

SENATE TRANSPORTATION COMMITTEE

MINUTES OF MEETING

Tuesday, February 6, 1973

The meeting was called to order at 1:00 o'clock p.m.

Senator Helen Herr was in the chair.

PRESENT:

Senator Helen Herr	Senator Richard Blakemore
Senator Warren Monroe	Senator Archie Pozzi
Senator Joe Neal	Senator William Raggio

ABSENT: Senator Carl Dodge

ALSO PRESENT WERE:

Daryl E. Capurro)	Nevada Franchised Auto Dealers Ass'n. &	
Robert Guinn)	Nevada Motor Transport Association	
Al Veglia	R. L. Polk & Company, Detroit, Michigan	
Shirlee Wedow	State Parent Teacher's Association	
Virgil Anderson	AAA, Nevada Division	
Joe Jackson	Press	
Bernard Dehl	Nevada Highway Patrol)
Jack Williams	Chief, Admins. Services) DEPARTMENT
E. J. Silva	Registration Division)
John Ciardella	Chief, Registration Div.) OF
Hale Bennett	Chief, Automation)
W. W. Richards	Chief, Motor Carrier) MOTOR
Richard Bortolin	Deputy Attorney General)
Wm. Fitzpatrick	Chief, Driver's License) VEHICLES
Howard Hill	Director)

ACTION WAS TAKEN ON THE FOLLOWING BILLS:

SB #49*

Senator Pozzi spoke at length in favor of this bill. Al Veglia of R. L. Polk & Company spoke against the bill. After lengthy discussion on both sides, the committee agreed to hold this bill for further discussion at the next meeting.

SB #109*

Mr. Guinn Discussed at length on the merits of killing #109 and replacing it with another bill which he proposed. Chairman Herr suggested that we have the new bill printed and then the committee will be able to compare it with SB #109, and then take action. This was agreed upon by the committee.

*(Copy of bill attached.)

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SB #88*

E. J. Silva and John Ciardella, Registration, DMV; and Robert Guinn, Nevada Transport Association, gave testimony regarding this bill.

Senator Monroe moved "Do Pass."
Seconded by Senator Pozzi
Motion Carried.

SB #87*

After due consideration of this bill the committee agreed the bill was acceptable as written.

Senator Pozzi moved "Do Pass."
Seconded by Senator Monroe.
Motion Carried.

SB #110*

Richard Bortolin, DMV, testified on this bill and made the following recommended amendment: Line 4 and 5 to read, "...by law with authority to direct, control or regulate traffic while he is exercising his authorized duties in the enforcement of the provisions of this chapter."

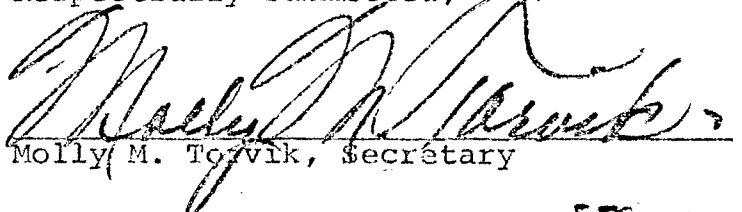
Senator Blakemore moved "Do Pass with Amendment."
Seconded by Senator Raggio.
Motion Carried.

SB #111*

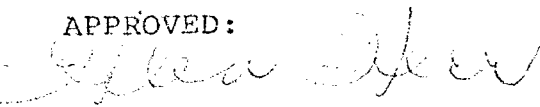
Major Bernard Dehl, NHP, gave testimony in regard to various suggested amendments to this bill. (See Attachment 7) After long discussion and many questions from the committee, Senator Herr suggested that we bring the bill back into committee at a later time.

Due to the reconvening of the Senate, the meeting was adjourned at 2:00 o'clock p.m. until Thursday, February 8, upon adjournment of the Senate.

Respectfully submitted,


Molly M. Torvik, Secretary

APPROVED:



SENATOR HELEN HERR, Chairman

*(Copy of bill attached.)

S. B. 49

SENATE BILL NO. 49—SENATOR POZZI

JANUARY 22, 1973

Referred to Committee on Transportation

SUMMARY—Limits access of private persons to the records of vehicle registrations. Fiscal Note: No. (BDR 43-545)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to vehicle registrations; limiting the access of private persons to the records of vehicle registrations kept by the department of motor vehicles; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 431.063 is hereby amended to read as follows:
 2 431.063 1. [The director is authorized to charge and collect reason-
 3 able fees from persons making use of files and records of the department
 4 or its various divisions for any private purpose.
 5 2. All moneys so collected shall be delivered to the state treasurer
 6 for deposit to the credit of the state highway fund.] *The director may*
 7 *allow private persons to use the files and records of the department, but*
 8 *compiled lists of vehicle registrations may only be made available to*
 9 *private persons once a year, embracing the previous twelve-month period.*
 10 2. *The director may charge reasonable fees from persons making use*
 11 *of the lists, files and records of the department. All moneys so collected*
 12 *shall be deposited with the state treasurer to the credit of the state high-*
 13 *way fund.*

