

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

**Eighty-First Session
March 25, 2021**

The Committee on Growth and Infrastructure was called to order by Chair Daniele Monroe-Moreno at 1:31 p.m. on Thursday, March 25, 2021, Online. 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/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Daniele Monroe-Moreno, Chair
Assemblyman Howard Watts, Vice Chair
Assemblywoman Tracy Brown-May
Assemblyman John Ellison
Assemblyman Glen Leavitt
Assemblyman C.H. Miller
Assemblywoman Sarah Peters
Assemblyman Tom Roberts
Assemblywoman Shondra Summers-Armstrong
Assemblyman Jim Wheeler
Assemblyman Steve Yeager

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Katie Siemon, Committee Policy Analyst
Jessica Dummer, Committee Counsel
Devon Kajatt, Committee Manager
Joan Waldock, Committee Secretary
Trinity Thom, Committee Assistant



OTHERS PRESENT:

Matthew Walker, representing Enterprise Holdings, LLP
Keith Duffy, Risk Manager, Enterprise Holdings Inc.
Andrew MacKay, Executive Director, Nevada Franchised Auto Dealers Association
Sophia A. Romero, Staff Attorney, Consumer Rights Project, Legal Aid Center of Southern Nevada
David Newton, Commissioner, Nevada Transportation Authority, Department of Business and Industry
Sean Sever, Administrator, Division of Management Services and Programs, Department of Motor Vehicles
April Sanborn, Administrator, Division of Central Services and Records, Department of Motor Vehicles
Joseph (J. D.) Decker, Administrator, Division of Compliance Enforcement, Department Motor Vehicles
Elizabeth Davenport, Legislative Extern, American Civil Liberties Union of Nevada
Susy Vasquez, Executive Director, Nevada State Apartment Association
Lucas Foletta, representing Tow Operators of Northern Nevada
Brett Miller, General Manager, Code Blue Towing
Paul J. Enos, Chief Executive Officer, Nevada Trucking Association
Danny Thompson, representing SNAP Towing, Henderson, Nevada; and Ewing Bros. Towing, Inc., Las Vegas, Nevada
Nikhil Narkhede, Program Manager, Commission on Off-Highway Vehicles, State Department of Conservation and Natural Resources

Chair Monroe-Moreno:

[Roll was taken. Committee rules and protocol were reviewed.] Today we will hear three bills, but first the Committee will introduce several bill draft requests (BDRs). Voting in favor of the BDRs we are introducing today does not imply a commitment to support of the measures later. The first BDR for introduction is BDR S-458, sponsored by the Legislative Committee on Energy.

BDR S-458—Requires the Department of Transportation to establish an Advisory Working Group to Study Certain Issues Related to Transportation during the 2021-2022 interim. (Later introduced as [Assembly Bill 413](#).)

ASSEMBLYMAN WATTS MOVED FOR COMMITTEE INTRODUCTION
OF BILL DRAFT REQUEST S-458.

ASSEMBLYMAN WHEELER SECONDED THE MOTION.

Is there any discussion on the matter? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN ROBERTS WAS ABSENT FOR THE VOTE.)

Our second BDR for introduction is BDR 51-1022, sponsored by this Committee.

BDR 51-1022—Makes changes to provisions governing fuel. (Later introduced as [Assembly Bill 411](#).)

ASSEMBLYMAN WATTS MOVED FOR COMMITTEE INTRODUCTION OF BILL DRAFT REQUEST 51-1022.

ASSEMBLYMAN WHEELER SECONDED THE MOTION.

Is there any discussion on the measure? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN ROBERTS WAS ABSENT FOR THE VOTE.)

Our final BDR for today is BDR 43-1050, sponsored by this Committee.

BDR 43-1050—Revises provisions governing motor vehicles. (Later introduced as [Assembly Bill 412](#).)

ASSEMBLYMAN WATTS MOVED FOR COMMITTEE INTRODUCTION OF BILL DRAFT REQUEST 43-1050.

ASSEMBLYMAN WHEELER SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN ROBERTS WAS ABSENT FOR THE VOTE.)

We will move on to the next item on our agenda, which is bill hearings. I will open the hearing for [Assembly Bill 281](#). It will be presented by Assemblyman Miller.

[Assembly Bill 281](#): Revises provisions governing the retention of certain records by short-term lessors, brokers and dealers of vehicles. (BDR 43-794)

Assemblyman C.H. Miller, Assembly District No. 7:

I represent Assembly District No. 7 in Clark County. I am here to present [Assembly Bill 281](#) for your consideration [[Exhibit C](#)]. I will give you a little background first. Since 1931, Nevada has required that the identity of anyone leasing a vehicle for fewer than

31 days be kept as a public record—open to inspection by any person—along with the specific duration of the short-term lease. Originally, the records required by *Nevada Revised Statutes* (NRS) 482.315 were to be inspected by the Department of Motor Vehicles (DMV). Assembly Bill 267 of the 72nd Session transferred this responsibility to the Department of Taxation as part of its responsibility to track the collection of sales tax and allow the Director of the DMV to be able to inspect these records upon request.

Retaining records of the identity of short-term lessees of vehicles and the duration of short-term leases is necessary for taxation, law enforcement, insurance, and other liability reasons. Existing law makes it a misdemeanor for any short-term lessor of vehicles to fail to create, possess, or make these records available for inspection when asked. In other words, any person is able to inspect the personal information of a short-term lessee of a vehicle, and it is a misdemeanor offense for a short-term lessor of motor vehicles to refuse such a request according to regulations enacted in *Nevada Administrative Code* 482.286. The retention period for these records is four years.

Once personally identifiable information (PII) is obtained by a bad actor, there is little anyone can do to stop the misuse or sale of this information and the potential harm and frustration for the person whose information was compromised. Assembly Bill 281 removes the ability for any person to inspect records containing the identity of short-term lessees of vehicles and retains the ability for records to be inspected by the Department of Motor Vehicles and the Department of Taxation, along with certain local government employees. This will balance the need for accurate record keeping with the need to protect the personally identifiable information of short-term vehicle lessees.

This concludes my introduction. I will now turn things over to Matthew Walker, director of Greenberg Traurig, LLP, who will walk us through this bill and the proposed amendment [[Exhibit D](#)]. Then, we will pass it to Mr. Keith Duffy, who oversees risk management in Nevada for Enterprise Rent-A-Car. After these gentlemen conclude, we will be ready for questions.

Matthew Walker, representing Enterprise Holdings, LLP:

We are pleased to be with you today to present Assembly Bill 281. Assembly Bill 281 allows for best practice in safety and security and general efficiency for business and governments by allowing for digital storage of various records that are required to be kept pursuant to NRS 482.315.

I will walk through both sections, then address the issue Assemblyman Miller flagged in terms of who is able to access these records under NRS 482.315. Section 1 deals with certain records of short-term lessors and allows for them to store those records digitally. It is notable here they are not required to store them digitally; this enables them to do so. If the records are stored electronically, they must be made available within three business days. We stumbled upon an issue in NRS 482.315 about the ability of short-term lessors to pass through their governmental services or car registration tax. It was codified to say that any person could request these records. We think it is more appropriate for the safety and

security of our customers and our general business records to ensure that every regulator who has legitimate need to access these records has access, but that members of the public or competitors are not requesting records inappropriately.

