

**MINUTES OF THE
SENATE COMMITTEE ON TRANSPORTATION**

**Seventy-Eighth Session
April 28, 2015**

The Senate Committee on Transportation was called to order by Vice Chair Don Gustavson at 8:35 a.m. on Tuesday, April 28, 2015, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 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 Don Gustavson, Vice Chair
Senator Patricia Farley
Senator Mark A. Manendo
Senator Moises (Mo) Denis

COMMITTEE MEMBERS ABSENT:

Senator Scott Hammond, Chair (Excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Richard Carrillo, Assembly District No. 18
Assemblyman Philip (P.K.) O'Neill, Assembly District No. 40
Assemblyman Jim Wheeler, Assembly District No. 39

STAFF MEMBERS PRESENT:

Megan Comlossy, Policy Analyst
Darcy Johnson, Counsel
Tammy Lubich, Committee Secretary

OTHERS PRESENT:

Tony Yarbrough, Veterans of Foreign Wars Department of Nevada
Darrol L. Brown, Chapter No. 388, Vietnam Veterans of America Carson Area Chapter; Welcome All Veterans Everywhere of Douglas County

Senate Committee on Transportation
April 28, 2015
Page 2

Brian Hutchins, HORSE POWER
Frank Gonzales, State Director, Selective Service System
Terri L. Albertson, C.P.M., Administrator, Division of Management Services and Programs, Department of Motor Vehicles
Eric Spratley, Lieutenant, Sheriff, Washoe County
Chuck Callaway, Metropolitan Police Department, City of Las Vegas
Robert Roshak, Nevada Sheriffs' and Chiefs' Association
Lisa Foster, Allstate Insurance Company; American Family Mutual Insurance Company
Jeanette K. Belz, Property Casualty Insurers Association of America
Sean P. McDonald, M.B.A., Administrator, Division of Central Services and Records, Department of Motor Vehicles

Senator Gustavson:

We will begin the hearing on Assembly Bill (A.B.) 189.

ASSEMBLY BILL 189 (1st Reprint): Revises provisions governing special license plates. (BDR 43-529)

Assemblyman Jim Wheeler (Assembly District No. 39):

During the interim, I was a member of the Commission on Special License Plates and received telephone complaints from constituents concerning the accountability for grants that were given out as a result of the income generated by different license plates.

Assembly Bill 189 applies to any charitable organization that asked for and received a special license plate for grants. It creates transparency and accountability to the public as to where the grant dollars are distributed.

Any application by a charitable organization for special license plates must include a budget prepared by or for the organization if it is not a governmental entity and is not a governmental agency whose budget is included in the Executive Budget.

Assembly Bill 189 requires the organization to provide an annual report of the organization's budget detailing how the special license plate fees have been expended. The annual report and a copy of the most recent tax return must be provided to the Commission on Special License Plates. The measure also requires the organizations to publish the tax return on their Websites annually. If

the organization does not have a Website, the information must be published in a newspaper of general circulation in the county where the organization is located.

The bill further authorizes the Commission to request the Legislative Commission to direct the Legislative Auditor to perform an audit of any charitable organization receiving fees from the sale of license plates if the Commission has reasonable cause or has received a credible complaint that the organization has not handled its monies appropriately. At this time, the Legislature does not have the capability to have such an audit performed.

This bill gives the Legislature the capability to conduct an audit, using the legislative auditors, to verify how the grant monies are being distributed without an additional fiscal note. Assembly Bill 189 is about accountability.

Senator Gustavson:

Do you want the audit to be done through the Legislature when it is in session? Does this also include the Commission on Special License Plates?

Assemblyman Wheeler:

This would include the Commission on Special License Plates, and the Commission must require an audit from the audit division of the Legislature.

Senator Gustavson:

So, it could be done either during the session or during the interim.

Assemblyman Wheeler:

Correct. Another bill, Assembly Bill 423, creates a standing committee for transportation and is being heard in the Assembly Committee on Legislative Operations and Elections on Thursday, April 30. If A.B. 423 goes through, there will no longer be a need for a Commission on Special License Plates, and it would be the interim committee or one of the committees during the Legislative Session that would request the audits.

