

MEMBERS PRESENT

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

GUESTS PRESENT

John Ciardella, Department of Motor Vehicles  
Daryl E. Capurro, Nevada Franchised Auto Dealers Assn.  
Sharon Alcamo, Driver's License Division  
Dr. Thorne J. Butler, State Environmental Commission  
Virgil Anderson, American Automobile Assn.

Chairman Sena called the meeting to order and stated that A.B 281 and A.B. 453 would be discussed simultaneously.

A.B. 281 - Revises laws regulating motor vehicle dealers.

A.B. 453 - Revises requirements of reporting sale of certain vehicles.

Mr. Ciardella, Department of Motor Vehicles, presented suggested amendments to these two bills. Copies of such amendments are attached as Exhibit A and Exhibit B.

Mr. Ciardella explained in detail the proposed amendments, the automobile inspection procedure outlined in the administrative rules adopted by the State Environmental Commission, the exemptions contained thereunder, the diagnostic tools required for inspection, and the program in general.

Mr. Capurro stated that the Federal Environment Protection Agency has recognized the Nevada program for inspection as the model program of the country.

Dr. Thorne J. Butler said that the State Environmental Commission would have a report available for the committee in the next few days which would answer many questions regarding the automobile inspection program. As a consumer protection measure, Dr. Butler did not believe car dealers should be allowed the waiver provision of \$25 parts, \$75.00 total. Mr. Capurro

disagreed and said since dealers sell only 50 percent of the used automobiles they should not be singled out as not being able to use the waiver. He did not believe consumer interest would be served by taking such waiver from the dealers.

Chairman Sena appointed Mr. Glover and Mr. Stewart as a sub-committee to study the proposed amendments to A.B. 281.

Mr. Ciardella read portions of the amendments to A.B. 453 and explained that all provisions of A.B. 281 except emission control provisions had been placed in A.B. 453.

A.B. 380 - Adds certain requirements for licensing of dealers in used motor vehicles.

No one appeared in support of this bill. Mr. Capurro opposed the \$200,000 bond required in line 10, page 2, stating it would be virtually impossible to obtain a bond in such amount. Chairman Sena said he would check the B.D.R. to ascertain who requested A.B. 380.

Ann Zorn, a representative of the League of Women Voters, said the league was seeking introduction of a bill exempting van-pooling from obtaining a certificate of convenience and necessity from the Public Service Commission. A copy of the statement prepared by the league is attached as Exhibit C. Chairman Sena advised Mrs. Zorn that he would determine whether or not such a bill is being prepared by any other committee.

As requested by Chairman Sena, Sharon Alcamo submitted suggested amendments to A.B. 117, together with a fiscal note, a copy of which is attached as Exhibit D.

COMMITTEE ACTION:

A.B. 360 - Mrs. Westall moved Do Pass. Seconded by Mr. FitzPatrick and carried unanimously.

A.B. 80 - Amend in accordance with amendments attached as Exhibit A to Minutes of March 12; plus amend line 17 and 18, page 3, to read, "Any bail allowed must not be less than the appropriate minimum fine for that offense provided for by this section." Mr. Glover moved Do Pass as amended. Seconded by Mrs. Hayes. Motion carried with Mr. FitzPatrick, Mr. Prengaman and Mr. Stewart voting no. Mrs. Westall abstained.

A.B. 281 and A.B. 453 - Mrs. Hayes moved to send to floor to be amended and rerefer back to committee. Seconded by Mrs. Wagner and carried unanimously.

Respectfully submitted,

Jane Dunne  
Assembly Attache

A.B. 281

PAGE ONE Delete everything from line 1 through line 22  
PAGE TWO Delete everything from line 1 through line 50  
PAGE THREE Delete everything from line 1 thorough line 48  
PAGE FOUR Delete lines 1 and 2; delete new language on  
lines 12 and 13

(Pages one, two and three contain language that is identical to language in A.B. 453.)

