

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GROWTH AND INFRASTRUCTURE**

**Eightieth Session
May 2, 2019**

The Committee on Growth and Infrastructure was called to order by Chair Daniele Monroe-Moreno at 1:59 p.m. on Thursday, May 2, 2019, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Daniele Monroe-Moreno, Chair
Assemblyman Steve Yeager, Vice Chair
Assemblywoman Shea Backus
Assemblywoman Shannon Bilbray-Axelrod
Assemblyman Richard Carrillo
Assemblyman John Ellison
Assemblyman Glen Leavitt
Assemblywoman Rochelle T. Nguyen
Assemblyman Tom Roberts
Assemblyman Greg Smith
Assemblyman Howard Watts
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Moises Denis, Senate District No. 2

STAFF MEMBERS PRESENT:

Michelle L. Van Geel, Committee Policy Analyst
Jessica Dummer, Committee Counsel
Lori McCleary, Committee Secretary
Alejandra Medina, Committee Assistant

Minutes ID: 1083



OTHERS PRESENT:

Tina Quigley, Chief Executive Officer, Regional Transportation Commission of Southern Nevada
Scott Scherer, representing Regional Transportation Commission of Southern Nevada
Danny Thompson, representing Operating Engineers Union, Local 3 and 12
Bill Wellman, representing Nevada Economic Development Coalition
Paul J. Moradkhan, Vice President, Government Affairs, Las Vegas Metro Chamber of Commerce
Tyson K. Falk, representing Nevada State Apartment Association; and Tow Operators of Northern Nevada
Michael Baumbach, Owner, Milne Towing Services, Sparks, Nevada
Drew Ribar, Director, A&A Towing, Inc., Reno, Nevada
April Sanborn, Services Manager III, Division of Management Services and Programs, Department of Motor Vehicles
Tessa Laxalt, representing Nevada Trucking Association
Bryan Wachter, Senior Vice President, Retail Association of Nevada
Denise M. Inda, Chief Traffic Operations Engineer, Traffic Operations Division, Department of Transportation
Joey Cruz, Private Citizen, Las Vegas, Nevada
Milagros Lozada, Private Citizen, Las Vegas, Nevada

Chair Monroe-Moreno:

[Roll was called. Committee rules and protocol were explained.] While we are waiting for Senator Denis, we will go out of order. I will open the hearing for Senate Bill 426.

Senate Bill 426: Revises provisions related to transportation. (BDR 22-686)

Tina Quigley, Chief Executive Officer, Regional Transportation Commission of Southern Nevada:

Today we are presenting Senate Bill 426, which will extend the time the Regional Transportation Commission of Southern Nevada (RTC) has to seek the ballot question initially authorized by Senate Bill 149 of the 79th Session. This extension will provide the RTC with flexibility, if needed, to complete the RTC's mobility plan, On Board, and will provide the RTC with the ability to continue to explore innovative, advanced, and cost-efficient transportation methods to help meet our community's transit needs.

I would like to turn the time over to Mr. Scherer, who will explain the technical elements of the bill and answer any questions you might have on the bill language.

Scott Scherer, representing Regional Transportation Commission of Southern Nevada:

This is maybe one of the least technical bills we have ever presented. It changes the year from 2020 to 2024 in section 1, subsections 4 and 5. Last session, the Assembly Committee on Transportation considered and approved Senate Bill 149 of the 79th Session that authorized the RTC to build the high-capacity transit projects. It also authorized the RTC to

recommend to the county commission a possible tax increase to be voted on by the people to fund some of those high-capacity transit projects.

The current law, which was passed in S.B. 149 of the 79th Session, requires that the ballot question specifically identify the rate of the tax, the duration of the tax, and the projects and their locations that will be funded by the tax. The RTC could not make such a recommendation to the county commission after December 31, 2020. This bill would simply allow us to have until 2024 to make such a recommendation.

There still must be a vote of the people and there can only be one vote of the people, so this bill does not change that. I would be happy to answer any questions.

Chair Monroe-Moreno:

Are there any questions from the Committee? [There were none.] It is a pretty straightforward bill. We are just extending the date. This is legislation that we passed last session. I will open the hearing for testimony in support of S.B. 426.

Danny Thompson, representing Operating Engineers Union, Local 3 and 12:

I am a longstanding member of the Transportation Resource Advisory Committee (TRAC) with RTC. We have \$6.7 billion worth of unfunded projects that we need to look at. We have done that and we have prioritized them. As you all know, there is not always enough money to go around to solve those problems. This will allow us the flexibility to have innovative solutions to those problems. Anyone who drives down Eastern Avenue in Henderson, or some of the other roads in Las Vegas, you know what I am talking about. We had the orange cone debate, we have Project Neon done, but we still have many challenges ahead. We would urge you to give us this flexibility.

Bill Wellman, representing Nevada Economic Development Coalition:

The Nevada Economic Development Coalition is the coalition that brought you Question 5 [Nevada Solar Rate Restoration Veto Referendum] in 2016 for the critical needs of Clark County and the infrastructure improvements. This will obviously help to support the fix that fuel revenue indexing did in 2016. I think most of you from southern Nevada recognize those benefits. We urge your support of this bill.