Section 2 of the bill deals with the ability of car dealers to store records required to be retained by NRS 482.3263 in an electronic format and make them available within three business days upon request from a regulator. Here again, this enables businesses to store these records electronically. If a business likes its paper and filing cabinets, it will not be forced to transition to digital records should this bill be passed.

I want to reemphasize two key points Assemblyman Miller made as part of his initial presentation. One is there are significant penalties associated with failing to maintain these records or failing to provide them to regulators in a timely manner. We do not see anything in this bill interfering with existing authority under NRS 482.315 or NRS 482.555 for sanctions associated with not providing those records. We want that to continue, although the records may be stored in digital format. This is best practice from a business standpoint and from a security-of-information standpoint. Instead of having dispersed records in physical format spread throughout the state at locations where business is taking place, this allows records to be centralized and kept in digital format, matching best practice. If anyone has questions about what today's requirement to store records in physical form looks like or how the process of digitizing these records would work, I have Keith Duffy, the head of risk management for Enterprise in Nevada, available for questions.

Chair Monroe-Moreno:
Are there any questions?

Assemblywoman Peters:

I am curious about the history of this legislation and why these records were supposed to be public. I have tried to think about why these records needed to be available to the public. I wondered if it had to do with the variety of insurances involved with short-term lessees—through the leasing agency or through the private party carrying insurance. The other reason could be for law enforcement. For example, in the case of an accident or incident involving a leased car, would law enforcement have to get a warrant under this new language? Were they allowed to have access to those records previously? Those are the two areas I am interested in regarding the history and the implications of this language.

Matthew Walker:

We did extensive research of the record and saw the clear need for folks at the Department of Taxation and local business licensing to have access to these records. The spirit of the law at the time being discussed was to allow for Taxation to use them, but after they collect the fees, there should be no more charges. We want access to the records to be able to verify that. The Department of Taxation and the Department of Motor Vehicles were comfortable

moving in the direction of going digital and having adequate access. I think that is a long-winded way of saying I will get back to you on what the Department of Public Safety has to say. We did not intend to restrict access to legitimate requests from law enforcement. We are happy to work with stakeholders to follow up and ensure the language is not too restrictive for those purposes.

Assemblywoman Peters:

I apologize for my delay in getting those questions to you. What is the type of data that is on these records? Does it include name and age? Is this driver's license and payment information? What kind of information is on these records that are publicly available?

Matthew Walker:

Keith Duffy, who is the head of risk management for Enterprise, has extensive experience with the type and volume of records this deals with.

Keith Duffy, Risk Manager, Enterprise Holdings Inc.:

The rental contracts include names. We redact PII, so a lot of that data is not available. Car sales records include major information that could be seen. We want to make sure it is secured and not available for anybody to obtain. The daily rental records are very locked down. Car sales records are locked up in rooms where everything is secure. We want to make sure we are protecting the information so no one can get personal information that could be put out on the web or shared.

Chair Monroe-Moreno:

Does that answer your question, Assemblywoman Peters?

Assemblywoman Peters:

The only other question this brings up for me is about the digital security effort. I did not see a requirement for the security level of the digital data. Is there an intention or an existing requirement for the security level for that digital data?

Matthew Walker:

The bill focuses on providing records to regulators in a timely manner and enables digital storage of those records as an acceptable business practice. I am not a data security expert, but it is my understanding there are many laws and regulations on the books pertaining to businesses and how they protect confidential information such as driver's license information and social security numbers. I would expect those protections to apply to this data in the same manner as they would apply to other personally identifiable data. I will follow up with you with a more detailed answer. Nothing in this bill is meant to restrict or carve this into a separate requirement. It is focused on making sure that when regulators need the data, they have ready access to it, and it is provided in a timely manner.

Assemblyman Ellison:

Assemblywoman Peters hit it right on the head. My biggest fear is personal, private information could be obtained from this. If someone is buying a car, a social security number and bank account number would be included. I am concerned that someone could get ahold of this information. You said the information is locked up in a file cabinet. I hope it is a good, secure file cabinet. My biggest thing is security for the people. Thank you.

Matthew Walker:

May I ask Mr. Duffy to respond to that? As filing cabinets with that information are spread throughout the valley at various Enterprise locations, we are concerned about physical theft, and strongly believe that digital storage in a centralized, secure environment is the very best practice for that information. Mr. Duffy might be able to provide additional context.

Chair Monroe-Moreno:

Yes, please.

Keith Duffy:

We use locked storerooms with file cabinets because that is what we have right now. Our goal with the online record storage is to have additional steps in place to keep the data locked up so if someone breaks into a location, or gets into the office and robs us, this would be more secure than the paper versions in all our locations. We are looking at doing the digital storage to prevent theft from occurring.

Chair Monroe-Moreno:

Thank you for your answer.

Assemblywoman Summers-Armstrong:

When data is requested and provided to a government agency for review, how does Enterprise redact the data before sending it? Is it redacted electronically or manually? My understanding is that now everything is physical—there are filing cabinets with this information stored in them. How do you deal with the information when you share it as requested?

Matthew Walker:

I will ask Mr. Duffy to partially respond to this. I believe regulators from the Department of Taxation are on the line. They may be able to provide additional context outside of Enterprise's business practice but, more generally, in how they strike the balance between records access and access to unnecessary or superfluous personally identifiable information. Mr. Duffy, do you have anything to add about how this works when you provide information to a regulator but redact sensitive information that is not part of the request?

Keith Duffy:

Currently, investigators will come out and ask to pull the files we have at the location. Truthfully, I am not sure how we redact the information because it is a true file that we have,

and the file does not leave the premises. On legal contracts, everything is redacted prior to sending it out. We print our documents and store them so that information is hidden and can be asked for as needed.

Assemblywoman Summers-Armstrong:

Does your system already have a way of hiding some data in a printed document so if I rent a car from Enterprise, my entire ID number is not on it? Does the system have a way to automatically redact data before it even goes into a contract?

Keith Duffy:

Yes, that is true. We redact driver's license numbers and phone numbers. The only thing you see on the rental contract is basically a name. Everything else is hidden or covered up to secure the document's PII.

Matthew Walker:

Our intent is to provide every bit of information we would otherwise provide in person. While we understand the question and the sensitivity of certain data and the need to protect it, we would not want the record to reflect that we are making less information available to regulators in this digital format. It is our intent to make every bit of the information, that would otherwise be provided in person with physical records, available digitally. I also wanted to say that there is a significant ability to adopt additional regulations should certain records need to be protected or provided in an alternative format or timeline other than the three business days indicated in Assembly Bill 281. All of that is expressly authorized. We would hope regulators would let us know if problems arise.

Assemblywoman Summers-Armstrong:

Thank you, Mr. Walker. I was just asking for information about the interim. As you are transitioning to a digital format to save your data, if someone broke in, what could a nefarious person get his or her hands on? It appears that your system is already as secure as possible, even though it has physical files. That is really good to know.

Chair Monroe-Moreno:

Are there any other questions? [There were none.] Are there any callers in the queue to provide testimony in support of Assembly Bill 281?