ASSEMBLY BILL 423: Provides for a study on transportation infrastructure and funding. (BDR S-1074)

Senator Manendo:

I believe that A.B. 423 will pass. It is long overdue to have a standing committee on transportation. If for some reason A.B. 423 does not go through, then the Commission on Special License Plates would request the audit.

Some legislators wanted to try to phase out the Commission, but with the number of special license plates continuing to grow, there is a need for a commission.

The Commission on Special License Plates is the only commission whose members are not paid a stipend during the interim. Members of other commissions get a stipend, and members of the Commission on Special License Plates should also receive stipends. Is this something that you have thought through and would be amenable to amending into A.B. 189? This would depend on what happens with the proposed standing committee on transportation.

Assemblyman Wheeler:

I believe the amendment should be to A.B. 423 and not A.B. 189. I do agree the commission members should receive stipends, since this is the only commission that does not.

Senator Manendo:

I hope A.B. 423 passes, because there are so many transportation needs in this State and a committee is needed during the interim. If legislators are taking their time to be on this committee, it is fair that they be paid.

Assemblyman Wheeler:

In A.B. 423, there is a pay scale for the standing committee, which is the same as any other standing committee. If that bill does not go through, I would be amenable to amending A.B. 189.

Senator Denis:

What is the current process for requesting an audit?

Assemblyman Wheeler:

There is no current process.

Senator Denis:

I know there have been audits on some of the organizations in the past. How were those audits requested?

Assemblyman Wheeler:

I am not sure, and as far as I know, those audits came about from one of the Legislative committees. During the interim, of course, it did not happen at all. There is no set procedure; A.B. 189 will set the procedure.

Senator Gustavson:

Ms. Johnson, can you give the Committee an update on how the audits were requested before?

Darcy Johnson (Counsel):

I am not sure how prior audits were requested. The Assemblyman is correct that the current statute provides for a report on each organization to be prepared each year by the Legislative Auditor. That report is forwarded to the commission and then the commission makes a determination about whether any kind of sanctions are appropriate. There is no provision for the auditor either to request or conduct a more thorough audit or for the commission to request it.

Tony Yarbrough (Veterans of Foreign Wars Department of Nevada):

I represent over 8,000 veterans of foreign wars in the State and all of our other thousands of veterans from organizations such as the Disabled American Veterans, the American Legion, the Vietnam Veterans of America, The Purple Heart Association and many more that are part of the United Veterans Legislative Counsel. We support A.B. 189.

Assembly Bill 189 is a benefit that is long overdue. This is the transparency and enforcement of legitimate operations and accountability through a very specific process.

Darrol Brown (Vietnam Veterans of America Carson Area Chapter, Welcome All Veterans Everywhere of Douglas County):

The Vietnam Veterans of America support A.B. 189. There is a need to audit the charities and nonprofit organizations receiving fees and income from the special license plates. The audits are required to verify the funds are spent as they were originally requested.

Brian Hutchins (HORSE POWER):

I represent HORSE POWER, a nonprofit organization that receives fees from special license plates.

I am submitting a letter today ([Exhibit C](#)) from and on behalf of the HORSE POWER charitable organization.

HORSE POWER apologizes for not catching this bill in the Assembly before it was heard in committee. I have spoken to the sponsor this morning and alerted him to our situation.

HORSE POWER generally supports this bill and any reasonable laws which promote integrity and disclosure by those entrusted with special license plate fees. Assemblyman Wheeler is correct that transparency and accountability are needed.

HORSE POWER would primarily like to correct the record regarding the testimony on A.B. 189, which began in the Assembly and focused on HORSE POWER. The letter, [Exhibit C](#), addresses those concerns. Unfortunately, some of the oral and written testimony that was provided in the Assembly was inaccurate and outdated. HORSE POWER complies with State and federal laws regarding nonprofit organizations. HORSE POWER wants to make the record clear that some of the allegations during the Assembly meeting were inappropriate. HORSE POWER appreciates the opportunity to correct the record regarding A.B. 189.

