

**MINUTES OF THE  
SENATE COMMITTEE ON GROWTH AND INFRASTRUCTURE**

**Eighty-second Session  
May 15, 2023**

The Senate Committee on Growth and Infrastructure was called to order by Chair Dallas Harris at 3:31 p.m. on Monday, May 15, 2023, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Dallas Harris, Chair  
Senator Pat Spearman, Vice Chair  
Senator Julie Pazina  
Senator Ira Hansen

**COMMITTEE MEMBERS ABSENT:**

Senator Scott Hammond (Excused)

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Tracy Brown-May, Assembly District No. 42  
Assemblyman Max Carter, Assembly District No. 12

**STAFF MEMBERS PRESENT:**

Kristin Rossiter, Policy Analyst  
Jessica Dummer, Counsel  
Vicky Lind, Committee Secretary

**OTHERS PRESENT:**

Ashley Garza Kennedy, Clark County  
Mike Thiele, Traffic Intervention Officer, Las Vegas Metropolitan Police  
Department  
John T. Jones, Jr., Nevada District Attorneys Association

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Mike Cathcart, City of Henderson

Peter D. Krueger, Nevada Petroleum Marketers & Convenience Store Association

Pamela Del Porto, Executive Director, Nevada Sheriffs' and Chiefs' Association

Paul Enos, Nevada Trucking Association

Lucas Foletta, Nevada State Tow Association

Jason Walker, Washoe County Sheriff's Office

Millie Mummery, Student Attorney, University of Nevada, Las Vegas

Sarah Voehl, Student Attorney, University of Nevada, Las Vegas

Christine Saunders Nevada Immigrant Coalition

Annette Magnus, Battle Born Progress

Eric Jeng, Asian Pacific Islander Americans

Michael Kagan, Director, University of Nevada, Las Vegas Immigration Clinic

Deanna Hua Tran, Nevada Immigrant Coalition

Sean Sever, Deputy Administrator, Division of Research and Project Management, Nevada Department of Motor Vehicles

CHAIR HARRIS:

We will open today's meeting with Assembly Bill (A.B.) 408.

**ASSEMBLY BILL 408 (1st Reprint)**: Revises provisions relating to reckless driving. (BDR 43-95)

ASSEMBLYWOMAN TRACY BROWN-MAY (Assembly District No. 42):

I have heard from so many of our constituents that they lay awake at night in their bedrooms and can hear squealing tires and the sounds of cars going at very high rates of speed. We have seen an increase in vehicle accidents and an increase in death rates as a result. Precarious behavior on our roadways and reckless driving have increased in southern Nevada and many other communities. Once we started to work on this bill to address reckless driving, we began to identify that there are a lot of allies experiencing this in other areas throughout Nevada.

I know that many of you have probably heard the story of Tina Tintor who was in her vehicle with her dog and was going about within the community. As she was leaving her neighborhood, she was tragically killed in a motor vehicle accident when the driver of the other vehicle was driving at an extremely high rate of speed. That issue is going through the court system separately, but reckless driving was clearly a part of the accident.

As a cyclist, I often experience reckless driving on our streets. It does not matter if we are in rural areas or if we are in urban areas; high rates of speed and how our vehicles are used is a problem. In discussions with our colleagues at Clark County, this has been defined as trick driving.

ASHLEY GARZA KENNEDY (Clark County):

Clark County has seen a rise in trick driving. My colleagues in Reno can probably attest to the same challenges. One of our commissioners, Marilyn Kirkpatrick, attended a ride-along last year and witnessed firsthand the gravity of these displays and the impact on our community concerning our roadways and traffic safety. Our Board of County Commissioners felt very strongly that we needed more mechanisms to prevent this from happening.

For clarification purposes, trick driving is defined in the reckless driving statute under *Nevada Revised Statutes* (NRS) 484B.653, subsection 11, paragraph (b). It "means using a vehicle to perform tricks, stunts or other maneuvers on a public highway upon which traffic has been diverted, slowed, impeded or blocked."

MIKE THIELE (Traffic Intervention Officer, Las Vegas Metropolitan Police Department):

At the beginning of the pandemic, we saw a deadly rise in reckless driving, trick driving and speed contests on our public roadways. As a result, our police department formed a specific team to identify and apprehend the drivers participating in these prohibited activities. A few weeks ago, we had a large street takeover south of the airport, resulting in 69 rounds fired and 4 people injured. These events often end with reckless driving behaviors, endangering not only the people there, but the citizens who are driving from work or are out for a social event.

