

Assembly  
TRANSPORTATION COMMITTEE MINUTES  
March 1, 1973

Present: Messrs. Glover, May, Jacobsen, Howard, Bickerstaff,  
Smalley

Absent: Mr. Dreyer (Mr. Dreyer was absent due to a meeting  
with the Governor)

Guest Speakers: Mr. B. J. Silva, Department of Motor Vehicles  
Mr. James Lambert, Nevada Highway Patrol  
Mr. Bob Guinn, Nevada Motor Transport Assn.  
Nevada Franchised Auto Dealers Assn.  
Mr. Howard Hill, Department of Motor Vehicles  
Mr. Richard Bortolin, Department of Motor Vehicles

Chairman Glover called the meeting to order at 4:03 p.m., and stated the first order of business to be A.B. 87. Mr. Glover said there had been previous testimony concerning the bill, but there had been a question on line 22.

Mr. B. J. Silva, DMV, explained that in line 22 of A.B. 87, there was the deletion of "willfully fails" and the replacement of "fails". He said the reason for the change was to stop wreckers from using excuses to avoid prosecution after violating the law. He also stated that this bill would help protect the public from having stolen cars dismantled and parts sold, and stop the wreckers from renovating a car which had been a total wreck and then reselling the car to a person who does not know the previous condition of the vehicle. He added that this provision would allow the Department to move more quickly when the law has been violated.

Mr. May suggested the alternative of having a provision to the effect that if the wrecker violated the law twice within a six month period, then he would be prosecuted. Mr. Silva said that his suggestion would be defeating the purpose of the bill and would "handcuff" the Department. He added that the law would be a deterrent to the wreckers who willfully violate the law because they would know this would cause an immediate disqualification of their licenses.

Mr. Silva continued testimony with suggested changes in A.B. 91. (See Attachments I and II) He said the difference in the proposals was that Attachment II dealt with specific aspects of the law.

Mr. Guinn took the floor and stated that he would like to work with DMV on changing the bill because the proposal seemed to be too broad and would give the Department too much authority.

He stated that he felt "482.400", "482.423", and "482.424" would be in the public interest, but he did not like "482.300", and "482.320". He added that in regard to the "willful failure" change, that the Department just did not want to have to prove willful failure. A discussion period was then held.

Mr. Richard Bortolin, Deputy Attorney General, DMV, made the following suggestion which would define "willful failure":

Paragraph (e), subsection 1.

"For the purposes of this section failure to adhere to the directives of the Director advising the licensee of his non-compliance with any provision of the Motor Vehicle law of the State of Nevada or rules and regulations of the Department with (suggested 10 days) ?? days of receipt of such directives, shall be considered prima facie evidence of willful failure to comply."

It was decided that Mr. Guinn would work with the Department in regard to Mr. Bortolin's suggestion.

A.B. 158 was the next order of business and testimony was given by James Lambert, Nevada Highway Patrol. He stated the purpose of the bill to be the standardization of definitions between the different sections. He read a proposed change (See Attachment III) and suggested that if, as Mr. Guinn had informed him prior to the meeting, 484.021 and 484.039 were in conflict with city ordinances, these sections should be amended out of the bill. Mr. Guinn then posed a question on 484.173, regarding the phrase "as determined by the department". Mr. Bortolin suggested that it was possible to effect a change in the wording. A discussion was held and it was decided that new language was needed.

Mr. Howard Hill, DMV, said there should be a change in A.B. 157, due to a new procedure which is now used in the renewal of licenses. He stated the former practice of the Department was to mail an actual license to individuals about 45 to 60 days before the license renewal was due. He said with the new procedure the Department sends a notice and the individual receives his license when he appears at the Department. Mr. May commended the Motor Vehicle Department for locating the mistake and making the correction.

Mr. Silva explained that the purpose of S.B. 84 was just to include rebuilders and scrap processors in the law which requires them to maintain records of vehicles dismantled or wrecked.

