

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

**Seventy-fourth Session
May 31, 2007**

The Senate Committee on Transportation and Homeland Security was called to order by Chair Dennis Nolan at 2:54 p.m. on Thursday, May 31, 2007, in Room 2149 of the Legislative Building, Carson City, 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 Maggie Carlton
Senator John J. Lee
Senator Joyce Woodhouse

COMMITTEE MEMBERS ABSENT:

Senator Mark E. Amodei (Excused)

STAFF MEMBERS PRESENT:

Elana Graham, Assistant to Committee Manager
Dan Lindholm, Intern to Senator Nolan
Nicholas Marquart, Intern to Senator Nolan
Matt Szudajski, Committee Policy Analyst
Sharon Wilkinson, Committee Counsel
Carolyn Allfree, Committee Secretary

OTHERS PRESENT:

Virginia (Ginny) Lewis, Director, Department of Motor Vehicles
Troy L. Dillard, Administrator, Compliance Enforcement Division, Department of Motor Vehicles
James Campos, Commissioner, Consumer Affairs Division, Department of Business and Industry

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Bill Tkach, Chief Investigator, Consumer Affairs Division, Department of
Business and Industry
Raymond J. Flynn, Assistant Sheriff, Las Vegas Metropolitan Police Department
Robert L. Compan, Farmers Insurance Group
Thomas A. Roberts, Las Vegas Metropolitan Police Department

VICE CHAIR HECK:

We will open the hearing on Assembly Bill (A.B.) 584.

ASSEMBLY BILL 584 (1st Reprint): Makes various changes to provisions governing motor vehicles. (BDR 43-618)

VIRGINIA (GINNY) LEWIS (Director, Department of Motor Vehicles):

I have provided you with a printed copy of my testimony ([Exhibit C](#)). This bill addresses two issues. One is compliance with the Federal Motor Carrier Safety Administration's Audit of the Commercial Driver License program with regard to convictions of commercial motor vehicle drivers for blood alcohol levels of 0.04 - 0.08.

I want to reiterate that this is only to address those individuals operating commercial motor vehicles with a blood alcohol content of 0.04 - 0.08, and this allows the courts to issue a criminal conviction for the offense.

SENATOR CARLTON:

This is similar to the day we changed the blood alcohol level downward. Was it the federal government saying we have to do it, or our funding will be taken away?

MS. LEWIS:

That is part of it. Currently, when we get an arrest report from law enforcement for an individual who was driving a commercial motor vehicle, we take administrative action and revoke the license for 90 days. We have the authority to do that. The federal government was not receiving a record of a conviction from a court, because the court had no authority. Consequently, a driver would leave Nevada and go to another state, but no record went with them. The federal government wanted to be sure a conviction was on the record; it is part of the federal Commercial Motor Vehicle Safety Act of 1986. Nevada was one of the few states facing this issue, and this is to comply with the finding from the audit.

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SENATOR CARLTON:

What is .04, a couple of drinks in a couple of hours?

SENATOR HECK:

It would be two drinks in one hour.

MS. LEWIS:

It is the stricter federal standard for commercial drivers who are behind the wheel of a commercial motor vehicle.

SENATOR LEE:

Section 22, subsection 4, says "0.04 or more in his blood or breath," but in terms of the bill it is 0.04 but less than 0.08. Why is the distinguishing feature 0.08 instead 0.04 or more?

SHARON WILKINSON (Committee Counsel):

May I address Senator Lee's question? If a person driving a commercial motor vehicle has a blood alcohol level of more than 0.08, he would just fall into our current 0.08 law.

SENATOR HECK:

I notice the other prohibited substances are listed in the bill. At first glance, it looks like those cutoffs are the same as are already in our law for anybody else.

MS. LEWIS:

That is correct. It was mirrored after the noncommercial law.

CHAIR NOLAN:

I formerly administered a substance abuse and alcohol program for the Federal Motor Carrier Safety Administration. It comports with A.B. 584 with regard to the controlled substances we have in state statutes. We imported those about six years ago directly from the federal law.

