

MEMBERS PRESENT

Chairman Sena
Vice Chairman Glover
Mr. FitzPatrick
Mrs. Hayes
Mr. Polish
Mr. Prengaman
Mr. Stewart
Mrs. Wagner
Mrs. Westall

GUESTS PRESENT

Stan Warren, Nevada Bell
Don Crosby, Nevada Highway Dept.
Vince Swinney, Washoe County Sheriff's Dept.
Barney Dehl, Nevada Highway Patrol
Daryl E. Capurro, Nevada Motor Transport Assn.
Sharon Alcamo, Driver's License Division
William Goddard, Dept. of Motor Vehicles
Wink Richards, Dept. of Motor Vehicles
John Borda, Office of Traffic Safety
Virgil Anderson, American Automobile Assn.
B. J. Smith, American Automobile Assn.
W. K. Peterson, Public Service Commission

Chairman Sena called the meeting to order and announced that the first bill under discussion was

A.B. 80 - Provides schedule of penalties for certain violations of laws relating to regulation and licensing of motor carriers.

Mr. Andrew P. Grose, Director of the Research Division, Legislative Council Bureau, told the committee that the Interim Subcommittee to Study the Feasibility of Creating a Commission to Regulate Transportation had received testimony regarding inadequate enforcement by the Public Service Commission. One particular problem involves the schedule of fines for infractions of the law regarding transportation regulations. Testimony indicated that there seems to be a tendency to levy the minimum fine even when offenses are repeated within a short time frame. The result is that it is easier and cheaper to pay the minimum fine and continue operating in violation of the law.

Mr. Grose said the subcommittee discussed the advisability of mandating fines rather than leaving it to the discretion of the judicial branch. There is a precedent in Chapter 484 for this

but there is a question as to whether the legislature can tell the judicial branch they may not waive or suspend a fine due to the separation of powers question. The new language on line 14, page 2 of A.B. 80 is suggested as a solution to the problem. At line 48, page 2, the range of fines from \$50 to \$500 is removed and a minimum schedule of fines is listed beginning at line 3, page 3.

Mr. Harold K. Peterson, Director of the Transportation Section, Public Service Commission, recommended that A.B. 80 be amended by deleting the language in line 3, page 3, and substituting in lieu thereof the following: 2. A person convicted of a misdemeanor for violation of NRS 706.386, 706.406 and 706.421.

Mr. Daryl Capurro, Managing Director of Nevada Motor Transport Association, submitted a list of requested amendments to A.B. 80, a copy of which is attached as Exhibit A, and explained the reasons for such amendments. Mr. Capurro said the deletion of lines 13 and 14 on page 2 was not the decision of the subcommittee but was due to an interpretation by Mr. Frank Daykin, Legislative Counsel. Mr. Capurro requested that the committee consider reinstating such language as he feels it would be beneficial since some justice court judges believe it applies to them. Mr. Capurro agreed with Mr. Peterson's amendment since many of the violations listed under 706.756 should not be subject to the progressively increasing fine schedule.

Mr. Glover agreed that the word "minimum" should be deleted in line 14, page 2, but questioned removing that word on line 17, page 3. He suggested using the language "appropriate minimum fine for that offense" in lines 17 and 18, page 3.

Mr. Wink Richards and Mr. Bill Goddard of the Motor Carrier Division of the Department of Motor Vehicles also requested that A.B. 80 be amended by limiting Section 2, page 3, to violations of 706.386, 706.406 and 706.421. Mr. Richards said it would cost approximately \$10,000 to implement changes in the division's automation program to cover all violations listed in A.B. 80.

Mr. Don Crosby, State Highway Engineer, supported A.B. 80 with the suggested amendments.

A.B. 359 - Authorizes department of highways to conduct surveys upon highways.

Mr. Crosby spoke in support of this bill. He said it was introduced by the department since the surveys were necessary in its planning process and there have been occasions where the right to conduct such surveys were challenged unless a police officer was present. The purpose of this legislation is to assist the Highway Department's personnel in conducting their work on surveys which are necessary to receive federal highway funds.

Mr. Crosby said the department did agree to an amendment which would change line 12 to read, "Sec. 4. Police officers may" instead of "Police officers shall". Mr. Crosby explained the purpose and functions of the various surveys to the committee. He further stressed that the presence of a police officer would help ensure the safety of employees conducting the surveys.

The committee expressed concern regarding various aspects of these surveys, including the department's authority to ask questions of motorists and the severe penalty imposed for failure to stop at a survey point.

Mr. Vince Swinney, Undersheriff, Washoe County, appeared in opposition to Section 4 of A.B. 359 which mandates the assistance of the sheriff's department. He stressed the increase of 114 percent in activities in his department during January and February, 1979, in the Reno-Sparks area. Mr. Swinney said his department has furnished off-duty officers for the Highway Department to assist in these surveys and they are paid by the Highway Department. The problem has been the lack of notice given by the Highway Department in requesting officers for these jobs. Mr. Swinney further said there are a number of decisions at the Appellate Court level with regard to criminal activities discovered by officers on this type of duty. There is a question as to whether they have sufficient probable cause to follow through on an arrest, and it puts the officer on this type of survey location in a "terrible position."

