

The meeting was called to order at 1:46 p.m. in Room 323 of the Legislative Building.

Senator Blakemore in the Chair.

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

OTHERS

PRESENT: Tom Wilson, Truckee Ambulance Service
G.W. Yuill, Aids Ambulance, Reno and Carson City
Sharon Alcamo, Department of Motor Vehicles
Bart Jacka, Director, Department of Motor Vehicles
Harold K. Peterson, Nevada Public Service Commission
Robert Forbuss, Mercy Ambulance Service, Las Vegas
Daryl Capurro, Nevada Motor Transport Association
Ken Forinash, Medic-1 Paramedic Ambulance, Reno
Seymore Brown, Judge, City of Las Vegas Municipal Court
Terry Reynolds, Administrative Office of the Courts

A.B. 66 EXEMPTS CERTAIN TRANSPORTATION OF ELDERLY AND HANDICAPPED PERSON FROM REQUIREMENT OF OBTAINING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

Harold K. Peterson, Director of the Transportation Section of Nevada Public Service Commission, spoke on A.B. 66. He said the reason for the addition in subsection 2 is that many of the federal programs, some administered by the Highway Department and the Transportation of the Elderly and Handicapped, are totally federally funded and there is no exemption in the present statutes with reference to authority or certificates. This bill allows these people to operate without authority. However, there is a provision that the vehicles and operations are subject to safety inspections by the Public Service Commission.

Chairman Blakemore closed the hearing on A.B. 66.

S.B. 399 SPECIFIES APPLICABILITY OF PROHIBITION AGAINST RECKLESS DRIVING TO PUBLIC AND PRIVATE PROPERTY.

Judge Seymore Brown, Chief Judge, Municipal Court, Las Vegas, spoke on S.B. 399. He said he has been having problems in court with the fact that there has been drag racing, excessive speed and driving recklessly in shopping center parking lots and gas station property. He said the police are powerless to do anything about this. He feels this bill is very important so that reckless driving on private property can be included in the statute as being illegal.

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Senator Jacobsen asked if there are any accidents in these areas. Judge Brown said there are but the police cannot cite in these cases. The attorney general's opinion was they can only cite on public thoroughfares.

Senator Ashworth asked if this would allow police to go on private property and arrest. Judge Brown said only in cases of reckless driving. He felt reckless driving should be included in the statutes the same as driving under the influence. Driving under the influence can be enforced on private property as well as public thoroughfares.

Senator Blakemore felt since this bill would allow police to go on private property without any type of warrant, it could possibly be unconstitutional. Judge Brown did not understand why reckless driving would be unconstitutionally cited on private property while driving under the influence can be cited anywhere in the state which would include private property.

Senator Ashworth wanted to know if this bill were legislated, would this authorize the police to come onto private property to investigate accidents. Would this mean if he were in a mall parking lot and he backed into someone's car, the police could come on the private property and cite him for reckless driving? Judge Brown said no, reckless driving is driving with a willful and wanton disregard for lives and property.

Judge Brown cited a case where two cars were drag racing on the back of a parking lot of a shopping center in Las Vegas. The police apprehended them but, since they did not have any authority on private property, they could not book the drivers. Senator Blakemore asked if they could have been booked for disorderly conduct. Judge Brown did not think so. He said they probably could have been arrested and booked but they probably would not have been convicted in court.

Senator Hernstadt said it was incredible to him that this cannot be controlled in some way, even a security officer should be able to hold these people and call the police, or the police can come onto the property at the request of the property owner. He said it was ridiculous that there should be this loophole in the law.

Senator Ashworth said he did not feel there were enough police around the state or in the metropolitan areas for them to be policing parking lots. Judge Brown said that isn't what was wanted. Senator Ashworth said that he felt it should be left up to the owner of the property who could do a lot of things, such as putting speed bumps on their lots or have security out in the lot.

Senator Blakemore said that Senator Faiss might have a solution by adding the words "where public parking is allowed and at the request of the property owner for any licensed vehicle." Judge Brown felt that was a good idea.

Senator Jacobsen said he saw real merit in this bill. He said it has been brought to his attention that over the last year or two there has been a real problem in our state parks with motorcycle riders and dune buggys that have no regard for anyone else. He told of an incident last week where a motorcycle gang ran everyone out of a state park and the park service had no way of citing them.

Senator Faiss asked Judge Brown if this situation is getting out of hand and people are just making a mockery of the law. Judge Brown said that was true.

Senator Ashworth said his only concern was, were they opening Pandora's box with this bill. He was also concerned about a fiscal impact. Senator Neal did not see where there would be one.

Virgil Anderson, American Automobile Association, suggested delegating authority to counties or cities to permit them to designate, by ordinance, those types of property to which they wish the motor vehicle laws to apply. These could be enforced by posting a notice on the property that motor vehicle laws would apply. He said this would limit it to a particular problem area such as the convention center in Las Vegas.

Senator Ashworth asked Judge Brown if this would be satisfactory to him. Judge Brown said it might be something to look into.

Chairman Blakemore closed the hearing on S.B. 399.

