

**MINUTES OF THE  
SENATE COMMITTEE ON JUDICIARY**

**Eighty-first Session  
April 21, 2021**

The Senate Committee on Judiciary was called to order by Chair Melanie Scheible at 1:01 p.m. on Wednesday, April 21, 2021, Online and in Room 2135 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Melanie Scheible, Chair  
Senator Nicole J. Cannizzaro, Vice Chair  
Senator James Ohrenschall  
Senator Dallas Harris  
Senator James A. Settelmeyer  
Senator Ira Hansen  
Senator Keith F. Pickard

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Natha C. Anderson, Assembly District No. 30  
Assemblywoman Lesley E. Cohen, Assembly District No. 29  
Assemblywoman Rochelle T. Nguyen, Assembly District No. 10

**STAFF MEMBERS PRESENT:**

Patrick Guinan, Policy Analyst  
Nicolas Anthony, Counsel  
Pat Devereux, Committee Secretary

**OTHERS PRESENT:**

Justin Randall, Nevada Justice Association  
Alison Brasier, Nevada Justice Association  
Shea Backus, Commissioner, Uniform Law Commission  
Kaitlin Wolff, Legislative Counsel, Uniform Law Commission  
Manuel Mederos, Language Access Specialist, Northern Nevada International Center

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Natalia Cardillo, Nevada Interpreters and Translators Association  
John McCormick, Assistant Court Administrator, Administrative Office of the  
Courts, Nevada Supreme Court  
Annemarie Grant

CHAIR SCHEIBLE:

We will open the hearing on Assembly Bill (A.B.) 140.

**ASSEMBLY BILL 140**: Enacts provisions relating to service of process on certain lessors of vehicles. (BDR 2-544)

ASSEMBLYWOMAN ROCHELLE T. NGUYEN (Assembly District No. 10):

Assembly Bill 140 addresses a problem that arises when Nevadans are injured in accidents by vehicles driven by foreign nationals.

JUSTIN RANDALL (Nevada Justice Association):

Assembly Bill 140 is essentially a service-of-process bill. In Nevada, when a person is involved in a car accident that is unable to be resolved without a lawsuit, the person who caused the accident is served. If the defendant is a U.S. resident, he or she is given a physical copy of the lawsuit and attendant paperwork. This is done within a reasonable amount of time and cost. If we cannot physically hand people the paperwork, under federal law, if they have a Nevada driver's license, we can serve them through the Department of Motor of Motor Vehicles (DMV). The DMV will accept the service on their behalf if they consent to being the driver.

If the defendant is a foreigner, attorneys do not have those options. We can serve defendants if they are a resident of a country that is a signatory to the Hague Convention; if not, we have minimal options. Assembly Bill 140 attempts to close that loophole. If a foreign driver is here as a visitor or temporary resident and has rented a car through an agency, the agency would be required to accept service on his or her behalf. This type of statute is common in high-tourism states like ours: California, Florida, Texas and others.

The bill would allow DMV to accept service on the defendant's behalf and forward it to the foreign country. This is a major problem in State high-tourism areas like Washoe and Clark Counties and the Tahoe Basin. Foreigners rent cars, get into accidents and then provide limited or false information to police. Attorneys have no good way to pursue them to get justice for the injured

Nevada resident victim. Assembly Bill 140 protects Nevadans' ability to recover damages caused by foreign drivers.

SENATOR PICKARD:

The rental car company is typically the financier of last resort. Its insurance company will be responsible if the foreign renter cannot be reached. Does every foreigner who rents a car have to buy the agency's insurance?

MR. RANDALL:

Yes. Foreigners are typically self-insured or through a company, but the agency insurance covers loss or damage to property or injury to people. The agency is in the best position to contact the foreigner because ultimately it is responsible for the individual's defense. Contact information is verified at the time of rental.

SENATOR HARRIS:

Why does Nevada require service on the foreign driver if we know the rental agency will ultimately be the defendant? Why not file a separate claim wherein the agency has to bring in the foreigner to seek reimbursements?

MR. RANDALL:

That is not how the U.S. legal system works; only Louisiana provides that service. The other states sue the person who caused the harm. The insurance company will defend or indemnify him or her for any loss of payments made. The insurance industry would oppose that system.

ALISON BRASIER (Nevada Justice Association):

What A.B. 140 seeks to accomplish is similar to what is already available to foreign residents who are served processes. U.S. citizens can be served through their home state DMVs. Rental car agencies are the accepters of service if there is no DMV service regulation.