Many State and federal laws do require disclosure of financial records by those receiving special license plate fees. There must be annual submissions of the balance sheet, a bank statement, and a list of officers.

Nevada Revised Statute (NRS) 82.392 requires nonprofits that are soliciting charitable contributions to file a financial report and other information with the Secretary of State, all of which is public record. The 501(c)(3) organizations must file form 990 annually with the federal government and this form is available online.

As a lawyer and not on behalf of HORSE POWER, I have serious concerns with the breadth and vagueness of Section 4 of A.B. 189. I am willing to help in any way possible to correct the issue.

Section 4 states that all records of the charity receiving special license plate fees and of any person receiving money from the charity related to the receipt or the use of the money are public records and available for public inspection as provided in in chapter 239 of NRS.

I do not claim to be an expert in public records law. I was with the Attorney General's office for 25 years and dealt with the law quite a bit. The requirements in section 4 appear to be unprecedented, and I am not aware of any other nongovernmental entities covered by a similar law. Most statutes relate to governmental agencies, which charitable organizations are not.

Section 4 of the bill states the records are open as provided in chapter 239 without any distinctions or explanations. This bill does not state that charitable organizations are now considered what is called "governmental entities," and "governmental entity" is the language that is used in chapter 239.

Nevada Revised Statute 239.010 states except as otherwise provided in other statutes and unless as otherwise declared by law to be confidential, all public books and records of a governmental entity must be open at all times during office hours to inspection by any person. The exception statutes do not exempt personal information of charitable organizations or those who receive funds from them. No law states that a charitable organization must maintain office hours.

Nevada Revised Statute 239.0107 focuses on the procedure for requests for inspection, but that is directed to requests to governmental entities, which charitable organizations are not. It requires a response by the fifth day of the receipt of a request by a governmental entity.

Another statute in NRS 239 governs applications to the court for an order to allow inspection of a record in control of a governmental entity. Another statute, 239.0113, speaks to the burden of proof in a court battle and states that the governmental entity having control of the records has the burden of proof.

Nevada Revised Statute 239.030 states that every officer having custody of public records shall furnish copies that are certified to be correct to any person who requests them and pays or tenders such fees as may be prescribed for the service of copying and certifying. The people working for charitable organizations are not government officers.

Section 4 of A.B. 189 will engender several difficult situations: confusion as to what is a record related to the receipt or use of license plate fee proceeds; issues as to what can be claimed as confidential, especially when there is no law which exempts personal information a charity or a person receiving money may have; and confusion as to how to ask for copies, when they must be made available, and what fees can be charged could occur. There is potential for harassment and litigation over these issues and additional costs to the affected charitable organizations to respond to requests. I suggest the Committee and the Legislature as a whole consider these issues and work to rectify them. I am willing to provide any assistance needed. I believe this is a problem and the Legislature really does not want to engender all of these issues.

Senator Gustavson:

Are you testifying in support of the bill, opposition of the bill or neutral position with amendments?

Mr. Hutchins:

I am testifying in general support of the A.B. 189. My major concerns are only with the one section regarding making these records public and the problems that it would engender.

Senator Gustavson:

Is there any testimony in support, opposition or neutral to A.B. 189?

Assemblyman Wheeler:

I believe A.B. 189 overall is a good bill that will give transparency to the charitable organizations as much as a government entity. When talking about office hours, for instance, A.B. 189 does not lay out office hours. If the charitable organization's office hours are from 8 a.m. to 8:15 a.m., those are its office hours. I do not believe that chapter 239 has that much of an affect.

Any charitable organization that receives funds through our government must be as transparent as any government entity. I am willing to listen to any suggestions, but would like to talk to the Legal Division before any amendments are added.

As I have stated before, this is about policy not politics, and we need to make sure this is done right without putting a burden on any organization. By the same token, any charitable organization receiving funds from the public through

a government entity, such as the Department of Motor Vehicles (DMV), needs to be as transparent as any government entity.

Senator Gustavson:

Hearing no further discussion, I will close the hearing on A.B. 189 and open the hearing on A.B. 131.

