

# Assembly

## MINUTES

TRANSPORTATION COMMITTEE  
February 11, 1975

Members Present: Messrs. Glover, Howard, Dini, May and Mrs. Hayes  
Late: Jacobsen, Dreyer

Members Absent: None

Guests: Representing

Howard Hill	Dept Motor Vehicle
Virgil Anderson	AAA
V.L. Fletcher	Dept Motor Vehicle
James Lambert	Nevada Highway Patrol
Stan Warren	Nevada Bell
Carol Warren	Student
John Ciardella	Dept Motor Vehicle
Daryl E. Capurro	Nevada Motor Transport & Franchised Auto Dealers Assn
Leo Lynn	Washoe Motor Car Dealers Assn
John Win	C.A.D.A Carson City Dodge
Dan Flammer	Flammer Pontiac, Chev
Robert Guinn	Nevada Franchised Auto Dealers
E.J. Silva	Dept Motor Vehicles
Patricia Wellson	Student
Bill Pearce	Bill Pearce Motors - Reno
A. Grulli	Grulli Motors - Yerington
Don L. Hellweakel	President of Nevada Franchised Dealers

The meeting was called to order by Chairman Glover at 3:20 p.m. A.B. 117 - which revises provisions relating to vehicle dealers and licensing thereof - was the first bill to be discussed. Mr. E.J. Silva, representing the Dept of Motor Vehicle was the first speaker for this bill. He said it was designed to define and clarify definitions of a vehicle dealer, a legal owner, a new vehicle dealer, and a used vehicle dealer. The bill also expands the licensing requirements for dealers, manufacturers and rebuilders. He said this bill was designed to prevent "curbstoning" which is illegal sale of vehicles usually to avoid the sales tax. He stated that the District Attorneys are failing to prosecute because the language of the law is not clear enough.

Mr. Don Hellweakel, President of the Nevada Franchised Dealers Assn. and an automobile dealer was the first to speak against the bill. He mentioned all Nevada car dealers are against some of the provisions of A.B. 117. He felt the present statutes are quite adequate and already put the auto dealers under strict control of the Dept. of Motor Vehicle. He felt this bill would make curbstoning even greater than it is now by exempting some of these businesses as "dealers".

Mr. Leo Lynn Jr, President of Washoe Motor Car Dealers Assn, was the next speaker against the bill. His major concern was in the wording of the bill. It is not clearly defined as to who has to have a license and who does not to sell a vehicle. He thought this bill would open the

door for people on the outside to come into the Nevada area and sell autos at their own disgression. He felt this could make Nevada become a dumping ground for rental companies to bring in cars and sell them. This bill is not in the best interest of local dealers or the consumers.

Mr. Robert Guinn was the next speaker, representing the Nevada Franchised Auto Dealers. He said he felt there were many things wrong with the proposed bill and then went on to give specifics. He felt some of the language was too restrictive such as the definition of a "used vehicle dealer". He said this bill would exclude rental and leasing companies as "used car dealers", and many of them are even licensed right now. He stated that the present laws are not effective now, but felt that this proposed bill presented many problems. He stated that he would like to talk with Mr. Silva of the Dept of Motor Vehicle to work out some reasonable changes.

Mr. Silva, Dept of Motor Vehicle then explained to the opposition that this bill was designed to satisfy the needs of the District Attorney to get people who are dealing in the illegal sale of vehicles.

The next bill to be discussed was A.B. 119 which designates additional types of authorized emergency vehicles and provides for use of certain equipment. Mr. James Lambert from Nevada Highway Patrol presented this to the committee. He explained the bill had four purposes:

1. To designate additional types of authorized emergency vehicles.
2. To clarify the problem of a flashing blue light. He stated that a blue light is superior in bad weather conditions.
3. To designate the minimum distance a siren must be audible which is 1,000 feet.
4. To restrict the use of the flashing red and blue light to emergency vehicles only.

Mr. Jacobsen questioned what surrounding states were using the blue light and if there were any Federal regulations on this. Mr. Lambert stated that the use of the blue light is now becoming nationwide, and that he knew of no federal regulations.

A.B. 150 was the next bill to be discussed. This bill expands peace officer powers of field dealer inspectors of vehicle compliance and enforcement section of registration division of department of Motor Vehicles and provides for their early retirement. Mr. J. Silva from Dept. Motor Vehicle spoke for the bill. He presented to the committee an amendment to the bill from the retirement board (see attached sheet). He stated that the Dept. of Motor Vehicle accepted and approved of the amendment. He went on to present a lengthy testimony explaining the purpose of submitting this legislation. (see attached sheet)

Mr. Dreyer and Mr. Jacobsen both stated too many people are asking for early retirement. Where can the legislature stop with this matter? Mr. Dreyer asked Mr. Silva how many years of experience (police experience) these peace officers should have. Mr. Silva answered a minimum of 5.