SENATOR CARLTON:

It seems contradictory to me, because the law has one standard for drugs, whether commercial or noncommercial. Now we are bifurcating, and I believe the body can get rid of alcohol faster than it can get rid of many drugs. We are looking at a stricter standard for alcohol, which is legal, than we are for a lot of drugs that are illegal.

SENATOR HECK:

In regulated drug testing, which falls under the *Code of Federal Regulations* for regulated carriers, those were the cutoffs. We adopted the federal standard. Those are fairly small amounts, so I would not say it is a double standard.

MS. LEWIS:

The second issue I will discuss is that of compliance with the federal REAL ID Act of 2005, [Exhibit C](#). I have provided you with a packet that contains the proposed changes relating to this issue ([Exhibit D](#)).

The problem we face is more of a timing issue. The U.S. Secretary of Homeland Security is requiring that each state submit its certification package by February 2008 or 90 days prior to implementation, if it is requesting an extension. Nevada is anticipating implementation in October 2008, which would mean Nevada's package would be due July 1, 2008.

The certification package represents the State's plan for implementation and must contain the State's laws, regulations, policies and procedures, processes, exception plans and security assessments, among other things. Some of the statutes that will be addressed in detail in the final requirements of the REAL ID Act are as follows:

The REAL ID Act requires an individual's full legal name. Currently, the *Nevada Revised Statutes* (NRS) reference only "name."

The REAL ID Act further requires address of principal residence whereas the current NRS references "residence address."

The *Nevada Revised Statute* 483.290 defines the information on the driver's license application, identifies acceptable identification documents and the issuance of temporary documents. The list of acceptable documents proving full legal name and date of birth in the draft rules are more restrictive than the existing NRS requirements.

Nevada Revised Statute 483.340 and NRS 483.840 specify the information on the face of the driver's license or identification card. The information required by the REAL ID Act will differ, specifically, with an individual's address. Currently, the mailing address is placed on the face of a card; the REAL ID Act will require the physical address, unless exceptions apply.

In summary, the Department of Motor Vehicles (DMV) needs the flexibility to adopt the requirements of the REAL ID Act through regulation due to the timing of the publication of the final rules this summer. We amended A.B. 584. This first reprint reflects provisions that if the REAL ID Act does not go into effect, or if we are extended further, we would not have to adopt the regulations; this bill just gives us the authority.

SENATOR CARLTON:
How much is this going to cost?

Ms. LEWIS:
We expect it to cost us \$100,000 the first year and \$200,000 the second year, specifically to give us a project manager to help get this going. We built a budget based on a lot of assumption. We hope the final rules will provide some guidelines that will bring the budget down, and we are hoping the federal government will listen to what we believe is a huge fiscal impact to all the states. One of the biggest fiscal components of our budget is the reenrollment period, which requires all drivers to come in during the four-year window, and we must have the reenrollment completed by 2013. For Nevada to accomplish that, we need to extend the hours in our metropolitan offices, and that means more staff.

The states have been extremely vocal. If certain pieces go away, the budget request will drop significantly.

SENATOR CARLTON:
Within the Governor's budget, when you originally submitted your fiscal note for your agency, it was \$3 million. Is that correct?

Ms. LEWIS:
It was \$30 million for the biennium.

SENATOR CARLTON:
\$200,000 is a significant difference.

Ms. LEWIS:
The money committees decided to wait until the final rules came out, and they gave the DMV access to the Highway Fund. In the fall, when the final rules are

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out and we can understand what is required, we will put together another budget and take it to the Interim Finance Committee.

SENATOR CARLTON:

Highway Funds have a huge fence around them. How can we allow you to do that, with the regulations on Highway Fund dollars?

Ms. LEWIS:

I cannot answer that.

SENATOR HECK MOVED TO DO PASS A.B. 584

SENATOR CARLTON SECONDED THE MOTION.

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

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CHAIR NOLAN:

We will close the hearing on A.B. 584 and open the hearing on A.B. 393.

