

**MINUTES OF THE
SENATE COMMITTEE ON TRANSPORTATION**

**Seventy-Seventh Session
April 29, 2013**

The Senate Committee on Transportation was called to order by Vice Chair Kelvin Atkinson at 9:05 a.m. on Monday, April 29, 2013, in Room 2135 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 Kelvin Atkinson, Vice Chair
Senator Pat Spearman
Senator Joseph P. Hardy
Senator Donald G. Gustavson

COMMITTEE MEMBERS ABSENT:

Senator Mark A. Manendo, Chair (Excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Paul Aizley, Assembly District No. 41
Assemblyman Peter Livermore, Assembly District No. 40

STAFF MEMBERS PRESENT:

Jered McDonald, Policy Analyst
Darcy Johnson, Counsel
Jennie F. Bear, Committee Secretary

OTHERS PRESENT:

Josh Stagliano, Deputy Sheriff, Carson City Sheriff's Office
Ronald P. Dreher, Peace Officers Research Association of Nevada
D. Eric Spratley, Lieutenant, Washoe County Sheriff's Office; Nevada Sheriffs' and Chiefs' Association
Brian O'Callaghan, Las Vegas Metropolitan Police Department
Rhonda Bavaro, Deputy Director, Department of Motor Vehicles

Jon Sasser, Esq., Legal Aid Center of Southern Nevada, Inc.

Senator Atkinson:

I will open the hearing on Assembly Bill (A.B.) 129.

ASSEMBLY BILL 129 (1st Reprint): Provides for the issuance of special license plates honoring peace officers who have received certain medals or the equivalent thereof. (BDR 43-154)

Assemblyman Peter Livermore (Assembly District No. 40):

I am sponsoring A.B. 129 and will read my written testimony ([Exhibit C](#)).

Josh Stagliano (Deputy Sheriff, Carson City Sheriff's Office):

I support A.B. 129. I have written testimony ([Exhibit D](#)), which includes a support letter from the Department of Motor Vehicles (DMV) and a mock-up of the proposed license plate. For 12 years, I have been a deputy with the Carson City Sheriff's Office. I was shot while on duty in 2007. After recovering, I went to the DMV to obtain Purple Heart license plates. The staff there laughed at me and asked me for a DD Form 214, Certificate of Release or Discharge from Active Duty. I explained that I was in law enforcement rather than the military. It became clear we were not being given the same consideration for license plates as is given to members of the military. Assembly Bill 129 came about because I wanted to change the situation. Law enforcement personnel deserve a similar license plate.

The license plate is proposed to be issued to officers who have received one of the following medals or their equivalents: The Medal of Honor, The Purple Heart, The Medal of Valor, The Lifesaving Medal, The Meritorious Service Medal or The Distinguished Service Medal. In the case of officers who have died in the line of duty, it is proposed that the license plate will be available for their families. We have encompassed all the medals into one license plate so we do not have to request more plates in the future. I have been working with Rhonda Bavaro of the DMV and am assured this plate is exempted from the list of 30 limited specialty plates. The exemption is noted in the letter from the DMV in [Exhibit D](#). Here is what the license plate will look like. The picture of the Nevada Law Enforcement Officers Memorial on the left side of the plate will be smaller when the plate is manufactured.

Senator Gustavson:

There is no fee for this license plate. Will the officers still have to pay the normal registration fee for their vehicles?

Mr. Stagliano:

Yes.

Senator Gustavson:

This is the same as veterans have to do; is that right?

Mr. Stagliano:

Yes. There is a small cost for the initial setup of the program to manufacture this plate, according to the DMV.

Assemblyman Livermore:

The number of these license plates will be 200 to 300. Only a small group of people will have this kind of plate.

Senator Spearman:

Please tell me that you were exaggerating when you said they laughed at you at the DMV.

Mr. Stagliano:

In fact, they did. They said I was not part of the military and to come back when I have a DD Form 214 or go into the military. It was very frustrating, and I decided then to change the situation.

Senator Spearman:

How long ago was that?

Mr. Stagliano:

It happened in 2007.

Senator Hardy:

Is this something that happens to firefighters as well?

Mr. Stagliano:

I believe firefighters already have a special license plate in Nevada. Are you talking about the experience at the DMV?

Senator Hardy:

I mean if firefighters are injured on the job, can this be noted on their designated license plate?

Mr. Stagliano:

This bill is specific to peace officers in law enforcement.