ASSEMBLY BILL 131 (1st Reprint): Revises provisions governing the Department of Motor Vehicles and registration under the Selective Service System. (BDR 43-624)

Assemblyman Philip (P.K.) O'Neill (Assembly District No. 40):

Thank you, Senator Gustavson and members of the Committee. I am pleased to introduce A.B. 131 for your consideration.

Assembly Bill 131 revises the procedures by which certain males are registered by the DMV with the Selective Service System (SSS) as required by federal law. When a male citizen or immigrant between the ages of 18 and 26 applies to the DMV for a driver's license, commercial driver's license, identification card, instruction permit, restricted license or special restricted license, or for a duplicate or renewal or reinstatement of such a license, permit or card, he may authorize the Department to register him with the SSS.

Under the provisions of A.B. 131, solely submitting an application to the DMV for one of these licenses or permits authorizes the DMV to register the male citizen or immigrant with the SSS. Additionally, the application for these licenses or permits must inform the applicant that submission of the application indicates that the applicant has either registered with the SSS or that he is authorizing the DMV to forward the necessary information to the SSS for such registration, unless the applicant has checked the box on the application indicating that he is not required to register pursuant to federal law. This is detailed out in sections 1 through 3 of A.B. 131.

An amendment proposed by DMV was made to A.B. 131 removing the fiscal note and provides the applicant with an option to indicate on the application that he is exempt from registration. Both amendments were accepted as friendly and have been incorporated into A.B. 131.

Over the past 3 years, young men in Nevada lost \$5.2 million in potential benefits because they forgot or failed to register with the SSS. Many young men, especially the disadvantaged, those who have fallen out of the mainstream, men of color and immigrants, fail to register with the SSS and learn later that they have been denied valuable benefits that would have otherwise helped them attain the American dream. These benefits include federal employment, including the U.S. Postal Service, federal and State student financial assistance, participation in federally funded job training programs and eligibility for U.S. citizenship for immigrants.

Nevada's voluntary registration program ranks 48 out of 54 including the District of Columbia and U.S. Territories. Twenty-seven other states have implemented this type of automatic registration system. In 2011, Texas went from voluntary to automatic registration and has gone from approximately 47 percent compliance to 87 percent compliance.

The State Director of the SSS, Brigadier General Francis (Frank) Gonzales, U.S. Army Retired is available in Las Vegas to answer any specific questions the Committee may have regarding A.B. 131.

I encourage and appreciate your support for this valuable legislation.

Senator Denis:

Are there any individuals getting driver authorization cards, who would not be able to register for the SSS because of their immigration status?

Assemblyman O'Neill:

An illegal immigrant who is requesting a driver's status can gain citizenship if he complies and registers with the SSS. This is part of the path to U.S. citizenship for the immigrant. If the immigrant fails to register, he could be prevented from receiving U.S. citizenship.

Senator Denis:

Are the illegal immigrants required to register with the SSS?

Assemblyman O'Neill:

If an immigrant fails to register with the SSS, he cannot attain U.S. citizenship.

Senator Denis:

Can they still apply to the SSS when they apply for citizenship when the opportunity is given to them?

Assemblyman O'Neill:

An immigrant can only apply between the ages of 18 and 26. If he tries to apply at 26 years old plus 1 day, he would be prevented from U.S. citizenship.

Senator Denis:

Are there any immigrants between the ages of 18 and 26 who could not register with the SSS?

Assemblyman O'Neill:

Yes, the handout, ([Exhibit D](#)), identifies who must register and who would be exempt. Good examples would be those in the United States on diplomatic passports do not have to register, or students on student visas. I would like the General to relay any additional information.

Frank Gonzales (State Director, Selective Service System):

[Exhibit D](#) specifies who is exempt from registration in the SSS. The focal point is that most Americans do not realize they need to register, and the registrations are not being done. Later in life when they apply for benefits, they have to go through an extreme legal process to receive their benefits. We are hoping to remedy this situation with A.B. 131.

Mr. Yarbrough:

I represent over 8,000 veterans of foreign wars in the State and all of the other thousands of veterans from organizations like the Disabled American Veterans, the American Legion, the Purple Heart Association and many more that are all part of the United Veteran's Legislative Counsel. We support A.B. 131 because we recognize the tragedy that happens with the exuberance of youth. It is completely unacceptable for the youths of this State to lose these benefits. These opportunities can make or break some of our potential soldiers, and we want to make sure this does not happen.