S.B. 400 INCREASES PENALTY FOR SECOND OR SUBSEQUENT OFFENSE OF DRIVING WITHOUT VALID LICENSE.

Judge Seymore Brown, Chief Judge, Municipal Court, Las Vegas, spoke on S.B. 400. He said the law states now that a judge cannot impose more than a \$100 fine after conviction of driving without a valid license. He said he feels his hands are tied when someone comes before him that has continuously driven without a valid license. He said he would like to be able to give harder penalties, a \$300 fine for a second offense and possibly 30 days in jail for a third offense.

Senator Faiss asked Judge Brown if he felt people took advantage of this situation. Judge Brown said yes, they try, but he goes around the law a little by fining \$100 as in the statute and 25 days in jail for contempt, which is legal.

Chairman Blakemore closed the hearing on S.B. 400.

S.B. 416 AUTHORIZES ASSESSMENT OF DEMERIT POINTS AGAINST DRIVER WHO VIOLATES WRITTEN PROMISE TO APPEAR ON CERTAIN TRAFFIC CITATIONS.

Judge Seymore Brown, Chief Judge, Municipal Court, Las Vegas, spoke on S.B. 416. He said that some people, knowing they have

accumulated 12 demerits on their record, will not appear in court until just before the year ends when the demerits will expire. This way they avoid having their license suspended. Judge Brown said the City of Las Vegas has around 40,000 warrants for people who fail to appear. What bothers him is not so much the warrants, but the points that are allocated for driving violations that are not on the violators' records. He said he feels this bill would take care of people not appearing in court and still having demerits put on their records that are due them.

Sharon Alcamo, Department of Motor Vehicles, spoke neither for nor against S.B. 416. She wanted to bring out some factors that would have to be brought under consideration in seeing how this bill would be implemented within the department. She said there would be a fiscal impact, with a volume of about 20,000 a year estimated, two additional employees would be needed, a clerk and a keypunch operator, and there would be data processing costs as well. It was estimated that it would cost about \$52,000 the first year of the biennium and \$51,000 the second year. A year would be needed in order to reinstate this program and be able to implement the bill.

Mr. Barton Jacka, Director of the Department of Motor Vehicles, spoke on S.B. 416. He said they had made the determination from a fiscal standpoint to abolish the Failure to Appear program and it would take the amount Mrs. Alcamo mentioned to reinstate the program because of automation and employee costs. He said the driver's license demerit process is the most difficult in the department and they feel other facets are more important. He said that other judges in the state had been contacted before the program was abolished and they figured about 25 percent of the drivers that fail to appear are out-of-state residents.

Terry Reynolds, Administrative Office of the Courts, said the marshall's office is funded by an incentive plan.

Daryl Capurro, Nevada Motor Transport Association, said the cost benefit of this is out of tilt.

Senator Blakemore closed the hearing on S.B. 416.

S.B. 376 Chairman Blakemore reopened the hearing on S.B. 376 in order for ambulance service representatives to give testimony since they were not present at the hearing on April 5, 1979 (see Minutes for that date for previous testimony).

Robert Forbuss, Mercy Ambulance Service, Las Vegas, spoke in opposition to S.B. 376 (see Exhibit A).

Senator Blakemore asked Mr. Forbuss if it would be difficult for rates to be posted with the Nevada Division of Health. Mr. Forbuss said there would be no problem with that. He added that a study had been done recently to establish average rates for ambulance

services.

George Yuill, Aids Ambulance, said he agreed with Mr. Forbuss. He also said there would be no objection to supplying the state with their rates. He said, in fact, the state has one now.

Ken Forinash, Medic-1, said it costs \$150,000 to operate one unit per year. He said they average 60 percent in collecting all that is due them. He did not object to posting rates with the Division of Health either.

Tom Wilson, Truckee Ambulance Service, said he was in support of the others. He also said the California Highway Patrol is the regulatory agency in California rather than the Public Utility District.

Senator Jacobsen asked if they posted their rates on the wall in the office or where. Mr. Forbuss said they are posted in the office as well as in the ambulance.

George Yuill said since minimal charges are made by volunteer services, it causes confusion in rates for the commercial ambulance companies.

Chairman Blakemore closed the hearing on S.B. 376.

Chairman Blakemore spoke of a letter to be sent to Senate and Assembly and staff regarding a drunken driving movie film and wanted to know if the Committee would agree to sponsor it. The Committee agreed.

Chairman Blakemore submitted a bill request to the Committee which involves special permits to operate vehicles exceeding legal maximum width on highways during weekends and holidays.

Senator Ashworth moved for Committee introduction.

Seconded by Senator Jacobsen.

Motion carried.

Senator Hernstadt was absent for the vote.

S.B. 349 See testimony in the Minutes dated 3/29/79.
Senator Neal moved that S.B. 349 be amended and recommended to "Do Pass."

Seconded by Senator Ashworth.

Motion carried.

Senators Faiss, McCorkle and Hernstadt were absent for the vote.

A.B. 66 Senator Jacobsen said he would like A.B. 66 to be held for another bill that is similar.

S.B. 400 Senator Ashworth moved that S.B. 400 be recommended for "Do Pass."