Paul J. Moradkhan, Vice President, Government Affairs, Las Vegas Metro Chamber of Commerce:

I am also a member of the TRAC with RTC. The Las Vegas Metro Chamber of Commerce is in support of S.B. 426. We believe providing RTC the additional flexibility will be important as they develop the best mobility plan for our region for both employers and employees in southern Nevada.

Chair Monroe-Moreno:

Is there any further testimony in support of S.B. 426, either here or in Las Vegas? [There was none.] Is there anyone present who would like to testify in opposition to the bill? [There was no one.] Is there anyone present who would like to testify as neutral to the bill? [There was no one.] Are there any closing remarks from the sponsor? [There were none.] I will close the hearing on Senate Bill 426. I will be stepping out to present two bills in another committee. I will turn this hearing over to Assemblyman Yeager.

[Assemblyman Yeager assumed the Chair.]

Vice Chair Yeager:

I will open the hearing for Senate Bill 212 (1st Reprint) and welcome Senator Denis to the table.

Senate Bill 212 (1st Reprint): Revises provisions relating to the notice required before towing a motor vehicle from a residential complex. (BDR 58-373)

Senator Moises Denis, Senate District No. 2:

In *Nevada Revised Statutes* (NRS), what we know as "tow trucks" are called "tow cars." Tow cars in Nevada are regulated primarily by the Nevada Transportation Authority (NTA) with relevant provisions located in NRS Chapter 706. Pursuant to federal law, towing services are divided into two categories. The first category is what is known as consensual towing services where a tow car tows a vehicle at the request of the vehicle owner or insurance company. This type of tow occurs when the vehicle is stuck on the side of the road and a tow truck is called or if there is an accident. Such towing services are primarily regulated through federal regulations. The NTA has limited jurisdiction over that type of tow.

The second category of towing is known as nonconsensual towing, which is when someone other than the owner of the vehicle requests the tow. This type of tow happens when a vehicle is illegally parked or abandoned. The operator of a tow car who wants to do that type of tow has to obtain a certificate of convenience and necessity from NTA, which is a license that allows nonconsensual tows. The rules and regulations in existing law for the nonconsensual tows are the subject of this bill.

Last session, I sponsored a bill for a constituent, Senate Bill 320 of the 79th Session, which was passed by the Legislature and signed by the Governor. The measure set forth conditions related to nonconsensual tows of a motor vehicle from a residential complex. Those conditions require that the owner of the real property, or an authorized agent of the owner, may only have a vehicle towed for a parking violation, for an issue related to the health, safety, or welfare of the residents of the complex, or because the vehicle is unregistered or the registration on the vehicle is expired. A vehicle may not be towed until 48 hours after affixing a notice to the vehicle which explains when the vehicle is to be towed, unless the tow is requested for the health, safety, and welfare of the residents in the complex.

The reason I brought the bill last session was because a constituent who lived in my district in an apartment complex went to the store to buy some groceries. He was an older gentleman. When he came back to the apartment complex, he parked backwards in his stall to get the groceries out of the trunk. He forgot that he was parked backwards. There was a rule at the complex that vehicles cannot be parked backwards. A couple of hours later he realized he had forgotten to move his vehicle and when he went to do it, his car had already been towed. He called me and asked if there was something that could be done because he did not think that was fair.

We did some research and what we did with the bill was, if an owner is parked backwards in the stall, something must be affixed to the vehicle explaining the noncompliance; 48 hours later, the vehicle can be towed. That at least gives owners the opportunity to correct the problem so the vehicle is not towed. In my district, there are many older folks and sometimes they forget and do those kinds of things. This gives them a chance to fix the issue.

For some people, it may not be a big deal to get their car towed. However, it costs \$300 to get the vehicle back. In my district, if someone gets their car towed and has to pay \$300, what that really means is they have lost their job—not only can they not afford the \$300, they will lose their job because they cannot get to work. In the bill, we did not specify that the vehicle could not be towed, but to give the owners a little more time.

On the registration piece of the bill, there were other folks whose registration was coming up. They had sent the registration fee in but had not received the sticker, so it went from one month to the next. What happens is some of these tow operators will actually troll some of the apartment complexes to look for that to tow the car. In many cases, they do not have the ability to check to see if the vehicle is actually registered. If they could look it up, they would know the vehicle is registered.

On the registration, I really only wanted to give owners 30 days, but I was told in order to really catch that issue where it goes from one month to the next, it has to be 60 days. The registration could expire on the last day of the month; the money is paid on the last day; and the registration may not come for a few weeks. It may be very close to that 30 days, so we increased it to 60 days.

This worked great for my constituents and those folks who had the same issues. But it also became a great thing for the students at the University of Nevada, Reno (UNR) who realized they could park in any apartment complex across the street from UNR and the car would not be towed for 48 hours. That basically means the students get free parking all year. That was not the intent of the bill. I brought this bill to fix that issue, to make sure it is working for the right people and not the ones who are unintended.

