

## Assembly

MINUTES OF MEETING OF JUDICIARY COMMITTEE, 53rd Legislature, Jan. 26, 1965

13

Meeting commenced 10:25 A.M.

Present: Close, Swobe, Parsons, Knisley, Rosaschi, Kean, Delaney, Jacobsen  
Absent: Olsen

Change made in minutes of previous meeting: It was Mr. Knisley who contacted Mr. Wilson, not Mr. Close.

Mr. Close made the following assignments of members of the Committee to speak for various bills:

AB 61 Rosaschi

64 Knisley

65 Rosaschi

Delaney 66

67 Kean

68 Swobe

69 Olsen

71 Jacobsen

AB 72 Mr. Jacobsen reported that he had talked with the various authorities who handled the recent accident in which 85 people were killed in an airplane, and that they thought this bill would be all right.

Mr. Knisley: How would you protect the coroner in cases like this? Someone might be carrying large sums of money that belonged to someone else.

Mr. Jacobsen replied that in the case of the above accident, the coroner said he required positive proof, signed receipts, etc.

Mr. Knisley suggested that the bill be passed for the moment and it was decided to do so.

AB 81 Regulates installment sales of goods and services.

Heard on this bill were Mr. Valentine, Mr. Pozzi, and Attorney General Dickerson.

Mr. Dickerson explained that this is a Model Bill, already in use in many states, designed to take care of troubles already in existence, especially in the Las Vegas area. He said that in many sales, blank contracts, with nothing at all filled in, are delivered to the customer, who then signs the contract and returns it. The details are then filled in according to the discretion of the seller and many sellers have been putting in terms and conditions which practically eliminates all responsibility on the part of the seller.

This bill provides that the buyer is not to sign until all details are filled in. All terms are to be printed in large type so that everyone knows what is going on.

Question: Are the dealers reducing the amount subject to sales tax by the way they write up the trade-ins?

Attorney General: Yes, they are, and this bill is designed to prevent this. 14

Mr. Kean brought up questions concerning interest rates, kinds, service charges, can both interest and service charges be put on the same contract, etc. Different Committee members gave their interpretation of how the bill answered these questions.

Mr. Dickerson clarified that both service charges and interest charges could appear on the same contract. This bill is to protect the buyer so that if he is going to pay both a service charge and an interest charge, he will know it.

Mr. Valentine suggested that the banks would object to the section allowing only 1% interest and Mr. Close answered that, according to his understanding of the bill, it would allow the 1%, plus 3% per month interest.

Mr. Pozzi suggested that it would be good to hear from financial institutions that do a large volume of business with cars.

Question: Hasn't the Court ruled that these charges of collection cannot be added onto the original contract?

Mr. Dickerson: Yes. You can state in the contract that the buyer will have to pay collection costs, but these amounts cannot be added to the amounts of the original cost.

Mr. Swobe was assigned to contact Bill Sanford, lawyer, who was so helpful in the Small Loans Bill about four years ago, and ask him if he would study this bill for the Committee

It was decided to contact loan people also on this bill and see when they can come in.

Mr. Swobe was assigned to find out who appeared before the Committee at another session on the Bad Check Bill.

AB 83 Relates to false and deceptive advertising.

Mr. Dickerson explained that this is a Model Bill, in use in many states. Mr. Swobe requested lists of states using this bill, and also the states using the Model Bill which was used for AB 81.

Mr. Dickerson further explained that this bill is needed to give his department authority, which they do not have at present, to stop these unlawful practices until they can get the offenders into court.

Swobe moved recommend Do Pass

Kean seconded

Motion passed unanimously

Mr. Close then brought up another aspect of this bill, paragraph 6, which provides that if a person discontinues an act for practice declared in violation of this section, then resumes the practice, this can be considered evidence that he was in violation and the burden of proof then shifts to the defendant, rather than the State.

Swobe rescinded his move Do Pass

Kean rescinded his second

Mr. Knisley voiced his opinion that there was sound reason for this provision: to prevent second offenses.

Mr. Close suggested adding a provision which would make the evidence of an agreement to cease and desist admissible in court but would leave the burden of proof on the District Attorney where it should be.

Swobe moved that the Committee amend the bill in the above manner and that someone be appointed to bring in an amendment.

Mr. Swobe was then appointed to bring in an amendment on AB 83.

AB 95 Arson Investigators to be given powers as Peace Officers.

Heard on this bill were: Mr. Dickerson, Keith Henriksen, Legislative Representative, Federated Fire Fighters of Nevada, Bill Farr, of Nevada State Fire Chiefs Association, Pat Drescher, Sparks Fire Department and Executive Director of N.M.A. and Mr. Blyth, Legislative Representative for Communities and Municipalities.

Mr. Farr explained that this bill is designed to correct a technicality which they have run into in some cases. He said it is necessary for the preservation of evidence, to prevent contamination of evidence, etc., and in the interests of time, that the Arson Investigators be given Peace powers.

He said many times police officers have to help with the investigation in order for there to be proper authorization, but they are not qualified Arson Investigators and it takes them away from their own work.

It was brought out that many communities do not have qualified Arson Investigators but that in these cases investigators are called in from the larger areas to take care of this. There is fine cooperation among communities on this.

Question: Can you use the services of assigned investigators for insurance companies?

Mr. Farr. No. They can work with us but we cannot use them to do the work of the fire department.

Question: Just how is authorization bestowed upon Arson Investigators when they arrive in a town out of their jurisdiction to make an investigation?

Mr. Farr: They receive authorization from local fire departments and police forces before they begin an investigation.

Various suggestions were made as to how the bill could be amended to provide for this authorization.

Mr. Kean moved to amend AB 95 and recommend Do Pass

Mr. Swobe suggested the bill be carried over and an amendment brought in next time.

A committee of two, Close and Kean, were appointed to prepare this amendment.

The Attorney General, when questioned about it, said the bill which will give him an Arson Investigator, will make the investigator a Peace Officer.

AB 74 was tabled because of the absence of Mr. Jacobsen.

AB 102 Obscenity Statute

Mr. Swobe requested that the Committee get information as to who drew up the bill, etc.

Mr. Rosaschi appointed to to contact Mr. Whitmore of Las Vegas and find out these things.

AB 126 Referred by Mr. Kean. Relates to penalties for misuse of telephones and telephone service. Ties in with the Credit Card Act.

Mr. Kean moved Do Pass

Delaney seconded

Motion passed unanimously.

Meeting adjourned 11:55 A.M.