Seconded by Senator Jacobsen.

Senator Neal voted no due to excessive amounts in the bill.

Senator Ashworth withdrew his motion.

Senator Neal moved that S.B. 400 be indefinitely postponed.

The motion died for lack of a second.

S.B. 399 Senator Ashworth moved that S.B. 399 be indefinitely postponed.

Senator Jacobsen said that due to the problems in state parks, he would like the bill to be held for further consideration.

S.B. 416 Senator Ashworth moved that S.B. 416 be indefinitely postponed.

Seconded by Senator Jacobsen.

Motion carried.

Senator Hernstadt was absent for the vote.

S.B. 376 Senator Jacobsen moved that S.B. 376 be amended and recommended for "Do Pass."

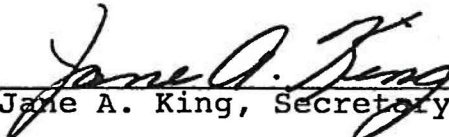
Seconded by Senator Ashworth.

Motion carried.

Senator Hernstadt was absent for the vote.

There being no further business, the meeting was adjourned at 3:38 p.m.

Respectfully submitted,


Jane A. King, Secretary

APPROVED:


Richard E. Blakemore, Chairman

1 STATEMENT BEFORE THE
2 TRANSPORTATION COMMITTEE
3 ON SB376

EXHIBIT A

3 Mr. Chairman, my name is Robert Forbuss. I am the
4 General Manager of Mercy Ambulance Services which operates an
5 emergency and non-emergency ambulance service in Las Vegas and
6 Clark County, Nevada. Mercy has been in operation in Clark County,
7 Nevada, for more than ten (10) years and is currently an integral
8 part of the emergency medical system in Clark County, Nevada, under
9 the direct supervision of the Clark County District Board of Health.

10 I am appearing here today in opposition to the provisions
11 of SB376 which, if passed, would place rates and service of com-
12 mercial ambulance companies in the State of Nevada under the juris-
13 diction of the Nevada Public Service Commission.

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15 Quite frankly, because of the nature of the business, and
16 with all due respect, I cannot think of anything that would lessen
17 and reduce the quality of emergency and non-emergency service in
18 the various communities of this State than the passage of SB376.
19 The Nevada Legislature has heretofore addressed itself to emergency
20 and non-emergency ambulance services. I am referring to N.R.S.
21 244.187 which authorizes the counties throughout this State to
22 enter into exclusive or non-exclusive franchises on the local level
23 for ambulance services. That Statute provides in part as follows:

- 24 1. "The Board of County Commissioners may,
25 by ordinance, regulate such services
26 and fix fees or rates to be charged by
27 the franchiseholder."
28 2. "... and shall grant the franchise on
29 terms most advantageous to the County
30 and the persons to be served."

31 It is obvious from the above statutory provision that,
32 in its wisdom, the Nevada Legislature has recognized that the
level and quality of emergency and non-emergency ambulance ser-
vices should be left to the judgment of local governments with a

1 view toward what is most advantageous to the particular locality
2 and the persons to be served in that locality. Mercy operates
3 its services pursuant to a franchise with Clark County and in-
4 cludes, as a part of that service, a substantial amount of optional
5 medical and life support equipment. Mercy renders paramedic service
6 but does not charge the public for that service. Mercy's operations
7 are monitored on a regular basis by the Clark County Health Department
8 and the Clark County Health Department Medical Advisory Board
9 consisting of eleven (11) Southern Nevada physicians. The Clark
10 County Commissioners, the Health Board and the Medical Advisory
11 Board have dictated that Mercy provide to Southern Nevada the high-
12 est level of ambulance services commensurate with the State of the
13 Art. The universal rule under Public Service Commission's juris-
14 diction in this Country is that utility regulated is required to
15 perform only "reasonably adequate service". This criteria is not
16 sufficient today to regulate and govern ambulance services. Mercy
17 and other commercial ambulance companies throughout the State of
18 Nevada are in the life saving business and services must be at the
19 highest level and regulated locally by the Health Board and phy-
20 sicians. I do not believe that the Nevada Public Service Com-
21 mission is equipped, nor can it become equipped, technically or
22 otherwise, to regulate the extent, quality or level of ambulance
23 services which require the special expertise of local Health Boards
24 and physicians.

25 Gentlemen, I respectfully submit, that Mercy has one of
26 the finest emergency and non-emergency ambulance services in the
27 Country. This has come about because of the dedication of the
28 private enterprise company and the constant monitoring and regu-
29 lation of the services at the local level. Tremendous progress
30 has been made in this area of service over the past five (5) years.
31 Reducing this constant endeavor to the criteria of "reasonably
32 adequate service" would be a step backward and contrary to the

1 public interest.

EXHIBIT A

2 Mr. Chairman, I appreciate the opportunity you have given
3 me to appear before this Committee and I would be happy to respond
4 to any technical question the Committee may have concerning the
5 emergency and non-emergency ambulance business and how it is
6 provided by private enterprise in cooperation with the government
7 in Clark County, Nevada.

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