ASSEMBLY BILL 393 (1st Reprint): Makes various changes relating to the repair of motor vehicles. (BDR 43-821)

CHAIR NOLAN:

This is Assembly Speaker Barbara E. Buckley's bill amending provisions relating to wreckers and salvaging of motor vehicles and transferring the authority of the regulation of trade practices from the Commissioner of Consumer Affairs to the DMV. Our Committee members had questions and issues and we needed more discussion.

I agree with the intent of the bill. However, I have some concerns about moving the regulation from the Consumer Affairs Division to the DMV. The DMV has four investigators and does not intend to add any investigators to deal with this issue. The Consumer Affairs Division has eight investigators. The testimony on behalf of Speaker Buckley and her representatives was that this bill needs to change the entity for oversight and regulation because the Consumer Affairs Division has not done its job adequately. Speaker Buckley felt that moving the

responsibilities to the DMV would be prudent because the DMV is an agency that does well what it is charged with statutorily on behalf of the State.

Additional testimony indicated that the Consumer Affairs Division has started to improve its performance; however, it was not soon enough for what Speaker Buckley intends to have done. I was not completely convinced we should be moving these responsibilities to the DMV. The DMV would have to reorganize, adopt regulations and reprint and redistribute tens of thousands of informational notices and posters statewide. There would be a learning curve on the part of the public with regard to taking this one particular Consumer Affairs Division issue and finding the right telephone number at the DMV and the right people to investigate. Those were my concerns. I do not think moving this to the DMV is in the best interests of either agency or of the citizens.

SENATOR CARLTON:

I have some of those same concerns. Speaker Buckley felt she got a response to her concerns and the Consumer Affairs Division has begun giving better service to the citizens. I support what she is trying to do. When people have these types of problems, they will think of the DMV and not the Consumer Affairs Division. With licenses and registrations that go out and the fliers that can go into them, getting the information to the public will not be a big issue.

If the DMV needs help, they will come to the Interim Finance Committee and make the case for gearing up and getting the personnel and resources to accomplish this.

SENATOR WASHINGTON:

The organizational chart that has been devised to carry out this proposal is very complex and confusing. The Consumer Affairs Division is the best agency to handle complaints relating to garages. Consumer Affairs should be given the authorization to develop regulations to address and investigate the complaints and forward the investigations to the Office of the Attorney General for prosecution. I am not convinced the DMV should take these responsibilities, because the DMV regulates franchise dealers and garages. This is a consumer complaint.

CHAIR NOLAN:

If the bill were to pass, what would be the logical progression and time frame for transfer of the responsibilities from the Consumer Affairs Division to the

DMV? With the four investigators you are adding, how would their job descriptions, roles and responsibilities change?

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

Currently, four investigators are assigned to the account for body shops, wreckers, salvage pools and garages. A fiscal note was submitted with A.B. 393. It has gone through the budget committees and an investigator was added to the budget as well as additional operating expenses associated with handling the responsibilities, contingent upon approval of A.B. 393. Five people would be dedicated to it.

Assembly Bill 393 has an October 1 start date and Consumer Affairs and the DMV would have to work out how the transition will take place. The telephone numbers would remain the same, but the calls would come to us. We will have a tiered system for a complaint that comes in: It will be investigated by the DMV if it appears to be a violation of what is contained in A.B. 393, moving those into NRS 487; if it is a deceptive trade practice complaint, it will be referred to the Consumer Affairs Division for investigation. There is no law in Nevada with regard to quality of workmanship, so many complaints turn out to be civil issues between the customers and the garages.

Regardless of whether the Legislature decides to move this bill or to change it, the Consumer Affairs Division and the DMV understand that the status quo is a problem and has to be changed. James Campos, Commissioner, Consumer Affairs Division, and I are both committed to making the changes necessary to make this a one-stop shop for these types of complaints. It gets more complicated. There is nothing in the bill that would make it a single agency; we still do the registration of the garages. Consumer Affairs would do the regulation under NRS 597. We are both out there investigating these particular businesses, many times for the same violation but for two different purposes. The DMV looks at it from a regulatory perspective and Consumer Affairs looks at it from a consumer-recovery perspective.

CHAIR NOLAN:

You have four investigators now and you will be adding one. Mr. Campos, you have eight investigators. Are they responsible for investigating all consumer complaints or are they dedicated to these garage and repair facilities?