I am presenting Senate Bill 212 (1st Reprint), which is a continuation of those conditions involving the nonconsensual tow of a motor vehicle from a residential complex. First, the bill allows the tow operator to affix the notice to a motor vehicle as the authorized agent of the owner of the property if they have entered into an agreement for that purpose. That is important because the tow operators felt they were not the agent and could not affix the sticker. It had to be the manager of the apartment complex, which was problematic because the manager could not always go out and do it. This will allow the tow operator to affix the sticker.

Section 1 of the bill also provides some exceptions to the requirements to provide notice and allows the vehicle to be towed immediately when a notice was previously affixed to the vehicle. On the original bill, if a vehicle was parked in a red zone, in front of a fire hydrant, or in front of someone else's parking spot—things that are safety issues—the vehicle can be towed right away. We did not change that part. Currently, for any issue related to health and safety of the residents of the residential complex, notification of the vehicle's owner 48 hours prior to towing is not required.

Section 1, subsection 2, paragraph (b), subparagraph (4), sub-subparagraph (II) of this bill adds, "which may include, without limitation, if the vehicle is parked in a space that is clearly marked for a specific resident or the use of a specific unit in the residential complex."

Lastly, I would like to note that in the Senate we amended the bill to an internal reference as a technical correction. Now, if a violation occurs three or more times during a six-month period, the vehicle can be towed immediately. If the same violation occurs over and over, the vehicle can be towed. This will fix the issue of when UNR students park in the complex two days in a row.

That concludes my presentation. I am happy to answer any questions. I also have technical help here with me.

Vice Chair Yeager:

Are there any questions from the Committee?

Assemblyman Carrillo:

My question relates to the three or more violations. Is it up to the property manager to keep track of the violations? If someone from UNR parks in the complex, would they get three notifications? Do they have to be notified that these are subsequent violations and with the third violation, the vehicle will be towed without notification?

Senator Denis:

Yes, it will be kept track of. A sticker will be affixed every time so the owner is notified.

Assemblyman Carrillo:

I live in a gated community. Every first Tuesday of the month they clean the streets and if any residential vehicles are parked in the street, it is an automatic tow. If those vehicles are towed on street cleaning day, is that a violation of the 48-hour notice? My community does have a contracted tow driver who comes through. They are very prompt. As you said, this could be the difference between someone losing his or her job if the vehicle is towed. Does this apply to a community that has street cleaning and a vehicle was towed without the 48-hour notice?

Senator Denis:

The simple answer is no. It only applies to residential apartment complexes.

Assemblyman Roberts:

It was my experience that we had a lot of challenges with tow companies over the years. Your bill last session fixed the issues, and this bill tends to dial it back a little bit. You indicated the information would be retained for prior offenses and subsequent offenses. Would NTA have the ability to review that information if there were ever any complaints? Would it be covered in any other records that the tow company is required to maintain?

Tyson K. Falk, representing Nevada State Apartment Association; and Tow Operators of Northern Nevada:

The NTA actually has complete jurisdiction. The NTA can go in at any time to any tow operator's office and look at their books. That is within their purview. All those records would be subject to law enforcement or whoever wants to open the books for compliance purposes.

Assemblyman Ellison:

There are a lot of smaller apartment complexes around with only 14 to 18 units that do not have designated parking spots. They have friends show up and maybe their car breaks down. The manager cannot get the owner to move the vehicle so they usually call the police. The police mark the tires and after about a week they call for a tow truck because they cannot find the owner. Would this bill affect that, because they are legally not in a tenant's parking space?

Tyson Falk:

There does not necessarily have to be a designated parking area. The important part is, if there are rules associated with the parking, then individuals have to follow the rules. This would not change that one way or another. If individuals are breaking the rules of the apartment complex, regardless of the size, the vehicle cannot be towed for 48 hours. If a friend came over, parked in the wrong spot, and a sticker was affixed, they would have to wait 48 hours to tow. I think it works along with that situation, but the way the law is currently, it does not change that.

Assemblyman Leavitt:

This affects any zone that is marked. If an apartment complex has a 15-minute parking zone or a loading or unloading zone, would there be a 48-hour hold?

Senator Denis:

I think it would apply. If it is a handicapped parking area or a fire zone, those can be towed immediately. If there is a 15-minute parking or loading zone, they would get a sticker. The way I understand the bill, it could go 48 hours. What we are changing with this bill, if someone does that more than two times, it could immediately be towed.

Assemblyman Leavitt:

Perhaps an unintended consequence is if the apartment complexes change their strategy and start booting cars. I know where I went to school, if I parked in a visitor parking spot that had the notorious two-hour visitor sign, they would boot the car if it was over the two-hour limit. It would cost \$150 to get the boot off. Is there any unintended consequence that they may start booting the vehicles?

Senator Denis:

This bill does not deal at all with booting. In the bill that I brought last session, we actually amended something at the end because the Venetian Hotel wanted to be able to boot. They were the only hotel/casino that had free parking, so rather than having a tow truck, they wanted to boot the vehicles. We did change that last session. That does not apply to these residential complexes. It does not enable, or disable for that matter, the booting of vehicles.

Regarding your first question, if someone parked in a 15-minute zone, that would still apply and this bill does not change that.