#2

S. B. 109

SENATE BILL NO. 109—COMMITTEE ON TRANSPORTATION

JANUARY 29, 1973

Referred to Committee on Transportation

SUMMARY—Limits height of vehicles traveling on highways.
Fiscal Note: No. (BDR 43-481)



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to traffic laws; limiting the height of motor vehicles traveling on highways; and providing a penalty.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Chapter 484 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 *It is unlawful for any vehicle traveling on interstate or primary high-*
4 *ways within this state, as defined in 23 U.S.C. § 101, to exceed 13 feet*
5 *and 6 inches in height, except as may be allowed by regulations pre-*
6 *scribed by the board of directors of the department of highways.*

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SENATE BILL NO. 88—COMMITTEE ON
TRANSPORTATION

JANUARY 24, 1973

Referred to Committee on Transportation

SUMMARY—Clarifies notification requirement for vehicles left unattended for 30 or more days. Fiscal Note: No. (BDR 43-128)



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to vehicles stored or parked for a long period; clarifying the notification requirement; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 487.010 is hereby amended to read as follows:
- 2 487.010 1. Whenever any vehicle [of a type] subject to registration
- 3 under the laws of this state, *or any other state or country*, has been stored
- 4 in a garage or parked in a trailer park or parking area for 30 days or if
- 5 the keeper of the garage, trailer park or parking area knows or can
- 6 ascertain the ownership but has reason to believe that such vehicle is
- 7 stolen, abandoned or secreted he shall immediately report the presence
- 8 and license plate number of such vehicle by registered or certified mail,
- 9 return receipt requested, to:
- 10 (a) The sheriff of the county in which such vehicle is garaged or
- 11 parked; or
- 12 (b) If such vehicle is garaged or parked in an incorporated city, the
- 13 chief of police of the city; and
- 14 (c) The department of motor vehicles.
- 15 2. If after investigation the sheriff or chief of police determines that
- 16 such vehicle is stolen, abandoned or secreted, he shall report such fact to
- 17 the department of motor vehicles which shall immediately:
- 18 (a) If the vehicle is registered in this state, notify the legal owner and
- 19 any holder of a security interest who appears of record.
- 20 (b) If the vehicle is registered in another state, request from the
- 21 appropriate agency of that state the name and address of the legal owner
- 22 and holder of a security interest. If such names and addresses are
- 23 obtained, the department of motor vehicles shall notify each of such

1 persons. The department of motor vehicles may utilize local law enforce-
2 ment agencies of the State of Nevada to obtain the necessary information.
3 3. Failure to comply with the provisions of subsection 1 renders any
4 lien for storage in excess of 30 days void.

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S. B. 37

SENATE BILL NO. 87—COMMITTEE ON TRANSPORTATION

JANUARY 24, 1973

Referred to Committee on Transportation

SUMMARY—Permits the department of motor vehicles to charge a fee for weighing vehicle. Fiscal Note: No. (BDR 43-119)



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT permitting the department of motor vehicles to charge a fee for weighing vehicles; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 482.485 is hereby amended to read as follows:
2 482.485 1. The provisions of chapter 582 of NRS (Public Weigh-
3 masters) are hereby made applicable to this chapter.
4 2. All motor vehicles required to be weighed under the provisions of
5 this chapter shall be weighed by a public weighmaster under such rules
6 and regulations as may be deemed advisable by the director and the sealer
7 of weights and measures, and according to the provisions of chapter 582
8 of NRS.
9 3. *The department shall be allowed to collect a fee, not to exceed \$1,*
10 *for each vehicle weighed.*
11 4. From time to time, upon request of the director, the sealer of
12 weights and measures shall appoint additional public weighmasters,
13 according to the provisions of chapter 582 of NRS, as may be necessary
14 to effectuate the purposes of this chapter.
15 [4.] 5. Public weighmasters' certificates issued in states other than
16 Nevada, when such certificates bear the seal of such weighmaster, may be
17 accepted by the director as evidence of the weight of the motor vehicle
18 for which a license is applied.
19 SEC. 2. NRS 582.090 is hereby amended to read as follows:
20 582.090 1. The state sealer of weights and measures shall designate
21 a reasonable fee to be charged by public weighmasters for weighing. Such
22 fee shall be retained by the public weighmaster as compensation for his
23 services.
24 2. *The department of motor vehicles, under the provisions of chap-*
25 *ters 482 and 706 of NRS, may collect a fee, not to exceed \$1, for each*
26 *vehicle weighed.*