JAMES CAMPOS (Commissioner, Consumer Affairs Division, Department of Business and Industry):

We have two investigators in Reno and six in Las Vegas. They have various duties, but the majority of our complaints and investigations are in auto repair.

CHAIR NOLAN:

Mr. Dillard, how are your investigators distributed?

MR. DILLARD:

Currently, we have two in the north and two in the south. The additional investigator would be located in the south, which is where the complaint line would be housed.

CHAIR NOLAN:

How do you envision these people, who are already full-time employees, and the one new person coming on handling the entire task?

MR. DILLARD:

You are striking at a problem issue that exists today. Last Session, we added two new investigators to this account because the workload with garages was so great. Roughly 70 percent of the workload in the account is focused on the garage industry. There are 1,500–1,600 garages. We are constantly in those garages responding to complaints or conducting audits for compliance purposes. The NRS 597 laws that exist today have been moved into regulation in NRS 487. Effectively, my staff is investigating garages, as the Consumer Affairs Division staff is doing. The reality is it is not a one-for-one increase in cases. Many of the things they are investigating, we are also investigating. The one additional staff member is our best guess on what it would take to accommodate the investigations that do not come to us today but are investigated strictly by Consumer Affairs.

SENATOR HECK:

Mr. Campos, I am sure your office gets complaints against other licensed entities. After your investigation, you would turn the complaint over to the appropriate regulatory agency if regulatory action needed to be taken. Is that correct? That is similar to the relationship here, now. I understand Speaker Buckley's point of the DMV having the hammer. Nonetheless, in the normal scope of your business, you are dealing with other licensed entities which are regulated by other departments. Using that as a part of your

argument does not make sense to me, because that is the way you normally do business.

I do not believe the average citizen knows it is the DMV that holds the hammer over a garage. People do not even know garages are licensed, much less that the license is issued by the DMV, and they should go to the DMV if they have a problem. If there is to be a one-stop shop, it makes sense to me that it would be in the Consumer Affairs Division. If you are already looking at the deceptive trade practice issues during your normal audits and inspections, great; but what is easiest for the consumer is the biggest issue. Having that in the Consumer Affairs Division makes the most sense. We need to continue to work on the cooperative relationship.

If you get the complaint and there is a regulatory issue, you would turn it over to the appropriate regulatory authority for action. The bill is important and has a lot of necessary protections, but the point of entry should remain in the Consumer Affairs Division.

SENATOR CARLTON:

Within the Consumer Affairs Division, how many complaints have been turned over to the DMV?

MR. CAMPOS:

I do not have the exact numbers. Consumer Affairs takes approximately 1,116 auto-repair complaints a year, of which \$105,000 has been recovered for the consumers.

SENATOR CARLTON:

Do you watch the patterns of misbehavior within certain garages, and do you share that information with the DMV?

MR. CAMPOS:

I have been in this position for four months. Notably, there has been some communication disconnect in the past between the DMV and the Consumer Affairs Division. One of my main priorities was to speak with Mr. Dillard and hash out any differences in the past and make sure those no longer exist. I cannot speak for the past, but I can speak for today and the future.

SENATOR CARLTON:

Unfortunately, we have heard that a lot in different sessions: "I have been around for only a few months." It seems as if they know we are coming back to town and everybody runs for cover.

I am going to stay with my original opinion. In the boards with which I work in the commerce and labor world, they do the licensing, investigations and regulations and hold the hammer of taking away somebody's license. If you can yank someone's business license, you have the hammer. I am not convinced that, without the hammer, people will take you as seriously. I would much rather see the consumer happy, but I am afraid there are some folks out there slipping through the huge crack that has developed between these two entities over the years.

CHAIR NOLAN:

Speaker Buckley's concern was a level of confidence in your ability to take care of an issue she considers important. I would like to propose an amendment to include detailed reporting which would come back to the Legislative Commission Speaker Buckley sits on. It would include the number of investigations, the nature and type, and whether you can make public the names of those businesses investigated and the outcomes of the investigations. That would be a step close to what Speaker Buckley wanted with regard to providing consumer notification. Do you make that information public?

