

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Mr. Stewart

GUESTS PRESENT:

Frank Page, Nevada Highway Department
Barton Jacka, State Department of Motor Vehicles

Lacking a quorum, Chairman Sena appointed those present as a subcommittee to hear testimony until the full committee arrived. Members of this subcommittee included Mr. Prengaman, Mr. Polish and Chairman Sena. The subcommittee heard testimony on SB 553.

SB 553, Conforms law requiring certain vehicles stop at railroad crossing to federal regulations.

Frank Page, Nevada Department of Highways, stated that the reason they request this bill be passed is that some of the railroad crossings throughout the state are on a spur line or industrial line and actually the trains do not cross them except on demand. Mr. Page used the example of the spur into the Nellis Air Force Base. Trucks, school buses and gasoline trucks have to stop at this crossing irregardless whether a train will cross there once a week or once a month. What the department would like to do is to hold public hearings on these crossings as to making an exempt status on them. If everyone agreed that there would be no hazard caused by not stopping at the crossing it would then be exempt. This would be done on a very limited basis and there would not be that many crossings within the state that would qualify.

In answer to Mr. Sena's question regarding how many crossings they were talking about, Mr. Page stated that he did not have that information at this time, but that they would not just indiscriminantly mark these crossing as exempt.

Mr. Page continued by stating that he had talked to the school districts about this and they were receptive to this if there were hearings on each crossing. This would be in compliance with ICC regulations. A copy of this regulation is attached to these minutes as Exhibit A.

Mr. Prengaman inquired whether these crossings would have mechanical equipment. Mr. Page replied that most of them would but that he could not say that all would. He added that this could be a criteria brought up at the public hearings. He pointed out that if they exempt a crossing it has to be with everybody in agreement and so everybody either stops or everybody goes through.

Mr. Page also pointed out that there is only one track on any of these spur lines.

A majority of the committee had arrived at this time. Chairman Sena discharged the subcommittee and called the committee to order.

SB 560, Prohibits use of motor vehicle files and records for commercial solicitation.

Barton Jacka, Department of Motor Vehicles, stated that this bill was requested by the department. At the present time there are no restrictions other than department regulations which would prohibit the sale of some of the information found in their files to organizations that in turn sell the data for commercial purposes. Mr. Jacka cited an example of an individual who represents an investigatory function in private enterprise and has a rather different background. It is this person's intention to try and buy computerized files from registration and drivers license files and compile that for other investigator type individuals. Mr. Jacka stated that he felt this was contrary to what these files were intended for. There are also a number of organizations that come in under the guise that they represent various organizations and they collect the data and in turn then sell the list of names, addresses, etc. for the purpose of soliciting various products.

Mr. Jacka went on to state that this would give his department some statutory backing where they can set some regulations and explicitly restrict access to the files for commercial purposes. He added that there is one company, the R. L. Polk Co., that he would not like to see restricted. This is a data collector who furnishes information to car distributors and they do give the department back up computer files should something happen to the DMV files.

According to Mr. Jacka, this is also an effort on his part to ultimately, when the climate is right, totally restrict some of the information in the files from all organizations.

In answer to Mr. Sena's question, Mr. Jacka replied that when the time is right down the line this would include insurance companies. He stated that he did not feel that this was the right time to make those restrictions. He added that he felt that the files are being abused. This is the third time that some legislation of this type has been attempted and that it did pass the Senate unanimously.

Mr. Sena inquired what type of information was presently being given to these people. Mr. Jacka replied that primarily it was names and addresses. The insurance companies and some private investigators do obtain from the files of drivers licenses division

the number of citations issued, number of convictions and things on this order. This bill would not restrict that access. This would restrict only the access to files where the data is sold for commercial purposes.

In answer to questions regarding various changes in the bill, Mr. Jacka pointed out that they had only requested that part found in subsection 3 and that rest was so-called "Daykinisms". He added that NRS 481.063 gives him the capability to charge for services and any money collected goes to the State Treasurer for credit to DMV fund.