He went on to say these men have to be very experienced to be an auto theft investigator. Mr. Dreyer questioned the salary of the field officers. Was it high enough to get well qualified men? Mr. Silva said they were paid higher than police officers, about 5% more than a patrolman, on a par with a police sergeant.

Mr. May questioned Mr. Silva as to why the bill was deleting lines 13-17 page 2. Mr. Lambert of DMV stated that he would like to see these lines remain in the bill.

Mr. Guinn, Nevada Franchised Auto Dealers, spoke vigorously against A.B. 150. He said he was opposed to having non-uniformed people stopping his truckers and trying to arrest them or impound the truck. He said the committee had to be careful about giving broad authority. Mr. Silva then stated that everyone seemed to be reading too much authority into this bill.

Mr. Jacobsen then ask for clarification as to how conspicuous these field officers were. Were they dressed like policemen: Mr. Silva explained they are in plain clothes, have I.D. are issued a badge and have side arms. Their cars are marked with a bullseye on it. He stated this job can't be accomplished in uniform and marked cars. These men work much like narcotic police officers. They have to work undercover.

Mr. Jacobsen praised the Dept of Motor Vehicle for its quickness of obtaining information that was demonstrated to the committee on its tour of the DMV bldg. Chairman Glover asked Mr. Anderson of AAA and Mr. Silva to talk together to work out the problems of this bill. As it was getting late, he announced that bills 149 and 152 would be discussed at some other time.

Mr. Howard moved for adjournment; Mr. Jacobsen seconded, and the motion was passed unanimously. The meeting was adjourned at 4:45 p.m.

Respectfully Submitted,

Camille Lee  
Assembly Attache

ASSEMBLY

AGENDA FOR COMMITTEE ON.....TRANSPORTATION.....

Date...Tuesday, Feb 11 Time 3:00 Room 214.....

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Bills or Resolutions  
to be considered

Subject

Counsel  
requested\*

- | Bills or Resolutions<br>to be considered | Subject   | Counsel<br>requested* |
|--|---|-----------------------|
| A.B. 117                                 | Revises provisions relating to vehicle dealers and licensing thereof.<br>Fiscal Note: No. (BDR 43-274)  |                       |
| A.B. 119                                 | Designates additional types of authorized emergency vehicles and provides for use of certain equipment.<br>Fiscal Note: No. (BDR 43-331)  |                       |
| <del>A.B. 149</del>                      | Exempts certain license plates from duplicate or substitute plate fee and clarifies fee requirements for substitute certificates, decals and plates.<br>Fiscal Note: No. (BDR 43-279)   |                       |
| A.B. 150                                 | Expands peace officer powers of field dealer inspectors of vehicle compliance and enforcement section of registration division of department of motor vehicles and provides for their early retirement. Fiscal Note: No. (BDR 43-273) |                       |
| <del>A.B. 152</del>                      | Provides changes in traffic laws on right of way.   |                       |

\*Please do not ask for counsel unless necessary.

AMENDMENT FOR ASSEMBLY BILL - 150 (Page Two, Line Two)

this section [but are not] and are entitled to retire [at the ages  
and under the circumstances provided in NRS 286.510] under early  
retirement for police and firemen provided for in NRS Chapter 286.

SUMMARY OF INFORMATION PERTAINING TO AB-150 (BDR 43-273) NRS 481.048 - TO  
EXPAND THE ENFORCEMENT DUTIES OF THE FIELD INVESTIGATORS OF THE VEHICLE  
COMPLIANCE AND ENFORCEMENT SECTION, REGISTRATION DIVISION, DEPARTMENT OF  
MOTOR VEHICLES

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There is a two-fold purpose in submitting this legislation.

Number 1 - to allow the field investigators of this section to better perform their duties with the protection of the Department of Motor Vehicles and the citizens of the state of Nevada.