Vice Chair Yeager:

Seeing no further questions, I will open the hearing for testimony in support.

Tyson Falk:

I would like to highlight a couple of reasons why the Nevada State Apartment Association sought clarification and modification to this law, particularly with regard to the towing of someone's car that is parked in a spot that is not their own. There is a liability exposure on behalf of the Apartment Association. If someone has been given a spot that is somewhat close to their apartment because of disability or mobility issues and they are not able to park in their spot because someone else was there—and 48-hour notice has to be given so they are not able to park in that spot for that time frame—the apartment complex could be subject to fair housing complaints. Any injury that might happen—or if the resident had to walk a certain distance—the apartment complexes could be liable. That is important from our perspective.

To clarify, tow operators can affix the sticker. Certainly, most property managers are not knowledgeable in determining whether a car is abandoned or chalking tires. That seems to be more under the purview of the tow operators.

We are in full support of the bill and will stand for any questions.

Vice Chair Yeager:

Are there any questions for Mr. Falk? [There were none.]

Michael Baumbach, Owner, Milne Towing Services, Sparks, Nevada:

I support S.B. 212 (R1) because it cleans up what was passed in S.B. 320 of the 79th Session. It does a good job of eliminating uncertainty, specifically if a resident has a marked parking space. The managers and tow companies were not sure if that vehicle could be towed immediately. If residents are paying extra for a parking space, they should be able to use it. This becomes more fair and restores the balance to the tow operator and property agreements. Being so close to UNR—I know the enrollment rises every year, as does the price of student parking passes. What also rises is the students' creativity to solve parking problems.

The residential properties around UNR get more and more swarmed with students who try to avoid paying those parking pass fees. I do believe the UNR yearly parking pass is upwards of \$500. The students were figuring out they could move their cars every day and would be okay without paying the \$500 for the entire year, to the detriment of the residents of the apartment complexes.

Drew Ribar, Director, A&A Towing, Inc., Reno, Nevada:

I have a unique perspective running my business. I see the challenges in the north and in the south. In southern Nevada, as Assemblyman Carrillo mentioned, predatory towing is a huge problem. Senator Denis was trying to fix that problem last session but it hurt some property owners, and it benefitted some people who were trying to pull things over on other people.

There are always people who come in at night and make mistakes where they park. We have all had bad days. If they mess up once or twice, we need to alter the behavior. When the behavior cannot be altered, I think this bill solves the problem by taking the problem away once they have been given a few notices. This should protect the people who own the cars and the people who own the property where the cars are parked. We are definitely in support of trying to make things work better and move forward.

Vice Chair Yeager:

Is there any additional testimony in support? [There was none.] Is there anyone present who would like to testify in opposition to the bill? [There was no one.] Is there anyone present who would like to testify as neutral to the bill? [There was no one.] Are there any closing remarks from the sponsor?

Senator Denis:

I need this Committee to pass this bill so I will stop getting threatening phone calls from the apartment owners who are having the issues with those students. I think this fixes the problem. Sometimes we pass legislation that has unintended consequences. I think this is a good try at fixing the issue. I appreciate the opportunity to present the bill to you today.

Vice Chair Yeager:

I will close the hearing on Senate Bill 212 (1st Reprint). I will open the hearing on Senate Bill 394.

Senate Bill 394: Revises provisions relating to rules of the road. (BDR 43-826)

Senator Moises Denis, Senate District No. 2:

Today I am presenting Senate Bill 394, which relates to traffic laws. Each legislative session we approve new traffic laws as well as amending existing traffic laws. Educating the public about new rules of the road ensures that our roads and communities are safe. I went to a safety conference during the interim. One of the things I started thinking about is that we pass all these laws when it comes to driving. People take a test when they first get their driver's license, but they never have to take the test again. Yet, we are passing new laws all the time. My initial thought was that I wanted to do something when people renewed their driver's license—they would have to read what the new laws are and sign off on it—but I did not want to get too complicated. That is how we ended up with what we have today.

This bill requires the Department of Motor Vehicles (DMV) to prepare and disseminate information to the public regarding new and amended traffic laws and any other laws relevant to operating a motor vehicle passed during the immediately preceding legislative session. This information must be provided on the DMV Internet website in a manner designed to inform and educate the public about new and updated traffic laws. The DMV may also disseminate this information in any other manner deemed appropriate by the Department by including it in any information provided to a person who is applying for the initial issuance of a driver's license or instruction permit, for the purposes of preparing for such an examination, or with a renewal notice or other similar information mailed via electronic communication to a licensed driver or an owner of a registered vehicle. The DMV may consult with the Office of Traffic Safety of the Department of Public Safety in carrying out these requirements.

The bill only requires the DMV post the information of the new laws passed so folks can have it in one place to see what the new laws are. I am happy to answer any questions.

Assemblywoman Bilbray-Axelrod:

I drive a Prius, and things have been recalled by the manufacturer, and I do not always realize there is a recall. Are the new traffic laws the only thing that can be placed on the DMV website, or could they have some sort of leeway if they wanted to add additional information that they thought would be relevant to drivers?