BILL TKACH (Chief Investigator, Consumer Affairs Division, Department of Business and Industry):

Currently, we have the ability to do assurances of discontinuance, but they are not made public. By our statutes, they are just between the Consumer Affairs Division and the person who is signing the assurance. However, we have held order-to-show-cause/cease-and-desist hearings on many garages.

CHAIR NOLAN:

The outcome of anything held within a public hearing could be summarized in a report and not only provided to the Legislative Commission but also made public to any consumer who wants to know if any particular garage has a history of complaints and disciplinary actions issued by your Division.

Ms. Wilkinson, we had a conflict with another Assembly bill.

MS. WILKINSON:

Assembly Bill 2, which passed earlier this Session and will become effective October 1, 2007, directly conflicts with these provisions. It would leave the status quo, having the Consumer Affairs Division be the point of entry for these complaints, with the regulatory violations still going through the DMV.

ASSEMBLY BILL 2 (2nd Reprint): Revises provisions relating to automotive repairs (BDR 52-92)

CHAIR NOLAN:

What are the other differences that exist between A.B. 2 and this bill?

ASSEMBLY BILL 393 (1st Reprint): Makes various changes relating to the repair of motor vehicles. (BDR 43-821)

MS. WILKINSON:

Those are the only conflicts. Assembly Bill 2 dealt with the same issues you discussed today, but leaves the status quo. It added three substantive changes to the current law. Currently these provisions are in NRS 597. The three new provisions are: first, it would replace the person authorized to make repairs with the owner or insurer of the motor vehicle. That means the person who would be notified of the estimates or additional repairs would be the owner or insurer, not the person authorized to make the repairs, who is not always the owner. Second, it would add body shops to these provisions. Currently, body shops are covered in NRS 487, but this would also add body shops to the NRS 597 provisions, clarifying that body shops are included. Third, it adds language which says, "If a body shop or garage performs repairs on a motor vehicle, the body shop or garage shall perform the repairs in accordance with any specifications of the manufacturer of the motor vehicle and the written estimate or statement of the cost of the repairs that is most recently agreed upon by the body shop."

The bills basically conflict, and the conflict would need to be resolved.

CHAIR NOLAN:

Was Speaker Buckley made aware of the conflict? Has the Governor signed the bill?

MS. WILKINSON:

Yes, the Governor has signed the bill.

I have not spoken with Committee Counsel for the Assembly Committee on Commerce and Labor. Assembly Bill 2 did go through the Senate Committee on Commerce and Labor. Assembly Bill 393 went through the Assembly Committee on Commerce and Labor; this is the first time a transportation committee has heard these issues. I am not aware if Speaker Buckley knows of the conflict.

CHAIR NOLAN:

Clearly, we have to resolve the conflict. I will recommend an amendment. I am sure this bill will go to a conference committee if Speaker Buckley does not agree with it. I recommend that we take Committee Counsel's recommendation to comport with A.B. 2 and all provisions of A.B. 393 be amended to have the Consumer Affairs Division remain in its current role, with the rest of the provisions amended as are in the bill; that the Consumer Affairs Division prepare a report annually outlining the number of investigations conducted, the nature of the complaints with regard to garages and how the other facilities are defined in A.B. 393; that the report contain the number of complaints forwarded to the DMV, those upon which action is taken and the outcome of those investigations. Additionally, the results of those investigations which are public hearings should be compiled and made public so the information can be provided to a consumer who contacts the Consumer Affairs Division. That would be my motion.

MS. WILKINSON:

If the desire of the Committee is for the status quo to remain, certain sections of this bill which overlapped with A.B. 2 could be stricken.

CHAIR NOLAN:

That is correct, and the addition of reporting, and the annual report to go to the Legislative Commission.

SENATOR WASHINGTON:

I would like to add to the amendment. Mr. Dillard and Mr. Campos indicated they have begun working together. There ought to be a report of the progress of that collaboration and the process in which they are working together so future legislators will have an idea as to whether there is significant progress.

That report could go to the Legislative Commission and, in odd years, to the Transportation Committees.