Mr. Brown:

I support A.B. 131 to protect the young men who have the potential to serve in the United States military or not. This will prevent them from being denied benefits if they do not register.

Terri L. Albertson, C.P.M., Administrator (Division of Management Services and Programs, Department of Motor Vehicles):

The DMV is neutral on A.B. 131. The DMV worked with the bill's sponsor to propose friendly amendments that removed the fiscal note.

Senator Gustavson:

Assemblyman O'Neill do you have any closing remarks?

Assemblyman O'Neill:

Thank you for allowing me to present A.B. 131. I will be available for any further questions and I appreciate your consideration and passage of A.B. 131. This bill will provide an excellent service to a variety of individuals who would otherwise suffer serious repercussions if they do not comply and fulfill their SSS requirements.

Senator Gustavson:

Are these same opportunities available for women?

Assemblyman O'Neill:

This is an issue with the federal government. At this time, the federal law only requires males between the ages of 18 and 26 to register for the SSS. I cannot say for sure, but I would suspect that over the next several years, they would include females since they are allowed full service rights.

Senator Gustavson:

I will close the hearing on A.B. 131 and open the hearing on A.B. 143.

ASSEMBLY BILL 143 (1st Reprint): Authorizes electronic verification of motor vehicle insurance. (BDR 43-28)

Assemblyman Richard Carrillo (Assembly District No. 18):

Assembly Bill 143 will allow a person to present proof of insurance using his or her portable electronic device such as a cell phone or tablet computer.

Just after the 2013 Session, a friend and constituent was in a crash on the northbound I-95 freeway between Russell Road and Tropicana Avenue in Las Vegas. One of the tires on the constituent's car had separated while driving in the far left lane and the car struck the median, spun out across three lanes of traffic and came to rest on the opposite side of the road against the concrete

barrier. Slide 2 of the presentation ([Exhibit E](#)) shows the constituent's totaled car. The constituent was lucky. She walked away from the crash without major injuries. Slide 3 of [Exhibit E](#) shows the separation of the tire causing the crash.

The Nevada Highway Patrol (NHP) arrived on the scene. Due to the crash, the glove compartment opened sending the contents throughout the car. This caused the constituent to be unable to provide proof of insurance to the NHP officer. She was cited for not having proof of insurance at the time of the crash. Had the constituent been able to access her proof of insurance via her cell phone, she would not have been cited or had to take time off work and go to court to provide proof of insurance. This was in addition to the 5 days the constituent was off recuperating from the crash. This may not be a big deal for some, but taking time off for something as inconsequential as a piece of paper is a big deal for many.

Assembly Bill 143 will allow people to provide proof of insurance via their insurance company's app or as a photo on the phone, as shown on slide 8 of [Exhibit E](#). To me this is common sense. Most people possess this technology, why not have it available electronically as 25 other states are already doing successfully. The states that are allowing electronic insurance verification are Alaska, Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Minnesota, Mississippi, North Dakota, Oregon, Tennessee, Texas, Utah, Virginia, Washington, and Wyoming.

Slide 6 of [Exhibit E](#) shows what the app would look like on a cell phone. This does not replace the insurance paper; it is in addition to. It gives the option to show the proof of insurance on either a cell phone or the piece of paper. Slide 8 of [Exhibit E](#) shows a screen shot of what would be shown to the officer for proof of insurance.

Senator Denis:

You stated that the insurance copy is still required in paper form to be in the vehicle, but you can show the electronic version. In the example of the constituent not being able to find the paper copy, would it suffice to have only the electronic version if there is no paper copy in the vehicle?

Assemblyman Carrillo:

There are still people who may not have smart phones or the phones are not able to pull up the apps showing their proofs of insurance. The paper copy would still be recommended to be in the vehicle. Assembly Bill 143 does not eliminate the paper copy; it gives individuals another opportunity to be able to provide proof of insurance when required.

Senator Denis:

So, the individual can do one or the other, they do not have to do both?