Andrew MacKay, Executive Director, Nevada Franchised Auto Dealers Association:

I think both Mr. Walker and Mr. Duffy covered everything. I would be remiss if I did not address concerns about data security. I cannot speak on behalf of Enterprise, but I assume as part of their operation they use technology that is commonly referred to as dealer management systems. Those are extremely robust and technologically advanced systems where everything from the purchase and servicing of vehicles is integrated. The reason these systems are expensive is because of the security protocols that are put in to stay on top of all of that. Hopefully, that addresses some of the questions from the Committee.

The Franchised Auto Dealers Association greatly appreciates Assemblyman Miller's bringing forward this bill. As it relates specifically to section 2, this will improve the process significantly on multiple fronts.

Chair Monroe-Moreno:

Is there anyone else in support of Assembly Bill 281? [There was no one.]. Is there anyone in the queue in opposition? [There was no one.] Is there anyone to offer testimony in neutral? [There was no one.] Are there any final remarks from the bill's sponsor?

Assemblyman Miller:

I would like to thank the Committee for your time and consideration. I would also like to thank Mr. Walker for bringing this to my attention and Mr. Duffy for participating in the presentation. Remember, Assembly Bill 281 updates the short-term vehicle leasing industry for the information age both in terms of the efficiency associated with electronic record keeping and data transmission, and in recognizing the need for greater protection of consumer information from bad actors who may exploit this data to the detriment of Nevadans. I urge your support for this bill.

Chair Monroe-Moreno:

Thank you, Assemblyman Miller. We will close the hearing on Assembly Bill 281 and open the hearing on Assembly Bill 301.

**Assembly Bill 301: Revises provisions governing the towing of motor vehicles.
(BDR 58-696)**

Assemblyman C.H. Miller, Assembly District No. 7:

Thank you. I represent Assembly District No. 7 within Clark County. I am here to present Assembly Bill 301 for the Committee's consideration.

As we all know too well, our state was hit especially hard by the COVID-19 pandemic. It has had a devastating effect on our economy. According to data provided by the U.S. Bureau of Labor Statistics, in April 2020, Nevada led the nation in unemployment at a rate of 28.2 percent. At that time, almost one out of every three Nevadans found themselves without work. While the situation has improved dramatically throughout the year, the November 2020 report revealed that Las Vegas, our state's largest population center, led the nation with an unemployment rate of 11.5 percent. We had gained some ground by the January 2021 report, but we are still leading the nation as just over 8 percent of Nevadans remain unemployed today. This places Nevada in the top tier of states with the highest unemployment rates nationally.

The COVID-19 pandemic dealt a sharp blow to the state's ability to conduct the business of government as usual. Agencies were required, as a matter of public health and safety, to cease in-person transactions and move to remote work environments with very little notice. While Nevada quickly authorized the exhaustion of the Rainy Day Fund, otherwise known as the Account to Stabilize the Operation of the State Government, the federal government moved

swiftly to give financial assistance to Americans to help us all keep our families afloat. In many cases, households that were already struggling due to strained budgets now had no option but to operate on less. Even though most were eligible for unemployment benefits, we, as legislators, know all too well how the Department of Employment, Training and Rehabilitation struggled to get those payments out to people who desperately needed them. Like many Americans, a significant number of Nevadans found themselves picking up boxes of food they could no longer afford to purchase at pop-up food banks. I, along with other members of this Committee, was out there loading 25-pound boxes of food into the trunks of cars. It was almost a requirement to have a vehicle to get the food. Imagine if we found ourselves here again, but someone's vehicle had been towed in the wee hours of the morning on the day he or she was to pick up that food.

Operations at the Department of Motor Vehicles (DMV) were not an exception to the disruption this pandemic caused. Staff from the DMV has previously described to this Committee the challenges the Department faced during the past year, challenges which the DMV has since adapted to and overcome, but which may have resulted in delays to the processing of transactions—including vehicle registration transactions—for some Nevadans.

Under existing law, vehicle registrations are denoted by a license plate decal, more commonly referred to as a "sticker," showing the month and year during which the registration expires. These stickers may be lost or stolen, fall off license plates, or be delayed due to mail delivery issues or a state of emergency, as we witnessed during the pandemic.

For individuals experiencing financial instability, it may not be possible to renew a vehicle registration until shortly before it expires, which may result in a delay as the new license plate sticker is mailed. In these cases, vehicle owners who have renewed their registrations and paid the appropriate fees to the DMV are considered to have current registrations, even though the stickers on their license plates may be expired. The DMV maintains a searchable database of registration and insurance status which is accessible online using a vehicle's license plate number and the last four digits of the vehicle identification number (VIN).

On March 20, 2020, Governor Steve Sisolak issued COVID-19 Declaration of Emergency Directive 004, which extended a 90-day grace period to those whose vehicle registrations expired during the state of emergency. The directive also authorized the director of the DMV to extend deadlines, waive penalties, and take any other appropriate actions necessary to lessen the impact on customers affected by the closure of the DMV's offices statewide—a grace period which the director of the DMV extended until November 2020. Despite the grace period in effect pursuant to the Governor's emergency directive, the DMV's director's authorization, and the ability to look up current vehicle registration status online at any time, some Nevadans' vehicles have been towed for displaying expired registration stickers even though their registration was current and valid. This was happening at a such a rate that the Nevada Transportation Authority (NTA) sent a letter [[Exhibit E](#)] notifying tow car operators that the agency had become aware of the practice and issued the following directive, "To ensure vehicles being towed as unregistered are in fact unregistered, the NTA is requesting that tow companies verify the registration status of the vehicles in question via the

NDMV's website prior to towing a vehicle as unregistered." This bill will codify the directive into statute and will require tow car operators to release a vehicle without charge to the owner if the owner is able to provide proof the vehicle was registered at the time of the tow.

Tow car operators are able to verify the vehicle's status in real time using the link to the DMV's website provided in the NTA's letter with just the license plate number and the last four digits of the vehicle identification number. The website will instantly display the vehicle's current registration status, insurance status, and the dates both were effective. This tool should remove the guesswork out of determining a vehicle's most up-to-date registration status. It also clearly reveals if the vehicle was towed mistakenly due to its registration. Mistakes happen, but when it is a mistake, those vehicle owners will have to take a portion of their day and incur transportation expenses to travel to the tow yard to pick up their vehicles. They should not also be required to pay fees, file a complaint, and await a hearing or review of the request by the NTA or the justice court to have their vehicles or their money returned. With times as tight as they are, many people do not have upwards of \$250 or \$300 dollars to spare while they wait for a decision to get their vehicles back.

Those of us who have experienced a period of financial instability are aware of the stress associated with budgeting and the catastrophic effects of a surprise expense. Nonconsensual tows have a disproportionately negative impact on low-income Nevadans, as many of those tows happen in multifamily communities such as apartment and condominium communities where many Nevadans live with the anxiety of a possible eviction even as we speak. People who are out of work and barely able to pay their rent and expenses—the situation many Nevadans find themselves in—often have to make the hard decisions associated with prioritizing priorities with little resources. Decisions between paying an annual vehicle registration fee or putting food on the table, paying for medications, health care costs, utilities, or funding other areas of necessity may result in having to put off renewing their vehicle registration longer than they would like. For many Nevada families, it has been a balancing act and the cascading effect of financial difficulties for families working with limited budgets can increase quickly once a vehicle has been towed for an expired registration.