CHAIR NOLAN:

I would amend my proposed amendment. To summarize what you said, included in the proposed annual report to the Legislative Commission and to the Assembly Committee on Transportation and Senate Committee on Transportation and Homeland Security during session years should be some information with regard to what is referred to the DMV and what is not, and some of the outcomes of investigations with regard to garages as they are described in A.B. 393.

MR. DILLARD:

That is certainly something we can provide. Commissioner Campos and I have discussed entering into a memorandum of understanding so the roles of both parties would be clear.

SENATOR WASHINGTON:

There ought to be something in the report regarding the hardware and software necessary for the interfacing of the agencies' information systems.

CHAIR NOLAN:

There was probably something in the fiscal note. You are not as concerned with the fiscal note as you are with the hardware and software compatibility.

MR. CAMPOS:

Currently, we are operating on a 1991 disk operating system (DOS) and have been granted funding for a new up-to-date modern computer system for tracking purposes and a host of other issues. We feel confident our upgraded system will be in place four to six months from now. At that juncture, I will meet with Mr. Dillard and discuss the options and how we can interface better. At the moment we are operating on a 2.1 DOS and there is not much interfacing transpiring.

SENATOR WASHINGTON MOVED TO AMEND AND DO PASS A.B. 393 WITH THE AMENDMENT AS ARTICULATED.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS LEE AND CARLTON VOTED NO.
SENATOR AMODEI WAS ABSENT FOR THE VOTE.)

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SENATOR WOODHOUSE:

I want to put on the record my reason for voting yes on this motion. I supported the bill in its original form. Based upon the information received from our legal staff, I voted yes on the amended motion.

CHAIR NOLAN:

We will close the hearing on A.B. 393 and open the hearing on A.B. 619.

ASSEMBLY BILL 619 (1st Reprint): Creates the Nevada Automobile Theft Authority. (BDR 43-1503)

CHAIR NOLAN:

This is Assemblyman Oceguela's bill.

SENATOR CARLTON:

I have some concerns about this bill. I feel this is an Executive Branch responsibility. It is something that should be funded and should be in the budget. This is a pass-through to folks who may not have this particular comprehensive insurance. It is important to do something about auto theft, but it should not be funded this way. It should be funded the way we fund other parts of state government. I cannot support the bill in its current form with the pass-through.

SENATOR LEE:

People steal these cars and plea bargain down. Section 13, subsection 3, says, "If the prosecuting attorney proves that the value of the motor vehicle involved in the grand larceny is \$2,500 or more, the person who committed the grand larceny of the motor vehicle is guilty of a category B felony" Is there a way to prevent plea bargaining when someone steals a valuable vehicle, so they would have the one shot on their record before they steal the second car?

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

The different categories of auto theft have been there for a while. Many auto-theft charges are plead down, normally to attempted auto theft. It does not go from a category D to a category C, but from grand larceny to attempted grand larceny, or possession of a stolen vehicle to attempted possession of a stolen vehicle.

SENATOR LEE:

Is your goal with this bill is to say that if someone steals a car over \$5,000 and plea bargains down, then does it a second time, it will not be plea bargained? I am trying to work with you to make this tough enough to stop the people who are falling through the cracks. I do not mean the kid who steals his mother's car; I mean those who repeatedly steal cars from people they do not know.

MS. WILKINSON:

Section 12 of the bill states that for a person who is twice convicted of grand larceny, the attempt to commit grand larceny could be added.

SENATOR HECK:

I would be fine with the bill if we deleted everything but section 12. My concern is that we are developing another governmental board, commission or agency that has no sunset, to look at a problem that should be taken care of. It has every major sheriff or chief of police in the State as a member, along with representatives of insurers, to develop a plan to combat auto theft. Those entities ought to be able to get together outside of a state-mandated authority to figure out a plan. There is also the concern of the fee, with no guarantee it will not be a pass-through.

Section 12 is good, with the increased penalty for grand larceny of an automobile, but I cannot support the creation of the Nevada Auto Theft Authority.

CHAIR NOLAN:

It is common knowledge that auto theft is rampant statewide, particularly in southern Nevada. Nevada ranks number one in auto thefts.

