

The meeting was called to order in Room 323, Legislative Building at 1:30 p.m. on Thursday, February 1, 1979.

Chairman Blakemore was in the Chair.

PRESENT: Senator Richard Blakemore
Senator Wilbur Faiss, Vice Chairman
Senator Keith Ashworth
Senator William Hernstadt
Senator Lawrence Jacobsen
Senator Clifford McCorkle
Senator Joe Neal

OTHERS

PRESENT: G.P. Etcheverry, Nevada League of Cities
Sam Mamet, Clark County
James C. Bailey
Virgil Anderson, AAA
B.J. Smith, AAA
Donald Crosby, Nevada Highway Department
Gene Phelps, Nevada Highway Department
Daryl E. Capurro, Nevada Motor Transport and
Nevada Franchised Auto Dealers Assoc.
John Madole, Associated General Contractors
Ronald Jack, City of Las Vegas
Bart Jacka, Department of Motor Vehicles
Andy Grose, Legislative Council Bureau

The Committee heard testimony on the following bills:

S.B. 67 AUTHORIZED CITIES AND COUNTIES TO REQUIRE PAYMENT OF
PARKING CITATIONS BEFORE RENEWAL OF VEHICLE REGISTRATION.

Senator Hernstadt, who introduced the bill, testified on S.B. 67. He said the purpose of this bill was to authorize cities and counties, particularly Las Vegas, to require parking citations be satisfied before renewal of vehicle registration. The purpose of the bill is for the City of Las Vegas and the Department of Motor Vehicles to work out wordings and amounts between themselves into a bill with which they would be willing to work.

Mr. Virgil Anderson, AAA spoke in favor of the bill.

Mr. Sam Mamet, Clark County, agrees with the intent of the bill. He would like to get together with Senator Hernstadt and Mr. Jacka of the Department of Motor Vehicles and work out some of the details. He does have some suggested changes that would make the statutes more uniform.

Senator Neal spoke on the parking problems in Las Vegas, specifically parking at the city offices, and he wanted to know what will be done to alleviate this problem.

Mr. Ronald Jack, City of Las Vegas, indicated the city's support of the bill. Las Vegas has about 40,000 parking tickets that are basically sitting. In answer to Senator Neal's question, they have completed construction on a parking garage in addition to a City Hall parking garage. There are plans for additional parking areas that should be completed in the next two to three years. Mr. Jack stated he thought Mr. Jacka was having some problems with the bill.

Senator Hernstadt stated that he understood that but the bill is basically a framework to be worked out to satisfy Mr. Jack, Mr. Jacka and any others that might be interested in meeting with him and working out any problems. He also stated the bill is permissive; it is a workable bill that both Department of Motor Vehicles and Las Vegas can live with.

Mr. Jack stated he was sure the City of Las Vegas would be willing to work it out with Senator Hernstadt and the Department of Motor Vehicles.

Senator McCorkle asked why the City of Las Vegas had a problem collecting on the 40,000 parking tickets. He stated there is a bench warrant system in Reno that works pretty well. He asked if there was not some other way of collecting tickets instead of putting it on the Department of Motor Vehicles.

Mr. Jack stated that a lot of the tickets were related to car rentals. He stated he understood that there has been a Supreme Court decision stating that local governments can now require the car rental companies to pay the tickets.

Senator Neal felt that since the bill is permissive it would lead to selective enforcement rather than by ordinance.

Senator Hernstadt hoped this would not be the case. He felt that there should be reasonable efforts on the part of the court involved to enforce it.

Senator Blakemore asked Senator Hernstadt if he knew how many tickets were for rental cars.

Senator Hernstadt stated that he did not know but he felt the rental car people should pay since customers have to produce a credit card and something might be provided in the statutes that allows the company to pass through any tickets and charge them back to the customer's credit card.

Senator Jacobsen felt the problem was in the wrong direction, he felt the vehicle was not at fault since a commercial vehicle could have several different drivers that parked the vehicle illegally.

Senator Ashworth felt the idea has merit but since there does not seem to be a problem in other areas other than Las Vegas and the problem there is the rented cars. Since there is a Supreme Court decision on charging the rental companies, he feels the thrust is wrong. His concern was that in order to accomplish what the bill is trying to do, there must be a record made in the Department of Motor Vehicles and since insurance companies have access to these files, there would be no assurance that they would not use this information adversely.

Senator McCorkle stated he felt the registered owner of a car is always responsible regardless of who the driver is, hence the rental company is still responsible for the parking tickets incurred by their customers. The mechanics should exist within the city to enforce collection. Why is the State getting into collection of a local problem?

Senator Hernstadt said the system that S.B. 67 outlines has been used in California fairly successfully. It costs them about \$2.60 to handle a ticket by running it through the Department of Motor Vehicles.

Mr. G.P. Etcheverry, Deputy Director of the Nevada League of Cities, stated the City of Reno concurs with the concept of the bill. They do have some concern in respect to the \$5.00 fee and going through the Department of Motor Vehicles rather than through the local court system. They also have some problem with the mechanics of the bill and would like to sit down with the committee and find out where they differ on it.