To reacquire their vehicles, owners must pay their registration fees with the addition of late fees, then go to the impound lot and pay the hook fees required by the tow operator. Again, these fees can top nearly \$300 and easily be more than the cost of the vehicle's registration even with the late fee. That is only if the vehicle is picked up within the first 24 hours of removal. If the owner is not able to pick the vehicle up for whatever reason—maybe they could not put the money together in that 24-hour window—they then begin to accumulate daily storage fees, which can range from an additional \$20 to \$40 a day. You do not have to be a math scholar to understand how quickly these fees can push people to payday lenders, further increasing their financial burdens, or cause them to give up the vehicle altogether, surrendering their most valuable asset to the towing company which can sell the vehicle at auction. The loss of a vehicle in our state can quickly turn into the loss of a job for those who are working and live in areas without reliable public transportation options; for others, loss of a primary vehicle can negatively impact the ability to even find employment, or access quality health care, education, and other necessities like that 25-pound box of food I mentioned in the midst of a pandemic.

We must stop penalizing people for being poor. This bill aims to help struggling Nevadans to keep what, in many cases, is their most valuable asset—a vehicle providing reliable, at-will transportation. I want to be very clear. This bill is only intended to deal with vehicles towed based on expired registrations. The amendment that will be discussed clarifies that [\[Exhibit F\]](#).

Chair Monroe-Moreno, with your permission, I would like to turn the remainder of the presentation over to Sophia Romero from the Legal Aid Center of Southern Nevada to review the bill and address the conceptual amendment. Following her remarks, we will be ready for questions.

Sophia A. Romero, Staff Attorney, Consumer Rights Project, Legal Aid Center of Southern Nevada:

Good afternoon, Chair and members of the Committee. Thank you for the opportunity to help present this very important piece of legislation. Before I walk you through the bill, I would like to thank Assemblyman Miller for bringing this piece of legislation forward. It will be a much-needed addition to Nevada law, and it solves a problem we have seen often.

We are all subject to having our vehicle towed, whether it be by our homeowners' association, apartment complex, or even for parking in the wrong spot at the wrong time. For some, if this occurs, it is a minor inconvenience and makes for a bad day. However, for others, it can be what sends them into extreme financial hardship. Not having a vehicle to get to work can result in the loss of employment or turning to alternate methods, such as payday loans, to try to obtain emergency funds.

Working at Legal Aid Center of Nevada, I have become accustomed to having an unusual caseload. We are often people's last resort. The week before [A.B. 301](#) was introduced, an applicant called seeking assistance because his car had been towed for lack of registration. This happened despite the fact that his registration was current. He filed a complaint for unlawful tow in court, showed his proof of registration at the hearing, and still lost. All because his decal was not current and despite the Nevada Transportation Authority's directive dated November 2020, from which Assemblyman Miller read. This happened in March 2021. Unfortunately, without any knowledge of the letter or this pending legislation, we were forced to decline representing him. It is an extremely rare instance when we decline representing someone. Even I felt hopeless when presented with the situation. It is because of this case that I was so excited when I read [A.B. 301](#) and why we were so eager to ask Assemblyman Miller if we could help support his bill. I urge you to help support it as well.

Sections 1 and 2 of the bill state that if a vehicle owner or agent provides proof of current registration to a tow car operator, the vehicle must be released to them without charge. If the owner or agent does not have proof of current registration and requests that a tow car operator release the vehicle prior to removal, [A.B. 301](#) sets a maximum limit of \$50 to release the vehicle. This is commonly referred to as an "off-hook" or "drop fee."

Section 2 of the bill requires owners of private property to make reasonable efforts to notify the owner of a vehicle to inform him or her the vehicle will be towed, including by the use of a telephone number or electronic mail address, if available. It also requires tow car operators to independently verify the registration status of the vehicle before towing the vehicle and keep evidence of this verification for one year. Any tow car operator who fails to comply with this requirement is responsible for the vehicle's removal and storage costs. Finally, A.B. 301 sets a maximum fee for the removal of a vehicle without valid registration at \$50 and provides that storage fees for the vehicle shall not be charged until 48 hours have passed.

There is a proposed conceptual amendment [[Exhibit F](#)] introduced that clarifies that the records tow car operators are required to retain, indicating they attempted to independently verify the registration status of vehicles, may be in physical or certain electronic formats. Additionally, the amendment extends the notification period from 48 hours to 5 days and requires a notice be affixed to the door of the residential unit assigned the parking space that a vehicle may be towed from their space.

Chair Monroe-Moreno:

Are there questions from members?

Assemblyman Miller:

I want to let members know that staff from the Department of Motor Vehicles and the Nevada Transportation Authority are available to answer questions.

Assemblyman Leavitt:

There is a requirement to notify the vehicle owner via telephone or email. Would the tow company have that information or know how to get it? If they have to research the information, it seems rather cumbersome from a logistical standpoint.

Assemblyman Miller:

The way it works now, the property owner is to request the tow. The notification is then placed on the vehicle. This notification only applies directly to vehicles that are in a designated, assigned spot. The notification can go directly to the person who signed the lease assigned that spot. It is designed for the practice that should already be occurring. Property managers and apartment managers are responsible for notifying the vehicle owners. Currently, they do that by placing the notification on the vehicle. Communications between the property manager, or owner, and the tow operator should identify which vehicle is to be towed and from which parking spot. If the vehicle is being towed from a designated parking space, the manager of the apartment community should have contact information for the owner of the parking space. That notification is to go to the apartment that is associated with the parking space.

Assemblyman Leavitt:

I will provide a scenario for clarification. I have a complex that has assigned parking spots. Somebody without the correct parking placard parks in a space that does not belong to him or her. The person who parked there does not live in the apartment complex, and no one knows where the vehicle came from or whom it belongs to. In that case, would the tow operator be able to tow the vehicle?

Assemblyman Miller:

The request for tow would have to have been made by the property owner. Once that request is made by the property owner, he or she is then responsible for notifying the apartment occupant who was assigned the space. If that space was not designated, then the current rule applies—the owner would tag the car and, 48 hours later, the car could be towed. If the parking space is designated, the owner of the property would have to let those to whom the space is designated know that a vehicle is being towed from their spot. They may not know there is a vehicle in their spot, so it could provide them notice that someone is stealing their parking space.

Assemblyman Wheeler:

Section 1, subsection 3, is confusing to me. "If a vehicle that has been connected to a tow car . . . pursuant to subparagraph (2) or (3) . . . and the owner, or agent of the owner, does not provide proof that the vehicle is registered pursuant to this chapter . . . the fee established by the operator pursuant to paragraph (b) of subsection 1 for releasing the vehicle must not be more than \$50." Does "connected to a tow car" mean the tow car is still on the property? Or, is this after the tow car has already driven to the facility that may be 20 miles away, and all the tow company will be able to recoup is \$50 if the owner cannot prove the car is registered?