OFFICER FLYNN:

Clark County was rated number one in the nation for 2006.

ROBERT L. COMPAN (Farmers Insurance Group):

Clark County is rated number one through the National Automobile Theft Bureau statistics. There were 22,500 cars stolen last year in Clark County alone. California and Arizona have created auto-theft authorities. Their rates of auto theft have decreased. It has closed the door to auto theft in California and Arizona and opened the door in Nevada.

SENATOR HECK:

Can we get the programs two other states have already paid for and figure out how to implement them here?

MR. COMPAN:

You are right. There is an opportunity to get programs. I am not an authority on the bureaucracy involved; I can tell you statistically how it has worked and benefited the consumers of both states.

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

In the last year and a half, we recognized we had a significant problem involving auto theft. About 18 months ago, we traveled around the country specifically to those areas that were having successes in combating auto theft and examined what they were doing. We brought a lot of those ideas back and have instituted them in the last year. This bill allows some funding for other programs that we cannot fund on our own.

CHAIR NOLAN:

I have a list of people who signed in as favoring the bill. Nobody has signed in opposing it. Insurance companies and law enforcement are in favor of the bill. I would like to see us do something, because it is such an endemic problem. I agree with Senator Heck regarding this being open-ended and our not having the opportunity to review its effectiveness.

This bill ensures there is a funding mechanism and there will be a group of people who are experts in the area trying to combat this, almost like a task force. I would like to move the bill and suggest a sunset provision that would allow us to review the effectiveness of the committee's activities and the how it has affected the rates of automobile theft.

I propose to amend and do pass the bill with an amendment providing for reporting to the next Legislative Session's Assembly and Senate Transportation

Committees. The report should contain the activities of the board, the number of meetings, the programs implemented and the effectiveness of the programs. This process takes a while to get going, so I suggest a sunset provision for the 2011 Legislative Session unless the Legislature approves the continuation of this program based upon the results of the reports of the efficacy of the program.

MS. WILKINSON:

Do you intend for a report to the Legislature during the 2009 Session and the 2011 Session?

CHAIR NOLAN:

Yes, to both sessions.

SENATOR LEE:

We should also have the justice system come back and report the consequences it has imposed. After somebody has stolen something twice, we let them get to the third time before we do anything. This is somebody who is a thief. I would like to know how many people have been allowed to plea bargain twice and never suffered this stiffer penalty. If you cannot tell me the plea bargaining will stop, I do not want to support the amendment because I do not think it sends a strong enough message to the people who are stealing new vehicles.

SENATOR CARLTON:

We cannot take away somebody's right to plea bargain at certain levels. The question they are trying to get at in section 12 is, Is the guy out there making a living off stealing cars? There are some concerns around the country on three-strike rules. This is a three-strike rule. This is a car, and there are a lot of people out there doing scarier things. I would like to see section 12 go further, but I am not very comfortable with the rest of the bill.

MS. WILKINSON:

Under current driving-under-the-influence law, there is a provision that reads, "A prosecuting attorney shall not dismiss a charge of violating the provisions of NRS 484.379 in exchange for a plea of guilty or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at trial."

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Senate Bill 93, which went through the Senate Committee on Judiciary, added a similar provision to section 12 and the attempted grand larceny.

SENATE BILL 93 (1st Reprint): Revises the provisions governing the crime of grand larceny of a motor vehicle and of an offense involving a stolen vehicle. (BDR 15-697)

SENATOR HECK MOVED TO AMEND AND DO PASS A.B. 619 BY DELETING EVERYTHING IN THE BILL WITH THE EXCEPTION OF SECTION 12 AND THE ENACTING CLAUSE.

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR LEE VOTED NO. SENATOR AMODEI WAS ABSENT FOR THE VOTE.)

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CHAIR NOLAN:

There being no further business, the meeting of the Senate Committee on Transportation and Homeland Security is adjourned at 4:14 p.m.

RESPECTFULLY SUBMITTED:

Carolyn Allfree,
Committee Secretary

APPROVED BY:

Senator Dennis Nolan, Chair

DATE: _____