

JUDICIARY COMMITTEE
57th NEVADA ASSEMBLY SESSION

MINUTES

MARCH 2, 1973

The meeting was called to order by Mr. Robert Barengo, Vice-Chairman, at 1:30 PM. The Chair declared a quorum present.

MEMBERS PRESENT: MESSRS: Glover, Torvinen, Barengo, Hickey, and Ms. Foote

MEMBERS ABSENT: Mr. Hayes, Mr. Fry, Mr. Huff, and Mr. Lowman.

GUESTS PRESENT: Howard Hill, and Richard Bortolin from the DMV; Cl. L. [REDACTED] of the Highway Patrol,

Mr. Howard Hill appeared before the Committee to testify first on A.B. 165. Mr. Hill told the Committee that the main item of concern with this bill would be the effective date. "Would the points against a driver's license start from the date this bill is passed, or would it be required that the Department go back into the driving record?" He also stated that in this bill from line 7 thru line 23 is covered in Chapter 43 which is the drivers license chapter. However they cover a one or two year revocation, not a five year revocation.

Mr. Barengo asked Mr. Hill if he had any feelings regarding the penal, rehabilitative etc., effect of a five year suspension.

Mr. Hill replied that in some cases it might be good, but in others it would be too much.

Mr. Glover questioned whether a person might not feel more inclined to stay within the law on a one or two year revocation, but would probably drive anyway if the revocation were for as long as five years.

Mr. Hill said the only way to answer that was that there are people who would disregard a suspension no matter what the time limit.

Mr. Barengo called for testimony on A.B. 274. Col. Lambert spoke first on this bill. He told the Committee that this was the re-introduction of a bill which originated during the last session. He said the only comment he would have on this bill would be concerning paragraph 3 of Section 1. There is no accomodation made for the various types of vehicles, it this is to be an effective piece of legislation such as a station wagon, etc.

Mr. Torvinen asked if there is any law enforcement reason to necessitate this bill.

Mr. Lambert said there are many people who feel that the availability of alcohol is conducive to the consumption. However the main argument against this bill, "and it does have some validity," is that it is rather foolish to require that a person either drink what is left in a bottle or throw it away if they have taken it with them camping or hunting for a social drink around the campfire.

Col. Lambert further noted that an open container could not be presumptive of having been drinking.

Mr. Torvinen argued that it would appear that the implied consent law would take care of the problem, and that this would be just a nuisance law.

Mr. Barengo called for testimony on A.B. 276. Mr. Virgil Anderson of AAA stated that he would like to make a comment. He said "we have no position for or against the bill, frankly I don't know what it will accomplish". But, if the Committee should pass the bill it should be amended so that the law would not deprive the spouse and family the use of the automobile.

Mr. Barengo announced that A.B. 156 had been taken from the second reading file and re-REFERRED to the Judiciary Committee and that since those most concerned with this bill were present we could hear their views.

A.B. 156 SUMMARY-Prohibits issuance of original or renewal drivers' licenses to applicants who fail to appear in court for motor vehicle law violations.

Mr. Howard Hill told the Committee that this is a DMV bill. The courts have a problem in tracking down people who have outstanding traffic tickets. The feeling is that if a person has even one outstanding violation this should be taken care of before renewal of that person's license. The purpose of this bill is to enable the Department to flag the license of such an individual and refuse renewal until such time as the warrant is taken care of.

Mr. Torvinen said that he had sent copies of the bill to Judge Beemer for opinions, and said also that changing this to warrants would be a better way to take care of the situation. Under this bill at present forfeiture of bail would tie up the person's license, when with certain violations this is the accepted practice.

Mr. Torvinen requested that this bill be held for further information and opinions. This was granted. A.B. 156 will be scheduled later in the month.

Mr. Barengo thanked the witnesses and excused them. He then called for action on the bills under consideration on today's agenda.

A.B. 165 SUMMARY-Requires revocation of driver's license on conviction of certain offenses within specified time period.

Ms. Foote moved DO KILL, Mr. Glover seconded.

MOTION CARRIED UNANIMOUSLY. (DO KILL A.B. 165)

A.B. 274 SUMMARY-Prohibits carrying opened liquor containers in motor vehicle

Mr. Hickey moved DO KILL, Mr. Torvinen seconded.

MOTION CARRIED UNANIMOUSLY. (DO KILL A.B. 274)

A.B. 276 SUMMARY-Deprives person convicted of burglary of Nevada motor vehicle registration or driver's license.

Mr. Hickey moved DO KILL, Mr. Torvinen seconded.

MOTION CARRIED UNANIMOUSLY (DO KILL A.B. 276)

MEETING ADJOURNED.