Assemblyman Miller:

Yes, that is accurate. The maximum that can be recouped, based on the current bill and amendment, is \$50. The reason for that is an expired vehicle registration, especially an extended vehicle registration, is more likely an indication of a financial hardship. For the most part, people just do not register their cars. Forgive me for the bad English. If they have the money, they will register their vehicle. This is designed to give some relief. I have been speaking with the tow operators about that provision, and we are looking at some solutions that will not cut the fee so much but will provide a significant relief for those trying to reacquire their vehicles. If you have to pay your vehicle registration, the late fee, and travel to the tow yard to pick up your vehicle, you are looking at a day that could cost between \$500 and \$1,000. You may need some help. If you did not have the money to pay the registration fee before, you probably will not have it within the 24 hours before accruing additional expenses. The goal is to provide some relief only in specific situations in which people are experiencing hardship. It will allow them to retain their vehicles.

Assemblyman Wheeler:

Thank you for your explanation. I wonder if this puts a financial hardship on the tow operator if he ends up spending more for his driver, truck, and fuel than the \$50 he can recoup.

Assemblyman Miller:

That is exactly why I am going to work with the tow operators to find a solution that will work for them as well as provide relief for those people who are experiencing financial hardship.

Chair Monroe-Moreno:

Let us say a car is at an apartment complex where the owner was visiting a friend. The friend gave permission to park in his or her spot because he or she does not have a vehicle right now. During the visit, someone steals the tag off the car unbeknownst to them. The car is loaded on a tow truck, but all the proof of their registration is inside the car in the glove compartment. Could that happen under this bill?

Assemblyman Miller:

That could be a situation. There are two things that would work. The additional notification to the door of the apartment associated with the designated parking space would allow the apartment owner to know that the friend's vehicle is in jeopardy of being towed. It would give them additional days to move the vehicle, get it registered, figure out what the problem is, and solve the problem before incurring additional expense. If the vehicle is picked up and taken to the tow lot and all the registration documents are in the car, the bill also allows for electronic proof. We can get so many documents on our phones. You can save your receipt from the DMV. The DMV's registration process now can be done online. Being able to show that should be sufficient evidence to get the vehicle released, especially when you consider the tow yard can go directly to the DMV's website and verify the information that has been shown to them.

Assemblyman Yeager:

I understand what you are trying to do. I think it makes sense to give people more time before their car is towed, before they have to pay all this money. My question is about the philosophy of why we are towing these vehicles in the first place. If you look at the mock-up amendment [[Exhibit F](#)], page 4 lists situations in which a vehicle can be towed. Line 23 says it could be towed due to a parking violation—that makes sense. Line 30 says it can be towed if it belongs to someone who does not live in the complex—that makes sense to me. Line 34 talks about if the vehicle is blocking a fire hydrant or posing an imminent threat—those reasons make sense; they are public safety issues. What is the philosophy of towing a vehicle because it has not been registered or the registration is expired if the vehicle is simply sitting in a lawful parking space in an apartment complex? Can anyone on the call shed some light on this?

Chair Monroe-Moreno:

If there is no one in the Zoom meeting who can answer your question, there may be someone who could answer that question during public comment.

David Newton, Commissioner, Nevada Transportation Authority, Department of Business and Industry:

I can shed a little light on that. The rationale for nonconsent towing of this type is that owners of private property need to have the ability to remove abandoned vehicles from their property. Whether a vehicle is abandoned or not is a judgment call for the individual requesting the tow. Oftentimes, the first step in becoming aware you have an abandoned vehicle on your property is determining that the vehicle is not registered.

Assemblyman Yeager:

I appreciate your response. If an apartment complex has open parking spaces, that makes sense. If you have an apartment complex where residents are assigned parking spaces, it seems that would not apply. If the car were abandoned, the owner of the space could ask to have it removed. I do not need a response; I am trying to figure out if there might need to be additional changes at some point.

Assemblywoman Summers-Armstrong:

Over the weekend, I spoke with a dear friend who is taking care of her mother out of state. I could not imagine what she would think or do if she came back and her car, which she had to leave behind to care for her sick mother for two months, was towed and sold at auction because her registration expired and apartment management was not required to give her a phone call or an email in advance. Even if she paid her registration online from out of state, she would not be able to affix the tag.

I have a question. Have the tow companies always been able to check the status of a vehicle's registration?

Assemblyman Miller:

Mr. Sever is here from the DMV. He would probably be able to answer your question more clearly. I believe they have only been able to access that information since the online feature was added.

Sean Sever, Administrator, Division of Management Services and Programs, Department of Motor Vehicles:

Would you please repeat the question for us? I will then get someone who can answer it.

Assemblywoman Summers-Armstrong:

How long have tow companies had the ability to electronically check the status of registration on a vehicle?

April Sanborn, Administrator, Division of Central Services and Records, Department of Motor Vehicles:

We do not have the exact date that became available, but we will get that information for you. Tow companies have been able to create an account for quite some time.

Chair Monroe-Moreno:

I would like to ask a question of the DMV. While you do not have the exact date, can you tell us if they have been able to do that for more than a year or several years?

April Sanborn:

It has been many years that they have been able to do this.

Assemblywoman Summers-Armstrong:

If tow companies can do this and do not, because it appears to benefit them financially, that concerns me.

If someone's car is towed and he or she files a complaint, what is the timeline for whatever government agency to investigate and resolve the issue? I believe Ms. Romero said a client came to her who had filed a complaint and still lost. Would someone please expound upon what that means?

Sophia Romero:

When a vehicle is towed, the owner does not file a complaint with the NTA or the tow yard. An unlawful tow complaint must be filed in justice court. In the example I gave, the complaint was filed in the Las Vegas Justice Court. After it is filed, a hearing is set. There is a bill pending, sponsored by Judge Melissa Saragosa, that clarifies and shrinks the timeline for how long between when an unlawful tow complaint is filed and when the hearing has to take place. That could be updated soon. In this case, the owner called after he had already gone to his hearing. Despite the fact he showed the judge proof that his vehicle was registered at the time of the tow, the judge said that since his car did not have the sticker on it, the tow company would not know the car was registered. He lost \$250 to \$300. I believe the man is still seeking some type of remedy. I referred him to the NTA to see if there is anything they can do for him now that he can no longer file a court action.

Assemblywoman Summers-Armstrong:

Tow companies can sign up for this and choose not to. They can tow a car just because the sticker is missing, even though they choose not to check. A person can incur these fees, and the justice court may not give that person relief. If the vehicle is not picked up, how long does a person have if fighting this in justice court? How soon does this all have to happen before their car can be sold? What does the clock ticking look like?

Assemblyman Miller:

The tow operators do not have to sign up for a service; this is accessible to anyone on the DMV website. After clicking on the "Registration" tab, there is link to "Registration/Insurance Status Check." Anyone who has the last four digits of the VIN and the license plate number can check the status of that vehicle. It does not provide any personally identifiable information, just registration status and insurance status and their effective dates.

As far as the timeline on recovering the vehicle is concerned, I believe there is a 96-hour window before a lien can be filed. Then, there are 43 days before the vehicle can be sold at auction. I believe you can file a complaint with the NTA. There is an investigation and evaluation process wherein the NTA can demand the vehicle be released if they find in the vehicle owner's favor. I will ask Commissioner Newton from the NTA to elaborate.