1 Sec. 3. NRS 706.276 is hereby amended to read as follows:
2 706.276 1. The provisions of chapter 582 of NRS are hereby made
3 applicable to this chapter.
4 2. All vehicles required to be weighed under the provisions of this
5 chapter shall be weighed by a public weighmaster under such rules and
6 regulations as may be deemed advisable by the department and the state
7 scaler of weights and measures, and according to the provisions of chap-
8 ter 582 of NRS, except as otherwise provided herein.
9 3. *The department shall be allowed to collect a fee, not to exceed \$1,*
10 *for each vehicle weighed.*
11 4. The state scaler of weights and measures from time to time, upon
12 request of the department, shall appoint additional public weighmasters,
13 according to the provisions of chapter 582 of NRS, as may be necessary
14 to effectuate the purposes of this chapter.
15 ~~4.~~ 5. Public weighmasters' certificates issued in states other than
16 Nevada, when such certificates bear the seal of such weighmaster, may be
17 accepted by the department as evidence of the weight of the vehicle for
18 which a license is applied.

S. B. 110

SENATE BILL NO. 110—COMMITTEE ON TRANSPORTATION

JANUARY 29, 1973

Referred to Committee on Transportation

SUMMARY—Makes willful failure or refusal to comply with any lawful directives of police officers unlawful. Fiscal Note: No. (BDR 43-484)



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to police officers' authority; making willful failure or refusal to comply with any lawful directives of police officers unlawful.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 484.253 is hereby amended to read as follows:
- 2 484.253 It is unlawful for any person willfully to fail or refuse to
- 3 comply with any lawful order or direction of any police officer invested
- 4 by law with authority to [direct, control or regulate traffic.] *issue such in*
- 5 *the performance of his duty.*

S. B. 111

SENATE BILL NO. 111—COMMITTEE ON TRANSPORTATION

JANUARY 29, 1973

Referred to Committee on Transportation

SUMMARY—Provides additional circumstances calling for police removal of vehicles stopped, standing or parked on highways. Fiscal Note: No. (BDR 43-488)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to vehicles stopped, standing or parked on highways; creating additional circumstances calling for police removal of such vehicles; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

1 SECTION 1. NRS 484.395 is hereby amended to read as follows:
2 484.395 1. Upon any highway [outside of a business or residence
3 district] no person shall stop, park or leave standing any vehicle, whether
4 attended or unattended, upon the paved or main-traveled part of the
5 highway *except where parking has been lawfully provided*, when it is
6 practicable to stop, park or so leave such vehicle off such part of the
7 highway, but in every event an unobstructed width of the highway oppo-
8 site a standing vehicle shall be left for the free passage of other vehicles
9 and a clear view of such stopped vehicles shall be available from a dis-
10 tance of 200 feet in each direction upon such highway.

11 2. This section shall not apply to the driver of any vehicle which is
12 disabled while on the paved or main-traveled portion of a highway in
13 such manner and to such extent that it is impossible to avoid stopping and
14 temporarily leaving such disabled vehicle in such position.

15 SEC. 2. NRS 484.397 is hereby amended to read as follows:

16 484.397 1. Whenever any police officer finds a vehicle standing upon
17 a highway in violation of any of the provisions of this chapter, such officer
18 may move such vehicle, or require the driver or person in charge of the
19 vehicle to move it to a position off the paved or improved or main-
20 traveled part of such highway.

21 2. Whenever any police officer finds a vehicle unattended upon any
22 highway, bridge or causeway, or in any tunnel where such vehicle consti-
23 tutes an obstruction to traffic, such officer may provide for the removal of
24 such vehicle in any manner provided by law.

1 3. Whenever the driver of any vehicle has been arrested and such
2 driver or other person present cannot provide for or authorize the imme-
3 diate removal of such vehicle, any police officer may provide for the safe
4 removal and storage of such vehicle.

5 4. Whenever any vehicle which has been involved in a traffic accident
6 constitutes an obstruction to traffic, causes a nuisance or traffic hazard, or
7 is on the paved, improved, or main-traveled part of a highway in violation
8 of this chapter, any police officer may provide for the removal of such
9 vehicle and safe storage thereof, providing no driver, owner or authorized
10 person in charge of the vehicle is present, able to be located within a rea-
11 sonable time to effect such removal or is capable of directing the imme-
12 diate removal of such vehicle.

13 5. Whenever any police officer provides for the removal of any vehi-
14 cle pursuant to subsections 3 or 4 of this section and has probable cause
15 to believe that such vehicle or its contents constitutes evidence lawfully
16 admissible in any criminal or traffic investigation, such police officer may
17 take steps reasonably necessary to preserve the vehicle or its contents or
18 both, including removal to safe storage until the evidence is utilized for
19 the purposes of an investigation or proceeding, released to the owner or
20 other lawful disposition has been made of it.