Senator Denis:

The information we are requesting they add to their website is information they already have. I will not speak for the DMV, and I am sure they could answer your question much better than I could. I am sure if they want to add additional things for drivers they could, because they have a website. I do not think there is anything legally prohibiting them from doing so. This is just a gentle ask to get the information out so drivers can have access to the traffic laws the Legislature passes.

One of the reasons that got me thinking about this was seeing people driving while on their cell phones. We passed that law in 2005 or 2007, yet people are still using a cell phone while driving. For any new laws, people will have the opportunity to know about them. They could also be reminded when they are notified to renew their license. It will all be in one place where people can look.

Vice Chair Yeager:

Any further questions from the Committee? [There were none.] I will open the hearing for testimony in support of S.B. 394.

Tyson K. Falk, representing Nevada State Apartment Association; and Tow Operators of Northern Nevada:

I think this is a commonsense bill. There are laws passed regarding tow companies almost every session. It is important to educate folks on the rules of the road, particularly because the tow truck drivers are out there on the road. Safety is paramount, things like the "move over and slow down" law [Assembly Bill 299 of the 72nd Session], so it is important for people to keep that in mind to keep everyone safe. We are in support of the bill.

Vice Chair Yeager:

Is there any other testimony in support? [There was none.] Is there anyone present who would like to testify in opposition to the bill? [There was no one.] Is there anyone present who would like to testify as neutral to the bill?

April Sanborn, Services Manager III, Division of Management Services and Programs, Department of Motor Vehicles:

The Department of Motor Vehicles is neutral on this bill. To answer Assemblywoman Bilbray-Axelrod's question, that is something we currently do with the vehicle recalls on our website. For a lot of that information, we do make every effort to make it available on the website. We update the driver's handbook and any of the mailers or notices that we provide to applicants, if we deem it appropriate to provide additional information, we absolutely do so. I am here to answer any questions you may have.

Vice Chair Yeager:

Any further testimony in neutral? [There was none.] Are there any closing remarks? [There were none.] I will close the hearing on Senate Bill 394. Continuing with Senator Denis, I will open the hearing on Senate Bill 395 (1st Reprint).

Senate Bill 395 (1st Reprint): Revises provisions relating to public safety. (BDR 43-822)

Senator Moises Denis, Senate District No. 2:

I am here to present Senate Bill 395 (1st Reprint). As you are probably aware because I just told you on the previous bill regarding towing, what we call "tow trucks" are called "tow cars" in *Nevada Revised Statutes*. Pursuant to federal law, they are divided into two categories. I am not going to go over that again.

The rules and regulations existing in law for nonconsensual tows are, in part, the subject of this bill. Tow trucks are especially vulnerable to collisions when they are assisting in the removal of disabled vehicles from the side of a road. Existing law mandates a tow truck to be equipped with flashing amber warning lights. These lights must be displayed to warn approaching drivers under certain circumstances. This bill authorizes tow trucks and certain other vehicles owned by contractors of the Department of Transportation (NDOT) to display nonflashing blue light in certain circumstances. Blue light is an additional tool to protect tow truck operators.

One of the things about the blue light is it can be seen much further away at night. While police vehicles have blue lights, those are flashing. I believe last session we changed the law to allow NDOT to have blue light. This would allow tow trucks to use blue light. We also made an amendment to add blue light to the vans that help people on the side of the road.

The first part of the bill authorizes a tow car to display nonflashing blue light. The second part of the bill relates to nonconsensual tows. Section 1 of this bill adds the display of nonflashing blue light to the circumstances under which a driver approaching a traffic accident must take certain precautions. These precautions include decreasing the speed of the vehicle, proceeding with caution, and being prepared to stop.

Section 2 provides that a tow car equipped with lamps that emit nonflashing blue light may display nonflashing blue light to the rear of the tow car when at the scene of a traffic hazard. Such lamps must comply with standards approved by the Department of Motor Vehicles (DMV).

Section 2.5 of the bill authorizes certain vehicles owned by persons who contract with NDOT to aid motorists or mitigate traffic accidents to be equipped with rear-facing lamps that emit nonflashing blue light.

Section 3 authorizes a tow car to be equipped with rear-facing lamps that emit nonflashing blue light. Such lamps may only be displayed at the scene of a traffic accident or when the tow car is otherwise preparing to tow a disabled vehicle.

Section 4 of this bill provides that a property owner only has to notify local law enforcement of a nonconsensual tow if the tow operator has not already made such notification. The section further provides that the cost of disposing of the vehicle will be borne by the owner of the vehicle, in addition to the cost of towing and storage of such vehicle.

Lastly, section 4 provides that if a tow operator and a property owner agree that the vehicle is likely to be ultimately disposed of as an abandoned vehicle, and the estimated disposition value of the vehicle to be towed is less than the estimated cost for towing, storage, and disposition of the vehicle, the tow operator and owner or person in lawful possession may enter into an agreement whereby he or she may pay a voluntary payment to the tow operator. Such a payment does not reduce the amount of the cost incurred by the owner of the vehicle and may not be a condition for towing of the vehicle.