MR. RANDALL:

In the past year alone, my small Las Vegas personal injury law firm has dealt with the bill's issue at least five times. Typically, an accident occurs somewhere in Clark County in which a driver hits another vehicle, police come to the scene and file a report with the at-fault driver's address, city and/or state. Right now, my office is dealing with a Proulx, Belgium, driver. At the bottom of the police report, the officer wrote "France" and an address in a third country. If the driver is foreign, the information taken at the scene is rarely accurate. Insurance

companies with that information never provide it to the plaintiff. Ultimately, the person being harmed is the Nevadan.

SENATOR HARRIS:

Nevada could establish a system like that of Louisiana, which would take work. That is not how we do business now, correct?

MR. RANDALL:

Yes, Nevada lacks that system under its civil procedures.

SENATOR SETTELMAYER:

If this were the industry standard, it would be easier for foreigners and U.S. citizens traveling around our Country. Is that standard in place?

MR. RANDALL:

It is becoming more standard for states with high-tourism rates.

SENATOR SETTELMAYER:

What are the states around Nevada doing? It would make sense to have similar standards. In my district in Lake Tahoe, drivers cross the California state line all the time.

MR. RANDALL:

Assembly Bill 140 is identical to California's law.

SENATOR OHRENSCHALL:

On a recent trip to Seattle, I saw an online service whereby people can rent vehicles for a few hours. If we had such businesses in Nevada, if a foreigner was visiting and rented a car for just a few hours, would the bill apply if he or she injured a Nevadan in an accident?

MR. RANDALL:

The language of the bill includes the terms "short-term lessor" and "short-term lessee." It is not specific to major rental agencies.

MS. BRASIER:

Assembly Bill 429 would regulate peer-to-peer, car-sharing companies, to which Senator Ohrenschall referred.

**ASSEMBLY BILL 429 (1st Reprint)**: Establishes provisions governing peer-to-peer car sharing programs. (BDR 43-861)

Under *Nevada Revised Statutes* (NRS), those companies are not defined as short-term lessors so would not be included in A.B. 140. However, in discussions on A.B. 429, Nevada Justice Association recommended they should be included in A.B. 140 since lessees would also need to be contacted in the event of accidents.

ASSEMBLYWOMAN NGUYEN:

Including peer-to-peer, car-sharing companies was discussed, plus how to incorporate new technology platforms people use to rent cars, pools, recreational vehicles or homes.

SENATOR PICKARD:

Assembly Bill 429 would require peer-to-peer services to pay excise taxes. If that is done at the platform level, we could probably also require insurance policies.

ASSEMBLYWOMAN NGUYEN:

We can incorporate that, plus add consistency in the definition of "short-term lessor" between A.B. 140 and A.B. 429.

CHAIR SCHEIBLE:

We will close the hearing on A.B. 140 and open the hearing on A.B. 145.

**ASSEMBLY BILL 145**: Adopts the Uniform Registration of Canadian Money Judgments Act. (BDR 2-772)

ASSEMBLYWOMAN LESLEY E. COHEN (Assembly District No. 29):

The Uniform Registration of Canadian Money Judgements Act (URCMJA) was drafted by the Uniform Law Commission (ULC).

SHEA BACKUS (Commissioner, Uniform Law Commission):

The URCMJA works in concert with the Uniform Foreign-Country Money Judgments Recognition Act—NRS 17.700—which Nevada adopted in 2007. As per the URCMJA, a registered Canadian judgment may be enforced the same way as a judgment rendered in the State. The URCMJA streamlines the enforcement process of a Canadian money judgement. Under the Recognition

Act, people who have received a foreign judgment must file a lawsuit to have that judgment recognized in Nevada. The URCMJA is an expedited administrative process to accomplish the same goal. This reduces the legal costs of enforcing the foreign judgment.

The URCMJA process is also designed to reduce judicial workloads and help decongest court dockets. It does not require courts to hold full judicial proceedings to recognize and enforce a Canadian judgment.

The Recognition Act established a registration procedure regarding judgements in all states, including Nevada. The URCMJA procedure will benefit those registering Canadian judgements in Nevada and vice versa under Canadian statutes.

Most important, implementation of the URCMJA will facilitate commerce between Nevada and Canada, which is one of our Country's most important trading partners. The Registration Act facilitates commerce between the two countries with a streamlined, less expensive procedure for recognizing and enforcing money judgments, which are a result of commercial activity between the nations.

According to the Business Council of Canada and Nevada, Canada is our third-largest export market. Prior to Covid-19, 82,800 Nevada jobs depended on trade and investment with Canada. Thus, the URCMJA will facilitate our commerce with Canada.