Assemblyman Carrillo:

That is correct; the individual would be able to show proof of insurance in either form. Assembly Bill 143 just adds the electronic verification to statute.

Senator Denis:

When I show proof of insurance on my phone, will the officer take the phone away and bring it back 5 minutes later?

Assemblyman Carrillo:

This question was asked during the Assembly hearing and this is a concern. Therefore, section 2, subsection 2 was included and states the evidence of insurance provided by the driver of a vehicle upon demand of the peace officer is in an electronic format displayed on a mobile electronic device. The peace officer may view only the evidence of insurance and shall not intentionally view any other content on the mobile electronic device.

I do not know a reason why an officer would need to take the phone back to his or her car. The only other way it could possibly be safeguarded would be to add that the cell phone or electronic device does not leave the presence of the individual.

Senator Denis:

It could be possible that a peace officer would want to get information on an individual, and all he or she would have to do is find cause to pull the individual over and request proof of insurance. If the individual has the proof of insurance electronically, the peace officer could look through the phone for other evidence.

Assemblyman Carrillo:

This should not be used as a tool to get information about the individual for something else.

Senator Gustavson:

Section 2, subsection 2 states, "not intentionally." Is this what you are looking for?

Assemblyman Carrillo:

In looking at section 2, subsection 2, if the peace officer unintentionally saw information that was not proof of insurance, the officer would not have a case. If the peace officer intentionally looks for information on the phone, then the officer is performing an illegal search.

Senator Gustavson:

Section 2, subsection 2, states the peace officer may view only the evidence of insurance and shall not intentionally view any other content on a mobile electronic device. Generally, during traffic stops, drivers' licenses and insurance certifications are taken back to their vehicles, usually to fill out citations. I will ask law enforcement to verify.

Senator Denis:

Does the proof of insurance on a mobile device have to be in a certain format?

Assemblyman Carrillo:

The proof of insurance does not have to be through an app on the phone. The proof of insurance can be a photo of the insurance card, but it has to be legible for the officer to see the name, vehicle and vehicle identification number. With Nevada LIVE, the officer already knows if an individual has insurance. By statute, the individual must show the officer there is proof of insurance in the car.

Senator Gustavson:

Section 1, subsection 5, paragraph (d) states, "may file or provide electronic evidence of that insurance." Sometimes the paper is only a copy, not the original. As long as all of the information is on the copy or electronic image, will the officer accept this as proof of insurance?

Assemblyman Carrillo:

Assembly Bill 143 will allow the individual to have another option to show proof of insurance.

Senator Gustavson:

This is just another tool that can be used by drivers. I also understand the concern of the officer taking the phone back to his or her vehicle. The officer could check to see if you were talking on the phone. We do not want the officer to have the ability to that. If the officer takes the phone back to his or her vehicle, how does the driver know what the officer is looking at?

Assemblyman Carrillo:

This is a good question. We are hopeful we can get law enforcement to verify the process. I can also verify with the other states to see if there is any information addressing this issue.

Senator Gustavson:

It is understood this is a new technology and idea; I am just playing the devil's advocate because these questions will come up later.

Senator Manendo:

If you hand over your smart phone to an officer to show proof of insurance, I assume they would have to take it back to the vehicle, just like they do a piece of paper. If you are handing the officer the phone because you do not have the piece of paper, are you giving the officer consent?

Senator Gustavson:

This would be a choice an individual makes. I would like law enforcement to clarify some of the questions, please approach the table.

Eric Spratley (Lieutenant, Sheriff, Washoe County):

The Washoe County Sheriff's Office is in support of A.B. 143. We provided the amendment that says, "if law enforcement intentionally views." If the other amendments being discussed were imposed, we would be in opposition to A.B. 143.

The last paragraph of the Legislative Counsel's Digest states a violation of this prohibition would be punishable as a misdemeanor under existing law. Therefore, if an officer takes the device back to his car to write the citation,

checks the call history on the device and sees that the driver was on the phone or texting, that would be a violation of law on the part of the officer. The officer could not use that information to issue a citation. Similarly, if the officer did go through the device and found evidence of a crime and intentionally viewed content on the device and tried to use it as evidence of a crime, the officer would not be able to move forward with the information. This comes down to the intent of the officer who is viewing the information on the device. The officer is only supposed to view the electronic proof of insurance.

