

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON COMMERCE AND LABOR**

**Eighty-Second Session  
March 24, 2023**

The Committee on Commerce and Labor was called to order by Chair Elaine Marzola at 1:33 p.m. on Friday, March 24, 2023, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/82nd2023](http://www.leg.state.nv.us/App/NELIS/REL/82nd2023).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Elaine Marzola, Chair  
Assemblywoman Sandra Jauregui, Vice Chair  
Assemblywoman Shea Backus  
Assemblyman Max Carter  
Assemblywoman Bea Duran  
Assemblywoman Melissa Hardy  
Assemblywoman Heidi Kasama  
Assemblywoman Daniele Monroe-Moreno  
Assemblyman P.K. O'Neill  
Assemblywoman Selena Torres  
Assemblyman Toby Yurek

**COMMITTEE MEMBERS ABSENT:**

Assemblyman Steve Yeager (excused)

**GUEST LEGISLATORS PRESENT:**

Assemblyman Brian Hibbetts, Assembly District No. 13  
Assemblywoman Tracy Brown-May, Assembly District No. 42

**STAFF MEMBERS PRESENT:**

Marjorie Paslov-Thomas, Committee Policy Analyst  
Cyndi Latour, Committee Manager  
Spencer Wines, Committee Secretary  
Garrett Kingen, Committee Assistant

Minutes ID: 579



**OTHERS PRESENT:**

Chelsea Capurro, representing Zillow

Anna Boone, Senior Manager, Government Relations and Public Affairs, Zillow

Michael Stidham, Director of Regulatory Affairs, Rocket Mortgage

Cathy Sheehy, Commissioner, Division of Mortgage Lending, Department of Business and Industry

Justin Houston, Juvenile Probation Officer, Department of Juvenile Justice Services, Clark County, Nevada

Richard P. McCann, representing Nevada Association of Public Safety Officers; and Nevada Law Enforcement Coalition

John Abel, Director of Governmental Affairs, Las Vegas Police Protective Association Metro, Inc; and representing Las Vegas Deputy City Marshals

Kevin Eppenger, President, Juvenile Justice Probation Officers' Association

Matthew Caldwell, President, Police Officers Association, Clark County School District

Pamela DelPorto, Executive Director, Nevada Sheriffs' and Chiefs' Association

Hernan Arroyo, Juvenile Probation Officer, Department of Juvenile Justice Services, Clark County, Nevada

Kenyatta Ellzy, Juvenile Probation Officer, Department of Juvenile Justice Services, Clark County, Nevada

Jaqueline Alvarado, Juvenile Probation Officer, Department of Juvenile Justice Services, Clark County, Nevada

Vanessa Mitchell, Juvenile Probation Officer, Department of Juvenile Justice Services, Clark County, Nevada

Christine Johnson, Juvenile Probation Officer, Department of Juvenile Justice Services, Clark County, Nevada

Jessica Delgado, Juvenile Probation Officer, Department of Juvenile Justice Services, Clark County, Nevada

Matthew Richardson, Vice President, Nevada Association of Public Safety Officers; and President, Juvenile Justice Supervisors Association

Joanna Jacob, Government Affairs Manager, Department of Administrative Services, Clark County, Nevada

Lindsay D. Knox, representing Nevada Self Insurers Association

Mike Dzyak, Chief, State Fire Marshal Division, Department of Public Safety

Shawn Azam, Owner, AW Collision, Las Vegas, Nevada

Jenny Drago, Private Citizen, Houston, Texas

Michael DeMichele, Estimator, AW Collision, Las Vegas, Nevada

Kevin Kampschror, representing Nevada Justice Association

Jesse Wadhams, representing Nevada Insurance Council

Lea Case, representing American Property Casualty Insurance Association

Alexia Emmermann, Chief Insurance Counsel, Division of Insurance, Department of Business and Industry

**Chair Marzola:**

[Roll was called and protocol was reviewed.] We will begin with our first agenda item. Assembly Bill 284 authorizes the business of a mortgage company to be conducted from a remote location under certain circumstances. Assemblywoman Kasama, you may begin when you are ready.

**Assembly Bill 284: Authorizes the business of a mortgage company to be conducted from a remote location under certain circumstances. (BDR 54-941)**

**Assemblywoman Heidi Kasama, Assembly District No. 2:**

Thank you, Madam Chair and Committee members. It is my pleasure to present Assembly Bill 284 to all of you. I was approached to carry Assembly Bill 284 to help modernize the mortgage lending industry. This bill allows for remote work for mortgage loan originators. As the country and mortgage lending industry has emerged from the height of the pandemic, 34 states have now permanently authorized remote work for loan originators. Mortgage lending companies now have the resources, policies, and procedures to interact with customers and manage regulatory compliance from anywhere. This is also something that Nevada has experience with. From March 2020 to the end of June 2021, Nevada mortgage loan originators were allowed to work from home. This bill will simply permit that practice in statute, and it includes parameters to ensure that Nevadans and their information are safe and secure while providing them with a more flexible and convenient process. I will now hand this over to Chelsea Capurro from the Griffin Company and Anna Boone from Zillow to provide some additional context and help answer any questions the Committee may have about this bill.

**Chelsea Capurro, representing Zillow:**

As we all know, COVID-19 has changed the world we operate in, and some of those changes have truly helped modernize our day-to-day life. This bill is a perfect example of that. I will now pass this over to Anna Boone, who coincidentally is here to present remotely, so Anna will help walk through the bill and answer any questions you may have.

**Anna Boone, Senior Manager, Government Relations and Public Affairs, Zillow:**

The bill before you, A.B. 284, would enable a more seamless real estate experience for Nevadans by authorizing mortgage loan originators to work remotely. As Assemblywoman Kasama mentioned in her opening remarks, we now have 34 states that have permanently authorized remote work for loan originators. We call this RMLO, or remote mortgage loan origination, which allows mortgage loan originators to be more responsive and available to Nevada home shoppers by utilizing the location flexibility that technology now enables. Currently, mortgage loan originators are required to conduct business from a licensed branch location. This limits their ability to respond to homebuyers outside of business hours or when they are away from the office.

Technology and consumer expectations have evolved over the last several years, accelerated by the COVID-19 pandemic. During the pandemic and associated stay-at-home orders, the mortgage lending industry, in partnership with regulators, adapted its operations to facilitate

remote work in order to deliver critical financial services to consumers. This shift demonstrated that the mortgage industry can operate safely, efficiently, and effectively in a digital environment. It also helped consumers more easily transact during the period of historically low interest rates and sky-high housing demand.

Permanent remote work for mortgage loan originators modernizes the mortgage lending industry to benefit consumers, employees, and employers. Consumers experience a more convenient process, as loan originators are able to respond to inquiries and provide updates outside of business hours without having to commute into an office to do so. Employees are able to access flexibility, the same flexibility many other industries already provide. Mortgage lenders are more easily able to recruit and retain talented mortgage loan originators. By making RMLO permanent, Nevada will enable a more seamless, convenient real estate transaction for its residents.

I will mention in addition to authorizing remote work, this bill includes protections such as prohibiting an employee from interacting with the customer in person at the residence of that employee. It also prohibits the maintenance of physical records at a remote location. Finally, section 1 of this bill gives full authority to the Commissioner of the Division of Mortgage Lending, Department of Business and Industry, to adopt further regulations governing the business of a mortgage company at a remote location. Thank you so much for your consideration. We urge your support, and I am available to answer any questions. [Written testimony also submitted [Exhibit C.](#)]

**Chair Marzola:**

Thank you, and thank you for your presentation. Committee members, any questions? I have a couple, but we will start with Committee members.

**Assemblywoman Backus:**

I keep thinking this is where we are going after COVID-19. A lot of businesses are working remotely. One thing I thought, and this is kind of general and you may not have the answer, but all I keep thinking are zoning issues. Are we encroaching upon a situation where we are doing home businesses? Although we were all doing it during COVID. It was something I just keep pondering when I read the bill. Of course, that is what I thought of.