KAITLIN WOLFF (Legislative Counsel, Uniform Law Commission):

You have my written support testimony ([Exhibit B](#)) for A.B. 145. Section 1 through section 5 of the bill situate the URCMJA within NRS and define terms. Section 6 provides a registration process specifically for Canadian money judgments. If a judgement contains relief other than money, the URCMJA can only be used for recognition and registration of the money judgment fee; the regulation of subject matter falls outside of the scope of the URCMJA.

Section 7 of A.B. 145 lays out the actual process used for recognition and registration of a judgment. The creditor needs to transmit particular documents to the court in Nevada. Section 7, subsection 3 explains how once a court receives the documents and registration fee, it must enter the judgment on its docket. Section 7, subsection 4 provides a court form used for registration of a

judgment. Section 8 establishes once a judgement is registered, it is enforceable in the same manner and extent as any other money judgement rendered in the State. Certain enforcement activities are prohibited for a 30-day period after registration to provide notice to the parties. Section 9 requires notice of service on the person against whom the judgment is registered.

Section 10 of A.B. 145 explains the individual may petition the court to vacate the registration within 30 days of service, depending on certain grounds. A petition to vacate a judgment may be denied under the Recognition Act. A person may argue the registration fee documents were filled out inappropriately and the Recognition Act cannot be used to render a judgment. Section 11 provides the person who filed the petition to vacate registration may also petition the court to stay enforcement of the judgment pending a decision. Section 12 describes how the URCMJA conforms with NRS 17.700, the Recognition Act. Either a person can use the Recognition Act procedure, file a lawsuit and have a full judicial proceeding on the judgment, or if there is a judgment, he or she may use a simple administrative registration procedure. Sections 13 and 14 increase uniformity with NRS and give an effective date.

SENATOR PICKARD:

As a family law attorney, I deal with Canadian child support order judgments. Would A.B. 145 interplay with our ability to enforce them? If we adopt the bill, would its provision become a standard we would have to follow?

MS. WOLFF:

Assembly Bill 145 would not apply to domestic relation judgments. There are certain exclusions granted from the URCMJA.

SENATOR HARRIS:

Why do we have a Canada-specific judgment bill?

ASSEMBLYWOMAN COHEN:

Nevada has a close relationship with and similar legal structure to Canada.

MS. WOLFF:

When the ULC first considered the bill, we looked at the close socioeconomic ties between the United States and Canada. There is a significant trade relationship between Nevada and Canada.

SENATOR HARRIS:

It may make sense to do this with other countries, but we have not identified where we have close relationships like we do with Canada. Is that correct?

MS. WOLFF:

The ULC contemplated including Caribbean nations and other countries in A.B. 145 but decided to limit it to Canada for the aforementioned reasons. The ULC paired with the Uniform Law Conference of Canada to harmonize the countries' statutes.

SENATOR OHRENSCHALL:

I have seen data about how many Canadians come to Nevada as part-time snowbird residents. Many of our large businesses are owned by Canadians, notably Barrick Gold. Canada and Nevada have many mutual investments and business transactions. The URCMJA was promulgated in 2019. Are other states considering enacting the URCMJA or have made it the law?

MS. WOLFF:

Colorado enacted the URCMJA in 2020. It is pending in Nebraska, Maine, Minnesota and Rhode Island.

ASSEMBLYWOMAN COHEN:

The Business Council of Canada and Nevada website lists all of the trade between us and Canada.

VICE CHAIR CANNIZZARO:

Do Canadian judgments fall under the provisions of the Recognition Act?

ASSEMBLYWOMAN COHEN:

Yes, but extra steps must be taken to secure judgements.

SENATOR OHRENSCHALL:

The Recognition Act requires a lot of extra steps before a judgment is filed. There may be concerns about a country's court system and due process and the legitimacy of the judgment. Our relationship with Canada and confidence in its court system and due process granted to all parties were deciding factors in drafting the URCMJA.



VICE CHAIR CANNIZZARO:

Are those the steps the bill is streamlining or are there additional steps? What are the differences between them?

MS. WOLFF:

Yes. Under NRS 17.700, as per the Recognition Act, if someone wishes to have a judgment recognized and enforced in Nevada—no matter the country of origin—he or she must file a lawsuit to ensure due process, final and enforceable judgment beyond appeal and have no issues with personal or subject matter jurisdiction in a foreign country. In Nevada, absent the URCMJA, to recognize and enforce a foreign judgment, a lawsuit must be filed beforehand.