David Newton:

Assemblyman Miller is correct about the timeframes in *Nevada Revised Statutes* (NRS) Chapter 706. The lien process cannot be initiated for four business days. A fee can be assessed against the registered owner on the fifth day. The second half of the lien-processing fees cannot be attached until after 43 days. There are noticing requirements for the registered owner and any lienholder in the process. That is part of what the lien fees are intended to compensate for.

Another point was raised about filing a complaint with the NTA. Someone who is aggrieved by having a vehicle towed can come directly to the NTA. There is dual jurisdiction—the owner can come to the NTA or to the justice court. Information about filing a complaint with the NTA is printed on each tow bill. When the owner gets his car, he gets the tow bill and it shows there is a complaint process with the NTA and how to contact us.

If a citation was issued, it can be 30 to 60 days from when we receive the complaint until that citation can be heard, based on noticing issues and giving the tow company time to respond to the complaint. Assemblyman Miller is correct; statutorily we can order a tow company to release a vehicle under any terms and conditions we see appropriate. Often, using that statute, we will order a tow company to refund the tow charges if they are found to have done the tow incorrectly.

Chair Monroe-Moreno:

Assemblywoman Summers-Armstrong, do you have any follow up?

Assemblywoman Summers-Armstrong:

Thank you for your explanation.

Chair Monroe-Moreno:

Let us say a vehicle that was registered is towed. Its owner lost his or her job due to the pandemic or whatever else, but there are still payments due on the vehicle. The owner made

the payments but does not have the money to get the car out of tow. If the vehicle is sold, who is responsible? The vehicle was registered; the tag may not have been on the vehicle for whatever reason, but there are still payments owed on the vehicle. What happens then?

Sophia Romero:

In the case where someone's vehicle is towed and they are still making payments to the lienholder or lender, if they are not able to get their vehicle out because they do not have the funds or sometimes people do not realize their vehicle has been towed for several days. On top of the \$200 to \$300 tow fee, they are getting storage charges. Sometimes people just do not have the money to do it or the car is not worth enough, and they decide to leave it there and let the tow company sell it. A lien is put on it and then that car would get sold. Hopefully, the car gets sold before the storage fees exceed the dollar amount of what the car is sold for. If it does not, that person is going to get sued twice. They have the choice to continue paying on a car they no longer own so they do not get sued. What most people do is they essentially stop paying their car note. When they stop paying their car note, they go into default. There is no car to be repossessed and then sold at auction, so there is nothing to mitigate the damages on the part of the lender. They will be sued for the entire balance owing on their car contract. I believe this is still accurate—once the storage fees exceed the amount the tow company is able to sell the car for, then they can also get sued by the tow company for the balance of what is owed to the tow company. I may be wrong on that, so I welcome any correction. It is my understanding that is the way the statute is currently.

Joseph (J.D.) Decker, Administrator, Division of Compliance Enforcement, Department Motor Vehicles:

The lender is often boxed out of the situation if the storage and towing fees exceed the value of the vehicle. The lender can come after the vehicle owner for the balance due on the loan. That is another potential financial hit for the owner of the vehicle that is towed.

Assemblyman Ellison:

Tow companies charge by mileage and what they pay their employees. If they can only charge \$50 and they have to go 50 or 60 miles to pick up a car that has been abandoned or marked to be towed, I am afraid they will stop accepting these tow runs.

I own a small plaza. People abandon their cars there often. Some vehicles are registered, some are not. We mark the cars. After so many days, we call for a tow truck. The cars are usually locked, and we do not know who the owners are or how to get ahold of them. The same thing happens at some of the small rental complexes. People are told to park on the street, but cities' rules and regulations do not allow that; they will leave their cars at a parking lot that is not marked for designated parking. The owner does not know who owns the vehicle, so the owner has to call to have it towed. I have a problem with the bill in some of these areas.

Assemblyman Miller:

To be clear, none of the situations you described would be affected by this bill with the amendment. With the amendment, the bill focuses only on vehicles with expired registration.

The remaining rules would stay in place unless the vehicle was parked in a designated parking space that connects it with a unit where the private property owners or managers know exactly whose spot that is. In that case, the rules would change on notification and the time between notification and the tow. In all of the cases you mentioned—if it were an expired registration, parking in the wrong place, or an abandoned vehicle—those vehicles could be towed under current law.

Assemblyman Ellison:

I appreciate your clarification.

Chair Monroe-Moreno:

In your research for the bill, did you find that apartment complexes in general have contracts with towing companies? Do they pay a fee for towing services, or can a towing company receive compensation just for having the contract?

Assemblyman Miller:

In my search, I did not find that exact situation, but I found that tow operators and multifamily communities do have contracts that allow the tow operators to tow from those properties. From what I understand, the tow companies have the contracts to tow from the properties, but they are paid based on actually collecting a vehicle. I could have that wrong, but that is how I understand it is currently. Is there someone on the call who can clarify that?

David Newton:

Tow companies can have contracts with complexes to do tows, but there can be no compensation from the property owner to the tow company. It is specifically outlawed under *Nevada Administrative Code 706.442*. The contracts often allow for certain types of tows to be performed without a signature from the private property owner when there are safety concerns, such as parking in handicapped spots or blocking fire lanes. The other tows, which would be the majority of the tows we are discussing here, are required to have a signature from the private property owner or designated agent.

Chair Monroe-Moreno:

Thank you for that clarification.

Assemblywoman Summers-Armstrong:

Is there any data about where most of the tows are taking place in the Las Vegas Valley?

David Newton:

The NTA does not collect any data of that type. There is no statutory authority for us to ask for that sort of data.

Chair Monroe-Moreno:

Since that was our last question on Assembly Bill 301, we will move to testimony in support.

Elizabeth Davenport, Legislative Extern, American Civil Liberties Union of Nevada:

Fines and fees disproportionately affect people of color, low-income communities, and immigrants. This is linked to a long history of targeted enforcement against poor people and people of color in the United States. Targeted enforcement and overpolicing of minor offenses create and exacerbate race inequality. Available surveys of towing show discriminatory impact and show that tows for minor fines and fees still occur even when a car owner arrives. For people of color and people who are low-income, the consequences of a towed vehicle can be devastating because the cost and ability to get to the tow yard is out of reach and unduly burdensome for many. Therefore, the tow of a car means a near-permanent loss of the car and, along with it, the loss of employment, access to education, medical care, and for some, their only shelter. Many times, a tow originates from minor offenses such as the lack of registration. The most minor reasons for a tow are some of the most common, and they have the most devastating results. According to a report on towing practices, vehicles towed for these minor fines and fees are two to six times more likely to be sold at a lien sale than the average towed car.

We support this bill because allowing car owners to immediately resolve a tow because of the lack of registration by showing their current registration just makes common sense and can immediately provide relief that impacts people's livelihood—the ability to travel to a job and travel to education opportunities.

Susy Vasquez, Executive Director, Nevada State Apartment Association:

We stand in support of A.B. 301 and wanted to thank and recognize the recent efforts to allow a tow operator's access to the DMV online portal because as of last legislative session, we were not aware we could. That access is what moved us to support. We would also like to thank Assemblyman Miller for his continued efforts to understand the financial impact this bill places on our tow operators. My members depend on our tow operators to guide us through a highly regulated process to tow. They do a great job, by the way, given the number of parking spaces under our control and documentation they collect in order to ensure the tow is legal. We can live with the requirements of the bill and proposed provisions. We do not want our residents' vehicles towed any more than we want to see our residents evicted. We understand the impact to their ability to get to work or school and, therefore, make efforts to notify vehicle owners prior to approving the tow. Please understand, we are following the law and are equally susceptible to code violations and fines from local government agencies where little consideration is given to the reason why that vehicle is on our property and hence need to ensure we comply with the law.