In a traffic stop, the most dangerous place for an officer is away from his vehicle standing by the violator's vehicle with cars and trucks going by. Therefore, the officer usually gets the driver's license, registration and proof of insurance and goes back to the car and writes the citation. It is probable the officer just views the evidence of insurance to verify the dates are correct, matches the vehicle being driven and hands the device back to the driver, then fills out a citation.

I also want to bring up the written or electronic report of an accident. This is NHP Form 5 that is filled out. *Nevada Revised Statute 484E.070*, subsection 3, requires the name and address of the insurance company providing the coverage to each person involved in the accident, the number of each policy, and beginning and ending dates of the policy. This information needs to be transferred to the Form 5, so this information would need to be copied from the device due to the amount of information required.

Senator Denis:

Is it true that Nevada LIVE gives the officer information as to whether the car has insurance or not?

Lieutenant Spratley:

Yes, I believe this is true. Dispatch will inform the officer if the registration is suspended or not because of no insurance. I do not believe the officers can pull that information up on the mobile data terminals in the police cars.

Senator Denis:

Since the officer cannot pull up that information, would the officer have to write the insurance information from the card?

Lieutenant Spratley:

Yes, that is correct.

Chuck Callaway (Metropolitan Police Department, City of Las Vegas):

The Las Vegas Metropolitan Police Department (LVMPD) is in support of A.B. 143.

Assembly Bill 143 allows police officers to use modern technology and is a win-win-win for the citizen, for the law enforcement and for the courts.

To address some of the concerns brought up by the Committee, there is caselaw that has outlined search and seizure, the Fourth Amendment to the U.S. Constitution and the invasion of privacy, and when it is appropriate for law enforcement to access an individual's digital device. The policy would be updated in regard to checking an individual's insurance information stating the officer is not allowed to access any other information on the device.

The LVMPD fired an officer for taking photographs off a device on a traffic stop without permission. This is taken very seriously, and the department policy can address many of the concerns the Committee has mentioned. I would be hesitant to put in the language of A.B. 143 that the officer can never take the phone from the citizen or the citizen cannot hand the phone to the officer. There could be times where that is the appropriate thing to do. I envision that if A.B. 143 passes, the LVMPD would encourage our officers to write the information from the phones in the presence of the driver prior to going back to their vehicles to fill out the citations or accident reports. There is information from the insurance cards that the officers need to write on the reports they fill out.

Senator Manendo:

Is it considered consent when an individual hands the phone to the officer?

Mr. Callaway:

I believe this is giving the officer consent to look at the insurance information only on the device, not consent to look at any other information on the device.

Senator Manendo:

What was the situation where the officer was fired for obtaining information from the phone?

Mr. Callaway:

I do not remember all of the circumstances surrounding the event. I believe it was a traffic stop. When the officer took possession of the phone, it touched his phone and it transferred the photos from the citizen's phone to the officer's without the consent of the citizen. When the citizen reported the incident, an investigation was conducted and the officer was terminated.

Robert Roshak (Nevada Sheriffs' and Chiefs' Association):

The Nevada Sheriffs' and Chiefs' Association supports A. B. 143. This bill would afford an individual the opportunity to use technology. With regard to the question of taking a picture of the certificate, all an individual is required to do is provide the proof of insurance. A picture of the card would be just as good as a photocopy an individual gets from emails.

Lisa Foster (Allstate Insurance Company; American Family Mutual Insurance Company):

Allstate Insurance and American Family Insurance support A.B. 143. This is a modern convenience insurance companies offer. Insurance companies would like to have the digital information legally recognized in Nevada.

Senator Gustavson:

Do these companies already have the technology to offer the digital apps to individuals?

Ms. Foster:

Yes, that is correct.

Jeanette K. Belz (Property Casualty Insurers Association):

The Property Casualty Insurers Association (PCI) member companies write about 42.3 percent of personal auto insurance policies in Nevada and are in support of A.B. 143. The PCI has submitted a letter ([Exhibit F](#)) in this regard.

