

SENATE JUDICIARY COMMITTEE

MINUTES OF MEETING

MARCH 6, 1975

The meeting was called to order at 9:05 a.m. Senator Close was in the Chair.

PRESENT: Senator Close  
Senator Wilson  
Senator Bryan  
Senator Sheerin  
Senator Dodge  
Senator Foote  
Senator Hilbrecht

ABSENT:

AB 124 Amends provisions on suspension of driver's licenses, issuance of demerit points, and time for hearings.

Senator Close informed the Committee that this bill was passed as amended on March 4, 1975 but that Mr. Bill Fitzpatrick, Chief of Driver's License was to request a further amendment. Mr. Fitzpatrick stated that in his prveious testimony he had requested that more time be given in which hearings maybe arranged in regard to the Motor Vehicles Safety Responsibility Act. However, what the hearing officer had in mind was that this extension (from 20 days to 60 days) be applied to the Implied Consent Law.

Senator Close stated that if it was the consensus of the Committee, he would have this amendment drafted into NRS 484.387.

AB 126 Requires certain police officers to report driver refusals to take required chemcial tests.

Bill Fitzpatrick, Chief of Driver's License appeared on behalf of this bill. He stated that the problem they were having was that there is no time limit as to when the report had to be submitted to the department. This bill, on page 2, lines 10 through 16 would require that the report be submitted within 10 days.

After a brief discussion, Senator Sheerin moved a "do pass," Seconded by Senator Dodge, Motion carried unanimously. Senators Wilson and Bryan were absent from the vote.

AB 102 Technical amendment correcting terminology in provisions for de-tailing trial and defense counsel under Uniform Code of Military Justice.

Senator Dodge moved a "do pass," Seconded by Senator Hilbrecht, Motion carried unanimously.

AB 240 Technical amendment conforming certain provisions of NRS, relating to the age of majority, to chapter 753, Statutes of Nevada 1973.

Senate Judiciary Committee  
 Minutes of Meeting  
 March 6, 1975  
 Page Two

Senator Sheerin moved a "do pass,"  
 Seconded by Senator Hilbrecht,  
 Motion carried unanimously.

SB 286 Repeals sole trader laws.

Senator Hilbrecht moved a "do pass,"  
 Seconded by Senator Bryan,  
 Motion carried unanimously.

AB 293 Creates tort action for perjury and subornation of perjury which injures a person or his property.

Assemblyman Bob Craddock stated that this bill may encourage out-of-court settlements rather than getting involved in testimony of questionable authenticity. He cited as an example the expert witness who willfully give false information and because of this perjured testimony a person could lose a civil claim. In view of the expertise of the Committee, Mr. Craddock stated that he would defer to their judgment regarding any amendments to the bill.

The Committee requested Mr. Frank Daykin to review the bill with them. After discussion it was decided that Mr. Daykin would examine the bill with the intent of expressly recognizing but not interfering with any existing cause of action or body of common law jurisprudence attending it. Additionally, Senator Close suggested that the term "willful and corrupt" on line 5 be deleted in that perjury is, by definition, willful and corrupt.

No action was taken at this time.

SB 155 Authorizes licensed process server to enter on private property to serve legal papers.

It was the general consensus of the Committee that it would not be desirable to give this type of authority to a process server. Senator Dodge expressed concern that we would be giving authority to a process server that even a police officer does not have. The Committee recognized the need for some type of legislation in this area, however. Senator Hilbrecht suggested that the burden be placed on the person who was to receive the document and that perhaps Rule 4 could be enlarged to apply to other documents such as subpoenas. Senator Wilson suggested that the Committee establish some guidelines for a method of substitute service in the event a person cannot be reached in the usual manner for service of a document.

Senate Judiciary Committee  
 Minutes of Meeting  
 March 6, 1975  
 Page Three

SB 155 In view of Senator Wilson's suggestion, Senator Dodge moved to "indefinitely postpone,"  
 Seconded by Senator Wilson,  
 Motion carried unanimously.

SB 196 Abolishes notices to property owner from material suppliers and general contractors as condition precedent to perfecting mechanic's lien.

Senator Sheerin stated that there were two ways the bill could go in regard to supplying notice of intent to lien. First, it could take a jurisdictional approach by requiring notice of intent to lien be given before the lien is filed. For example, if after 90 days after the job has been completed, you wish to file a lien, you would have to give notice of intent to lien 10 days prior to filing. The other way would be to extend the time period for filing a lien from 31 days to 45 or 50 days. He also recommended that the time required for an owner of property to give notice that he is not responsible for any improvements upon the property be extended from 3 days to 10 days.

In discussing the bill, Senator Wilson stated that the affirmative burden should be on the general contractor and that he should be required to furnish all relative information regarding the owner, to the subcontractor.

Senator Dodge stated that he would like to hear from the trade associations on this matter.

The Committee concurred with the amendment to extend the time for filing of a nonresponsibility claim by the owner to 10 days.

Senator Bryan moved to "amend and rerefer,"

Seconded by Senator Hilbrecht,  
 Motion carried unanimously.

After amendment, the bill will be placed on the agenda for further testimony by the trade associations.

The following items were presented for Committee introduction:

BDR 1-111 Requires and provides for interpreters for certain handicapped persons in civil and criminal proceedings.

BDR 11-550 Provides for certain foreign applications of Revised Uniform Reciprocal Enforcement of Support Act.

BDR 16-728 Expands list of dangerous weapons prohibited from being manufactured, imported, sold or possessed.

BDR 16-727 Increases penalty for pimping.

BDR 14-725 Expands classification of crimes for which person may be arrested by peace officer without warrant.

Senate Judiciary Committee  
Minutes of Meeting  
March 6, 1975  
Page Four

BDR 16-726 Provides punishment for threat to commit certain crimes.

BDR 16-723 Requires restitution to victim by person convicted of issuing fraudulent instrument and provides other liability.

Introduction of these bills was approved unanimously.

SB 202 Requires title insurance companies transacting escrow services to be licensed as escrow agents and places restrictions on escrow accounts.

After a brief discussion, it was the decision of the Committee to have Dick Rottman, Commerce Division; Mike Milner, Real Estate Division; Ed Fike; and Ray O'Brien present testimony before action is taken.


SB 216 Amends Las Vegas city charter to permit city attorney to engage in private practice of law until July 1, 1977.

Senator Close informed the Committee that Jan Wilson, Legislative Counsel Bureau is drafting a new bill in regard to this matter.


Senator Foote moved to "postpone indefinitely,"  
Seconded by Senator Dodge,  
Motion carried unanimously.

There being no further business, the meeting was adjourned.

Respectfully submitted,

  
Cheri Kinsley, Secretary

APPROVED:

  
Senator Mel Close, Chairman