Chair Monroe-Moreno:

Are there any other callers in support? [There were none.] Do we have any callers in opposition?

Lucas Foletta, representing Tow Operators of Northern Nevada:

I wanted to express our appreciation to the bill's sponsor for agreeing to meet with us in the last few days and going forward on some of these issues. We have expressed an understanding of the problem he is trying to solve and have expressed a willingness to try to deal with issues that relate to this bill in a few areas. One is the amount of time a vehicle registration has to be expired before being eligible for tow. Another is fee relief. The third is registration verification through the DMV system. On that point, it bears noting that the operators we represent are regulated entities and the ones who are following the rules are doing the registration verification as required by the NTA guidance of last year. I do not think there is any real disagreement about whether that is a useful thing to do going forward.

The problem that arises, from our perspective, is that the bill—although it is aimed at a completely legitimate and reasonable objective—seems to shift all of the risk in this somewhat delicate system to the tow operators and does not address the real core issue. No doubt there are people in terrible financial situations because of COVID-19 or other reasons who find themselves in difficult positions because of the cost of registration of a vehicle in our state. But the prescription to that problem in this bill does not address the underlying issue, which is the affordability of that registration. This is a back-end way to try to provide additional time and notice to avoid the tow and to limit the exposure and the financial distress that the cost of the tow puts on the person—all of these are legitimate things to discuss. But the bill as a whole shifts all of that risk to the operators. It will result in a breakdown of the system. As people have indicated, our operators operate at the behest of the property owners who are trying to provide against nuisance and blight in most cases and are not there to pick up vehicles that have just missed their registration or are vehicles for people who are in financial distress. We feel the current state of law has important protections, but we are interested in working with Assemblyman Miller to strengthen them as necessary.

Chair Monroe-Moreno:

I want to remind callers they have only two minutes. If your comments are longer than that, please submit them in writing to our Committee staff.

Brett Miller, General Manager, Code Blue Towing:

I appreciate your time. Assemblyman Yeager asked about why we tow vehicles from residential complexes due to expired registrations. When vehicle registration expires, usually insurance is the next thing to go. We are trying to help enforce these rules so the management companies that oversee the complexes are not liable for a vehicle that goes into neutral and runs over a child or a structure. If the vehicle owner does not have current insurance, the complex would be liable. We remove the vehicle before something crazy like that occurs. It takes the management company out of the loop for any type of lawsuit.

I have a few questions about a couple of the items. What would be the process if a vehicle has an expired paper plate from a dealership? You cannot look that up on the DMV website because you do not have a license plate. You have the last four digits of the VIN, but you do not have the license plate that goes with that. Also, if a vehicle had an expired moving permit you would not have any verification. The DMV website that has been available to us since November is not available 24 hours a day. There are a lot of times the DMV website is not available to run the information before doing a tow. [Allotted time was exceeded.]

Chair Monroe-Moreno:

Mr. Miller, you may submit the remainder of your comments and any further questions in writing.

Paul J. Enos, Chief Executive Officer, Nevada Trucking Association:

The Nevada Towing and Recovery Council is part of our association. We are in opposition to A.B. 301. There are some things in the bill we think are good. One is having a tow operator check to see if the registration is valid through the DMV, although there are definitely some issues with that website. We think it is a good thing. It would ensure that any vehicle that is registered would not be towed. Over the years we have worked to find a balance between the vehicle owners—to protect them from predatory towing, requiring a wet signature from the property owner when this kind of tow is requested. We think that if this bill passes in its current form, it would halt all of these kinds of tows. It would make it very difficult for the property owners to remove an abandoned vehicle from their property. There is a statute in NRS that prohibits property owners from having more than three unregistered vehicles on their property. There are some reasons why we do this. I appreciate being able to work with the sponsor of this bill. We have had some productive conversations in the last few days. I hope we can keep working with him to try to achieve the balance among the property owner, the vehicle owner, and the tow operator.

Chair Monroe-Moreno:

Are there any other callers in opposition?

Danny Thompson, representing SNAP Towing, Henderson, Nevada; and Ewing Bros. Towing, Inc., Las Vegas, Nevada:

We are opposed to the bill. I want to thank Assemblyman Miller for agreeing to work with us on it. Like Mr. Enos said, there are some things in the bill we like, but putting the onus on the tow operators to put the notification on someone's door—we would have no way to know who that person is or where he or she is and putting that requirement in there is something that is impossible. The requirement that you can only collect \$50 if the vehicle did not provide proof of registration would lead to a situation where we would not be able to do these tows. You have a \$100,000 to \$150,000 truck, a tow truck driver who is making upwards of \$20 an hour in some cases, you are paying a tow yard, the registration, and all the back-of-the-house people—there is just no way you could operate a business like that. We would like to continue to work with Assemblyman Miller to see if we can work out some of these issues that we are opposed to.

Chair Monroe-Moreno:

Are there any other callers who have joined us for opposition? [There were none.] Do we have any callers for neutral testimony? [There were none.] Assemblyman Miller, do you have any final comments or remarks?

Assemblyman Miller:

Relating to expired paper plates, the bill does not incorporate that. From my understanding, that vehicle would be considered a nonregistered vehicle; however, we can work on that to provide clarity and possibly incorporate those vehicles as well.

In closing, I would like to thank my cosponsors for jumping on board with support early and Ms. Romero for her participation in the presentation today and the work she does to help people handle this issue every day. Assembly Bill 301 with the amendments presented today is intended to provide an immediate remedy to those who may have their vehicles towed due to a failure by tow operators to independently review registration information or because of a mistake, and to provide owners sufficient notice and time to resolve any registration issues when they are properly parked at their home in their designated space before the removal of the vehicle and the accrual of fees. It aims to protect those facing financial hardship from losing what may be the most expensive purchase of their lives. I look forward to working with the tow operators and other stakeholders to solidify solutions that will provide relief to Nevadans who find themselves in this situation. This bill does not impact any other type of tow; it is focused on vehicles that have expired registrations. There is an old saying, "When you know better, you do better." Assembly Bill 301 helps us to do better for all Nevadans. Madam Chair and fellow members of the Committee, I would like to thank you for your time and urge your support of this bill.

Chair Monroe-Moreno:

We will close the hearing on Assembly Bill 301 and open our final hearing of the day on Assembly Bill 320.

Assembly Bill 320: Revises provisions governing the operation of large all-terrain vehicles on certain streets and highways. (BDR 43-196)

Assemblyman Glen Leavitt, Assembly District No. 23:

For background, this bill is to allow for off-highway vehicles (OHVs) to operate on nonhighway or nonfreeway roads in municipalities, cities, or townships that have a population of fewer than 25,000 people. A group came to me saying they could not get their Yamaha Rhinos from their garages to the desert 1.5 miles away without putting them on trailers. Even if they make their OHVs street-legal, there is no remedy for that at this time.

