

The meeting was called to order at 2:10 p.m. in Room 323 in 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: John Ciardella, Department of Motor Vehicles

A.B. 695 EXTENDS TIME FOR APPRAISAL OF ABANDONED VEHICLES AND
CHANGES NOTIFICATION PROCEDURE.

John Ciardella, Department of Motor Vehicles, spoke on A.B. 695. He said this is a department bill to end duplicity of notification on abandoned vehicles by extending the time for appraisal from 5 days to 10 days after its removal.

Chairman Blakemore recessed the hearing on A.B. 695.

S.B. 536 CORRECTS DESCRIPTION OF DISTRICT JUDGES' SALARY FUND
AS COUNTY FUND.

Frank Daykin, Legislative Counsel, spoke on S.B. 536. He said the purpose of this bill is to delete the district judges' salary fund from a road bill.

Senator Jacobsen moved that S.B. 536 be recommended to "Do Pass."

Seconded by Senator Faiss.

Motion carried unanimously.

Chairman Blakemore reopened the hearing on A.B. 695.

Senator Ashworth moved that A.B. 695 be recommended to "Do Pass."

Seconded by Senator Neal.

Motion carried unanimously.

The meeting was then recessed at 2:23 p.m.

The meeting reconvened at 2:40 p.m.

S.B. 429 INCREASES PENALTIES FOR DRIVING UNDER INFLUENCE OF INTOXICATING LIQUOR OR CONTROLLED SUBSTANCES AND PROVIDES FOR SUPPORT OF ALCOHOL AND DRUG ABUSE PROGRAMS. (See previous testimony in minutes of April 17, 1979.)

Senator Hernstadt spoke on the proposed amendments (see Exhibit A). He referred to Page 2, item 3, in which the word "dead" is superfluous and he thought it should be deleted.

Senator McCorkle spoke on the amendments and explained that there is only one major change in the bill which is on Page 2, item 5. This change is bracketed so that the words "there is no noticeable odor of alcohol emanating from the body of a person and" is deleted. He said the reason for this change is that when there is an odor of alcohol, the arresting officer can only administer a breath test and cannot take a blood test. This would enable them to administer a blood test if drugs are suspected rather than alcohol.

Senator Hernstadt asked what they wanted to do about the word "dead" that he had previously referred to. Senator McCorkle said he didn't see where the word "dead" did anything wrong to the bill. Senator Hernstadt said he just thought it looked dumb. Senator Blakemore said he would ask to see if the word was there for any specific reason and if not, he would have it amended out.

Senator McCorkle moved that S.B. 429 be recommended to "Do Pass" as amended.

Seconded by Senator Jacobsen.

Motion carried unanimously.

A.B. 80 PROVIDES SCHEDULE OF PENALTIES FOR CERTAIN VIOLATIONS OF LAWS RELATING TO REGULATION AND LICENSING OF MOTOR CARRIERS. (See previous testimony in minutes of April 5, 1979.)

Chairman Blakemore said this bill had been referred back to the committee because the proposed amendment was unconstitutional.

Senator Hernstadt moved that A.B. 80 be recommended for "Do Pass" without the amendment.

Seconded by Senator Jacobsen.

Motion carried unanimously.

S.B. 399 SPECIFIES APPLICABILITY OF PROHIBITION AGAINST RECKLESS DRIVING TO PUBLIC AND PRIVATE PROPERTY. (See previous testimony in minutes of April 10 and May 1, 1979.)

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

Seconded by Senator Ashworth.

Senators Hernstadt, McCorkle, Neal and Jacobsen voted no.

The motion lost.

Senator Hernstadt moved that S.B. 399 be recommended to "Do Pass."

Seconded by Senator McCorkle.

The motion carried.

Senators Ashworth, Blakemore and Faiss voted no.

Senator Ashworth said he would file a minority report.