ESSENTIALLY, A.B. 281 WILL DEAL WITH PAGE 4, SECTION 9, ON THE  
EMISSION CONTROL WAIVERS.

PAGE FOUR

Line 3 Delete lines 3 through 13

NEW LANGUAGE FOLLOWS:

484.644 No person shall operate or leave standing on any highway any motor vehicle which is required by state or federal law to be equipped with a motor vehicle pollution control device unless such device is correctly installed and in operating condition. No person shall disconnect, alter or modify any such required device. The provisions of this section shall not apply to an alteration or modification found by the State Environmental Commission not to reduce the effectiveness of any required motor vehicle pollution control device or to any vehicle that has been granted a waiver or exemption under the provisions of the State Air Quality Regulations for Mobile Equipment.

NRS 445.632 should be amended to read as follows:

REGULATIONS OF DEPARTMENT OF MOTOR VEHICLES: LICENSING OF STATIONS; MANNER OF INSPECTION: EQUIPMENT REQUIRED, FEE, BOND, INSURANCE; PAMPHLET FOR VEHICLE OWNERS.

1. The department of motor vehicles shall adopt regulations which:

- (a) Prescribe requirement for licensing authorized stations and fleet stations;
- (b) Prescribe the manner in which the stations inspect motor vehicles and issue evidence of compliance;
- (c) Prescribe the diagnostic equipment necessary to perform the required inspection;
- c (d) Provide for any fee, bond or insurance which is necessary to carry out the provisions of NRS 445.610 to 445.670, inclusive; and
- d (e) Provide for the issuance of a pamphlet for distribution to owners of motor vehicles. The pamphlet shall contain information explaining the reasons for and the methods of those inspections.

2. The department shall issue a copy of the regulations to each authorized station.

445.634 INSPECTION OF STATION, GROUNDS FOR SUSPENSION, REVOCATION OF STATION'S OR INSPECTOR'S LICENSE.

1. The department of motor vehicles shall establish procedures for inspecting the authorized stations and the fleet stations and may require a station to submit any material or document which is used by the station in its inspection program.

2. The department may suspend or revoke the license of a station if:

- (a) The station is not complying with the provisions of NRS 445.610 to 445.670, inclusive; or
- (b) The owner of the station refuses to furnish the department with the requested material or document; or
- (c) The station licensed has issued or permitted to be issued, either by design or through failure to properly

supervise the issuance thereof, of any fraudulent certificate of compliance. The term fraudulent includes but is not limited to back-dated certificates, post-dated certificates or certificates based on anything other than actual physical inspections at the time of issuance of the certificate; or

(d) The approved inspector does not follow the prescribed test procedures.

Section 1. NRS 482.423 is hereby amended to read as follows:

482.423 1. When a new vehicle is sold in this state by a licensed, franchised dealer, except to another licensed dealer, the seller shall complete and execute a dealer's report of sale. The dealer's report of sale [shall] must be in a form prescribed by the department and [shall] include a description of the vehicle and the name and address of the seller and the name and address of the buyer. If in connection with [such] the sale a security interest is taken or retained by a seller to secure all or part of the purchase price, or a security interest is taken by a person who gives value to enable the buyer to acquire rights in the vehicle, the name and address of the secured party or his assignee [shall] must be entered on the dealer's report of sale [.] and [if required] on the manufacturer's certificate or statement of origin.

2. The seller shall submit the original of the dealer's report of sale and [if required] the manufacturer's certificate or statement of origin to the department within [10] 20 days after the execution of all instruments which the contract of sale requires to be executed at the time of sale or within [10] 20 days after the date of sale, whichever is later, unless an extension of time is granted by the department, and shall furnish one copy to the buyer. One copy shall be affixed to the right front windshield of the vehicle which [shall permit] . . . permits the vehicle to be operated for a period not to exceed 10 days. Upon the issuance of the certificate of registration for the vehicle or the expiration of 10 days after the sale, whichever occurs first, the buyer shall remove the copy from the windshield of the vehicle.