Chairman Sena submitted a letter from Mr. Lorne Butner, Chief Deputy, Administrative Service Bureau, Washoe County Sheriff's Department, expressing opposition to Section 4 of A.B. 359. A copy of this letter is attached as Exhibit B. Chairman Sena suggested that the responsibility be delegated to the Highway Patrol. Mr. Barney Dehl, Chief of the Nevada Highway Patrol, said he would not object to this if it could be accomplished with off-duty officers since he does not have the staff required to perform traffic control for lengthy surveys. He was also opposed to the word "shall" on line 12.

Mr. Stan Warren, representing Nevada Bell, appeared in opposition to A.B. 359. He feels that the bill is far too general and said that Bell's vehicles would not mind being stopped for a survey but would have problems with being detained since they have schedules to meet. Mr. Warren further questioned the invasion of privacy involved in the surveys.

Mrs. Hayes objected to making it illegal for motorists not to stop at these surveys and the strict fine imposed. Mr. Crosby said perhaps this provision was not necessary and the department was mainly concerned with safety for those taking the surveys.

Mr. Capurro said the surveys would be continued by the Highway Department in any event, and that A.B. 359 would assist in protecting the lives of the people who are conducting the surveys.

A.B. 360 - Provides for traffic convictions by federal courts and magistrates in Nevada to be applied against drivers' records.

Sharon Alcamo, Chief, Driver's License Division, testified in support of A.B. 360. She explained that as the law is presently written in 483.470 the division is only able to accept and act upon convictions for traffic violations received from justice, municipal and district courts in Nevada. As a result, any citations issued on federal lands and processed through federal courts or federal magistrates for convictions cannot be processed and acted upon in terms of point assessment or revocation or cancellation action. By changing the law to read as specified in A.B. 360, it would allow the division to accept these convictions also.

In response to a question by Mrs. Wagner, Ms. Alcamo said this had been a problem in the past. She said she had received a letter from Mahlon Brown asking why the division was discriminating against federal courts. She also said she would furnish a copy of this letter for Chairman Sena. Mrs. Wagner requested that Ms. Alcamo also furnish the number of citations issued in the past year which would apply to A.B. 360. A copy of Ms. Alcamo's response to both requests is attached as Exhibits C and D. Chairman Sena asked if the word "director" should be deleted in Line 46, page 2. Ms. Alcamo said this would be agreeable.

Chairman Sena asked Mrs. Wagner to report her findings on A.B. 66. Mrs. Wagner said Mr. Daykin had advised that no amendment regarding insurance was necessary. She said that a long series of potential amendments had also been received from the Public Service Commission. After committee discussion, it was agreed that these amendments should be incorporated in the bill.

A.B. 117 - Mrs. Westall moved to amend by lowering the age from 14 to 8. Mrs. Wagner seconded and moved to amend the amendment by lowering the age to read upon the entry to school. Seconded by Mrs. Westall. Motion lost.

Mr. Stewart moved to amend by lowering the age to 10. Seconded by Mrs. Westall and carried. Mrs. Hayes moved to amend by including that identification cards for minors conform to minors' drivers' licenses by having a profile photograph. Seconded by Mrs. Westall and carried.

Mr. FitzPatrick moved Do Pass A.B. 117 as amended. Seconded by Mrs. Hayes and carried.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jane Dunne
Assembly Attache

1. Amend Section 1, page 2, line 12, by deleting the bracket.
2. Amend Section 1, page 2, line 14, by deleting the bracket, and by deleting the word "minimum" .
3. Amend Section 2, page 2, line 17, by deleting "Any person who:" , and substituting therefore the following; Except as provided in subsection 2, any person who:
4. Amend Section 2, page 2, line 48, by deleting the bracket.
5. Amend Section 2, page 3, line 2, by deleting the bracket.
6. Amend Section 2, page 3, by deleting the language in line 3, and substituting therefore the following; 2. A person convicted of a misdemeanor for violation of NRS 706.386, 706.406 or 706.421 within
7. Amend Section 2, page 3, by inserting between lines 16 and 17 the following language; 3. The fines provided herein shall be mandatory and shall not be waived or suspended under any circumstances by the court.
8. Amend Section 2, page 3, line 17, by deleting "3." , and substituting 4. , and by deleting the word "minimum" .