MS. GARZA KENNEDY:

Section 1, subsection 2 of A.B. 408 expands circumstances in which law enforcement may remove a vehicle if someone has been issued a citation for reckless driving. Currently, the options for us to address reckless driving include a verbal warning, a written warning, a misdemeanor traffic citation or arrest in which a vehicle will be impounded. We believe that allowing us to issue a citation, and to tow a vehicle, will allow us to remove the vehicle from the road but avoid unnecessarily arresting the driver. We have seen circumstances where

a traffic citation is issued, and the driver continues to participate in trick driving later that same evening.

Section 2, subsection 1, paragraphs (d) and (e) expands the definition of what constitutes reckless trick driving as defined in NRS 484B.653 to include trick driving on premises the public has access to. We have seen a rise in instances where trick driving is taking place on privately owned properties, like empty parking lots, which have limited our enforcement capabilities. This language will allow us to stop trick driving in an area that may be on private property, but is publicly accessible, such as a store parking lot late at night.

I also want to note that this language exists for other reckless driving provisions in NRS 484B.653. For example, someone driving a vehicle in willful disregard for the safety of persons or property and driving or organizing an unauthorized speed contest. This added language will bring parity to the entire reckless driving statute.

We have submitted a proposed amendment ([Exhibit C](#)) that will strike the added language in section 2.2. In conversations with tow operators in the State, we have agreed to remove the language related to storage fees and the hardship tariff. Instead, we have added language that will allow a tow operator to deviate from the determined schedule of fees if someone faces an economic hardship determined by the tow company.

Section 2, subsections 4, 6, 8 and section 3, subsections 5 and 7 were conforming changes that will no longer be needed with deleting section 2.2. Finally, section 3, subsection 3 clarifies that the provisions of section 3 do not apply if a vehicle that has been connected to a tow car was requested to be towed by a law enforcement officer pursuant to paragraph (c) of subsection 3 of NRS 484B.443.

JOHN T. JONES, JR. (Nevada District Attorneys Association):

We are here in support of A.B. 408 and we are also in support of [Exhibit C](#).

MIKE CATHCART (City of Henderson):

I want to thank Clark County and the sponsor for the bill. We are in support of A.B. 408. This is an issue that pertains to everyone in southern Nevada.

PETER D. KRUEGER (Nevada Petroleum Marketers & Convenience Store Association):

See my testimony in support ([Exhibit D](#)) of A.B. 408. I am also in support of the proposed admendment [Exhibit C](#).

SENATOR HANSEN:

I have not seen any statistics on how often this has been occurring. How much of a problem is this? Why the spike during COVID-19? If they are literally blocking intersections in the absence of this law, you not do have the tools to go after trick drivers?

MR. JONES:

It has been increasing in Clark County, I do not have statistics with me. Maybe the gentlemen who are down in Clark County can provide those. It is not necessarily only the blocking of intersections. The current trick driving statute already covers the highway. What we are seeing is takeovers of areas that are not designated as highways and that is the problem; areas such as deserted lots or private parking lots. What this bill does is allow us to cite offenders in those locations.

SENATOR HANSEN:

In law enforcement, is there definitely a significant rise in trick driving, and we need these laws to crack down?

MR. JONES:

I do have stats. I just do not have them with me. I will make sure to get them to you.

OFFICER THIELE:

Since we created the team, the Racing Apprehension and Intervention Detail, we have arrested over 150 offenders. I can get you the exact numbers.

SENATOR HANSEN

After you took 150 offenders off the street, did you see a decline?

OFFICER THIELE:

We have not, and we keep seeing that it is a problem on our roads.

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PAMELA DEL PORTO (Executive Director, Nevada Sheriffs' and Chiefs' Association):

We are here in support of this bill and the amendment.

PAUL ENOS (Nevada Trucking Association):

We are here today in support of A.B. 408. From the trucking perspective, we are out there at night trying to make deliveries and these trick drivers impede our jobs, making it not only a nuisance but a hazard for our drivers.

We had some issues with how the bill was amended in the Assembly, but we greatly appreciate and support the bill with the proposed amendment. Clark County presented the amendment allowing the tow operator the discretion for the hardship tariff. We do appreciate the County allowing us to deviate from that tariff. With that amendment, we support this bill wholeheartedly.

LUCAS FOLETTA (Nevada State Tow Association):

We echo the comments of Mr. Enos. We appreciate the flexibility of the County working with us on this amendment. We support A.B. 408.

JASON WALKER (Washoe County Sheriff's Office):

Trick driving events have been an ongoing issue in Washoe County. I am happy to support this bill, and hopefully continue to see it moving forward.

CHAIR HARRIS:

We will close out the hearing on A.B. 408 and open the hearing on A.B. 407.

