to prevent theft by prohibiting Social Security numbers from being included in public documents unless they are otherwise required by state or federal law. Assembly Bill 600 also expands the protections prohibiting certain additional information from being included in public documents.

Some concerns were raised about whether A.B. 600 would prevent law-enforcement agencies from fulfilling their duties and obligations to enforce laws, ordinances and codes within the State. We heard testimony that law enforcement needs to have some identifying information, such as Social Security numbers and driver's license numbers, to properly identify individuals. It is my understanding that many law-enforcement documents which contain that kind of identifying information are not public documents and are confidential by law.

I want to make sure it was the intent of the Assembly when they passed this bill, as well as the intent of this Committee, that A.B. 600 not prevent law enforcement from properly identifying those individuals. I am asking you to codify for us that it was not that intent when the bill came over from the Assembly. I know it is not the intent of this Committee.

MS. SCHOLLEY:

I cannot speak to the intent in the Assembly or the Senate. Assembly Bill 600 came forward to clear up some discrepancies between two bills in the 2005 Session, A.B. No. 334 of the 73rd Session and S.B. No. 347 of the 73rd Session. The provisions you are perhaps addressing were already enacted in the 2005 Session. I cannot say what they are. There may be some dispute as to what "governmental agency" includes and how that interfaces with the Judicial Branch and, to some extent, law enforcement. There are many provisions in the *Nevada Revised Statutes* that talk about Social

Security numbers in court documents and require the courts to maintain the confidentiality of those documents.

I am not in a position to give a legal opinion or opine on law-enforcement documents and which ones may or may not be confidential or covered by A.B. No. 334 of the 73rd Session.

CHAIR NOLAN:

I want some comfort level that it was not the intent to prevent law enforcement from identifying individuals. Ms. Wilkinson, are you aware of any discussions in the Assembly with regard to the intent?

MS. WILKINSON:

No, I am not. The bill went through the Assembly Committee on Government Affairs, and I was not in the meeting. I can speak to committee counsel from that committee.

CHAIR NOLAN:

We want to look at a conceptual amendment and some objections and issues raised by members of this Committee before we process this bill. In addition, we will look at the history of the intent in the Assembly to ensure that the purpose of the bill is to help identity-theft issues.

We will close the work-session hearing on A.B. 600 and reopen the work-session hearing on A.B. 497.

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

CLAY THOMAS (Deputy Director, Department of Motor Vehicles):

If you will tell me the intent of your amendment, Exhibit D, I will try to answer questions you may have.

SENATOR HECK:

We are trying to help those people who are registering their vehicles for the first time in Nevada to not get caught in the position of having an out-of-state insurance card, signing the affidavit that they have insurance and not realizing they need to transfer the insurance to a Nevada carrier, then having their registration suspended for lack of proper insurance when the reconciliation is

done later. If they are required to show their card, the counter clerk can tell them they have 30 days in which to obtain insurance in Nevada.

MR. THOMAS:

There are several areas an individual can check to see what type of insurance and other documentation is needed. The Website identifies that they need in-state insurance. We have pamphlets at the counter and signs in the lobby that reiterate that information. Advising them at the counter would help resolve some of these issues, but the Committee should be aware of a couple of scenarios: It may take an individual 20 minutes to find parking at some of our locations. They may stand in the information line between 10 and 20 minutes. When they get to the front of the line, we will ask them if they have Nevada proof of insurance. If they do not, or show us an out-of-state card, we would tell them they need Nevada insurance and they would have to leave.

SENATOR HECK:

That is not the intent. The intent is to accept whatever card they show; it is not to make them have the Nevada card when they come in to register. Right now, they are not showing anything. They are just signing an affidavit saying they have insurance and will continue to have insurance. The idea is, if it is not a Nevada card, the counter clerk will tell them they have 30 days to get a Nevada card or their registration will be suspended.

MR. THOMAS:

That clarifies something. My concern is, the way the law is written today, you have to show proof of insurance at the time you register the vehicle. Now, the law says it must be a Nevada-based insurance carrier. The 30-day window is not identified in statute. There would have to be some changes and I would have to do more research to give you a definitive answer.

SENATOR HECK:

They are currently signing an affidavit saying they are insured; there is no proof they have Nevada insurance at the time they register their car.

MR. THOMAS:

The statute states they must have Nevada insurance at the time of registration, and they would not have that; they would have an out-of-state insurance card. It is something we need to look at.

SENATOR HECK:

That is just another fix in the bill. Do you see an issue with allowing them to show proof of out-of-state insurance at registration and telling them, at the counter, they have 30 days in which to obtain Nevada insurance?

MR. THOMAS:

No, I do not see a problem with that if they have insurance at the time they are registering the vehicle. We want the individuals to be insured when they are driving on our roadways. It is not our intent to take advantage of individuals who have insurance and, for some reason, get caught in the insurance-verification program, but we are duty-bound to follow the law. Obviously, some changes need to happen to rectify those situations.

SENATOR LEE:

Maybe the problem is that we whack them for \$250 immediately. Is there another way to solve the problem?

SENATOR HECK:

I am open to anything that prevents somebody who has insurance from getting whacked. *Nevada Revised Statute* 482.215, subsection 3, paragraph (e), says they must provide proof of " ... the insurance required by NRS 485.185" It does not say it must be Nevada insurance, at least not in this section.

MS. BARNES:

That is one of the areas we were trying to make clearer. We brought this bill forward so the customers would understand they need Nevada insurance. It was one of the issues we did identify.

CHAIR NOLAN:

The intent of the proposed amendment is good. Since this is our last scheduled Committee meeting, we ought to process the bill and bring an amendment to the Senate Floor, if necessary. If you find something that works better, that will be fine.

SENATOR HECK MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 497 WITH THE AMENDMENTS CHANGING THE EFFECTIVE DATE
OF IMPLEMENTATION, DIABETIC-RELATED PROBLEMS AND THE
PROVISION OF PROOF OF INSURANCE AT REGISTRATION.

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SENATOR CARLTON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR NOLAN:

We will close the hearing on A.B. 497. There being no further business, the meeting of the Senate Committee on Transportation and Homeland Security is adjourned at 3:15 p.m.

RESPECTFULLY SUBMITTED:

Carolyn Allfree,
Committee Secretary

APPROVED BY:

Senator Dennis Nolan, Chair

DATE: _____