Assembly Bill 145 would offer people a greatly streamlined procedure. It would allay the need for a full-scale lawsuit or judicial procedure to go through those extra steps. Instead, there would be a simple registration procedure, filing of paperwork with the relevant Nevada clerk of court and skipping the full-scale lawsuit about the foreign money judgment.

MS. BACKUS:

The Recognition Act requires the original proceeding of filing to open a case to recognize the judgement. Under the URCMJA, the judgment is registered with the court with no need for a full-blown evidentiary hearing. The judgment is registered then served upon the judgment with the opportunity to make valid objections to due processes if the Canadian judgment was secured inappropriately.

VICE CHAIR CANNIZZARO:

The purpose of the lawsuit is to ensure due process and faith in the judicial system of the foreign country from which the judgment was obtained. Would that be the only change under the bill?

SENATOR OHRENSCHALL:

Under NRS 17.750, the court must consider the standards for recognition of a foreign country judgment. The standards say a judgment cannot be recognized if it "was rendered under a judicial system that does not provide impartial tribunals or procedures compatible with the requirements of due process of law." Because of the faith we have in the Canadian judicial system, extra judgment steps would be bypassed and business between Nevada and Canada improved.

VICE CHAIR CANNIZZARO:

We will close the hearing on A.B. 145 and open the hearing on A.B. 212.

**ASSEMBLY BILL 212 (1st Reprint)**: Makes various changes relating to court interpreters. (BDR 1-758)

ASSEMBLYWOMAN NATHA C. ANDERSON (Assembly District No. 30):

I have worked with court interpreters through the Northern Nevada International Center at the University of Nevada, Reno. Over the last few years in the Center's Language Bank program, we have seen different communities that need various services, including court interpreters. They are passionate about their work because they truly believe "and justice for all" should be a reality, not just something you say in the Pledge of Allegiance.

According to a 2016 U.S. Department of Justice Civil Rights Division report, court reporters are court-provided, qualified interpreters essential for limited English proficiency (LEP) criminal defendants to effectively appear in court proceedings against them. Whether spoken or written, words lost or miscommunicated due to inadequate interpretation may interfere with a court's ability to determine facts and administer justice. Providing accurate interpretation is the only way individuals may give their side of stories, preserve evidence for the record and challenge testimony of adverse witnesses.

Court interpretation requires a high level of fluency in two languages. Interpreters must convey testimony in both languages sometimes simultaneously. Improperly trained interpreters may have trouble understanding or conveying court information, including difficult legal terminology. Interpreters are subject to ethical standards, avoiding bias, tainting evidence and inappropriate conversations with those whom they are translating.

The 2016 Department of Justice Civil Rights Division report talks about the National Center for Access to Justice, which rates states on a variety of issues on a 100-point Justice Index scale. Nevada was rated at 16.8 points in 2016. By working with the Administrative Office of the Courts (AOC) of the Nevada Supreme Court, interpreters can get the recognition and help they need.

Section 1, subsection 1 of Assembly Bill 212 would add two certified interpreters in Spanish and another language to the committee that advises the AOC on issues relating to court interpreters. Section 1, subsection 4 would

certify implementation of the Nevada State Court Language Access Plan. Subsection 3 requires an annual report to the Chief Justice and to the Director of the Legislative Counsel Bureau. The Plan is administered by the AOC and used in courts. The last time the Plan was posted on the AOC website was 2013; there was a Plan for 2018-2019; however, it was never posted. Assembly Bill 212 provides the Plan be posted online annually. The report would contain the number of LEP interpreters, individuals served, languages interpreted, rate of interpreter utilization and type of resources provided. We need that data to craft the strongest possible policy.

SENATOR PICKARD:

Being a court interpreter takes more than just fluency; it takes a real skill to be able to simultaneously hear something and accurately translate it. Nevada has a significant shortage of qualified interpreters in many different languages. How would adding interpreters to the AOC advisory committee dovetail with implementing the Language Access Plan? How would that ultimately result in more and better qualified interpreters?

ASSEMBLYWOMAN ANDERSON:

Adding two interpreters to the AOC advisory committee would increase focus on issues like a lack of people taking the court interpreters certification test. There are 5 or 6 standard languages plus an additional 22 in which tests are offered. Having more people take the test is just the first step in a 26-mile marathon. When college students are studying languages, we need to suggest they pursue careers in interpreting. Assembly Bill 212 is a way to get necessary information to the advisory committee. We lack the data to formulate solutions. We do not even know what languages are missing in court interpretations or which courts need interpreters.

SENATOR PICKARD:

When my children were in middle school foreign language classes, a native Spanish speaker teacher encouraged her students—especially the native Spanish speakers—to become interpreters. Can we use the bill to jumpstart that conversation as early as middle school?