Mrs. Hayes inquired whether this would also prohibit the state from access to the files. Mr. Jacka stated that it wouldn't as they did not get any data that they sell. He added that according the interpretation given to him by the AG assigned to his office insurance does not fall under this definition. Insurance companies do not obtain this information and sell or provide a service as a result of the information. Mrs. Hayes further inquired if there was absolutely no way that the state uses this for selling any product; even such departments as Commerce or Gaming. Mr. Jacka replied to his knowledge there was no way. This would restrict the state if it did, according to way that the bill reads because it does not stipulate private enterprise versus the state.

Mr. Sena inquired whether county or other entities ever ask for information of this type from the department. Mr. Jacka answered that the Las Vegas Review Journal has asked for some data about number of registrations in order to put out a yearly publication. This only on an informative basis and the department actually got the information from Polk Co. for them.

In answer to Mrs. Hayes question regarding what files they have, Mr. Jacka explained that they have registration information, titles, driver license information, motor carrier information which has to do with fees assessed or paid, etc.

Mr. Jacka pointed out that an used car dealer clearing a title would not be restricted by this as that would be in due course of business. He added that the bill was broad enough to not effect such things. He explained that a dealer does not write to clear a title but rather the owner or his agent does.

Mr. Sena inquired whether this would keep the veterans from getting the list. Mr. Jacka replied that it would if they did it for commercial purposes. He added that the department receives many complaints from citizens that they have to provide by law the various information required and that it doesn't seem right that the department can allow this information to be gathered and sold for purposes of solicitation.

Mr. Jacka continued that many states restrict this information and many of them are much more restrictive. He added that there are a lot of states that have regulations but that the regulations

are the problems that Mr. Jacka wants to overcome as the courts overturn regulations much more readily. Mr. Jacka added that he has been told that the Privacy and Security Act does not relate to these files.

In answer to a request from Mr. Prengaman to further describe the Polk Co., Mr. Jacka stated that they are a data collecting organization that specializes in registration and driver license files. He added that the President has asked the company to provide information about mandatory gas rationing. They would be able to get this from their files. It is the largest company in the United States in this business and they sell computerized registration files to police departments.

Mrs. Hayes stated that she was still concerned about access to file for the purpose of clearing title and also questioned access for Metro. Mr. Jacka stated that Metro as a police agency was entitled to access to the files at any time.

Mrs. Hayes continued that she felt perhaps the language was too broad and did not pin it down to exactly what Mr. Jacka was trying to get too. She also pointed out that the word commercial was only found in the summary of the bill and not in the bill itself.

Mr. Jacka asked if the committee would consider letting the language stand as it is for two years as a test and then come back and correct any problems.

Mrs. Hayes moved for a "do pass" of SB 560 and Mr. Polish seconded the motion. The motion passed unanimously with those present with Mr. Prengaman and Mr. Stewart being absent at this time.

SB 553

Mr. Sena reviewed the testimony that the subcommittee had heard at the beginning of the meeting. Mr. FitzPatrick stated that he would like to see dual crossing gates be required at every crossing.

Mr. Glover moved for "do pass" and Mr. Polish seconded the motion. The motion carried unanimously with Mr. Prengaman and Mr. Stewart absent.

AB 696

Mr. Sena explained that this bill had been previously discussed and indefinitely postponed on May 1. The bill deals with odometers and an amendment has been proposed for the bill. A copy of this amendment is attached to these minutes as Exhibit B.

Mr. Jacka stated that there had been some concern on how they would prove certain elements of the crime on the original piece of legislation. Mr. Stewart and Mr. Ciardella of DMV developed the amended language. Mr. Jacka continued that this action costs people thousands of dollars each year. Even new car

agents have been found to be doing this. It has become a real problem in this state as well as other states. This legislation is very similar to federal legislation on odometer tampering. Mr. Jacka cited a recent case involving an individual agent who has fled to Hawaii after being involved in at least 12 resettlings of odometers. The people involved who brought those vehicles literally brought used cars but paid new car prices. There needs to be something in the form of a penalty for this and that is the reason for the gross misdemeanor.