**Chelsea Capurro:**

I was going to say I am not quite sure how this would impact zoning. I think that is something we have to look at more closely at a local level. I am not prepared to answer that unless, Ms. Boone, you have an answer. It is something we might have to dig deeper into and get an answer for you.

**Anna Boone:**

I agree with that. I was going to highlight something I failed to mention in my remarks. Nothing in this bill does away with the current requirements that there would be a licensed branch location in the state. Yes, we are happy to follow up with more information on any zoning triggers.

**Assemblywoman Jauregui:**

It is not so much a question; it is more of a statement. Thank you for allowing me to make it, but I was happy to see this bill in Commerce and Labor. I know that when I have spoken to the Nevada Mortgage Lenders Association during the interim, this is something that has been important to them, and I felt I just did not have the capacity to carry it anymore. I was happy to see that you brought it forward, Assemblywoman. I think it is one of the benefits that did come out of COVID-19. There are policies implemented that I think we can take advantage of now and make them long-term policies that will benefit industries and just make businesses run more efficiently. This is one of the ones I saw as an efficient benefit.

**Assemblywoman Torres:**

Thank you, Madam Chair, and thank you for this bill and thank you for coming into my office and talking about it earlier. As I dive deeper into the legislation, my only question is whether or not this would increase the number of individuals who are maybe doing this work who do not reside in Nevada. I want to make sure there is some type of guarantee there that is already in the policies and you can speak to that.

**Chelsea Capurro:**

I think the only thing I will say is that as Ms. Boone mentioned, it does not get rid of the requirement that there has to be a licensed branch location in Nevada.

**Anna Boone:**

This does not change any of the licensing requirements, including that licensed branch location. I do not see it having any significant impact on where loan originators who are serving Nevada consumers can or cannot live.

**Chair Marzola:**

Thank you for your answer. That was one of my questions. My other question is I just wanted to confirm that everything is going to be electronic. There is not going to be any sort of physical paper at anyone's home at any given time.

**Anna Boone:**

That is correct. We spelled that out in this bill. I think that is critical that there are no physical records maintained at a remote location, including the home of the loan originator, so those will still be required to be maintained at a licensed branch location.

**Assemblywoman Hardy:**

I think another good thing that came out of COVID-19 was how we adapted and were able to do these things remotely. Being remote does not just mean in someone's home; that could be somewhere else or in a hotel or something. I wanted to put on the record a couple of things. This says they may conduct business at a remote location if they are authorized by the mortgage company. It is permissive, and then the mortgage company has to have written policies, procedures for supervision, security plans, all of those things. It is not just

somebody going off and saying, I am going to start doing this remotely. There is a process, there are procedures, and all these things through the mortgage company that are still in place.

**Chelsea Capurro:**

Yes, that is correct. There are also authorizations for the Mortgage Lending Division to put in any other further restrictions they may see or need, whether that is working from a secure server or anything like that. We do not want to tie their hands and not let them have the flexibility to regulate this as they see fit and what would be appropriate.

**Chair Marzola:**

Any additional questions? I do not see any. We will move to testimony in support of Assembly Bill 284.

**Michael Stidham, Director of Regulatory Affairs, Rocket Mortgage:**

Rocket Mortgage appreciates the opportunity to offer testimony in support of the proposed amendments to the *Nevada Revised Statutes*, which would set forth the conditions by which licensed mortgage loan originators (MLO) may work from a remote location.

Under Nevada's current statute, mortgage licensees are required to establish a branch location anywhere MLOs conduct mortgage loan origination activity, even in an MLO's home. In the wake of the COVID-19 pandemic, many states including Nevada provided guidance and/or codified remote work standards into their laws and/or regulations. This modernization of mortgage lending requirements allowed mortgage companies to continue to provide important financial services to consumers during the pandemic. By codifying standards for permissible remote work, MLOs can be available to assist consumers during future unforeseen events. Mortgage lender licensees are operating under this remote work model in many states while also ensuring compliance with applicable federal, state, and local laws. This bill establishes specific standards for remote work that are in use in multiple other states, which are also expressly supported by the American Association of Residential Mortgage Regulators to facilitate remote work. These standards will promote consistency among licensees and will reduce the need for the department to examine residential branches. Moreover, this amendment streamlines the regulatory process for the Department and ensures that consumer protections are maintained no matter where MLO activity occurs.

In summary, we appreciate the Committee's leadership on this matter. Remote work is critical for the modernization of mortgage licensing, and the standards set forth support Rocket Mortgage's constant desire to ensure consumer ease, protection, and proper mortgage activity oversight. Thank you. [Written testimony also submitted [Exhibit D](#).]

**Chair Marzola:**

We will move to testimony in opposition to Assembly Bill 284. [There was none.] We will now take testimony in the neutral position.

**Cathy Sheehy, Commissioner, Division of Mortgage Lending, Department of Business and Industry:**

I am on the phone testifying in neutral, just available to answer any questions.

**Chair Marzola:**

I do not believe there are any questions, but I do appreciate you calling in and I am sorry for any confusion.

**Justin Houston, Juvenile Probation Officer, Department of Juvenile Justice Services, Clark County, Nevada:**

I work with Juvenile Justice Services and Probation. Real quick, I am a native son here in Las Vegas, Nevada. My grandparents met here in the '40s, my parents met at Western High School. My brother and I were born in Las Vegas, Nevada Women's Hospital. I graduated from Bonanza, graduate from work here for DGS and I am very proud to be serving the community and serving the youth whom we work with. It is extremely stressful to work with these youth— [Chair ended testimony due to relevance.]

**Chair Marzola:**

Is there anyone else on the line for Assembly Bill 284 in the neutral position? [There was no one.] Assemblywoman Kasama, would you like to give any final remarks?

**Assemblywoman Kasama:**

I wanted to thank my copresenters, and as we heard from many of you and the other people calling in as well. Our industries are changing after the pandemic—how we are operating. This is one industry, and I am sure there will be many more bills that are along the same lines. It is good where we are keeping up with the current times. I appreciate everybody's consideration and support.

**Chair Marzola:**

I will now close the hearing on Assembly Bill 284. I will now open the hearing on Assembly Bill 301, which revises provisions relating to public employees. Assemblyman Hibbetts, you may begin when you are ready.

**Assembly Bill 301: Revises provisions relating to public employees. (BDR 53-766)**

**Assemblyman Brian Hibbetts, Assembly District No. 13:**

Good afternoon, Chair Marzola, and members of the Committee. I am the sponsor of Assembly Bill 301, which revises the definition of police officer to include school police officers, juvenile probation officers, bailiffs, and deputy marshals in municipal courts for certain benefits under the Nevada Occupational Diseases Act.

Currently, the Director of the Department of Public Safety (DPS) is authorized to allow the department to use certain designations to identify itself and the divisions of the department and for its officer employees to use certain designations to identify themselves, such as state police. The measure also clarifies that the use of certain designations by DPS, a division

officer, or an employee of the department does not exclude them from the definition of police officer under existing law. Before I introduce my copresenter, I am going to give you a broad overview of what it is we are talking about before he gets into the specifics, because I am not good at that part.

What we are talking about is called the Heart and Lung Law in the state of Nevada. There are laws that cover this across the United States in just about every jurisdiction. It is widely known and widely understood that police and firefighters suffer disease of the heart and lung at a much greater rate than the average population does. Why that is, not a lot of people can tell you, and those who can tell you are probably just guessing. Nonetheless, it happens. Jurisdictions across the country have deemed it necessary to say that if you were a police officer or firefighter under certain circumstances and you develop one of these diseases, then it is automatically presumed to be work-related.