I would like to explain the last portion of section 4 because it has nothing to do with blue light. It has to do with someone abandoning a vehicle in the Walmart parking lot, for example. Walmart can call the tow operator to remove the vehicle. However, if it is not worth it, the tow operators do not want to tow it away. Walmart wants to pay them to be able to do that, but the law currently does not allow them to do that. This section will give them the opportunity to have that vehicle towed and the tow operators get paid for it. If the vehicle was not truly abandoned and the owner appeared, they would still be able to get the vehicle back after paying for the tow and storage.

That concludes my presentation. I am happy to answer to any questions.

Vice Chair Yeager:

Are there any questions from the Committee? [There were none.] Is there anyone present who would like to testify in support of the bill?

Drew Ribar, Director, A&A Towing, Inc., Reno, Nevada:

The first issue within the towing industry is safety. The latest federal statistics I could find indicate tow truck drivers have a death rate of 49.2 per 100,000 people employed in the industry. If you compare that to regular truck operators, that statistic is 22 per 100,000 people. We just had a memorial for law enforcement today. If you compare that death rate to law enforcement, law enforcement is 15.3 per 100,000. The death rate in the field that I operate in is extremely high. The goal here is to do anything to bring down the death rate and people getting hurt. We need to do whatever we can do to save lives for the job that we do. The blue lights might help. The Department of Transportation has the same problem. When those employees are on the side of the highway, they are killed at a high rate, just like firefighters. It is a very dangerous place to work, especially when you are dealing with people who may not always be sober driving their car down the road at 70 or 80 miles per hour. There are deadly consequences.

Just a few years ago, there was a tow operator in Nevada who lost his life. It happens. My trucks have been rear-ended. There was a man running down the side of the fog line a couple of years ago. The tow truck driver and the customer had just gotten back in the cab. The man who rear-ended the flatbed was lucky. He swerved at the last second, so just the passenger side of the top of the car was ripped off; otherwise, the driver would have been decapitated.

It happened to me in Las Vegas a couple of weeks ago. One of my trucks was on the side of the road. Fortunately, no one was hurt, but the truck had the side mirror ripped off as another vehicle went by. Hopefully we can do more enforcement on the slow down and move over law. With the blue lights, hopefully that will slow some people down and make them pay more attention.

Moving to the other aspect of the bill, we are trying to solve a problem here in northern Nevada. We have property owners who call us or my competitors every day. They just want these vehicles moved off their property. Whether it is Reno, Sparks, Washoe County, or other jurisdictions, it is creating a huge problem. These vehicles are left with needles and other disgusting things. Some of them are motorhomes, which are very expensive to dispose of. This bill is designed to solve a problem.

Currently, one of the consequences of this problem is there are tow operators who are removing themselves from law enforcement rotations and no longer taking some law enforcement calls because it is no longer profitable to be cleaning this up. How does this affect law enforcement? Since we cannot remove vehicles from private property, what these people are doing is breaking other laws and pushing the vehicles out onto public property where the law states we have to take them away. As I said, a couple of companies have pulled themselves off of different rotations, and the reason they have done so is because they have looked at their numbers and found assisting law enforcement is no longer profitable. It is having some poor consequences in the north.

Tessa Laxalt, representing Nevada Trucking Association:

Four dozen members of the Nevada Trucking Association are tow truck companies. We are here in support of S.B. 395 (R1).

Michael Baumbach, Owner, Milne Towing Services, Reno, Nevada:

I think we can all agree that the roads are becoming more and more hazardous for everyone driving and for first responders. Tow trucks are not necessarily considered first responders, but they still do some of the same jobs as a first responder. There are times when the tow truck is the first one on the scene, which is probably the most dangerous time for tow truck operators and especially for the people they are trying to assist. Those people do not understand how dangerous it truly is and, oftentimes, might get in the way more than they realize.

The blue lights are rear-facing only and only serve to help my tow truck drivers, the people on the freeway who are broken down and need assistance, and the other drivers on the freeways. The blue lights can be seen much further away, which hopefully gives the motoring public time to change lanes or slow down before coming up on the scene and having no choice.

The notification of law enforcement portion of this bill is important as well. The law enforcement agencies are already trying to get a whole bunch of work done and they have a hard time manning and getting the resources to do so. Eliminating duplicate entries and notifications helps free up the law enforcement dispatch to handle actual problems that require emergency attention. I understand an impounded vehicle is an important thing, but if there are two of those calls, it may be stopping someone from reaching a dispatcher in time to talk about a much more dangerous problem.

Regarding the abandoned vehicle disposal charge, I agree 100 percent with what Mr. Ribar said. One industry we have in the north that is not seen in the south is Burning Man. Every time Burning Man occurs, there are "burners." You can tell the RVs [recreational vehicles] they bring because they have the blue tape around the windows, because the playa sand gets into everything. Unfortunately, the attendees of Burning Man are much more interested in getting there and getting their vehicle onto the playa than properly getting it out of Burning Man. I know the Bureau of Land Management, U.S. Department of the Interior, has had problems with the trash removal.