Mr. Jacka stated that one of Mr. Stewart's concerns had been that "reason to believe" would be hard to prove. He added that if they could get some convictions then it would stop some of this.

Mrs. Wagner inquired if the federal law was not sufficient. Mr. Jacka replied that it follows the federal statute except for the penalty portion, which has civil penalty, and in effect have no force or effect.

Mr. Sena pointed out to the committee that a vote for reconsideration would be required of this bill and that it would require 6 "aye" votes.

Mr. Fitzpatrick moved to "reconsider" the action on AB 696. Mrs. Westall seconded the motion. The motion passed with 6 votes for reconsideration and Mr. Stewart, Mr. Glover, and Mrs. Hayes absent at this time.

Mr. Sena stated that he would hold a meeting at his desk of the full committee to take further action on this bill.

As there was no further business to conduct, Chairman Sena adjourned the meeting subject to the call of the Chair.

Respectfully submitted,

Sandra Gagnier
Sandra Gagnier,
Assembly Attache

that makes inspection of its cargo impracticable.

(c) Buses. No person shall drive a bus and a motor carrier shall not require or permit a person to drive a bus unless—

(1) All standees on the bus are rearward of the standee line or other means prescribed in § 393.90 of this subchapter;

(2) All aisle seats in the bus conform to the requirements of § 393.91 of this subchapter; and

(3) Baggage, freight, or express on the bus is stowed and secured in a manner which assures—

(i) Unrestricted freedom of movement to the driver and his proper operation of the bus;

(ii) Unobstructed access to all exits by any occupant of the bus; and

(iii) Protection of occupants of the bus against injury resulting from the falling or displacement of articles transported in the bus.

[36 F.R. 18663, Sept. 23, 1971, as amended at 37 FR 12642, June 27, 1972; 38 FR 23622, Aug. 31, 1973]

§ 392.9a Corrective lenses to be worn.

A driver whose visual acuity meets any of the minimum requirements of § 391.41 of this subchapter only when he wears corrective lenses must wear properly prescribed corrective lenses at all times while he is driving. If a driver wears contact lenses while driving, he must have a spare lens or set of lenses on his person when he drives.

[36 F.R. 8452, May 6, 1971]

§ 392.9b Hearing aid to be worn.

A driver whose hearing meets the minimum requirements of § 391.41(b)(11) of this subchapter only when he wears a hearing aid shall wear a hearing aid and have it in operation at all times while he is driving. The driver must also have in his possession a spare power source for use in the hearing aid.

[36 F.R. 12857, July 8, 1971]

Subpart B—Driving of Vehicles

§ 392.10 Railroad grade crossings; stop ping required.

(a) Except as provided in paragraph (b) of this section, the driver of a motor vehicle specified in subparagraphs (1) through (6) of this paragraph shall not cross a railroad track or tracks at grade unless he first: Stops the vehicle within 100 feet of, and not closer than 15 feet to

the tracks; thereafter listens and looks in each direction along the tracks for an approaching train; and ascertains that no train is approaching. When it is safe to do so, the driver may drive the vehicle across the tracks in a gear that permits the vehicle to complete the crossing without a change of gears. The driver must not shift gears while crossing the tracks.

(1) Every bus transporting passengers,

(2) Every motor vehicle transporting any quantity of chlorine,

(3) Every motor vehicle which, in accordance with the regulations of the Department of Transportation, is required to be marked or placarded with one of the following markings:

- (i) Explosives A.
- (ii) Explosives B.
- (iii) Poison.
- (iv) Flammable.
- (v) Oxidizers.
- (vi) Compressed Gas.
- (vii) Corrosives.
- (viii) Flammable Gas.
- (ix) Radioactive.
- (x) Dangerous.

(4) Every cargo tank motor vehicle, whether loaded or empty, used for the transportation of any dangerous article as defined in the regulations of the Department of Transportation or for the transportation of any liquid having a flashpoint below 200° Fahrenheit, as determined by the Standard Method of Test for Flash Point of the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103, as set forth in ASTM D-56-61, ASTM D-92-57, or ASTM D-93-62, and referenced by the National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110, in Pamphlet No. 385, 1964 edition.