SENATOR OHRENSCHALL:

During the Covid-19 pandemic, we have seen how well virtual meeting technology like Zoom or Teams works. Sometimes in court, we have had difficulty finding interpreters. I had a client in Clark County Juvenile Court who

spoke a Romani dialect. We had a lot of difficulty finding an interpreter. Could there be more use of Zoom in the future for distance interpreting?

ASSEMBLYWOMAN ANDERSON:

It is hoped at some point virtual interpreting would be allowed in courts. The Language Bank uses distance technology for interpreting. Some areas of the court are comfortable with it, others are not. There are many things we have had to learn as a culture and society because of Covid-19. That includes the benefit of technology, distance interpreting being a fine example. Let us say you are in court in Elko and you need an interpreter for Portuguese. Do you call someone from the Las Vegas or Reno area? We need to figure out how to use technology to effect that.

MANUEL MEDEROS (Language Access Specialist, Northern Nevada International Center):

Assembly Bill 212 would add diversity to the AOC advisory committee, especially with a Spanish-speaking member. The bill instructs the committee to annually highlight its accomplishments in a published report. It would enforce the committee's commitment to the profession of interpretation, language classes and the LEP citizens of Nevada. There are many unknowns about services LEPs receive in courts, and the bill would assist in getting important data to address issues and service gaps.

Nevada's court interpreters are trained professionals who have gone through a vigorous process to become fully certified. They are required to take continuing education classes. An interpreter must have a deep understanding of both languages as well as knowledge about the justice system and criminal procedures. They must be impartial and translate precisely without allowing personal prejudices or values to sneak in.

NATALIA CARDILLO (Nevada Interpreters and Translators Association):

The Nevada Interpreters and Translators Association supports Assembly Bill 212. My Association's certified court interpreters help LEP people by safeguarding their right to due process, becoming their voice so they can fully participate in what could be a life-changing process. Interpreters undergo extensive training and assessments to guarantee our accuracy and contributions to the public discourse. The participation and registration of interpreters and implementation of the core interpreters program falls under the purview of the Language Access Plan committee, which is not required to include interpreters.

The people who are most affected by the committee's decisions need to have firsthand knowledge of the needs of the profession. The publication of an annual report could help Legislators make decisions as to the provisions of the profession, thus ensuring valuable resources are allocated to where they are most needed.

JOHN MCCORMICK (Assistant Court Administrator, Administrative Office of the Courts, Nevada Supreme Court):

The Supreme Court supports the policy questions posed in A.B. 212. Our concerns will be answered by an amendment.

ASSEMBLYWOMAN ANDERSON:

Nevada has had a rich history of dependence on interpreters, including Sarah Winnemucca. Assembly Bill 212 is a way to honor that tradition and make our State more inclusive.

VICE CHAIR CANNIZZARO:

We will close the hearing on A.B. 212.

ANNEMARIE GRANT:

My brother Thomas Purdy was hog-tied for 40 minutes by two City of Reno police officers during a mental health crisis at the Peppermill Resort, Spa and Casino. Forty-plus minutes later, he was dumped at the Washoe County Detention Facility, still hog-tied, and was asphyxiated. There has been huge community support for my family after media attention about his death.

I was heartened to hear the guilty verdict in the trial of ex-Minneapolis police officer Derek Chauvin for the in-custody death of George Floyd. We needed to see an appropriate sentence or it would have all been for nothing. Custody deaths in Washoe County have become a common occurrence, but Nevada police officers are never charged. The Chauvin verdict gives hope to the loved ones of those killed by police.

Thomas was killed in a similar manner to Mr. Floyd; both men's last words were, "I can't breathe. They're going to kill me." My family wants my brother's homicide case reopened and is confident an investigation dedicated to the facts would prove our stance. Washoe County District Attorney Christopher Hicks is the only one with the power to reopen the case. None of the custody asphyxiation deaths—Thomas, Niko Smith or Justin Thompson—were ever

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reviewed by Mr. Hicks. Please support bills that support law enforcement accountability and transparency. Watered-down bills erode the public's trust.

VICE CHAIR CANNIZZARO:

Seeing no more business before the Senate Committee on Judiciary, this meeting is adjourned at 2:22 p.m.

RESPECTFULLY SUBMITTED:

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Pat Devereux,  
Committee Secretary

APPROVED BY:

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Senator Melanie Scheible, Chair

DATE: \_\_\_\_\_

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda
A.B. 145	B	1	Kaitlin Wolff / Uniform Law Commission	Written Support Testimony