**ASSEMBLY BILL 407 (1st Reprint)**: Revises provisions governing the release of personal information by the Director of the Department of Motor Vehicles. (BDR 43-751)

ASSEMBLYMAN MAX CARTER (Assembly District No. 12):

This bill, A.B. 407, addresses an issue that I thought the Legislature had fixed in the 2013 Session with S.B. No. 303 of the 77th Session. I grew up and raised my sons on the east side of Las Vegas, a very diverse, multicultural, vibrant and active community. My sons, who graduated in the early 2000s, had friends who would leave football practice, wrestling and parties to go pick up their parents or their grandparents from work because they were afraid to go to the Nevada Department of Motor Vehicles (DMV) to get a driver's license.

Senate Bill No. 303 of the 77th Session was bipartisan and provided for the issuance of driver authorization cards with privacy protections. However, the problem still exists. I have heard it often from the community.

MILLIE MUMMERY (Student Attorney, University of Nevada, Las Vegas):  
My colleague Sarah Voehl and I work with the Immigration Clinic at the University of Nevada, Las Vegas (UNLV) William S. Boyd School of Law. We are not speaking on behalf of UNLV.

When the Legislature and former Governor Brian Sandoval created the driver's authorization cards to allow immigrants to obtain licenses to drive in our State, it was known that undocumented immigrants are often fearful of giving out their personal information to government agencies. The Legislature enacted protections to combat fear that are already in our law to prevent the DMV from disclosing information about immigrants that could be used against them or their families. Our existing law has ambiguities and gaps. The proposed bill provides clarity to the protections that already exist. Specifically, the bill would prevent personal information, such as address and telephone number, from being disclosed to immigration enforcement without a court order, subpoena or warrant.

As the law currently exists, section 1, subsection 11 prevents the DMV from releasing information related to legal presence for the purpose of immigration enforcement. As it stands, subsection 11 only prevents the DMV from disclosing a person's legal status. It does not prevent the disclosure of other personal information, which ranges from a person's address to their social security number, even their disability status. The current law creates a gap, and that gap allows U.S. Immigration and Customs Enforcement (ICE) to request addresses and other personal information for people who have a driver's authorization card in Nevada. This gap in protection creates uncertainty and fear for undocumented people. They fear that if they obtain a driver's authorization card that their address will be released to ICE.

Nevada has a safety interest in passing this bill. Licensed drivers become more knowledgeable about traffic and road laws. They purchase insurance and they register their vehicles in compliance with licensing requirements. Becoming licensed ensures that drivers have passed vision and knowledge tests before they get behind the wheel of a car. It decreases road accidents, hit-and-runs and the number of uninsured drivers in our State. Nevada has a safety interest

in ensuring that drivers are not deterred from going to the DMV. This bill would achieve that objective and make Nevada roads safer.

SARAH VOEHL (Student Attorney, University of Nevada, Las Vegas):

I am also here as part of the UNLV Immigration Clinic. As Ms. Mummery stated, Nevada has a safety interest in ensuring that undocumented people feel comfortable applying for a driver's authorization card. To be clear, this law would not prevent immigration authorities from accessing personal information under any circumstances, but it would establish basic safeguards. Requiring immigration enforcement to obtain a judicial warrant, order or subpoena to access an immigrant's sensitive personal information would not affect law enforcement's ability to enforce criminal or non-immigration-related civil laws.

It would give immigrants in Nevada peace of mind that their trust in our DMV is not misplaced. An increased number of driver's authorization cards means an economic increase for Nevada. Undocumented immigrants in Nevada have paid millions in federal, state and local taxes each year. Despite their contributions, they are generally unable to receive benefits from programs like Social Security, Medicaid, or Medicare because of their status. Additionally, when people can obtain driver's authorization cards, studies have shown they are also more likely to purchase cars, their parts, insurance policies and they would generate additional DMV fee revenue.

Our proposed bill strengthens the original purpose of S.B. No. 303 of the 77<sup>th</sup> Session to ensure that its intent of encouraging immigrants to apply for driver's authorization cards comes to fruition. By removing this barrier for immigrants, they will have more access to contribute as members of our community. In addition, Nevada will have more information about who is living in the State, driving on the roads and more ability to ensure everyone's safety.

ASSEMBLYMAN CARTER:

I have had long discussions with DMV Director Julie Butler and I am very confident that we do not have a problem at this point with DMV sharing data improperly. The task we have at hand is with the intent of the original bill and the perception in the community.

I also want to thank the Committee for allowing my copresenters, both current advocates and future leaders in our State, to present today. That is what this bill is about.



SENATOR SPEARMAN:

I remember S.B. No. 303 of the 77th Session and the reason that we did that bill was because we looked at insurance rates where you had people who may be undocumented, and they did not have driver's licenses or insurance. How widespread is this now, and are there places identified where it is more prevalent than others?