21 6. Whenever any vehicle must be removed from the highway for any
22 reason and the driver, owner or authorized person in charge of the vehicle
23 is present and capable of acting to effect such removal and does so, the
24 police authority present shall be relieved of any and all liability in con-
25 nection with the removal of such vehicle.

MEMORANDUM

February 6, 1973

To Col. James L. Lambert, Chief, NHP

From Major Bernard Dehl, Operations

Subject: SENATE BILL NO. 111

Senate Bill No. 111 amends NRS 484.397.

Sub-Section 2: One portion of NRS 484.397 that is not amended is sub-section 2. This provides that where a vehicle constitutes an obstruction to traffic, an officer may provide for the removal of such vehicle in any manner provided by law.

Comments: The problem that may arise on the above, is where in law does it state that a tow truck may remove a vehicle at the request of police? This question is answered by sub-section 4 below, however; if sub-section 4 is amended as requested then it covers all points, provides for basically the same thing and allows a police officer to remove the vehicle to safe storage.

Suggestion: Amend sub-section 4 to cover sub-section 2 and delete sub-section 2 in it entirety.

Sub-Section 3: "Whenever the driver of any vehicle has been arrested and such driver or other person present cannot provide for or authorize the immediate removal of such vehicle, any police officer may provide for the safe removal and storage of such vehicle."

Comments: The portion "or other person present" is somewhat confusing. The term "police officer" may be restrictive.

Suggestion: It is suggested that the portion "other person present" be amended to "other person present in charge of the vehicle." This will then be using the same terminology as sub-section 1 and sub-section 4 and will allow a passenger who is the owner, co-owner, authorized person, etc., to take charge of the vehicle. It is also suggested that "police officer" be amended to "peace officer".

Sub-Section 4: "Whenever any vehicle which has been involved in a traffic accident constitutes an obstruction to traffic, causes a nuisance or traffic hazard, or is on the paved, improved, or main-traveled part of a highway in violation of this chapter, any police officer may provide for the removal of such vehicle and safe storage thereof, providing no driver, owner or authorized person in charge of

the vehicle is present, able to be located within a reasonable time to effect such removal or is (and) capable of directing the immediate removal of such vehicle."

Comments: The portion "which has been involved in a traffic accident" is superfluous and overly restrictive. If this is deleted, then sub-section 4 covers all the points in sub-section 2 whereby sub-section 2 may be deleted in its entirety.

"Nuisance" is difficult to define. Our main concern is obstructions to traffic and traffic hazards.

"Police officer" again may be overly restrictive.

"able to be located within a reasonable length of time" depends almost entirely upon the judgment of the person with an overview of the situation. A police officer on a crowded freeway may feel that thirty seconds is too long a time to leave the vehicle while the owner, faced with an expensive tow charge, may feel that overnight is none too long to leave his car. Almost all police officers will go to reasonable lengths to locate someone before towing an unattended vehicle.

Suggestion: Delete those portions (1) "which has been involved in a traffic accident", (2) "nuisance", and (3) "able to be located within a reasonable length of time." Add the word (and) after "such removal or is".

Amend "police officer" to "peace officer".

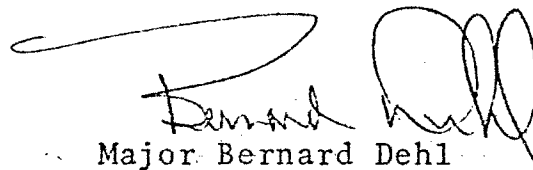
Sub-Section 5: "Whenever any ^{peace} ~~police~~ officer provides for the removal of any vehicle pursuant to sub-sections 3 or 4 of this section and has probable cause to believe that such vehicle or its contents constitutes evidence lawfully admissible in any criminal or traffic investigation, such ~~police officer~~ may take steps reasonably necessary to preserve the vehicle or its contents or both, including the removal to safe storage until the evidence is utilized for the purposes of an investigation or proceedings, released to the owner, or other lawful disposition has been made of it.

Comments: The portion that states "released to the owner" might be construed that if a vehicle is in custody that it must be "released to the owner." This is superfluous and is covered by the wording "or other lawful disposition has been made". If the vehicle can be released after use as evidence, then releasing it to the owner is "other lawful disposition."

Suggestion: Delete the wording "released to the owner" and amend "police officer" to "peace officer".

There is nothing in SB 111 that provides for the cost of the removal of a vehicle. This could lead to many claims against the particular entity that removed the vehicle for such tow and storage charges incurred. It is suggested that the following be added:

"Whenever any vehicle is removed or stored as provided by this section, the tow service cost or other costs incurred shall not be the responsibility of the peace officer authorizing removal pursuant to this section, but the responsibility of the owner or other person in charge of such vehicle."



Major Bernard Dehl
Inspector, Field Operations
February 6, 1973

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