What happens after Burning Man is over is that the people who bring the RVs to Burning Man abandon them on their journey home. Reno is a key transit area for these burners to go through on their way back to California. It becomes a dumping ground for these RVs. You might not think that is a big problem, but the way the towing company recoups the cost of the tow and the impound is, we sell the vehicle at auction if it does not get picked up. I can promise you, the people who leave the vehicles wherever they do on private property or public roads, they are not interested in paying for the vehicle. Oftentimes, Nevada Department of Motor Vehicles does not have registered-owner information for said vehicles, so that leaves the towing company with no option to recoup the cost other than at auction. I can promise you, no one wants to buy those vehicles.

This is unfortunate because the tow operator is not going to want to impound the vehicle at that point. That puts the private property owner in an impossible situation. As my colleague stated earlier, no company wants to do that. It does not make good business sense. If you lose money doing an action, it is not profitable to keep doing that action. The only way for the towing company to not get into that situation is to charge the private property owner up front. Existing law is unclear on whether that is proper to do. The language in the bill clarifies that.

I want to express that the addition to the bill does not mandate the presence of a disposal fee. It is all purely voluntary. If it is not agreed upon by the towing company and the private property owner, it is not going to happen. The private property owner always has the ability to call my competitor to see if they can dispose of the vehicle for a lesser amount.

Vice Chair Yeager:

I find it fascinating that so many people abandon those kinds of vehicles on the way back from Burning Man. They must buy them cheaply. I would imagine they are not rental vehicles because that would be easy to find the owners. If anyone is planning on going to Burning Man this year, it sounds like you may have an opportunity to find a cheap vehicle.

Is there any further testimony in support?

Bryan Wachter, Senior Vice President, Retail Association of Nevada:

We are the private company and the private property owners Mr. Baumbach spoke about. We would appreciate it if people would stop leaving their stuff in our parking lots. Even more, we appreciate the passage of this bill that would give us the tools to be able to help solve some of that problem.

Vice Chair Yeager:

Is there any further testimony in support of S.B. 395 (R1)? [There was none.] Is there anyone present who would like to testify in opposition to the bill? [There was no one.] Is there anyone present who would like to testify as neutral to the bill?

Denise M. Inda, Chief Traffic Operations Engineer, Traffic Operations Division, Department of Transportation:

We are neutral on this bill. We appreciate the opportunity to work with the bill sponsor on a friendly amendment to include the freeway service patrol vehicles. We believe that adding blue lights to specific response vehicles can improve visibility, and it can improve safety for both responders and those involved in the incidents.

Vice Chair Yeager:

Is there any further testimony in the neutral? [There was none.] Are there any closing remarks?

Senator Denis:

I think the blue lights on the freeway service patrol vehicles would be a great addition to this bill. Director Togliatti from the Department of Public Safety called me and wanted to include some of his vehicles. I am okay with that, but I have not had an opportunity to meet with him. There may be an amendment once I talk to him.

Vice Chair Yeager:

Please keep us updated on that amendment and we can add it to the potential work session. I will close the hearing on Senate Bill 395 (1st Reprint). [An amendment was submitted ([Exhibit C](#)).]

[Assemblywoman Monroe-Moreno reassumed the Chair.]

Chair Monroe-Moreno:

I will open the hearing for Senate Bill 396 (1st Reprint).

Senate Bill 396 (1st Reprint): Revises provisions relating to certain licenses and cards issued by the Department of Motor Vehicles. (BDR 43-1041)

Senator Moises Denis, Senate District No. 2:

I am here to present Senate Bill 396 (1st Reprint), which revises provisions governing the use of a driver's license from another jurisdiction. I am excited about this bill. It makes sense and I actually wonder why we have not fixed this issue before.

Nevada is home to many Puerto Ricans. According to data from the 2010 Census, more than 20,000 Puerto Ricans live in Nevada. Many of these people have difficulty transferring their Puerto Rican driver's licenses in Nevada. Generally, transferring licenses issued from another state is as easy as showing proof of identity, residency, and successfully passing a vision test. However, the Department of Motor Vehicles (DMV) requires United States citizens moving to Nevada from Puerto Rico to provide a list of official documents as well as retaking the vision, written, and driving test.

According to the DMV, transferring a license from a U.S. territory is essentially the same as getting a driver's license for the first time. Information on licenses issued in U.S. territories is not available on the database that DMV uses to validate and authenticate the license or any moving violations against it. However, other states, such as Connecticut and Florida, are able to verify the validity of a license issued in Puerto Rico.

Nevada law requires a new resident to obtain his or her driver's license and vehicle registration within 30 days of becoming a resident. A person from Puerto Rico may not be able to do this based on the DMV's current requirements. As a reminder to the Committee, Puerto Ricans have been U.S. citizens for more than a century.

I will briefly walk you through the bill. Section 1 defines, for the purposes of *Nevada Revised Statutes* (NRS) Chapter 483, the term "state" to mean "a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Northern Mariana Islands and the United States Virgin Islands," so that the provisions apply equally to each of those jurisdictions.

Sections 2 through 5 make conforming changes. Section 6 makes a conforming change to the provisions governing motorcycle driver's licenses.

I believe the DMV has an amendment that I am actually excited about, and I do support it. Someone from DMV will explain the amendment in a few moments. I would be happy to answer any questions.