3. The department shall furnish a special permit which may be used when a contract of sale is made for the purpose of allowing the customer to operate a vehicle for a period not to exceed ten days. Upon the execution of all required documents pursuant to the sale of a vehicle, the dealer shall remove this permit and execute a dealer's report of sale as required in subsections 1 and 2 of this act.

[3] 4. In addition to the requirements of subsection 2, a dealer who sells a new mobile home shall deliver the buyer's copy of the report of sale to him at the time of sale and shall submit another copy within 10 days after the date of sale to the county assessor of the county in which the mobile home will be located.

Sec. 2 NRS 482.424 is hereby amended to read as follows:

482.424. 1. When a used or rebuilt vehicle is sold in this state to any person, except a licensed dealer, by a dealer, rebuilder, long-term lessor or short-term lessor, the seller shall complete and execute a dealer's or rebuilder's report of sale. The dealer's or rebuilder's report of sale [shall] must be in a form prescribed by the department and [shall] include a description of the vehicle, the name and address of the seller and the name and address of the buyer. If a security interest exists at the time of [such] the sale, or if in connection with [such] the sale a security interest is taken or retained by the seller to secure all or part of the purchase price, or a security interest is taken by a person who gives value to enable the buyer to acquire rights in the vehicle, the name and address of the secured party [shall] must be entered on the dealer's or rebuilder's report of sale.

2. The seller shall submit the original of the dealer's or rebuilder's report of sale to the department within 30 [45] days after the execution of all instruments which the contract of sale requires to be executed at the time of sale, unless an extension of time is granted by the department, together with the properly endorsed certificate of title or certificate of ownership previously issued for such vehicle and shall furnish one copy to the buyer. One copy shall be affixed to the front right windshield of the vehicle, which shall permit the vehicle to be operated for a period not to exceed 10 days. Upon issuance of the certificate of registration for the vehicle or the expiration of 10 days after the sale, whichever occurs first, the buyer shall remove the copy from the windshield of the vehicle.

3. The department shall furnish a special permit which may be used when a contract of sale is made for the purpose of allowing the customer to operate a vehicle for a period not to exceed ten days. Upon execution of all required documents pursuant to the sale of a vehicle, the dealer shall remove this permit and execute a dealer's report of sale as required in subsections 1 and 2 of this act.

[3] 4. In addition to the requirements of subsection 2, a dealer who sells a used mobile home shall deliver the buyer's copy of the report of sale to him at the time of sale and shall submit another copy within 10 days after the date of sale to the county assessor of the county in which the mobile home will be located.

Section 3. NRS 482.436 is hereby amended to read as follows:

482.436 Any person is guilty of a gross misdemeanor who knowingly:

1. Makes any false entry on any certificate of origin or certificate of ownership; [or]

2. Furnishes false information to the department concerning any security interest; or

3. Fails to submit the original of the dealer's or re-builder's report of sale of a used or rebuilt vehicle to the department within the time prescribed in subsection 2 of NRS 482.424.



4. Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4, inclusive, of this act.

Section 2. "Subagency" means a business of a vehicle dealer which he carries on at an established place of business physically separated from this principal place of business.

Section 3.1. A vehicle dealer shall inform the department of each location where he has an established place of business and the name under which he is doing business at each location.

2. If a vehicle dealer is doing business at more than one location he shall designate one location as his principal place of business and one name as the principal name of his business. He shall designate the businesses at the other locations as subagencies for the purpose of licensing pursuant to this chapter.

3. If a vehicle dealer changes the location or name of any of his businesses, he shall notify the department of the change within 10 days.

Section 4. 1. At each of a vehicle dealer's established places of business, he shall display a sign which shows the name of the business. The lettering on the sign must be of sufficient size to be readable from the center of the nearest roadway.

2. The vehicle dealer shall post each license issued to him pursuant to this chapter in a conspicuous place at the location shown on the license.