S.B. 533

CHANGES CERTAIN DEFINITIONS WITH RESPECT TO VEHICLE LICENSING AND REGISTRATION. (See previous testimony in minutes of May 1, 1979.)

Senator McCorkle moved that S.B. 533 be indefinitely postponed.

Seconded by Senator Hernstadt.

The motion carried.

Senator Faiss voted no.

S.B. 516

MAKES TECHNICAL CORRECTION TO SECTION 32 OF S.B. 171. (See minutes of May 1, 1979.)

Senator Hernstadt moved that S.B. 516 be recommended to "Do Pass."

Seconded by Senator Neal.

Motion carried unanimously.

S.B. 517

PROVIDES FOR REGISTRATION OF BICYCLES.

Senator Faiss moved that S.B. 517 be recommended to "Do Pass."

Seconded by Senator Hernstadt.

Senator Ashworth moved that S.B. 517 be held for further information.

A.B. 633 AUTHORIZES APPROPRIATE COUNTY OFFICIALS TO REMOVE
OBSTACLES AND ENCROACHMENTS FROM PUBLIC HIGHWAYS.


Senator Faiss moved that A.B. 633 be recommended to
"Do Pass."

Seconded by Senator McCorkle.

Motion carried unanimously.

There being no further business, the meeting was adjourned at
3:01 p.m.

Respectfully submitted,


Jane A. King, Secretary

APPROVED:


Richard E. Blakemore, Chairman

1979 REGULAR SESSION (60TH)

ASSEMBLY ACTION		SENATE ACTION		Senate	AMENDMENT BLANK
Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	AMENDMENTS to <u>Senate</u>	
Lost <input type="checkbox"/>	Lost <input type="checkbox"/>	Lost <input type="checkbox"/>	Lost <input type="checkbox"/>	Bill No. <u>429</u>	Joint
Date: <input type="checkbox"/>	Date: <input type="checkbox"/>	Date: <input type="checkbox"/>	Date: <input type="checkbox"/>	BDR <u>43-1528</u>	Resolution No.
Initial: <input type="checkbox"/>	Initial: <input type="checkbox"/>	Initial: <input type="checkbox"/>	Initial: <input type="checkbox"/>	Proposed by <u>Committee on Transportation</u>	
Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>		
Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>		
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Initial: <input type="checkbox"/>	Initial: <input type="checkbox"/>	Initial: <input type="checkbox"/>	Initial: <input type="checkbox"/>		

Amendment N^o 872



Amend section 1, page 1, by deleting lines 1 through 12 and inserting:

"Section 1. NRS 484.383 is hereby amended to read as follows:

484.383 1. Except as provided in subsections 4 and 5, any person who drives a vehicle upon a highway in this state shall be deemed to have given his consent to a chemical test of his blood, urine, breath or other bodily substance for the purpose of determining the alcoholic content of his blood or the presence of a controlled substance when such test is administered at the direction of a police officer having reasonable grounds to believe that [such] the person to be tested was driving a vehicle while under the influence of intoxicating liquor or a controlled substance and after [such person] he was arrested for any offense allegedly committed while [such person] he was driving a vehicle under the influence of intoxicating liquor or a controlled substance.

2. [Such person shall] The person arrested must be informed that

To: E & E
LCB File
Journal
Engrossment
Bill

Date 4-30-79 Drafted by DS:iw

his failure to submit to such test will result in the suspension of his privilege to drive a vehicle for a period of 6 months.

3. Any person who is dead, unconscious, or otherwise in a condition rendering him incapable of refusal shall be deemed not to have withdrawn his consent, and any such test may be administered whether or not [such] the person is informed that his failure to submit to [such] the test will result in the suspension of his privilege to drive a vehicle for a period of 6 months.

4. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section.