Ronald P. Dreher (Peace Officers Research Association of Nevada):

I am in favor of A.B. 129 and will read my prepared testimony ([Exhibit E](#)). The purpose of the bill is to have, for the first time ever, a license plate for peace officers that shows the word "decorated." Many law enforcement officers are afraid to put anything on their cars to indicate their sacrifices. For that reason, the design shown on the mock-up of the plate is excellent. It is a neat thing for Nevada to have. On behalf of the Las Vegas Police Protective Association and all the professional peace officer associations in Nevada, we ask you to pass A.B. 129.

D. Eric Spratley (Lieutenant, Washoe County Sheriff's Office; Nevada Sheriffs' and Chiefs' Association):

We support A.B. 129.

Brian O'Callaghan (Las Vegas Metropolitan Police Department):

We support A.B. 129.

Rhonda Bavaro (Deputy Director, Department of Motor Vehicles):

The DMV is neutral on A.B. 129. It has no fiscal impact on the DMV, and we have been working with Deputy Sheriff Stagliano to develop this license plate.

Senator Spearman:

I wish I had known about A.B. 129 because I would have loved to have been a cosponsor. The men and women in law enforcement do more every day than many people recognize. That is why I was rather offended when Deputy Sheriff Stagliano said he was laughed at.

Assemblyman Livermore:

This bill is one of the first bills I introduced. When Deputy Sheriff Stagliano approached me to author this bill, I also was taken aback after hearing his story. It has taken more than a year and a half to bring A.B. 129 to this point. Every

day I feel secure because of the work of peace officers. I support their work and believe this bill is a small way of thanking them.

Senator Atkinson:

I will close the hearing on A.B. 129 and bring it back to the Committee. At this time, I will open the hearing on A.B. 282.

ASSEMBLY BILL 282 (1st Reprint): Revises provisions governing certain sales of motor vehicles. (BDR 43-640)

Assemblyman Paul Aizley (Assembly District No. 41):

I am sponsoring A.B. 282 and will read my written testimony ([Exhibit F](#)).

Jon Sasser, Esq. (Legal Aid Center of Southern Nevada, Inc.):

I am sitting in today for Dan L. Wulz of the Legal Aid Center of Southern Nevada and will summarize his prepared testimony ([Exhibit G](#)). The bill's purpose is to clarify language in the *Nevada Revised Statutes* (NRS) to help protect consumers. Mr. Wulz worked with then-Assemblywoman Barbara E. Buckley in 2001 and 2005 to amend the NRS chapters governing the dealer's security bond. Initially, the bond covered breaching a consumer contract or engaging in a deceptive trade practice. That intent was to protect consumers, not other entities. More clarity was added to this part of the NRS in 2005 to outline the process for consumers to recover losses.

In the case of *Western Surety Company v. ADCO Credit, Inc.*, 251 P.3d 714 (2011), the Nevada Supreme Court determined that when State law says losses can be recovered on behalf of any person, the word "person" included corporations and other entities doing business with dealers. Assembly Bill 282 will replace the word "person" with language specifying only consumers can benefit from the dealer's security bond.

Mr. Wulz also has provided a handout ([Exhibit H](#)) excerpting several pages from a 2011 book called *Automobile Fraud* published by the National Consumer Law Center. It reviews the policies related to these types of practices, indicating finance companies can take other actions to ensure collateral for their loans. They do not need the small \$100,000 dealer's security bond, which is to cover all consumers who might be defrauded. We believe Legislators in previous sessions intended for this bond to benefit consumers only.

Section 1, subsection 5 and section 2, subsection 6 of A.B. 282 enumerate the types of things for which these bonds apply so this matter will not need to be litigated. Specifically, the bill lists the kinds of damages and costs that can be recovered against such bonds. These clarifications help the DMV and do not add remedies that are available in court.

Senator Hardy:

What other states have considered this topic? Have they changed the definition of "person," or let it stand?

Mr. Sasser:

I do not have a state-by-state breakdown. The article in [Exhibit H](#) reviews policy arguments, both pro and con, as to whether the bonds should be made available to all parties or to consumers only. It lists states that cover consumers only. I can get the information for you if you would like.

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Senator Atkinson:

I will close the hearing on A.B. 282. Having no other business before the Committee, I adjourn this meeting at 9:29 a.m.

RESPECTFULLY SUBMITTED:

Jennie F. Bear,
Committee Secretary

APPROVED BY:

Senator Kelvin Atkinson, Vice Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	1		Agenda
	B	1		Attendance Roster
A.B. 129	C	3	Assemblyman Peter Livermore	Written Testimony
A.B. 129	D	4	Josh Stagliano	Written Testimony
A.B. 129	E	2	Ron Dreher	Written Testimony
A.B. 282	F	3	Assemblyman Paul Aizley	Written Testimony
A.B. 282	G	2	Jon Sasser	Written Testimony from Dan L. Wulz
A.B. 282	H	6	Jon Sasser	Information on Automobile Fraud