Section 5. NRS 482.321 is hereby amended to read as follows:

482.321 1. Any manufacturer of or dealer in vehicles in this state qualified to receive a dealer's license [shall be] is entitled to register [not more than five] in his name new vehicles of the make for which he is a licensed and franchised dealer [in his name upon the payment of only] if he pays the registration and licensing fee [as] provided for in this chapter. [without being] The dealer is not subject to the payment of privilege taxes, and may transfer such registrations

to other new vehicles without payment of such taxes.

2. Vehicles so registered [shall be] are subject to the payment of privilege taxes by the purchaser from such dealer at the time of their transfer to such purchaser.

3. The transferee of the vehicle [shall be] is required to pay the registration fees and privilege taxes before he is entitled to a transfer of the registration and title in his name. Such transferee shall apply for registration as provided in NRS 482.215.

4. Nothing contained in this section [shall be construed to apply] applies to work or service vehicles.

Section 6. NRS 482.322 is hereby amended to read as follows:

482.322 1. Except as provided in NRS 482.324, no person may engage in the activities of a vehicle dealer, manufacturer or rebuilder in this state or [be] is entitled to any other license or permit required by this chapter, until he has applied for and has been issued a dealer's, manufacturer's, rebuilder's or lessor's license certificate or other license or permit required by the department.

2. If a vehicle dealer has one or more subagencies, he must apply for and obtain a license issued by the department for each subagency, as well as for the principal place of business.

3. The department shall indicate the name of the business and its location on each license.

4. A vehicle dealer's bond, as required by NRS 482.345, shall be deemed sufficient to cover the principal place of business and all subagencies operated under a common name, situated wholly within the confines of the same county.

## VANPOOLING

Vanpooling is an arrangement for transporting employees to and from work using a vehicle designed to carry 8 to 15 persons. The van is usually purchased or sponsored by the employer with one of the employees designated as the driver who is responsible for the upkeep of the vehicle. Operating costs plus some depreciation are paid on a breakeven basis by all of the riders.

Vanpooling can be a positive interim response to air quality improvement requirements and relief from traffic congestion as well as an immediate means of meeting the energy shortage facing us. Transit improvements do not come over night. The new buses on order in Clark County will be primarily replacement buses and may take a year for delivery. New buses for extended service and improved headways will be a way down the road. The traffic signalization improvements for the Las Vegas area are not due for completion for several years. Meanwhile, what happens if there is gas rationing (whether by price or coupon)?

Work trips make up one third of all vehicle miles traveled and are, therefore the trips to be reduced in order to improve the congestion problem and air quality conditions. By increasing the number of riders per car, the number of vehicles on the road is reduced, the number of miles travelled is lowered, the amount of gasoline consumed is cut substantially, workers have not had the stress of fighting the morning or evening traffic, each of the riders is saving money over the costs of operating an individual automobile, etc.

Thus vanpooling can be a workable method of coping with these problems. But in Nevada vanpooling really isn't an actual alternative. Because the riders are charged for the ride and because the size of the vehicle places

Vanpooling - 2

it in the category of a bus, any vanpool operation today would be regulated by the Public Service Commission and would require a certificate of public convenience and necessity. Car pools are specifically exempt from PSC regulation. Vanpooling, however, is not. This makes it an unattractive alternative unless the statute is changed at this session of the legislature.

Vanpools are clearly not common carriers within the accepted definition that common carriers serve the public at large and the public has the right to receive service from a common carrier. In 9 states only common carriers are regulated. In 19 other states (including all of our neighboring states of Utah, California, Arizona, and Oregon) vanpools are fully exempt from PSC regulation by statute. In 2 states and the District of Columbia van pooling is exempt by either an administrative ruling or by the refusal of the PSC to take jurisdiction.

The legislation recommended should be an Act relating to transportation permitting the establishment and operation of vanpooling programs and exempting the vanpool operators and/or sponsors from obtaining a certificate of public convenience and necessity.