5. Where the alcoholic content of the defendant's blood is in issue, a person may refuse to submit to a blood test if means are reasonably available to perform a breath or urine test, and may refuse to submit to a blood or urine test if means are reasonably available to perform a breath test. Where [there is no noticeable odor of alcohol emanating from the body of a person and] the presence of a controlled substance in [such person's] the blood of the person arrested is in issue, [such person] he may refuse to submit to a blood test if means are reasonably available to perform a urine test [. Such person] but he may not submit to a breath test in lieu of submitting to a blood or urine test.

Amendment No. 872 to Senate Bill No. 429 (BDR 43-152) Page 3

6. If a person under arrest refuses to submit to a required chemical test as directed by a police officer under this section, the police officer shall submit to the department of motor vehicles within 10 days a sworn written statement that he had reasonable grounds to believe the arrested person had been driving a vehicle upon a highway while under the influence of intoxicating liquor or a controlled substance and that the person refused to submit to the test upon the officer's request."

Amend the bill as a whole by deleting section 2.

Amend the title of the bill to read as follows:

"AN ACT relating to traffic laws; requiring blood or urine tests for persons suspected of driving under the influence of a controlled substance whether or not the smell of alcohol is present; and providing other matters properly relating thereto."

S. B. 536

SENATE BILL NO. 536—COMMITTEE ON
TRANSPORTATION

APRIL 27, 1979

Referred to Committee on Transportation

SUMMARY—Corrects description of district judges' salary fund
as county fund. (BDR 35-1918)

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 the district judges' salary fund; correcting the description of
the fund as a county fund; 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 403.590 is hereby amended to read as follows:
2 403.590 Whenever it appears to the board of county commissioners
3 that any road district is or would be unreasonably burdened by the
4 expense of constructing or maintenance and repair of any bridge, the
5 board may:
6 1. Cause all or a portion of the aggregate cost or expense to be paid
7 out of the county general fund, or a portion out of that fund or out of
8 any other county fund [, except the district judges' salary fund,] in
9 which there is a surplus; or
10 2. Levy a tax therefor, not to exceed one-fourth of 1 percent on
11 the taxable property in the county, annually, until the amount appropri-
12 ated is raised and paid.

Ⓢ

ASSEMBLY BILL NO. 695—COMMITTEE
ON TRANSPORTATION

APRIL 2, 1979

Referred to Committee on Transportation

SUMMARY—Extends time for appraisal of abandoned vehicles and changes notification procedure. (BDR 43-1454)

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 abandoned vehicles; extending the time for appraisal and requiring notice to the owners by the towing operators; 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 487.240 is hereby amended to read as follows:
2 487.240 The department or the political subdivision employing the
3 person who removed the vehicle shall have the vehicle appraised within
4 [5 days of] *10 days after* its removal by a person designated by the
5 department.
6 SEC. 2. NRS 487.250 is hereby amended to read as follows:
7 487.250 1. The department or political subdivision shall, within 48
8 hours after the appraisal []:
9 (a) Notify [] *notify* the director of the department of the removal of
10 the vehicle. The notice shall contain:
11 [(1)] (a) A description of the vehicle.
12 [(2)] (b) The appraised value of the vehicle.
13 [(3)] (c) A statement as to whether the vehicle will be junked,
14 dismantled or otherwise disposed of.
15 [(b) Notify] 2. *The person who removed the vehicle must notify*
16 the registered owner and any person having a security interest in the
17 vehicle by registered or certified mail that the vehicle has been removed
18 and will be junked or dismantled or otherwise disposed of unless the
19 registered owner or the person having a security interest in the vehicle
20 responds and pays the costs of removal.
21 [2.] 3. Failure to reclaim within 15 days after [official] notifica-
22 tion a vehicle appraised at \$200 or less constitutes a waiver of interest in
23 the vehicle by any person having an interest in the vehicle.