(5) Every cargo tank motor vehicle transporting a commodity which at the time of loading has a temperature above its flashpoint as determined by the same standard method of testing as prescribed in subparagraph (4) of this paragraph.

(6) Every cargo tank motor vehicle, whether loaded or empty, transporting any commodity under special permit in accordance with the provisions of § 170.13 of this title.

(b) A stop need not be made at: (1) A streetcar crossing, or railroad tracks used exclusively for industrial switching purposes, within a business district, as defined in § 390.13 of this chapter;

(2) A railroad grade crossing when a police officer or crossing flagman directs traffic to proceed,

(3) A railroad grade crossing controlled by a functioning highway traffic signal transmitting a green indication which, under local law, permits the vehicle to proceed across the railroad tracks without slowing or stopping.

(4) An abandoned railroad grade crossing which is marked with a sign indicating that the rail line is abandoned,

(5) An industrial or spur line railroad grade crossing marked with a sign reading "Exempt Crossing." Such "Exempt Crossing" signs shall be erected only by or with the consent of the appropriate State or local authority.

(Sec. 12, 80 Stat. 931; 49 U.S.C. 1651 note) [33 FR. 19732, Dec. 25, 1968, as amended at 35 FR 7801, May 21, 1970; 38 FR 1589, Jan. 10, 1973]

§ 392.11 Railroad grade crossings; slowing down required.

Every motor vehicle other than those listed in § 392.10 shall, upon approaching a railroad grade crossing, be driven at a rate of speed which will permit said motor vehicle to be stopped before reaching the nearest rail of such crossing and shall not be driven upon or over such crossing until due caution has been taken to ascertain that the course is clear.

§ 392.12 Drawbridges; stopping of buses.

Every motor vehicle transporting passengers shall, upon approaching any drawbridge, known or marked as such be brought to a complete stop, not less than 50 feet from the lip of the draw, and shall proceed only when the driver has definitely ascertained that the draw is completely closed. A full stop need not be made at any drawbridge protected by a traffic "stop and go" signal giving positive indication to approaching vehicles to proceed, or where upon the opening of the draw, traffic is controlled by an attendant or traffic officer.

§ 392.13 Drawbridges; slowing down of other vehicles.

Any other motor vehicle, shall, upon approaching a drawbridge, be driven at a rate of speed which will permit said motor vehicle to be stopped before reaching the lip of the draw and shall proceed only when the draw is completely closed.

§ 392.14 Hazardous conditions; extreme caution.

Extreme caution in the operation of a motor vehicle shall be exercised when hazardous conditions, such as those caused by snow, ice, sleet, fog, mist, rain, dust, or smoke, adversely affect visibility or traction. Speed shall be reduced when such conditions exist. If conditions become sufficiently dangerous, the operation of the vehicle shall be discontinued and shall not be resumed until the vehicle can be safely operated. Whenever compliance with the foregoing provisions of this rule increases hazard to passengers, the motor vehicle may be operated to the nearest point at which the safety of passengers is assured.

§ 392.15 Required and prohibited use of turn signals.

(a) Turns. Every motor vehicle turn shall be signaled for a distance of not less than 100 feet in advance of, and during, the turning movement by flashing the turn signals at the front and the rear of the vehicle on the side toward which the turning movement is made.

(b) Entry into traffic stream. Turn signals shall be flashed to indicate the direction of vehicle movement, prior to and during entry of the vehicle into the traffic stream from a parked position.

(c) Lane changes. Turn signals shall be flashed to indicate the direction of vehicle movement continuously, for a distance of not less than 100 feet in advance of, and during, the turning movement of the vehicle from one traffic lane to another.

(d) Parking or disablement. Turn signals shall not be flashed on one side only on parked or disabled vehicles.

(e) Courtesy or "do pass" signals. Turn signals shall not be used as courtesy or "do pass" signals to operators of vehicles approaching from the rear.

§ 392.16 Use of seat belts.