Our state law that covers this is *Nevada Revised Statutes* (NRS) 617.135. The definition of police officer is very limited. If you look at, and I have a copy of the current version here, you can see there are currently 16 different designations. I printed out NRS Chapter 289, that covers police officers in the general law, and I printed out the definition of what a police officer is under NRS Chapter 289, and that is six pages. You can see this is a very limited scope. What we are trying to do here is number one, the rambling on about the Department of Public Safety. In this particular statute, they are referred to as Nevada Highway Patrol. As you know, recently they changed their name or a portion of their name to the State Police. This is clarifying it is still the same agency and they are still covered. The rest of these that we are putting in are groups or designations that already have their compatriots covered. For instance, the city bailiffs, the Las Vegas Justice Court, and the state district court bailiffs are already covered. Las Vegas City municipal bailiffs work in the same building and do the exact same job yet they are not covered. That is simply an example of what we are trying to do. For the specific portions of it, I will now turn it over to Mr. McCann and let him dazzle you with his presentation skills.

**Richard P. McCann, representing Nevada Association of Public Safety Officers; and Nevada Law Enforcement Coalition:**

[Read from [Exhibit E](#)]. First, I wish to thank Assemblyman Hibbetts, Assemblyman D'Silva, Assemblyman Yurek, and Assemblyman Carter for their sponsorship and cosponsorship of this very important bill. In general, under existing law, which happens to be NRS 617.455, it states that a disease of the lungs is conclusively presumed to have arisen in the course of the employment of a police officer, firefighter, or arson investigator who has been employed full-time in a continuous, uninterrupted position for two years or more. Add to that current law NRS 617.457, diseases of the heart are conclusively presumed to have arisen in the course of employment of a police officer, firefighter, or arson investigator who has been employed full-time in a continuous uninterrupted position for two years or more.

There are also built-in tiers regarding time limits. If you have been in this particular position for up to 20 years, you get a certain amount of coverage following your separation from the department. If you have been there for 20 years or more, you get additional coverage. That



is neither here nor there for this bill. As Assemblyman Hibbetts said, these workers' compensation benefits are generally referred to as heart-lung benefits. If you hear us talk about heart-lung, that is what it is by way of background.

Currently, NRS 617.135, around which A.B. 301 now revolves, includes about 16 separate job descriptions to which these heart-lung benefits may apply. We are already dealing with that. Section 1 of A.B. 301 seeks to add a school police officer employed by the board of trustees of a school district, a juvenile probation officer, and a municipal court bailiff or deputy marshal whose duties require them to carry a weapon and make arrests. That is what is in the bill in front of you.

Now, this makes perfect sense, as you will hear from some people who will be calling in, testifying in person, here or in Las Vegas. These are the subject matter experts. In these classifications their jobs often require them to be exposed to the same environments, the same elements that their brothers and sisters in law enforcement are exposed to in their various lines of work. In fact, if you take a look at the bill in front of you, the new paragraph (m) on page 3 of the bill, parole and probation officers of the Division of Parole and Probation in the Department of Public Safety are currently covered by heart-lung benefits. Why not juvenile probation officers who are being added to this bill who deal with many of the same environments and conditions as adult probation officers? Walk into an adult's home to check on your subjects or do an investigation, it somehow exposes you to more risks than walking into a house full of adults that contains your juvenile subject? There is obviously a comparison I think is basic. Look at new paragraph (a) on page 2 of the bill. It covers a sheriff, deputy sheriff, officer of a municipal police department, or a city police officer. Why not municipal court, which are city bailiffs and deputy marshals and school police officers who interact and engage with the same public, carry weapons, make arrests, just like these other police officer cohorts of theirs.

Speaking of municipal court, we are submitting a conceptual amendment [[Exhibit F](#)] which is on the Nevada Electronic Legislative Information System and should be in front of you, which adds marshals or deputy marshals of any city or any township. Frankly, we believe on this side of the table that municipal marshals and deputy marshals are city police officers. They are like the ones listed in subsection 1(a). As a matter of fact, these people actually undergo annual heart and lung exams already, yet they are not on the list. Why are we adding them in this conceptual amendment? Well, upon information and belief, I am told some insurance companies for cities and towns try to argue that because the statute does not use the word "marshal" and it only says "city police officer," that they end up having their heart-lung coverage denied. We need to stop that. This amendment is merely an effort at cleaning up the issue for those city court marshals.

Look at new subsection 1(j) at the top of page 3 of the bill. It covers police officers from the Nevada System of Higher Education. Great, so why not school police officers who are under the control of the board of trustees of school districts in our state? What the heck is the difference? New paragraph (d). Here we go again, paragraph (d) on page 2 of the bill includes the chief supervisor, investigator, or training officer of the training division of DPS.

New paragraph (f), subparagraphs (1) and (2) on page 2 of the bill covers essentially background and criminal records investigators, and technology support personnel. I am not taking anything away from these important job functions and their potential exposures to cardiac and respiratory illnesses on the job. That is why they are in the statute. Why not school police officers, who do the same things, juvenile probation officers exposed to the same things, and municipal court bail officers, deputy marshals exposed to the same things? Do not get me wrong. This is not merely an argument for why not me. That is not what we are here for. I simply offer these different job descriptions as comparisons to show you why or that here is a breadth, a large depth in breadth, of those who are currently covered. These school police officers, juvenile probation officers, municipal court bailiffs, and deputy marshals are truly in need of this heart-lung benefit just like their law enforcement brethren.

There is absolutely no credible reason why they should not qualify as much as the other categories currently set forth in NRS 617.135. They can all suffer the same ill effects, including death, as their fellow law enforcement officers for doing essentially the same jobs. It is time they receive this benefit. It is that simple, and for these reasons we ask that you support A.B. 301.

**Assemblyman Hibbetts:**

I would just like to add, as a retired police officer I can tell you that I went through more experiences that affected my heart and lungs than I care to remember, from the adrenaline ups and downs, to having to eat fast food on a nightly basis because that was the only thing available, to running into active meth labs to rescue children. I am amazed that I am still sitting here without an oxygen tank, but I had the comfort of knowing I had this benefit if something ever happened to me.

I have been receiving requests for amendments up until we are on the floor conducting session. I have submitted one amendment myself to include the city marshals because originally when the bill was drafted, they were supposed to be included with the city marshal bailiffs [[Exhibit F](#)]. But as it turned out research showed they were two separate entities. That is why I added that amendment; the rest of the amendments I have not submitted simply because of time. I do not want to bombard the Committee with amendments two hours before the hearing. I am not opposed to those amendments; it is just something that is going to take a little further discussion, and we have not had the time or opportunity to do that. You may hear opposition testimony saying, Well, we would support it if we had this. That is what is going to be discussed after this meeting. You are going to hear opposition testimony because it is going to cost money, it is. Nobody can actually tell you how much. Other than that, I would like to open it up to questions.

**Chair Marzola:**

Thank you, Assemblyman, and thank you for your presentation, Committee members. Does anyone have any questions?

**Assemblywoman Monroe-Moreno:**

Which amendment; I have two. Which one is yours?

**Rick McCann:**

It has a new subsection 1(t) that says a marshal or deputy marshal of a city or township. The other one with the two paragraphs, not it.

**Assemblyman Hibbetts:**

If I may, Chair, that is not something I am absolutely against. I have not had the chance to research it and discuss it with the stakeholders.

**Assemblywoman Monroe-Moreno:**

Do you know who did submit this other one with the two paragraphs?

**Assemblyman Hibbetts:**

From here or even with my glasses, I am going to guess that is from the Nevada Sheriffs' and Chiefs' Association [[Exhibit G](#)]. I did see one coming from them.

**Assemblywoman Jauregui:**

When was the last time this chapter was amended? When was the last addition that we made to it and who was it? Why were these originally excluded from this chapter?

**Assemblyman Hibbetts:**

I can answer part of that. I can tell you that the last time this was amended was 2013 when subsection 16 was added to NRS 617.135. I do not have the legislative history to be able to explain to you why these were excluded or why that particular section was added. For that, I apologize.