S. B. 399

SENATE BILL NO. 399—COMMITTEE ON JUDICIARY

MARCH 29, 1979

Referred to Committee on Transportation

SUMMARY—Specifies applicability of prohibition against reckless driving to public and private property. (BDR 43-1667)

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 traffic laws; specifying the applicability of the prohibition against reckless driving to public and private property; providing a penalty; 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 484.377 is hereby amended to read as follows:
2 484.377 1. It is unlawful for any person to drive any vehicle on
3 *public or private property* in willful or wanton disregard of the safety of
4 persons or property. A violation of this section constitutes reckless driv-
5 ing.
6 2. *Subsection 1 does not apply to a race or other exhibition con-*
7 *ducted with the permission of the state or any of its political subdivisions.*

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 429

SENATE BILL NO. 429—SENATORS McCORKLE, DON ASHWORTH, CLOSE, FAISS, NEAL, KOSINSKI, BLAKEMORE, WILSON, ECHOLS, LAMB, JACOBSEN, GIBSON, HERNSTADT, FORD, GLASER AND KEITH ASHWORTH

APRIL 5, 1979

Referred to Committee on Human Resources and Facilities

SUMMARY—Increases penalties for driving under influence of intoxicating liquor or controlled substances and provides for support of alcohol and drug abuse programs. (BDR 43-1528)

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

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

AN ACT relating to traffic laws; requiring blood or urine tests for persons suspected of driving under the influence of a controlled substance whether or not the smell of alcohol is present; 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 484.383 is hereby amended to read as follows:
- 2 484.383 1. Except as provided in subsections 4 and 5, any person
- 3 who drives a vehicle upon a highway in this state shall be deemed to
- 4 have given his consent to a chemical test of his blood, urine, breath or
- 5 other bodily substance for the purpose of determining the alcoholic con-
- 6 tent of his blood or the presence of a controlled substance when such test
- 7 is administered at the direction of a police officer having reasonable
- 8 grounds to believe that [such] *the person to be tested* was driving a vehi-
- 9 cle while under the influence of intoxicating liquor or a controlled sub-
- 10 stance and after [such person] *he* was arrested for any offense allegedly
- 11 committed while [such person] *he* was driving a vehicle under the influ-
- 12 ence of intoxicating liquor or a controlled substance.
- 13 2. [Such person shall] *The person arrested must* be informed that
- 14 his failure to submit to such test will result in the suspension of his
- 15 privilege to drive a vehicle for a period of 6 months.
- 16 3. Any person who is dead, unconscious, or otherwise in a condition
- 17 rendering him incapable of refusal shall be deemed not to have with-
- 18 drawn his consent, and any such test may be administered whether or

Original bill is 2 pages long.
Contact the Research Library for
a copy of the complete bill.

ASSEMBLY BILL NO. 80—ASSEMBLYMEN HAYES,
GLOVER, HORN, BARENGO AND JEFFREY

JANUARY 16, 1979

Referred to Committee on Transportation

SUMMARY—Provides schedule of penalties for certain violations of laws relating to regulation and licensing of motor carriers. (BDR 43-13)

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 a graduated schedule of minimum penalties for the violation of certain laws relating to weight limitations and to the regulation and licensing of motor carriers; 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 484.757 is hereby amended to read as follows:
2 484.757 1. Every person convicted of a violation of any weight
3 limitation provision of NRS 484.745 to 484.755, inclusive, and every
4 person, company, association or corporation, either personally or by his
5 or its agent or employee, who is found guilty of violating any weight
6 limitation of NRS 484.745 to 484.755, inclusive, shall be punished by a
7 fine which shall equal the amounts specified in the following table:

Pounds of		
Excess Weight		Fine
2,001—	2,500.....	\$20
2,501—	3,000.....	25
3,001—	3,500.....	30
3,501—	4,000.....	35
4,001—	4,500.....	40
4,501—	5,000.....	60
5,001—	5,500.....	80
5,501—	6,000.....	100
6,001—	6,500.....	120
6,501—	7,000.....	150
7,001—	7,500.....	175
7,501—	8,000.....	200
8,001—	8,500.....	225

Original bill is 3 pages long.
Contact the Research Library for
a copy of the complete bill.