WASHOE COUNTY SHERIFF'S DEPARTMENT

P. O. Box 2915
RENO, NEVADA 89505
Phone: (Area 702) 785-6220

ROBERT J. GALLI
SHERIFF

VINCENT G. SWINNEY
UNDERSHERIFF

THOMAS F. BENHAM
CHIEF, INVESTIGATIVE SERVICE BUREAU

RUSSELL T. SCHOOLEY
CHIEF, OPERATIONAL SERVICE BUREAU

LORNE E. BUTNER
CHIEF, ADMINISTRATIVE SERVICE BUREAU

March 8, 1979

Mr. Nash Sena, Chairman
Committee on Transportation
Nevada State Legislature
Capitol Complex
Carson City, Nevada 89710

Dear Chairman Sena:

We are strongly opposed to AB 359 as pertains to Section 4, "Police officers shall, when requested by the Department of Highways, assist in the control of traffic at survey points."

This section would impose a tremendous hardship on law enforcement agencies. Most agencies have a limited number of patrol units assigned to certain beat areas, and they are constantly busy with the normal routine of their tour of duty.

To assist the Highway Department with surveys would require additional patrol units that are just not available. Since this is a State function, I would recommend that the responsibility for traffic control be delegated by statute to the Nevada Highway Patrol.

Very truly yours,

ROBERT J. GALLI, SHERIFF *

By: Lorne Butner
Lorne Butner, Chief Deputy
Administrative Service Bureau

LB:NSM

EXHIBIT B



United States Department of Justice

UNITED STATES ATTORNEY
DISTRICT OF NEVADA
LAS VEGAS

FEDERAL BUILDING
300 LAS VEGAS BOULEVARD SOUTH
P. O. BOX 16030
LAS VEGAS, NEVADA 89101

June 29, 1978

Howard Hill
Office of Director
Dept. of Motor Vehicles
555 Wright Way
Carson City, Nevada 89701

Dear Howard:

It has come to my attention that anyone who is arrested and convicted of driving under the influence of an intoxicant within the confines of the Lake Mead Recreation Area is afforded a free ride as far as his points with the Dept. of Motor Vehicle in the State of Nevada are concerned. I was somewhat shocked by this information. Apparently, the State of Nevada and/or your office doesn't recognize a conviction for DUI in the U.S. Magistrate's Court. If ever there was a geographic area that needed a deterrent to excessive drinking, it has got to be the Lake Mead Recreation Area.

This would appear to be a problem that could easily be cleared up (I hope), and certainly would benefit all concerned. It would certainly help the attitudes of the Park Rangers in knowing that their efforts have not gone in vain. If I am correct in this information, I would request the assistance of your office in seeking a remedy and offer the assistance of this office in any way possible. Looking forward to your response.

Sincerely yours,

B. MAHLON BROWN
United States Attorney

BMB:dm

cc: John Borda, Office of Traffic Safety
Chief Ranger Sikes, National Park Service



EXHIBIT C

STATE OF NEVADA
DEPARTMENT OF MOTOR VEHICLES

MEMORANDUM

March 13, 1979

To Chairman Nash Sena
and Assembly Transportation Committee Members

From Sharon Alcamo *SJA*

Subject:

Upon your request, we contacted Deputy Chief Ranger, Bud Inman of Lake Mead Park.

From the information he gave us, during the year 1978, the National Park Service issued citations for 939 moving violations resulting in 626 convictions. Twenty-five citations were issued for DUI's of which 21 of these ended in convictions. It is estimated that 99% of the convictions would come from Southern Nevada.

It appears there would not be a significant increase in the number of citations and DUI's received on a daily basis by the Department. An estimate of approximately 52 moving violations and 2 DUI's would be received per month from the Federal Courts. This increased volume would not seriously affect the workload of the Driver's License Division.

60TH NEVADA LEGISLATURE
ASSEMBLY TRANSPORTATION COMMITTEE
LEGISLATIVE ACTION

Date March 12, 1979

Subject A.B. 117

MOTION:

Do Pass Amend x Indefinitely Postpone Amend & Do Pass x

Moved by FitzPatrick Seconded by Hayes

AMENDMENT: (1) Lower age to 10

Moved by Stewart Seconded by Mrs. Westall

AMENDMENT (2) Identification cards for minors to conform to
minors' drivers' licenses by having a profile photograph.

Moved by Hayes Seconded by Westall

| VOTE: | MOTION | | AMEND <i>(1)</i> | | AMEND <i>(2)</i> | |
|-------------|----------------|----------------|---------------------|----------------|---------------------|----------------|
| | Yes | No | Yes | No | Yes | No |
| FitzPatrick | | | | | | |
| Glover | | | | | | |
| Hayes | | | | | | |
| Polish | | | | | | |
| Prengaman | | | | | | |
| Sena | | | | | | |
| Stewart | | | | | | |
| Wagner | | | | | | |
| Westall | | | | | | |
| TALLY: | <u> 9 </u> | <u> 0 </u> | <u> 9 </u> | <u> 0 </u> | <u> 9 </u> | <u> 0 </u> |

ORIGINAL MOTION: Passed x Defeated Withdrawn

AMENDMENT: Passed x Defeated Withdrawn

AMENDED & PASSED: Passed x Defeated

Attached to Minutes of March 12, 1979