**Assemblywoman Jauregui:**

Let me restate my question. When was the last time this was amended to add qualifying officers?

**Assemblyman Hibbetts:**

Yes, 2013 is the last notation I have on here adding anyone to the definition of police officer, and under the current law, it is listed as subsection 16, a bailiff or deputy marshal. I believe you are correct. Under the bill, it would be paragraph (r) a bailiff or deputy marshal.

**Assemblywoman Jauregui:**

Do you know why these were left off when this chapter was created?

**Rick McCann:**

I am not aware, Assemblywoman, as to why it may have been done. We are going back now a long time. This stuff has been around since 1981 and it has gone through revisions throughout. The last revision, I believe before 2013, was 2009. Why there would have been a revision without putting the marshals whom we seek to put in now into that particular area, which may have made sense, I do not know. I was not involved in the bill in 2019, but it is a very good question.

**Assemblywoman Jauregui:**

Thank you, I guess that is my question. I guess if there was a revision made for subsection 16, to add the bailiffs of a justice court, I am sure the conversation was had about why the municipal court was not included. That is my curiosity, was there a discussion about that and where they were left off. I am sure we can go back and if it was 2013, we can probably look at the legislative history or the minutes.

**Assemblywoman Monroe-Moreno:**

A response to my colleague's question, as we have both worked in law enforcement. I spent almost 30 years there, although I look really good for my age. The different categories, different positions have evolved over the years. If you look at one of the amendments, it mentions alternative sentencing. We did not have alternative sentencing programs 20 years ago. Law enforcement in general has changed, and sometimes our NRS has not kept up with that. I think that is why some of the positions you see were not there years ago because we have evolved as a community, and we have evolved as law enforcement.

**Assemblyman Hibbetts:**

If I may address the Assemblywoman's point. It was not until 1993 that an officer of the metropolitan police department was added. The [Las Vegas] Metro Police Department had existed for 20 years at that point and the law had existed for 12. That just leads to the Assemblywoman's point that as words change, definitions change. Unfortunately, lawyers like to use those words to their advantage. We have to be ahead of them.

**Chair Marzola:**

I felt like that was kind of a dig at lawyers, but I am going to let that one pass, and I appreciate your answer. Yes, times are definitely changing and have changed.

**Rick McCann:**

Madam Chair, may we have those words stricken from the record?

**Assemblyman O'Neill:**

Thank you, Chair, and I am here in support and to give a little history. Talking about DPS, I was personally involved in this. The law used to specify officers of the Metropolitan Police Department, law enforcement, sheriff's office, chiefs, local municipalities, and highway patrol troopers. As DPS evolved, we formed a training division. We formed an internal affairs division, and I was personally assigned to develop a records and technology division. When I got transferred to that, and when the officers were transferred out of highway patrol or investigations to work the training division to go to internal affairs and work those cases, they were excluded because they were not mentioned. This bill was so narrowly written, precisely written, that for two years I was working without heart and lung coverage even though I was a police officer. I will tell you that I was actually assaulted and had guns put to my head with the triggers pulled and I was not covered as a police officer. We came in, and I presented the bill in 2007 with PORAN [Peace Officers Research Association of Nevada]. We had to change that right in here and without quoting it that officers in technology

divisions and in training divisions, instead of just saying police officers as categorized by Peace Officer's Standards and Training Commission (POST) as category I officers as this does now say.

I know I am not supposed to make statements, so I will make this as a question. Mr. Hibbetts, Mr. McCann, do you believe that by adding some of this language where it talks about category I police officers, that will help clarify and clean up this constantly coming back almost every session or every other session with another additive? That is a yes or no, because I ran out of time.

**Assemblyman Hibbetts:**

Yes, and if I may expand very briefly, the ultimate goal would be to eliminate everything you see here and just say as defined by NRS Chapter 289. In my opinion, that is the way it should be. However, I know that would give some people behind me various heart attacks when they are not covered by this bill, so I would not want to do that.

**Assemblywoman Monroe-Moreno:**

Just an additional question. My colleague to my left said category I. Would that also include category II and category III?

**Assemblyman Hibbetts:**

Yes, it would. It currently does include all category I, II, and III. It does include all I and II, but it does include category I, category II, and category III. There are examples of each category in the current listing and will continue to be there.

**Assemblywoman Monroe-Moreno:**

I just wanted to get that on the record.

**Chair Marzola:**

Lots of round two on this bill. I like it. I like everyone being involved. Committee members, any additional questions? I do not see any. We will move to testimony in support of Assembly Bill 301. Anyone here in Carson City? Please remember to state your name for the record.

**John Abel, Director of Governmental Affairs, Las Vegas Police Protective Association Metro, Inc; and representing Las Vegas Deputy City Marshals:**

We are obviously in support of this bill. The reason why the city marshals are in this bill now is we thought they were covered. In fact, they go through yearly heart and lung evaluations. I was very surprised, and I began to receive phone calls last year saying they were not being covered. I have talked to the City of Las Vegas and, of course, because they are called marshals, we believe they are city police. Because they are called marshals, they were not covered. This bill attempts to clean up that language. We support the bill and thank Rick McCann and Assemblyman Hibbetts for bringing it.

**Kevin Eppenger, President, Juvenile Justice Probation Officers' Association:**

I work at the Clark County Department of Juvenile Justice Services as a juvenile probation officer. As we reviewed A.B. 301, we became aware that our colleagues from the Department of Parole and Probation were included in this bill. We essentially do the same job, court report writing, making arrests, and supervising youth in the community opposed to adults. We feel that this is a vital piece of law we should be included in and we request that the Committee take a hard look at this and include us. Thank you for your time and your support.

**Matthew Caldwell, President, Police Officers Association, Clark County School District:**

I am here to testify in support of this bill. I think the reason why school police are not included is because we poorly represented ourselves over the years, and nobody from my department came down here and asked for us to be added. I think most people probably do not understand what we do with a school-based police department. Just a brief synopsis. We have roughly 180 officers. We police the same geographic location or size of the Las Vegas Metro area, about 8,000 square miles, which encompasses over 400 buildings, 300,000 students, 40,000 employees and multiple visitors throughout the day. We are a specialty police department where we are primarily focused on the safety and security of children. But we also commonly arrest adults for many violent offenses and even some juveniles for violent offenses too. In closing, I would like to ask that you support this bill. We appreciate Assemblyman Hibbetts' championing the bill and Rick McCann doing a very good job of explaining it, and everybody else who supports this bill to include Assemblymen D'Silva and Carter. Thank you all very much.

**Pamela DelPorto, Executive Director, Nevada Sheriffs' and Chiefs' Association:**

I am here today in support of A.B. 301. We appreciate what Assemblyman Hibbetts is doing for Nevada peace officers, but we do look forward to ongoing and continued conversations relative to other peace officers.

**Hernan Arroyo, Juvenile Probation Officer, Department of Juvenile Justice Services, Clark County, Nevada:**

Thank you, Madam Chair. I have been a juvenile probation officer with the Department of Juvenile Justice Services for the past 25 years, and I fully support this bill knowing how many years we have been looking at this and trying to be a part of it. I acquired tuberculosis back in 2008 doing my job duties working in the detention center. I want to thank you for your time and hope that you recognize us to be part of this bill.

**Kenyatta Ellzy, Juvenile Probation Officer, Department of Juvenile Justice Services, Clark County, Nevada:**

Just like Officer Arroyo, I, too, work in a juvenile detention center. I have noticed over two decades that I have worked there, fellow employees who suffered heart attacks, fellow officers who go into different units and cannot breathe because of the asbestos in the dirty vents. I would just like to thank you for your support of Assembly Bill 301.