SENATE BILL NO. 516—COMMITTEE ON GOVERNMENT AFFAIRS

APRIL 25, 1979

Referred to Committee on Transportation

SUMMARY—Makes technical correction to section 32 of S.B. 171. (BDR S-1653)

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 making a technical correction to a bill of the 60th session of the legislature; supplying subsection 10 of NRS 482.480 which was omitted in S.B. 171 before its enrollment.

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

1 SECTION 1. Section 32 of chapter 78, Statutes of Nevada 1979 is
 2 hereby amended to read as follows:
 3 Sec. 32. NRS 482.480 is hereby amended to read as follows:
 4 482.480 There [shall] *must* be paid to the department for the
 5 registration or transfer of registration of motor vehicles, trailers
 6 and semitrailers, fees according to the following schedule:
 7 1. For each stock passenger car, bus and each reconstructed
 8 or specially constructed passenger car, regardless of weight or
 9 number of passenger capacity, a registration fee of \$5.50.
 10 2. For every motorcycle, the sum of \$3.50.
 11 3. For every motortruck having an unladen weight of 3,500
 12 pounds or less, as shown by a public weighmaster's certificate, a
 13 registration fee of \$9.
 14 4. For every trailer or semitrailer having an unladen weight
 15 of 1,000 pounds or less, a flat registration fee of \$2.50. For every
 16 trailer having an unladen weight of more than 1,000 pounds, but
 17 not more than 3,500 pounds, a flat registration fee of \$5.50. For
 18 every trailer or semitrailer having an unladen weight of more
 19 than 3,500 pounds and less than 4,000 pounds, fees according to
 20 the following schedule:
 21 3,501 to and including 3,549 pounds..... \$8
 22 3,550 to and including 3,649 pounds..... 10
 23 3,650 to and including 3,749 pounds..... 12

Original bill is 2 pages long. Contact the Research Library for a copy of the complete bill.

ASSEMBLY BILL NO. 633—COMMITTEE ON
GOVERNMENT AFFAIRS

MARCH 23, 1979

Referred to Committee on Government Affairs

SUMMARY—Authorizes appropriate county officials to remove obstacles and encroachments from public highways. (BDR 35-1336)

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 the preservation of public highways; authorizing appropriate county officials to remove obstacles and encroachments from the public highways; 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 405.230 is hereby amended to read as follows:
2 405.230 1. Any person [or persons who shall,] *who*, in any manner,
3 [obstruct] *obstructs* any road, street or alley, or in any manner [injure
4 the same, or prevent] *damages it or prevents* travel thereon, or who [shall
5 obstruct, dam or divert] *obstructs, dams or diverts* any stream or water
6 so as to throw [the same,] *it*, or cause the flowage thereof, upon, across
7 or along the pathway of any road, highway, street or alley [shall be] *is*
8 guilty of a public offense, as prescribed in NRS 193.155, proportionate
9 to the extent of damage to the section of the road, street, alley or highway
10 damaged and in no event less than a misdemeanor.
11 2. The court before which [such conviction shall be] *the conviction*
12 *is* had shall order the sheriff or any constable of the county to abate, as a
13 nuisance, any fence or other obstruction, to the free and convenient use
14 and travel of [such] *the* road, street or alley, or any obstruction from
15 [such] *the* stream so as to allow [the same] *it* to flow in its natural bed.
16 3. *The department of public works or any other appropriate county*
17 *agency is authorized to remove from the highways any unlicensed obstacle*
18 *or encroachment which is not removed, or the removal of which is not*
19 *commenced and thereafter diligently prosecuted, before the expiration of*
20 *5 days after personal service of notice and demand upon the owner of the*
21 *obstacle or encroachment or his agent. In lieu of personal service upon*
22 *that person or his agent, service of the notice may also be made by regis-*
23 *tered or certified mail and by posting, for a period of 5 days, a copy of*