Mr. Daryl Capurro, Nevada Motor Transport Association and Nevada Franchised Auto Dealers Association, spoke in regard to some of the wording in the bill. He also stated this bill will only penalize the local citizen without some remedy for the out-of-state citizen.

Senator Jacobsen felt that tickets could not be made a part of automobile registration.

Mr. Bart Jacka, Director of Department of Motor Vehicles, stated there was another alternative to S.B. 67 which California uses. He spoke on this process. They collected \$100 million annually in the first year the program was in operation but automation would be needed throughout the State.

Chairman Blakemore closed discussion on S.B. 67 until further work has been done on the bill.

S.J.R. 3 PROPOSES TO AMEND NEVADA CONSTITUTION TO BROADEN PERMISSIBLE USES OF STATE HIGHWAY FUND.

Mr. Donald Crosby, Nevada Highway Department, spoke in opposition

to this legislation. He stated the Nevada Highway Department presently has a "shortfall" in the contract maintenance area which is a very serious problem.

There was discussion on how much money is necessary to operate the highway system.

Senator Faiss stated that it seems the highway system needs more money instead of less. Mr. Crosby said that was correct.

Mr. Virgil Anderson, AAA, went on record as opposing the bill. He felt the bill would be a definite detriment to the highway system.

Mr. Daryl Capurro, Nevada Motor Transport and Nevada Franchised Auto Dealers Association, stated there is no slack in the highway fund and passage of the bill would be catastrophic.

Mr. Gene Phelps, Nevada Highway Department, said he would send copies of the highway system budget.

Mr. John Madole, Associated General Contractors, spoke in opposition to the bill saying that the Highway Department cannot afford to lose any revenue. He went on to say this is a tax that is a direct benefit to taxpayers.

Mr. Robert Guinn spoke as a taxpayer and spoke in opposition to the bill.

After discussion the bill was held until Senator Ford can speak on it.

A.B. 73 PROVIDES THAT PROCEDURES FOR OBTAINING SUSPENSION OR STAY OF ORDER ARE EXCLUSIVE.

Mr. Andy Grose, Research Director, Legislative Council Bureau, spoke for Mrs. Hayes on A.B. 73. He stated this bill is basically for statutory clean-up. It takes the language on appeals from orders of an administrative agency out of 233 (b) and puts that same language in Chapter 706.

Senator Neal moved that A.B. 73 be passed out of Committee with a "Do Pass."

Seconded by Senator Jacobsen.

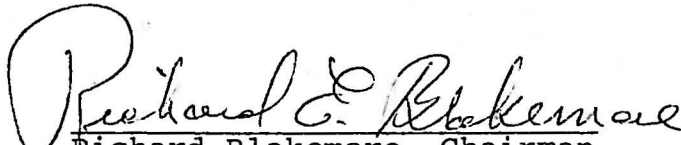
Motion carried.

There being no further business, the meeting was adjourned
by Chairman Blakemore at 3:15 p.m.

Respectfully submitted,

Jane A. King, Secretary

APPROVED BY:


Richard Blakemore, Chairman

ASSEMBLY BILL NO. 73—ASSEMBLYMEN HAYES,
GLOVER, JEFFREY, BARENGO AND HORN

JANUARY 16, 1979

Referred to Committee on Judiciary

SUMMARY—Provides that procedures for obtaining suspension or stay of order are exclusive. (BR 58-28)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to transportation; providing that the procedures for obtaining an injunction suspending or staying an order of the public service commission of Nevada are exclusive; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows.

- 1 SECTION 1. NRS 706.711 is hereby amended to read as follows:
2 706.711 1. [No injunction shall issue suspending or staying any
3 order of the commission relating to rates, fares, charges, schedules,
4 tariffs, classification, joint rate or rates, or any order fixing any regu-
5 lations, except upon application to the court or judge thereof, upon
6 notice given the commission within 20 days of the rendition of the
7 order of the commission complained of, and no such injunction shall
8 issue except upon such notice being first given and a hearing of the
9 petition therefor by the court or judge thereof within 20 days thereafter.]
10 *A court of competent jurisdiction may issue an injunction suspending*
11 *or staying any order of the commission relating to rates, fares, tolls,*
12 *charges, schedules, tariffs, classification, joint rate or rates, or any*
13 *order fixing any regulations, practices or services only if:*
14 (a) *The applicant has first given notice to the commission within 20*
15 *days after the rendition of the order of the commission complained*
16 *of; and*
17 (b) *The court has held a hearing of the petition within 20 days after*
18 *the notice to the commission was given.*
19 In any event [all rates, charges and regulations] *the decision* of the
20 commission on each matter considered shall be deemed reasonable
21 and just until set aside by the court, and in all actions for injunction
22 or otherwise the burden of proof shall be upon the party attacking or