A motor vehicle which has a seat belt assembly installed at the driver's seat shall not be driven unless the driver has properly restrained himself with the seat belt assembly.

[35 F.R. 10360, July 3, 1970]

Subpart C—Stopped Vehicles

§ 392.20 Unattended vehicles; precautions.

No motor vehicle shall be left unattended until the parking brake has

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EXHIBIT A

1979 REGULAR SESSION (60TH)

ASSEMBLY ACTION	SENATE ACTION	Assembly	AMENDMENT BLANK
Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	AMENDMENTS to	Assembly
Lost <input type="checkbox"/>	Lost <input type="checkbox"/>	Bill No. 696	Joint Resolution No.
Date:	Date:	BDR 43-1510	
Initial:	Initial:	Proposed by	Committee on Transportation
Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>		
Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>		
Date:	Date:		
Initial:	Initial:		

Amendment N^o 1271



Amend section 1, page 1, by deleting lines 8 through 15, and inserting:

"2. If the transferor has knowledge [that the] or reason to believe that:

(a) The odometer reading differs from the actual mileage, he [must] shall include a statement of the actual mileage or a statement that the actual mileage is unknown.

(b) The odometer has been turned back or replaced, he shall so notify the transferee before any sale, and obtain the transferee's signed acknowledgement of this notification."

. Amend section 2, page 2, by deleting lines 2 through 4, and inserting:

"484.6067 [Any] 1. A person is guilty of a gross misdemeanor if he knowingly sells a motor vehicle whose odometer has been altered for the purpose of fraud."

To: E & E
LCB File
Journal
Engrossment
Bill

Date

5-20-79

Drafted by JSP:smc

60TH NEVADA LEGISLATURE
ASSEMBLY TRANSPORTATION COMMITTEE
LEGISLATIVE ACTION

Date _____

Subject SB 553, Conforms law requiring certain vehicles stop at railroad crossing to federal regulations.

MOTION:

Do Pass XX Amend _____ Indefinitely Postpone _____ Amend & Do Pass _____

Moved by Mr. Glover Seconded by Mr. Polish

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>	_____	_____	_____	_____	_____
Glover	<u>X</u>	_____	_____	_____	_____	_____
Hayes	<u>X</u>	_____	_____	_____	_____	_____
Polish	<u>X</u>	_____	_____	_____	_____	_____
Prengaman	Absent	_____	_____	_____	_____	_____
Sena	<u>X</u>	_____	_____	_____	_____	_____
Stewart	Absent	_____	_____	_____	_____	_____
Wagner	<u>X</u>	_____	_____	_____	_____	_____
Westall	<u>X</u>	_____	_____	_____	_____	_____
TALLY:	<u>7</u>	_____	_____	_____	_____	_____

ORIGINAL MOTION: Passed XX Defeated _____ Withdrawn _____

AMENDMENT: Passed _____ Defeated _____ Withdrawn _____

AMENDED & PASSED: Passed _____ Defeated _____

Attached to Minutes of May 21, 1979

60TH NEVADA LEGISLATURE
ASSEMBLY TRANSPORTATION COMMITTEE
LEGISLATIVE ACTION

Date May 21, 1979

Subject SB 560, Prohibits use of motor vehicle files and records for commercial solicitation.

MOTION:

Do Pass XX Amend _____ Indefinitely Postpone _____ Amend & Do Pass _____

Moved by Mrs. Hayes Seconded by Mr. Polish

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	X	—	—	—	—	—
Glover	X	—	—	—	—	—
Hayes	X	—	—	—	—	—
Polish	X	—	—	—	—	—
Prengaman	Absent	—	—	—	—	—
Sena	X	—	—	—	—	—
Stewart	Absent	—	—	—	—	—
Wagner	X	—	—	—	—	—
Westall	X	—	—	—	—	—
TALLY:	7	—	—	—	—	—

ORIGINAL MOTION: Passed XX Defeated _____ Withdrawn _____

AMENDMENT: Passed _____ Defeated _____ Withdrawn _____

AMENDED & PASSED: Passed _____ Defeated _____

Attached to Minutes of May 21, 1979