**Jaqueline Alvarado, Juvenile Probation Officer, Department of Juvenile Justice Services, Clark County, Nevada:**

I as well, along with my coworkers here, have been working in the juvenile detention facility. I have been a juvenile probation officer for 15 years. We are exposed to asbestos, lack of maintenance in the buildings, we are understaffed, and there is mold. I recently got off of a heart monitor myself that I had to wear for two weeks, and my cardiologist has yet to read me my results. However, it is a stressor of working in that environment. So please, thank you for your support for A.B. 301.

**Vanessa Mitchell, Juvenile Probation Officer, Department of Juvenile Justice Services, Clark County, Nevada:**

I have been a probation officer in this field for 16 years. I have worked in detention and currently work in the field and personally, I have experienced a heart attack while I was working. My partner had to drop me off at the University Medical Center, I had an abnormal electrocardiogram, and I had to have a heart catheter. I never expected that. The only answer I was given is stress. I want to ask for the support and to include us in this bill. Please support A.B. 301.

**Christine Johnson, Juvenile Probation Officer, Department of Juvenile Justice Services, Clark County, Nevada:**

I have been a probation officer in this field for 25 years. Currently, I am located at Spring Mountain Youth Camp at 8,500 feet above sea level. We have at least 27 officers. To give you a rundown of what we do, currently we have three officers who have not slept and by the time they get home, they have been awake and in a hypervigilant state for 40 hours. We have another officer, 52 years old, who is going to be up at Spring Mountain Youth Camp for three days straight, 72 hours in a hypervigilant state. That is how we work. Our response to that is that is just what we do. We have had an officer die on the football field, heart conditions. We have had another officer, five heart attacks. We had a night JDA have a heart attack on the job and a heart attack at home.

It got to the point where I started carrying aspirin at work just in case. I pushed for radios because we are in such a remote location and we have a serious condition that can happen again because we are in a hypervigilant state for hours, sometimes days, at a time. I myself have been checked two times for my heart, one hospitalization where they just simply stated stress.

My blood pressure has gone up in the last year. Most of our blood pressure is high at Spring Mountain Youth Camp because we are in a higher elevation. We produce higher red blood cells and as a result of that high blood pressure, most of us now have to go get blood taken and take some of those red blood cells out. On behalf of Spring Mountain Youth Camp and 27 officers, we are asking for your support, please, and thank you.

**Jessica Delgado, Juvenile Probation Officer, Department of Juvenile Justice Services,  
Clark County, Nevada:**

I have been a juvenile probation officer for the last 17 years with our department. The last 12 years, I have been assigned to the intensive supervision unit. I am in support of this bill, and I thank you for your time and consideration. There are just a few notes that I have taken that I want you to take into consideration, please.

This bill, A.B. 301, will provide vital protections to juvenile probation officers, the same protections that are currently afforded to our Department of Public Safety and other probation department and peace officers within the state of Nevada. Our officers work around many of the same conditions and environments that can expose us to respiratory and cardiac health conditions throughout the course of our career. Some of our working conditions include and are unlike many other types of jobs within the state of Nevada. Assaultive incidents, we work under highly aggressive situations. Our work is physically and mentally demanding. We work in emotionally charged situations. We conduct arrests on everyday occasions, and we are under stress-related situations that are typical to each of our positions, whether we work at Spring Mountain Youth Camp, the detention facilities out in the field, intake officers, and such.

One of the most important things I would like for you to take under consideration, if you look at our actual job description on the county website when we apply to do our job, it says we are to work evening, night, weekend, and holiday shifts. We work under potentially life-threatening emergency conditions. We work in violent, traumatic, highly charged, and emotional environments. Specific positions may be assigned to a remote worksite at a very high elevation and we may be subject to exposure to blood and airborne diseases. This is something that we are exposed to throughout the course of our careers. In the last several years, I myself have been diagnosed and suffer from cardiac, pulmonary, and now hypertension issues, due to stress-related situations on my job. I am only 43 years old. I think this bill really is very important and serves our probation department and our probation officers just as other jobs within the state of Nevada are afforded the same protections. I thank you for your consideration and your time today.

**Matthew Richardson, Vice President, Nevada Association of Public Safety Officers; and  
President, Juvenile Justice Supervisors Association:**

I am also a juvenile probation supervisor at the Clark County Department of Juvenile Justice Services. Juvenile probation officers and supervisors are deemed essential employees for the security of detained youth pending serious charges, which includes sex offenders, youth up for adult certification, and those who have been court-ordered placement, including supervision of high-risk youth in the community. Their main job function is for the safety of the community. I am not going to repeat everything that has been said before. I want to urge the Committee to support A.B. 301, and I am here in support of A.B. 301.

**Chair Marzola:**

We will move on to testimony in opposition to Assembly Bill 301.



**Joanna Jacob, Government Affairs Manager, Department of Administrative Services,  
Clark County, Nevada:**

We are here in opposition today in light of the ever-evolving development of this bill and the discussion of multiple amendments on the record today. I wanted to state for the record that Clark County covers work-related incidents, either on the workers' compensation systems side or on the medical side through our health benefit plan, especially if there is a nexus to the work.

There are valid reasons why we have these presumptions on heart-lung. We know that it is because of exposure to smoke and burning substances, chemicals. If it is a work-related incident, then there is coverage, especially when it is timely notified to the county. We have some concerns about expansion on this, and we have looked at the policies of such expansion in other states. There have been some limits put in place, as Mr. McCann noted. We have looked at those limits. I have communicated with Assemblyman Hibbetts about these items, and it is our intent to work with him as this bill makes it through. There was some discussion about costs on this and I know this is the policy committee. We did file a fiscal note on this bill and that will be discussed later. Thank you very much for the time.

**Lindsay D. Knox, representing Nevada Self Insurers Association:**

We join the county in expressing concerns with A.B. 301. Our primary issue is the broadening definition of police officer, which lacks clear distinction between the unique risks faced by our police personnel. This could lead to unintended consequences and costs. We look forward to working with the bill sponsor and other stakeholders to achieve a fair resolution that addresses our concerns.

**Chair Marzola:**

Is there anyone else here in Carson City wishing to testify in opposition? Ms. Jacob can you come back to the desk, please? We have some Committee members who have some questions.

**Assemblywoman Monroe-Moreno:**

I know we are not the fiscal committee, but I am looking at your fiscal note and it is pretty amazing, but that being said, we will discuss that when I take the bill to my committee. You said you cover workers' comp for the employees. We heard a number of people in support of this bill talk about medical conditions that they are going through. What are you doing to address those medical conditions of those officers who are working in your facility?

**Joanna Jacob:**

When in discussion on this, we have a policy in Clark County that if there is a nexus to the conditions and the exposure on the thing, there is a process for notifying our risk management division of a work-related incident. If that form, known as a C1, is filed with Clark County, then it is reviewed for whether there is a work-related nexus. If there is a work-related nexus, it is covered and that is our policy. With regard to the conditions at the

facility, I will have to get back to you on that because I heard that testimony today, and we certainly will respond to you and those concerns and send it to the Committee after this meeting.

**Assemblywoman Monroe-Moreno:**

Those officers who are your juvenile officers, do they have to do an annual physical, like the Metro officers, like the officers working in the city jail? Do they have to do an annual physical as part of their employment?

**Joanna Jacob:**

Assemblywoman, I would have to look at this. I know that was discussed in our fiscal note that with this change, yes, they would be subject to an annual physical. I believe that was discussed in our fiscal note. I do not know that for certain. I do not want to give you the wrong answer here at this point. With the extension of that coverage, I will tell you that condition upon that coverage is required typically because of the presumption that does apply on this. I am not sure if they are subject to it today. I will certainly follow up on that. With the extension, yes, that would be required, I believe, as well.

**Assemblywoman Monroe-Moreno:**

Are those officers a category II or category III? Do you know what their category is with Nevada POST? They did have to pass Nevada POST to get that, correct?

**Joanna Jacob:**

I know this from working on these issues in previous sessions. There was a lot of discussion today about categories of peace officers. Juvenile parole, typically, I believe are category II.