NRS 706 should be amended to add the definition of "vanpooling": an arrangement for the transportation of persons to and from work on a non-profit basis utilizing a motor vehicle manufactured primarily for use in transporting not less than eight (8) and not more than fifteen (15) people, on which the operating costs and a reasonable vehicle depreciation cost for such vehicle are paid principally by those people utilizing such an arrangement.

NRS 706 should also be amended to exempt the operator and/or sponsor from obtaining a Certificate of Public Convenience and Necessity from the PSC.

NRS 698 should be amended to provide that under the Motor Vehicle Insurance Act, the owner of the vehicle utilized in vanpooling is the primary carrier in the event of an accident resulting in personal injury or property damage. Coverage would then fall in the order of priority as established in NRS 698.

NRS 616 should be amended to provide that the use of a vanpool sponsored by an employer, by an employee (including the driver of the vehicle) is not within the scope of employment of such employee and thus does not fall under the protection of the Nevada Industrial Commission in the event of any injury or death arising out of the operation, maintenance or use of the vanpool equipment.

NRS 483 should be amended to provide that operators of vanpool vehicles be required to have only a Class III motor vehicle operator's permit.

The Clark County Regional Streets and Highways Commission voted at its March 8, 1979 meeting to support and request this legislation upon the recommendation of its staff and of the Citizens Advisory Committee of the Clark County Transportation Study.

483.810 The legislature finds and declares that:

1. A need exists in this state for the creation of a system of identification for [adult] residents 10 years of age or older who do not hold a driver's license.

2. To serve this purpose, official identification cards [should] must be prepared for issuance to those [adult] residents 10 years of age or older who wish to apply for them. The cards [should] must be designed in such form and distributed pursuant to such controls that they will merit the general acceptability of driver's licenses for personal identification.

483.820 1. Every [adult] resident of this state 10 years of age or older who does not hold a Nevada driver's license and makes an application as provided in this chapter is entitled to receive an identification card.

2. The department of motor vehicles shall charge and collect the same fees for issuance of an original, duplicate or changed identification card as for a driver's license.

483.840 Form, contents of cards.

1. The form of the identification cards shall be similar to that of drivers' licenses but distinguishable in color or otherwise.

2. Identification cards do not authorize the operation of any motor vehicle.

3. Identification cards shall include the following information concerning the holder:

- (a) Name and sample signature of holder.
- (b) Social security number or serial number of holder's card.
- (c) Personal description.
- (d) Date of birth.

(e) Current address.

(f) [A photograph of the type required by NRS 483.347 for drivers' licenses.]  
A front view colored photograph of the holder if he is 21 years of age or older, or a profile view colored photograph if he is under 21 years of age.

4. A person may attach to his identification card any document which identifies him as a donor of all or part of his body pursuant to NRS 451.500 to 451.585, inclusive.

## DEPARTMENT OF MOTOR VEHICLES

## MEMORANDUM

March 13, 1979

To Chairman Nash Sena  
and Assembly Transportation Committee Members

From Sharon Alcamo

Subject: FISCAL NOTE FOR AB 117

<u>Expense Items</u>	<u>Fiscal Year 1979-80</u>	<u>Fiscal Year 1980-81</u>	<u>Continuing</u>
01 Salaries	\$ 627	\$ 646	Current Staff
04 Operating	531	547	
Total	\$1158	\$1193	

(This fiscal note for this bill will not exceed \$2,000.)

Explanation: Based on The Comprehensive Economic Development Plan prepared by the Governor's Office of Planning Coordination, table III-49, page C-77, in the 1970 census 14.8% of the population were ages 10 years through 17 years of age.

Using this same percentage, we deduct that the population figures for 10 through 17 year olds will be as follows:

<u>1980</u>	<u>1981</u>
108,423	111,676

Based on Nevada's and California's experience, 1% of the population avails themselves of an identification card; consequently, we would expect the following increase in the number of identification cards issued per year:

<u>1980</u>	<u>1981</u>
1,084	1,117

It takes approximately 5 minutes to produce and issue an identification card and 2 minutes for administrative processing and filing time.