Chair Monroe-Moreno:

Are there any questions from the Committee? [There were none.] I will open the hearing for those here to testify in support of S.B. 396 (R1).

Joey Cruz, Private Citizen, Las Vegas, Nevada:

I am a member of Make the Road Nevada and a student at the University of Nevada, Las Vegas. I came to Las Vegas from Guam in August last year to start a new life with my dad. I am in support of S.B. 396 (R1) because it will allow U.S. citizens from U.S. territories to transfer their license without unnecessary burdens. Before I go on, I would like to thank Senator Denis for pushing S.B. 396 (R1). We would not have gotten this far without him.

After emigrating from Guam last year, I found out that my driver's license from Guam would not work in Nevada. I would have to take every test all over again. Within the time I did not have a Nevada license, I was required to pay for a driver's permit in order to drive my vehicle before I took the final driving test. This was an additional financial burden above all other expenses. This process is time-consuming, costly and, above all, unnecessary.

Between asking family members for rides and using rideshare apps, the cost of transportation was creating a real problem for my family and me. I was able to obtain my license about three weeks ago after a long, difficult process. I had to miss class to schedule several appointments with DMV due to limited appointment times. My insurance required me to have my license in order to renew my policy, which caused me to have to rush the process and miss school.

I am here to support S.B. 396 (R1) because citizens of a U.S. territory should not have to deal with this issue on top of the burden of starting a new life here in Nevada.

Milagros Lozada, Private Citizen, Las Vegas, Nevada:

I come from Puerto Rico, and I have been here in Nevada for a little bit more than a year and a half. When I first came here, it was because of Hurricane Maria, and I was homeless. When I came to Las Vegas, I thought the least of my problems would be driving with my legal Puerto Rican license. When I went to the DMV to exchange my license, I was told I had to take both tests all over again. I am over 51 years old and I thought it would be so hard. It really was. I failed the test a few times. I did not want to have to concentrate on taking a test all over again, I wanted to concentrate on getting used to the new place that was going to be my home. I am on disability and I have health issues. I wanted to concentrate on taking care of my health and getting better. I was wondering why I had to take the test all over again when I lived in Puerto Rico, a U.S. territory. I am an American. I have rights just like everyone else.

I found out from one of the DMV employees that Arizona exchanges the Puerto Rican license without a test. He told me I could go to Arizona, exchange the Puerto Rican license, and then come back to Nevada and exchange it again. I do not live in Arizona—I live in Las Vegas. I should not have to do all that. It has been a big struggle. I like to go to my community meetings and I have to take an Uber now because the time that was given to me expired. I only have the written test. I have not taken the road test for my license yet.

I want to thank Senator Denis for pushing this bill so the rest of the Puerto Rican people who come here might have a better chance and do not have to go through the struggle I have.

Chair Monroe-Moreno:

Is there any further testimony in support? [There was none.] Is there anyone present who would like to testify in opposition to the bill? [There was no one.] Is there anyone present who would like to testify as neutral to the bill?

**April Sanborn, Services Manager III, Division of Management Services and Programs,
Department of Motor Vehicles:**

The DMV is neutral on this bill. Thank you, Senator Denis, for bringing up the friendly amendment we had mentioned. With your indulgence, I would like to explain what the friendly amendment is.

We reached out to Senator Denis to ask if we could add something separate but related to NRS Chapter 483 in helping us change the definitions for driver's license, identification card, and commercial licensing for the purpose of adding "physical" and "electronic" card types so Nevada DMV can be poised to be ready for adding an electronic credential.

For those of you who may not be aware, there are many states that are already offering electronic credentials known as an MDL [mobile driver's license] or an EID [electronic identification]. We have just recently entered into a new ten-year contract with a card vendor and we are going to be redesigning our driver's licenses and all of our credentials. This would be a great time to be able to move in that direction and allow the Department to create regulations. We are very happy Senator Denis was excited to hear about this proposal. I would be happy to send our friendly amendment request to the Committee so you can see it. I will answer any questions you may have.

Chair Monroe-Moreno:

If you would please send that amendment to the Committee manager so she can get it to all the members, that would be wonderful. Is there any further testimony in neutral? [There was none.] Are there any closing remarks?

Senator Denis:

This is an issue of being able to get a driver's license. Obviously, they would have to meet similar criteria to what we currently have, but that is the way we deal with every other state. I would appreciate your support on the bill. I am excited about the amendment, and I wish I had thought of it myself. I am a technology guy, and I would love to be able to have my driver's license electronically so I do not always have to remember it. I think it would be a good addition to this bill because it is in the same chapters. I appreciate your time and indulging me in four bills today.

Chair Monroe-Moreno:

I will close the hearing on Senate Bill 396 (1st Reprint). Is there anyone present, in Carson City or Las Vegas, for public comment? [There was no one.]

This meeting is adjourned [at 3:06 p.m.].

RESPECTFULLY SUBMITTED:

Lori McCleary
Committee Secretary

APPROVED BY:

Assemblywoman Daniele Monroe-Moreno, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a proposed amendment to Senate Bill 395 (1st Reprint), submitted by Assemblyman Tom Roberts, Assembly District No. 13.