Sean P. McDonald, M.B.A. (Administrator Division of Central Services and Records, Department of Motor Vehicles):

In clarification, the DMV already accepts the digital version of proof of insurance for registration purposes.

Senator Gustavson:

Assemblyman Carrillo, do you have any closing remarks?

Assemblyman Carrillo:

Thank you, Senator and Committee members, for hearing A.B. 143.

Senator Gustavson:

I will close the hearing on A.B. 143 and open the hearing on A.B. 204.

ASSEMBLY BILL 204 (1st Reprint): Revises provisions governing motor vehicle licensing. (BDR 43-571)

Assemblyman Carrillo:

Thank you, Senator Gustavson and Committee members, for allowing me to present A.B. 204.

I would like to start with a little history. In 1817, the first school for disabled children in the western hemisphere was founded in Hartford, Connecticut. Fifteen years later, the Perkins School for the Blind admitted its first two students. In 1869, the first wheelchair patent was registered with the U.S. Patent Office. In 1933, Franklin Delano Roosevelt was sworn into office as the President of the United States, becoming the first President with a significant disability. In 1963, South Carolina passed its first statewide architectural access code. In 1978, disability rights activists staged a sit-down blocking several Denver Regional Transit District busses to protest the complete inaccessibility of that city's mass transit system. In 1990, the Americans with Disabilities Act was signed into law.

All these issues have one thing in common; they were about accessibility. Assembly Bill 204 is also about accessibility. Anytime an able-bodied person fraudulently utilizes a parking placard, that person is potentially eliminating another person's access. These parking areas are put aside for the individuals with legitimate disabilities, not as a privilege, but as a necessity for citizens with disabilities to have access.

Assembly Bill 204 is in response to those who use a relative's, a friend's or even a stolen parking placard even when the placard holder is not present. Assembly Bill 204 was originally introduced with the intent of having a picture on the placard but was amended due to the monetary concerns.

Any time a person receives a placard or has handicapped license plates, the person is given an authorization letter from the DMV. This letter has to accompany the placard, so the person using the placard is not in violation of law.

As shown on page 5 of the handout ([Exhibit G](#)), a photo would be added to the letter of authorization for a Nevada disabled license plate, placard or sticker. The purpose of the photo is to prevent fraudulent use of the existing placard.

Senator Denis:

Who actually would be looking at the letter?

Assemblyman Carrillo:

It would be either law enforcement or the volunteers working under law enforcement.

Senator Manendo:

It is my understanding the volunteers you are referencing do not initiate any confrontations. If the volunteer does not see any identification on the vehicle parked in a handicapped spot, the volunteer will issue a citation. If it was LVMPD issuing a citation, the officer could ask for the authorization letter to verify that the picture corresponds with the driver.

Ms. Albertson:

The DMV worked with Assemblyman Carrillo on friendly amendments to A.B. 204. The amendments eliminate the fiscal note.

Senator Denis:

Does the letter that accompanies the placard have to be an original?

Ms. Albertson:

No, it does not have to be an original. The individual is allowed to make as many copies of the letter as he or she chooses.

Senator Gustavson:

Would it be mandatory to have the letter with the photograph on it?

Senate Committee on Transportation
April 28, 2015
Page 22

Ms. Albertson:

It is statutorily required that the individual has the authorization letter accompany the placard.

Senator Gustavson:

The hearing on A.B. 204 is now closed. There being no public comment or further business, the meeting is adjourned at 10:06 a.m.

RESPECTFULLY SUBMITTED:

Tammy Lubich,
Committee Secretary

APPROVED BY:

Senator Don Gustavson, Vice Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	7		Attendance Roster
A.B. 189	C	2	Brian Hutchins, / HORSE POWER	Letter
A.B. 131	D	3	Assemblyman O'Neill	Handout
A.B. 143	E	11	Assemblyman Carrillo	Presentation
A.B. 143	F	1	Jeanette K. Belz, / Property Casualty Insurers Association of America	Letter
A.B. 204	G	5	Assemblyman Carrillo	Handout