ASSEMBLYMAN CARTER:

That data is nearly impossible to collect. What we are dealing with is the same anecdotal evidence that we were dealing with back when this original bill was crafted. There is still that fear of the possibility of having personal data released.

SENATOR HANSEN:

One thing I have noticed is there has been a series of accidents and it seems like, almost inevitably, one of the drivers has an immigration issue in addition to being uninsured. Do you have any statistics showing a decline in the number of uninsured motorists that are of questionable immigration status since we passed that bill in 2013?

ASSEMBLYMAN CARTER:

No, I do not. We will work on that and get it for the record.

SENATOR HANSEN:

That was one of the main obstacles to getting it passed back in 2013. For the record, I opposed it back then. We as a Legislative Body are basically telling our government not to cooperate in enforcing laws. I have a problem with that.

The other issue that comes up frequently is I deal with many legal immigrants, and they are resentful of the illegal immigrants because they are competing for the same jobs. Their opinion is they are suppressing the wage scales in these communities. I know there is some friction between the people who have taken all the correct steps to get to this point and the undocumented ones that are illegally in this Country.

ASSEMBLYMAN CARTER:

I acknowledge what you are saying, however, we are now dealing with two different anecdotal pieces of evidence about the resentment between those with status and without status. Both of those are difficult numbers to collect. This bill is about clarifying the intent of the 2013 legislation. It is about trying to

make our roads safer by having better educated drivers, having insured drivers and taking away any barriers. Whether driver's authorization cards should exist or not is not what this legislation is about.

SENATOR HANSEN:

It is very important, since you just mentioned it again. One of the main purposes of all of that was to make sure we maximize the number of insured drivers. I want to see the stats that show that between 2013 and 2023, we have seen an increase in the number of properly insured drivers on Nevada roadways.

CHRISTINE SAUNDERS (Nevada Immigrant Coalition):

We are in support of A.B. 407. Nevada expanded access to driver's authorization cards to ensure that everyone driving on our roads was well educated and operating their vehicle safely. Yet a real fear of immigration enforcement still discourages the immigrant community from obtaining these documents, jeopardizing their road safety.

ANNETTE MAGNUS (Battle Born Progress):

We are here today in strong support of A.B. 407. This bill would increase Nevada's rights to data privacy. It is important that we protect the data information of all who have driver's authorization cards. Data privacy is essential for building trust between immigrant communities and service providers, government agencies and educational institutions. When personal information is handled with the utmost confidentiality, residents feel more comfortable sharing their details, seeking assistance and engaging in various community activities. This trust is vital for promoting integration. We want all people to drive safely and not be fearful of interfacing with their government.

ERIC JENG (Asian Pacific Islander Americans):

I am here to advocate for the fast-growing Asian Pacific Islander community. Here in Nevada, we have a population of 3.1 million people. Of that, about 610,000 are foreign born. Out of that 610,000, 55 percent are naturalized citizens. A lot of our community members have driver's authorization cards. It gives peace of mind for people to be on the road and helps them get insurance. It also helps more families to get to work and to keep Nevadans working. We urge your support of A.B. 407.

MICHAEL KAGAN (Director, University of Nevada, Las Vegas Immigration Clinic):  
I am not speaking for UNLV, but I want to emphasize much of what you have already heard. In our long experience working with immigrants in Nevada, they very much want to be able to work within the established systems. They respect our public safety and regulating the roadways. However, fear and ambiguity often prevent them from being transparent. This bill clarifies the policy of our State.

DEANNA HUA TRAN (Nevada Immigrant Coalition):  
See my letter of support ([Exhibit E](#)) of A.B. 407.

SEAN SEVER (Deputy Administrator, Division of Research and Project Management, Nevada Department of Motor Vehicles):  
We are neutral on A.B. 407 and greatly appreciate the bill sponsor working with us on it. We were concerned with the original bill, but the amended version has alleviated all our concerns. We provide information to third parties, who may obtain driver and vehicle information records through our Public Records section and is also important to our overall IT department budget.

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CHAIR HARRIS:

Having nothing further to come before the Senate Committee on Growth and Infrastructure, we are adjourned at 4:11 p.m.

RESPECTFULLY SUBMITTED:

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Vicky Lind  
Committee Secretary

APPROVED BY:

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Senator Dallas Harris, Chair

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

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit Letter</b>	<b>Introduced on Minute Report Page No.</b>	<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
	B	1		Attendance Roster
A.B. 408	C	4	Ashley Garza Kennedy/ Clark County	Proposed Amendment
A.B. 408	D	5	Peter Krueger/ Nevada Petroleum Marketers & Convenience Store Association	Testimony in Support
A.B. 407	E	11	Deanna Hua Tran/Nevada Immigrant Coalition	Letter of Support