Number 2 - to allow these officers, because of the nature of their duties, and being exposed to all the hazards of any police officer, *to be afforded early retirement.*

Several years ago when it was determined by the legislature that persons selling and leasing automobiles and other vehicles and persons in the business of junking and wrecking cars should be licensed and regulated, in an attempt to prevent fraud, impositions and other abuse upon the citizens of the state of Nevada. In the beginning most of the duties of the investigators assigned to this particular section was the setting up of a licensing program and making sure that all licensees were properly licensed and bonded. Past records show that little or no arrests were made by the investigators; however, in recent years many arrests have been made for both misdemeanors and felonies and many arrests for felonies have been made by these investigators *with other agencies.*

In the past few years there has been a steady increase in the frequency of felonious crimes and in particular those that we are constantly investigating such as fraud, forgery, embezzlement and auto theft. Crimes of this nature and enforcement provisions are not found in Chapter 482, which is one of the chapters we are empowered to enforce. In the past, investigators generally were concerned

only with those activities of dealers, manufacturers, salesmen, etc., licensed under NRS Chapter 482. However we are constantly being requested to become involved in other business and private transactions involving the Registration Division of the Department of Motor Vehicles. Basically, the reason for the involvement is the Registration Division is required to provide registration and titles to all vehicles that meet the requirements of Nevada Revised Statutes. It is only natural that this division must have an adequate enforcement wing to investigate all areas where there is some evidence of any of the aforementioned crimes. Many years ago the advent of a person submitting a forged or fraudulent or counterfeit document to transfer or obtain ownership to a vehicle was not too highly thought of. In these days of a very high-priced market of automobiles and recreational vehicles, including travel trailers, a \$10 to \$20,000 vehicle has become common. Theft and forgery have <sup>Also</sup> become common in this <sup>High-priced</sup> market. Even with many of the protective statutes written into the law, the Department of Motor Vehicles cannot always be indemnified in all its transactions. Consequently, crimes of this nature are constantly being investigated by this section of the Division, *not only for the department's protection, but the citizens also.*

Because of the investigative technique required for these areas one of our requirements to become a field investigator is a minimum of five years experience with some law enforcement agency. In actual application we attempt to choose the applicant with the most police experience. It has been extremely helpful *when* these investigators have had some investigative, procurement of evidence and court experience. If it were possible for police officers wishing to come to work in this particular field to retain their peace officer status with the ability of early retirement, it would make it possible for us to draw *a person* from a much larger competent field of officers.

Too often in the past investigators have begun an investigation only to

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to find the alleged crime could possibly be out of our jurisdiction. This usually requires the case be turned over to other authorities. These other authorities are very reluctant to "change horses in the middle of the stream" that is to try and begin an investigation in the middle of a case. This usually means going back to the beginning to interrogate witnesses. Many times our information has been provided through one of our informers and these informers are very reluctant to talk with some of these other agencies.

In many cases it does mean a transfer of physical evidence and you do lose a certain amount of continuity of evidence. Currently the investigators of the Vehicle Compliance and Enforcement Section have a total of 48 years previous law enforcement experience with other agencies. Some of these investigators have paid the appropriate fees into early retirement.

The duties of the investigators of this section are varied and can become extremely complicated because of the elements we are constantly dealing with. Over 3,000 investigations were conducted last year with 10-15% of these investigations involving some type of felony. We provided nearly 2,000 assists to other agencies in 1974 and 90% of these assists were to law enforcement agencies. The majority of these assists to these enforcement agencies have to do with some type of auto theft and they are seeking our expertise in the location of confidential vehicle identification numbers.



In 1974 investigators of this section were the instigators in cracking two large auto theft rings operating in Nevada, California, Arizona and Utah. In addition, these officers recovered 142 stolen vehicles. Two of these vehicles were occupied by the suspects. The nearly 100 arrests made in 1974 for various crimes resulted in over \$3,000 in fines <sup>in</sup> the various courts. In addition, the investigators appraised nearly 12,000 vehicles and <sup>processed</sup> nearly 15,000 units for junk. Experience has taught us, dealing with junked and wrecked autos in these wrecking yards and isolated dumps is a precarious part of our duties.

Generally speaking, officers on the highways and city streets, driving their marked cars, wearing a uniform, badge, and sidearm <sup>are</sup> reasonably sure of what <sup>they are</sup> getting into, versus <sup>MANY</sup> situation where we are not reasonably sure of what we are getting into. Most uniformed officers do not generally stray very far from their automobile which contains the usual equipment such as two-way radio, riot gun, etc. Many non-uniformed officers are in the same boat that we are; however, many of them are now carrying two-way handi-talki radios, in the event they get into a tight situation and need assistance. We have a different situation such as we run into in many of the wrecking yards, secluded dumps in areas, which become a haven for car thieves to operate, <sup>in</sup>

<sup>Being By ourselves AND AWAY From our CAR) OF OWNERSHIP OR</sup> and many times pursuing an investigation involving <sup>Some OF</sup> type paper fraud, such as <sup>TRANSF</sup> titles in the buying and selling of a car, the investigator, in knocking on the door of an apartment or house, is never sure just what is going to happen.

<sup>This is ONLY</sup> another of the many reasons we like to require many years of law enforcement experience to become a field investigator of the Vehicle Compliance and Enforcement Section.