Salaries 01 - 1980 (These will be processed with current staff.)

5 min. x 1084 applicants = 90.33 hrs. x 3.9535 = \$357	
2 min. x 1084 applicants = 18 hrs. x 3.7884 = 137	
	\$494
	x .27 fringe benefits
	\$627 TOTAL



Salaries 01 - 1981

5 min. x 1117 applicants = 93 hrs. x 3.9535 = \$368  
2 min. x 1117 applicants = 37 hrs. x 3.7884 = 141

\$509  
x .27 fringe benefits  
\$646 TOTAL

Operating 04-Forms

1980

Original application @ 2¢  
Data card @ 2¢  
Identification card @ 45¢;

Total @ 49¢ x 1084 = \$531 TOTAL

1981

Original application @ 2¢,  
Data card @ 2¢,  
Identification card @ 45¢;

Total @ 49¢ x 1117 = \$547 TOTAL

The fees collected for these additional Identification Cards are anticipated to be as follows:

1980

1084 x 6 = \$6,504

1981

1117 x 6 = \$6,702

60TH NEVADA LEGISLATURE  
ASSEMBLY TRANSPORTATION COMMITTEE  
LEGISLATIVE ACTION

Date March 13, 1979

Subject A.B. 360

MOTION:

Do Pass xx Amend \_\_\_\_\_ Indefinitely Postpone \_\_\_\_\_ Amend & Do Pass \_\_\_\_\_

Moved by Mrs. Westall Seconded by Mr. FitzPatrick

AMENDMENT:

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

AMENDMENT:

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

VOTE:	MOTION		AMEND		AMEND	
	Yes	No	Yes	No	Yes	No
FitzPatrick	x	_____	_____	_____	_____	_____
Glover	x	_____	_____	_____	_____	_____
Hayes	x	_____	_____	_____	_____	_____
Polish	x	_____	_____	_____	_____	_____
Prengaman	x	_____	_____	_____	_____	_____
Sena	x	_____	_____	_____	_____	_____
Stewart	x	_____	_____	_____	_____	_____
Wagner	x	_____	_____	_____	_____	_____
Westall	x	_____	_____	_____	_____	_____
TALLY:	9	0	_____	_____	_____	_____

ORIGINAL MOTION: Passed x Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_

AMENDMENT: Passed \_\_\_\_\_ Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_

AMENDED & PASSED: Passed \_\_\_\_\_ Defeated \_\_\_\_\_

Attached to Minutes of March 13, 1979

60TH NEVADA LEGISLATURE  
ASSEMBLY TRANSPORTATION COMMITTEE  
LEGISLATIVE ACTION

Date March 13, 1979

Subject A.B. 281 and A.B. 453

MOTION: SEND TO FLOOR FOR AMENDMENTS AND REREFER BACK TO COMMITTEE

Do Pass      Amend      Indefinitely Postpone      Amend & Do Pass     

Moved by Mrs. Hayes Seconded by Mrs. Wagner

AMENDMENT: \_\_\_\_\_

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

AMENDMENT: \_\_\_\_\_

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_

VOTE:	<u>MOTION</u>		<u>AMEND</u>		<u>AMEND</u>	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
FitzPatrick	<u>x</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Glover	<u>x</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Hayes	<u>x</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Polish	<u>x</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Prengaman	<u>x</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Sena	<u>x</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Stewart	<u>x</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Wagner	<u>x</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Westall	<u>x</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
TALLY:	<u>9</u>	<u>0</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>

ORIGINAL MOTION: Passed x Defeated      Withdrawn     

AMENDMENT: Passed      Defeated      Withdrawn     

AMENDED & PASSED: Passed      Defeated     

Attached to Minutes of March 13, 1979