**Assemblywoman Backus:**

I am hearing a lot about this Spring Mountain Youth Camp. It made me nervous, not only for the employees out there having the elevated red blood cells, but I was also thinking about the kids there. Are you guys seeing any complaints coming out of there on health problems of the children who are up there as well?

**Joanna Jacob:**

As I sit here today, I do not have that information before me. I can certainly go back to our juvenile justice division and find out for you and follow up after this meeting.

**Chair Marzola:**

Any information you do get, can you please share it with my committee secretary?

**Joanna Jacob:**

Absolutely, Chair, I will.

**Chair Marzola:**

Any additional questions? I do not see any. Is there anyone in Las Vegas wishing to testify in opposition to Assembly Bill 301? I do not see anyone. We will move to neutral testimony on Assembly Bill 301.

**Mike Dzyak, Chief, State Fire Marshal Division, Department of Public Safety:**

We are testifying in neutral, and I apologize because it was us who saw this late and came in late with this. While we have some requests, we have not had a chance to sit down with Assemblyman Hibbetts, and I apologize to him back there. Basically, what we saw in section 1, the state fire marshal and his or her assistant deputies were already in there. As far as my division goes, we have not had deputies since 2004, so I thought this would be an appropriate moment since we have to address it anyway. In section 2 to clean it up and say the state fire marshal supervisor or investigator of the state fire marshal division to clarify that [[Exhibit H](#)].

The Director's office realized that Capitol police and dignitary protection for the governor was not also delineated in subsection 1. We asked for that to be added. When we got to subsection 2, we noticed paragraph (o) in section 1 as state fire marshals and paragraph (o) was not present in subsection 2, it was omitted. We ask that be put in and then add for the Chief of Capitol Police Division, supervisor, dignitary protection officer, or police officer of the Capitol Police Division of the Department of Public Safety. We will work with Assemblyman Hibbetts to clarify that. All those officers are currently covered. They are covered under the old Department of Public Safety and that is all.

**Chair Marzola:**

Thank you for your testimony. We have no questions. I want to remind everyone that anyone submitting amendments, please put your contact information. It is appreciated. Is there anyone in Las Vegas wishing to provide testimony in the neutral position to Assembly Bill 301? [There was no one.] Assemblyman Hibbetts, would you like to give some closing remarks?

**Assemblyman Hibbetts:**

First, I would like to make an amendment and suggest that we put drink holders in those chairs because it would be a whole lot easier. The reason we have this law, and this law exists in most jurisdictions in the United States, is because of the difficulty for any doctor to be able to link heart or lung disease to the job definitively. If I am a police officer and I am wrestling with the suspect and I twist my knee, and I go to the hospital and doctor says, yep, you got a twisted knee and yep, I have a witness that I was wrestling with the suspect. Guess what? I can link that to my job duties. But high cholesterol, hypertension, reduced lung capacity, find me a doctor who can say it happened because of your job. They cannot do that. That is why we have this law to protect the cops who get heart and lung disease. And the firefighters—do not want to exclude them. We have a rivalry, but we love each other. They are already covered. All I ask is that you take a look at it and let us do our best to try to cover these cops who are out there protecting us and our families. Thank you very much.

[[Exhibit I](#) and [Exhibit J](#) were submitted but not mentioned and will be added to the record.]

**Chair Marzola:**

Thank you, and thank you for bringing this bill forward. I will close the hearing on Assembly Bill 301. I will now open the hearing on Assembly Bill 334. This bill revises provisions relating to insurance for motor vehicles. Assemblywoman Brown-May, you may begin when you are ready.

**Assembly Bill 334: Revises provisions relating to insurance for motor vehicles.  
(BDR 57-949)**

**Assemblywoman Tracy Brown-May, Assembly District No. 42:**

[Read from [Exhibit K](#).] We are going to do our very best to cover this bill very quickly on your Friday afternoon. We sincerely appreciate the opportunity to come before you to present this conceptual amendment [[Exhibit L](#)]. Know that we are not working off the bill; we are working off the conceptual amendment. You all should have a lovely version in color. It is a work in progress. Thanks for taking the time to hear this. This amendment helps to protect automobile insurance consumers by setting stringent guidelines for an insurer to follow regarding the timeliness for vehicle repair request. I would like to introduce you to my co-presenter, Shawn Azam joining us from AW Collision in Las Vegas, and we have representatives here from the Insurance Division, Department of Business and Industry, to answer specific questions from the Committee regarding this matter. I am going to go really quickly because the best bills are the bills that come from our constituents in our districts. That is where Assembly Bill 334 came from. Mr. Azam identified that there was an issue relative to his business and his customers. He brought it forward, we talked about it, and worked through the entire interim in order to come up with this great language. Rather than waste your time, I am going to turn it over to him and let him go.

**Shawn Azam, Owner, AW Collision, Las Vegas, Nevada:**

[Read from [Exhibit M](#).] I would first like to thank you all for taking the time to sit with us today in review of a bill that will go a long way in helping the members of the community, our friends, our family, and even people sitting next to you and here on this floor. Assemblywoman Tracy Brown-May, I would like to thank you for assisting and presenting this bill today.

I am a small-business owner in the heart of Las Vegas. My family and I run two automotive collision repair facilities here and have been operating in Nevada since 2011. In all the time we have been here, last year has been by far the hardest for our family, our businesses, our customers, and for the industry. The reason I am presenting this bill today is on behalf of almost 50 of our customers in the last year who have felt lied to, deceived, and ignored by their own insurance companies, ones that are supposed to represent and protect them with their best interest in mind.

Over the past six months, our customers and our business have submitted almost 50 complaints to the Division of Insurance against insurers for unfair claims handling and delays on claims. I have those complaints and responses here in front of me. Some of these customers have been out of their own vehicle and out of a rental car or car in general waiting for up to two months or more for insurance companies to get back to them, to have an employee come out and look at the vehicle, to have someone come out and start the initial process. Unfortunately, it has become more common practice. This hurts everyone in the industry. Our businesses are left in limbo not able to move forward with repairs. Consumers are left paying for rentals and trying to figure out how to get back to their normal lives and insurance adjusters are left overworked and stressed.

This bill helps to bring to Nevada the consumer protections that other states have already mandated. It holds insurance companies to a maximum of six days to inspect the vehicle after liability and coverage have already been determined, and six days to inspect for any additional damage found once the car is in a repair facility and it has been taken apart. It also provides a solution to allow the customer to proceed with proper repairs if the insurance company delays longer than six days, much as other states have already set before us. I would like to share the story of one customer, a very personal situation that happened last year and into the beginning of this year.

Imagine you are sitting there; you are Ms. Byers. You are a single mother of two. You work hard every day to support your family and put food on the table. You are driving home from picking up your child at school when suddenly a piece of debris comes into your lane, you strike it, and you instantly pray for your family's safety. You pull to the side of the road only to find out your undercarriage is damaged; your car is leaking coolant and it needs to be towed. You contact your insurance company and are advised to take your vehicle into the shop on October 12, 2022. You give a sigh of relief knowing you have been paying the same insurance company for ten years, have full coverage, and have full rental coverage on your policy. You get into a rental car; you drive home to do the best that you can to keep your family in good spirits.

Over the course of the next few weeks, you continue to get updates from the shop saying they have disassembled your vehicle and have sent all the photos and the estimate to your insurance company for review. However, they have not heard back anything other than understaffing and training excuses. The days continue to go on.

November 12, 2022, comes and you get a call from your rental company that your insurance is no longer covering the rental, as almost all policies max at 30 days of rental coverage. You immediately think of your kids. How will they get to school? How will I go to work? How will I put food on the table? Rentals are not less than \$45 a day. That is \$1,350 a month. That is as much as her rent on the property, let alone the rest of the expenses that she has.