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Mr. Glover thanked the audience for their participation and attendance and asked for a motion on A.B. 283, to reconsider the measure.

A.B. 283 - Mr. Smalley made a motion to reconsider the bill and was seconded by Mr. Bickerstaff. Unanimous for "reconsider".

S.B. 84 - Mr. May made a motion to pass the bill. Mr. Bickerstaff seconded the motion. Unanimous vote for "do pass".

A.B. 157 - Mr. Bickerstaff made a motion to pass and Mr. May seconded. Unanimous for "do pass".

A.B. 158 - Mr. Smalley made a motion to pass. A discussion was held concerning the language of the bill and it was decided to hold the bill until new language was submitted to the Committee. Mr. Smalley withdrew his motion. Mr. Bickerstaff made a motion to hold for new language and Mr. May seconded the motion. Unanimous for "hold".

A.B. 87 - The Committee held a short discussion on the bill, and Mr. Jacobsen made a motion for passage of the bill. Mr. Smalley seconded the motion. The Committee vote was for "do pass" with the exception of Mr. Bickerstaff who voted "nay".

A.B. 91 - After a short discussion it was decided that the bill would be held until a later date.

Mr. Glover told the Committee that Assemblyman Lowman had a bill proposal which he would like to have sponsored by the Committee. Under the proposal, a person would have to obtain a license before he would be allowed to operate a motorboat. Mr. Howard made a motion to deny Committee sponsorship of the bill. Mr. May seconded the motion. Unanimous vote to "deny sponsorship".

Chairman Glover said that if there was no further business, he would like a motion to adjourn. Mr. Jacobsen made a motion to adjourn and was seconded by Mr. Bickerstaff. Unanimous to adjourn.

Respectfully submitted,

La Donna Moore  
Assembly Attache

/lm

AGENDA FOR COMMITTEE ON TRANSPORTATION

Date March 1, 1973 Time 4:00 p.m. Room 336

Bills or Resolutions to be considered	Subject	Counsel requested*
A.B. 87 <i>OK as amended</i>	Eliminates requirement of intent for disqualification from automobile wrecker's license for failure to comply with law. <i>No Pass</i>	
A.B. 91 <i>hold</i>	Enlarges the conditions upon which vehicle dealer's or rebuilder's license may be revoked.	
A.B. 158 <i>Approved hold</i>	Adds and clarifies definitions in traffic laws. <i>hold</i>	
A.B. 157 <i>OK</i>	Deletes provision imposing a fine for failure to advise dept. of motor vehicles of change in status. <i>No Pass</i>	
S.B. 84 <i>OK</i>	Requires rebuilders and scrap processors to maintain records of vehicles dismantled or wrecked. <i>No Pass</i>	

\*Please do not ask for counsel unless necessary.

HEARINGS PENDING

Date \_\_\_\_\_ Time \_\_\_\_\_ Room \_\_\_\_\_  
Subject \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_ Room \_\_\_\_\_  
Subject \_\_\_\_\_

PROPOSED AB-91

Section 1 NRS 482.352

Sub-section (e) Willful failure [failure] to comply with any of the provisions of the motor vehicle laws of the State of Nevada or the directives of the director.

New sub-section:

(j) Failure to comply with any provisions of NRS 482.295 to 482.555, inclusive

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Section 1 NRS 482.352

Sub-section (e) Willful failure [failure] to comply with any of the provisions of the motor vehicle laws of the State of Nevada or the directives of the director.

New sub-section:

(j) Failure to comply with any provisions of NRS 482.300, 482,320, 482:3211, 482.350, 482.351, 482.400, 482.423, 482.424, 482.545, 482.550.

"Mobile Home" defined.

1. "Mobile Home" means a vehicular structure which is built on a chassis or frame, is designed to be used with or without a permanent foundation, is capable of being drawn by a motor vehicle and may be used as a dwelling when connected to utilities.

2. May be used permanently or temporarily for the advertising, sales, display or promotion of merchandise or service.