The bill currently would amend *Nevada Revised Statutes* (NRS) Chapter 490. Section 1, subsection 3, of Assembly Bill 320 adds, "A person may operate a large all-terrain vehicle on a city street within a city whose population is less than 25,000 or on a portion of a highway that has been designated as a main county road." For example, a highway through my town

of Boulder City is now called Boulder City Parkway. The stretch of road that is Boulder City Parkway would be eligible; however, as the highway exits Boulder City Parkway and continues on as a highway, it would not be eligible.

Section 1, subsection 3, paragraph (a), talks about large all-terrain vehicles that satisfy the requirements of paragraphs (a) and (b), which means they must be street-legal. In order to be street-legal, they have to have turn signals, taillights, rear-view mirrors, and side mirrors. In municipalities that allow for it, owners register their OHVs with the Department of Motor Vehicles (DMV). They get a sticker that says they can travel on the road. There is another bill, Senate Bill 170, that would remove the process from the DMV to the Off-Highway Vehicles Program and the Commission on Off-Highway Vehicles, both within of the State Department of Conservation and Natural Resources.

Section 1, subsection 3, paragraph (b), states the governing body of the city or county "having jurisdiction over the street or highway enacts an ordinance or resolution authorizing the operation of large all-terrain vehicles on any portion of such of a street or highway." That is part of the conceptual amendment, which I will go over [[Exhibit G](#)]. In section 1, subsection 3, where the current bill language uses "city," the text would now read "city or township." The second conceptual amendment would completely remove section 1, subsection 3, paragraph (b). The city, township, or county would not have to enact any ordinances allowing for these operations.

Someone asked to improve the definition of "OHV" in NRS, which I am happy to do [[Exhibit H](#)].

Chair Monroe-Moreno:

Is the conceptual amendment the document submitted by Mr. Mathew Giltner?

Assemblyman Leavitt:

Yes. He asked that NRS 490.043 be clarified to include an independent definition of "OHV."

Chair Monroe-Moreno:

Where would that be added?

Jessica Dummer, Committee Counsel:

Currently, NRS Chapter 490 has a definition for "large all-terrain vehicles," so we would add the definition for "OHV."

Chair Monroe-Moreno:

Is that a friendly amendment?

Assemblyman Leavitt:

Yes.

Chair Monroe-Moreno:

I will now go to questions from members.

Assemblyman Yeager:

You said these vehicles would need to get a sticker from the Department of Motor Vehicles to be able to operate on the highway. What is that process? Would there be an associated fee?

Assemblyman Leavitt:

That process currently exists; that is not a process created by this bill. The DMV already issues those stickers for off-highway vehicles even in municipalities where they cannot operate on the road.

Assemblyman Yeager:

I thought your presentation indicated there would be an additional sticker, but you are saying they already get that sticker. As long as they have the sticker, would they be able to travel on those roads as long as local jurisdiction allowed it?

Assemblyman Leavitt:

Yes. And the amendment does not require local jurisdiction to be part of it.

Assemblyman Wheeler:

Have you spoken with sheriffs in any of the smaller communities to find out what their opinions are?

Assemblyman Leavitt:

I have not, but I am happy to do it.

Assemblyman Wheeler:

Thank you. I assume they would be okay with it, but I want to make sure.

Chair Monroe-Moreno:

Are there any other questions?

Assemblywoman Peters:

How does the definition of "highways" fit into this? It appears this precludes using the state highway system; however, some communities here in the north—Dayton and a couple of other communities—are directly along the highway and it is a major thoroughfare to parts of town. In those cases, if one of these vehicles attempted to cross the highway, would that be allowed under this bill?

Assemblyman Leavitt:

That issue is addressed in NRS Chapter 490. For roadways intersecting a highway, NRS already addresses that. I will get that language to you. These vehicles are allowed to cross a highway, but they cannot travel on them.

Assemblywoman Peters:

I would appreciate the follow-up on that for clarification.

Chair Monroe-Moreno:

Are there any other questions? [There were none.] Is there anyone to testify in support of Assembly Bill 320? [There were technical difficulties. The speaker was unable to testify.]

We will move on to the next caller. We can come back to this one. [There were no additional callers. The previous caller disconnected.] Do we have any callers in opposition? [There were none.] Are there any callers for neutral testimony?

Nikhil Narkhede, Program Manager, Commission on Off-Highway Vehicles, State Department of Conservation and Natural Resources:

Thank you for the opportunity to provide neutral testimony regarding Assembly Bill 320. Large all-terrain vehicles (ATVs) are a class of off-highway vehicles characterized by seating for two abreast and a truck bed or seating for four or more people. Large ATVs are more commonly known as "side-by-sides." Please consider current Nevada statutes that enable OHV operation in communities when considering A.B. 320. *Nevada Revised Statutes* 490.090 through 490.110 govern the use of off-highway vehicles on paved and gravel county roads. Existing law permits OHV use on unpaved roads under NRS 490.090, section 3, and operation on paved roads when designated appropriately by the governing city or county under NRS 490.100. Current statute allows rural communities the flexibility to permit OHV operation on pavement. Allowing cities and counties to choose routes where OHVs are permitted caters to the needs of each community while encouraging OHV recreation as an outdoor-economy driver. Occasionally, however, the county-specific approach creates confusion for OHV riders looking to connect communities across the state. Nevada hosts world-renowned off-road racing events statewide and is home to incredible motorized recreation opportunities near many of Nevada's rural communities. Please consider impacts on Nevada's growing outdoor recreation economy in these OHV-friendly communities when deliberating A.B. 320.

Chair Monroe-Moreno:

Are there any other callers wishing to present testimony in neutral? [There were none.] Assemblyman Leavitt, do you have any final comments?

Assemblyman Leavitt:

Thank you for allowing me to present this to you today.

Chair Monroe-Moreno:

With that, we will close the hearing on Assembly Bill 320. That brings us to public comment. Is there anyone wishing to provide public comment? [There was no one.] Our next meeting will be on Tuesday, March 30, 2021, at 1:30 p.m. This meeting is adjourned [at 3:29 p.m.].

RESPECTFULLY SUBMITTED:

Joan Waldock
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 written testimony presented and submitted by Assemblyman C.H. Miller, Assembly District No. 7, regarding Assembly Bill 281.

[Exhibit D](#) is a proposed conceptual amendment to Assembly Bill 281, presented by Matthew Walker, representing Enterprise Holdings, LLP, submitted by Assemblyman C.H. Miller, Assembly District No. 7.

[Exhibit E](#) is a letter dated November 25, 2020, to Tow Operators, from Dawn Gibbons, Chair, Nevada Transportation Authority, Department of Business and Industry, submitted by Assemblyman C.H. Miller, Assembly District No. 7, regarding the towing of vehicles without current registration stickers.

[Exhibit F](#) is a proposed amendment to Assembly Bill 301, dated March 24, 2021, submitted by Assemblyman C.H. Miller, Assembly District No. 7.

[Exhibit G](#) is a proposed conceptual amendment to Assembly Bill 320, presented and submitted by Assemblyman Glen Leavitt, Assembly District No. 23.

[Exhibit H](#) is a proposed amendment to Assembly Bill 320 submitted by Mathew Giltner, Outreach Coordinator, Pine Nut Mountains Trails Association.