You anxiously start calling the repair shop, the insurance company, and anyone else you can think of. The shop advises you that they are still waiting and have made numerous attempts to get an adjuster out. The repair totals are \$13,000 and you do not have the money just to pay the car and fix it in the meantime. You wait, borrowing cars, asking for rides, rationing food, and you wait.

December 13, 2022, two months and a day after the original incident, you receive a call from the shop that an adjuster has just arrived to review your \$13,000 claim for the first time. This is your own insurance company that has already accepted liability months prior and provide approval to move forward. The next day, the shop mentions they received paperwork for an approval of only \$7,000, almost half of what is needed to repair your vehicle and not even close to what was gone over in person the day prior. You continue to deal with delay after delay.

Fast forward, February 6, 2023, three months after the initial accident, there are emails, calls, and complaints. You finally hear from the shop that, after multiple attempts, they received final approval adding another \$3,000 to the claim. The shop moves forward to ordering parts and performing the repairs.

On February 16, ten days later, you are contacted to pick up your vehicle. You think back after all these sleepless nights, worry, heartache, and stress. After all this, three months later, it only took ten days to fix your car. Unfortunately, this is one of the almost 50 complaints provided to the Division of Insurance. After this, the insurance companies, the regional manager for Ms. Byers, the response from the department and back to us was "We are very sorry for any delays in addressing several submit requests. We are going to go ahead and waive your \$250 deductible." This bill helps bring accountability where it is due. It is time to say no to improper claims handling, say no to families paying for others' delays. This bill is a large step in the right direction and will only help to hold the bad actors' delaying claims accountable when we protect the consumers, the friends, the families, and the people whom you all know.

**Assemblywoman Brown-May:**

In researching this issue, I approached the Division of Insurance, Department of Business and Industry, and was notified that there were 449 complaints filed with the Division in 2022 for delay of insurance response following this type of incident specifically, and 308 complaints in 2021. There are a significant number of complaints relative to timeliness of insurance response. That is why we bring this bill before you today. Madam Chair, with your permission I will walk through the amendment.

Section 1.1 of this amendment proposes to amend *Nevada Revised Statutes* to include a new section that requires an automobile insurer to inspect the vehicle for repair within six business days after receiving a claim. It requires the insurer to furnish a copy of its estimate for repair.

Section 1.2 identifies, if an insurer determines a need for additional inspection for an insurance claim following the disassembly and the initial inspection process, they must initiate the process within six business days from the date when they are notified. Again, this insurer is required to furnish a copy of its repair for estimate.

Section 1.3 requires the vehicle must be available for inspection by the owner or the repair facility, which ensures the insurers are not subject to provisions of the section if the vehicle is not available for inspection.

Section 1.4 details that if an insurer fails to inspect the vehicle during the specified period, they waived their right to inspect the vehicle before repairs have been made. If the right has been waived, then unless the repair facility or the insured allows an inspection or further inspection after that initial period, the negotiations for payment of the claim are limited to the cost of labor and the price of parts for the repair of the vehicle.

Section 1.5 identifies the claimant's ability to file a complaint with the Division, which would be the Division of Insurance of the Department of Business and industry.

Section 1.6 sets the administrative fines for violation of this provision of \$1,500 per violation. We are happy to stand for questions.

**Assemblywoman Backus:**

I had some questions, and I am grateful the presenter made it clear that the time period would start after accepting liability. However, one problem that I frequently see, which is sad, is in Nevada we only mandate liability coverage for property damage. We do not mandate a driver to have collision coverage. What I usually see in situations like this is a person unfortunately gets into an accident like you are describing the lady driving down the freeway and hitting something in the road, that would mandate her to have collision insurance. If she does not have collision insurance, then there is no obligation by the insurance carrier to make those repairs. This could be a question or a statement, but it seems like section 1 is completely lacking that aspect and not taking that into consideration. There would be a void that this is either only dealing with property damage and not those situations where you have a collision like the example you gave today. I do not know what the intent was there.

I am kind of struggling with the removal of the amendments, section 1.6, and why that was removed to just put de facto damages. If those can be addressed, it would be helpful.

**Assemblywoman Brown-May:**

We are happy to delineate comprehensive and collision coverage in a further amendment. It was simply for the repair. The Legislative Counsel Bureau is helping us to write a new section of law, so I am happy to walk that through to make sure we get the right language relative to collision coverage for damages and for vehicle repair. Realistically, we are having times where we have adequate insurance by the customer that is just not being responded to timely by the insurance carrier. That is the piece that we are really working to address.

Then following up on section 1.6, initially when this was suggested by the Legislative Counsel Bureau, they put in this individual section. It would require the Division of Insurance to establish an attorney to file the claim to go through a process. There was over a million-dollar fiscal note on this piece of it. The Division of Insurance is here, and they can speak to that specifically relative to their internal process and how they can respond to this specific section.

**Assemblyman Carter:**

I am coming back to section 6, and I am wondering why and who is the person who violates this when it says "insurer" everywhere else, and it would be the insurer who is violating that section.

**Assemblywoman Brown-May:**

That is a great point and a good catch. I was informed prior to this meeting that we should put "insurer" as opposed to a person. That was a misquote. Thank you for drawing that out.

**Chair Marzola:**

I do not see any questions. Before we move to testimony. Thank you for bringing this bill forward. I am one of those people. My son's vehicle has been in the shop since December. I have had to pay for his rental car since then once the 30 days of his rental coverage lapsed. It is still in the shop. I cannot imagine someone who is not well versed in this area, what they go through in their frustrations. I appreciate your bringing this bill forward.

We will now open up for testimony in support of Assembly Bill 334. Is there anyone here in Carson City who wishes to testify in support to Assembly Bill 334?

**Jenny Drago, Private Citizen, Houston, Texas:**

I am calling in support of this bill today as an insurance claim specialist and adjuster in the industry within the last 40 years. I am also calling in as a consumer. Insurance is obviously compulsory in the state of Nevada, while that does only extend to liability coverage itself. There are many of us who are purchasing vehicles who want to make sure that we have got comprehensive and collision coverage in case of damages.

At the end of the day, this really comes down to consumer protection for all of Nevadans. At the end of the day, this is an insurance contract between the insurance company and the consumer. For those of us who have rental car coverage, the insurance company is just not willing to budge on the number of days of coverage that you get. Oftentimes, as mentioned earlier, it is anywhere from 24 to 30 days max of coverage. Three years ago, what it cost for rental car coverage is not the same as what it is today, yet we do not see in the insurance contract the cost for rental car coverage is increasing.

The insurance company having more parameters set to meet the consumer satisfaction for getting their vehicles back, so they can get back to their daily lives is imperative. I feel that the insurance companies should hold some sort of responsibility in that respect. The contract does state that the intention is to make the insured whole. We do understand there are also



limitations with getting repairs done on a vehicle because of parts and parts coming in, and that is a whole other separate issue, the delay on parts coming in. However, because of all these roadblocks that a body shop encounters, it is imperative that the insurance company does have to make sure they come out and inspect a vehicle in a timely fashion so that the consumer is not sitting for 20, 30, or 60 days to be able to get their vehicle back. I am in support of the bill and happy to answer any other questions that I possibly can. I thank you all for your time.

**Michael DeMichele, Estimator, AW Collision, Las Vegas, Nevada:**

I am an estimator at AW Collision. We are a dealership-certified repair facility, and repair people's vehicles that had been in an accident. We believe Assembly Bill 334 can help improve the time frame to deliver vehicles back to clients so they can have a reliable mode of transportation for their work and for their families. If it takes three weeks for an insurance company just to approve initial repairs, it can create a hardship on clients for out-of-pocket rental expense. I am in support of Assembly Bill 334.

**Kevin Kampschorr, representing Nevada Justice Association:**

We are in support of A.B. 334. This bill does provide Nevadans who have been in a car accident a much quicker path to getting their lives on track. Delays in getting your vehicle repaired can have an enormous ripple effect on consumers, and this bill certainly would help provide the relief that people need.

**Chair Marzola:**

We will move on to testimony in opposition to Assembly Bill 334.

**Jesse Wadhams, representing Nevada Insurance Council:**

I am here today representing the Nevada Insurance Council, which is the Nevada-based trade association for many of the property/casualty insurers. I want to start by thanking Assemblywoman Brown-May for her early outreach and having a very communicative and open door. It has been very helpful to hear some of the testimony to understand the issues that are attempting to be addressed in this bill because I think, as has been noticed, some of the language is a little wonky. There are issues of when liability may be accepted, there is compensation and collision.

I am afraid I cannot speak to the amendment. I did not know there was an amendment. All of that said, we do think there are some issues with the language. We do think the remedies that are proposed are somewhat, I think, duplicative. We already have a statute on point—Nevada's unfair practices and settling claims. If you want to take a look, that is in NRS 686A.310. Insurers are already held to account and can and should be held to account under the current law. Again, I will reiterate our commitment to work with Assemblywoman Brown-May and we are putting together more information now, and I think there is going to be a way we can work together collaboratively to find a solution.

**Lea Case, representing American Property Casualty Insurance Association:**

I love to be in opposition on the last bill on a Friday afternoon. It is a thrilling position to be in. There is a letter by the door that outlines some of the full concerns, but I do want to echo what my colleague Mr. Wadhams has said from the Nevada Insurance Council. I do want to thank Assemblywoman Brown-May and Mr. Azam for this. The outreach has been incredible, and we have been working together to find some resolutions to the concerns of American Property Casualty Insurance Association (APCIA). Specifically in section 1, subsection 1, the six-day business time frame, if there is going to be a time frame in the bill, that should start upon receipt of the documents. Many of these insurance adjusters work remotely, they do this via app and email pictures. We heard earlier about remote mortgage. This remote work is the new landscape.

Also in section 1, subsections 1(a) and 2(a), it makes some changes that the insured claimant or representative of the repair shop must make the vehicle available for inspection is another suggested amendment. Then the fine of up to \$1,500 for a single instance against the insurer. In other states that have this time limit, we have seen some bad actors on the other side, body shops and insurance companies. If the fine applies to insurance companies, we would like to see it apply on the other side as well. We will review this amendment with the members of APCIA and look forward to working with the Assemblywoman and Mr. Azam to come to some collaboration and hopefully move to neutral. [[Exhibit N](#) and [Exhibit O](#) were submitted in opposition to [A.B. 334](#) but not discussed and will become part of the record.]

**Chair Marzola:**

Anyone else wishing to testify in opposition? I do not see anyone. We will move on to neutral testimony of [Assembly Bill 334](#).

**Alexia Emmermann, Chief Insurance Counsel, Division of Insurance, Department of Business and Industry:**

The Division comes in the neutral position. We have no position on the substance of changes being presented in the bill. I would note that for subsection 6, this was where we submitted a fiscal note and it was fairly sizable. I think that was the concern that Assemblywoman Brown-May had.

We did some research to see what the issue was. The bill mandates a hearing in every case for every complaint that has a basis in law or fact. That is different from our current process for when consumer complaints come in. We have to go through the entire investigation process. If there is a basis there, then it goes to the investigation team, then it comes up to legal for administrative action. For this particular bill, it would require a hearing in every situation. When we went back to look at the complaints we received over the last five or six years, it was about 500 complaints a year. When we broke it down that would be about 47 hearings every month. Our current staff levels cannot pick that up. There is just no way that they can pick it up with what they have got already. Our fiscal note went in in order to add the minimum staff necessary to support and to provide the service and support the bill.

With the proposed amendment, by taking it out and putting in the fine amount, this would essentially put all consumer complaints into the same process that we currently have. It specifies the fine amount, which would be different because I think most of our fines hover between the \$500-to-\$1,000 range. That would have to be specified if the fine amount is going to be different, but the complaints would still go through the original process with our consumer services team. Then if there is no resolution there, they would go to our investigators and if there is a violation found there, it gets referred over to our legal team, and that is where we go forward with administrative action. If you have any questions, I am happy to answer. I think I hit everything that I needed to put on the record.

The difference would be that a hearing is not going to be required. However, if we impose a fine, an insurer under our insurance code currently has the ability to request a hearing if they want to dispute the fine.

**Chair Marzola:**

Is there anyone else wishing to testify in the neutral position?

**Alexia Emmermann:**

There was one thing I forgot to say that I think was key here. With the proposed amendment, we would remove the fiscal note, so that you know.

**Assemblywoman Brown-May:**

I want to thank you for the time to hear this bill today. I want to thank opposition for identifying the fact that I have reached out often and regularly, and unfortunately was presenting an amendment to you based on our side only. We will look forward to presenting a revised document with the language recommended from the Legislative Counsel Bureau within our legislative time frame so that we can hopefully move this measure forward. I thank you for your time today.

**Chair Marzola:**

I will close the hearing on Assembly Bill 334. I will now open up for public comment. [Public comment was heard.] Committee members, any comments or questions before I adjourn? [There were none.] That concludes our meeting for today. Our next meeting will be Monday, March 27, at 1:30 p.m. This meeting is adjourned [at 3:20 p.m.].

RESPECTFULLY SUBMITTED:

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Spencer Wines  
Committee Secretary

APPROVED BY:

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Assemblywoman Elaine Marzola, Chair

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

## EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is written testimony dated March 24, 2023, submitted by Anna Boone, Senior Manager, Government Relations and Public Relations, Zillow, in support of Assembly Bill 284.

[Exhibit D](#) is written testimony dated March 22, 2023, submitted by Michael Stidham, Director of Regulatory Affairs, Rocket Mortgage, in support of Assembly Bill 284.

[Exhibit E](#) is written testimony dated March 24, 2023, submitted by Richard P. McCann, representing Nevada Association of Public Safety Officers, and Nevada Law Enforcement Coalition, regarding Assembly Bill 301.

[Exhibit F](#) is a proposed amendment to Assembly Bill 301 submitted by Assemblyman Brian Hibbetts, Assembly District No. 13, Richard P. McCann, representing Nevada Association of Public Safety Officers, and Nevada Law Enforcement Coalition.

[Exhibit G](#) is a proposed amendment to Assembly Bill 301 dated March 23, 2023, submitted by Pamela DelPorto, Executive Director, Nevada Sheriffs' and Chiefs' Association.

[Exhibit H](#) is a proposed amendment to Assembly Bill 301 submitted by Mike Dzyak, Chief, State Fire Marshal Division, Department of Public Safety.

[Exhibit I](#) is a letter submitted by Troyce Krumme, Vice Chairman, Las Vegas, Metropolitan Police Managers and Supervisors Association, in support of Assembly Bill 301.

[Exhibit J](#) is a letter dated March 24, 2023, from Patricia Haddad, Director of Government Relations, Clark County School District, in neutral on Assembly Bill 301.

[Exhibit K](#) is written testimony dated March 24, 2023, submitted by Assemblywoman Tracy Brown-May, Assembly District No. 42, regarding Assembly Bill 334.

[Exhibit L](#) is a conceptual amendment to Assembly Bill 334 dated March 23, 2023, submitted and presented by Assemblywoman Tracy Brown-May, Assembly District No. 42.

[Exhibit M](#) is written testimony submitted by Shawn Azam, Owner, AW Collision, Las Vegas, Nevada, in support of Assembly Bill 334.

[Exhibit N](#) is a letter dated March 24, 2023, submitted by Christian John Rataj, Esq., Senior Regional Vice President, State Government Affairs, Western Region, National Association of Mutual Insurance Companies, in opposition to Assembly Bill 334.

[Exhibit O](#) is a letter dated March 24, 2023, submitted by Mark Sektnan, Vice President, American Property Casualty Insurance Association, in opposition to Assembly Bill 334.