

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON TRANSPORTATION

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
April 9, 1981

The Senate Committee on Transportation was called to order by Chairman Richard E. Blakemore, at 2:05 p.m., on Thursday, April 9, 1981, in Room 323 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Richard E. Blakemore, Chairman
Senator William Hernstadt, Vice Chairman
Senator Joe Neal
Senator Lawrence E. Jacobsen
Senator Wilbur Faiss
Senator Clifford E. McCorkle
Senator James H. Bilbray

GUEST LEGISLATOR:

Assemblyman Joseph Dini

STAFF MEMBER PRESENT:

Kelly R. Torvik, Committee Secretary

SENATE BILL NO. 431

Chairman Blakemore noted that the committee had a question as to the reason for the surety bond.

Mr. Renny Ashleman, attorney, representing Dollar Rent-a-Car, suggested that the word "or" be inserted on line eight of page one of the bill. This insertion would clarify that the owner needs insurance, a surety bond, or a cash deposit. He stated that the industry would oppose the concept of an automobile renter having to carry more insurance than an individual who owns his automobile. He did not know of any statistical data which indicated that renters were a greater risk on the roadways. He noted that very seldom will a rent-a-car agency rent to anyone who does not carry major credit cards, the majority of those people having insurance. All rent-a-car agencies that he knew of carried their own liability insurance and in

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addition to that some carry an umbrella policy. Mr. Ashleman stated that if Senate Bill No. 431 were approved the agencies would have to bear or pass on to the customer a substantial increase in insurance costs. He knew of only one company which posted a surety bond. A surety bond is not an ideal technique to use if an agency wants a great deal of coverage. He said that it would be outrageous to require that an agency carry insurance and post a surety bond. He noted that a car is not rented without some insurance.

Mr. Hale Bennett, Chief, Registration Division, Department of Motor Vehicles, agreed that the word "or" should be inserted on line eight of page one. He stated that the insertion was obviously necessary because of the provision on line seven of page two which states that the "financial ability is sufficient if he carries insurance or provides a surety bond or deposits cash or securities." That is exactly the procedure that the department is following at the present time. He stated that in present law there were some discrepancies which could be corrected by amending the bill. On line four of page two the department was not sure as to the type of insurance the \$5,000 referred to for additional vehicles. Also, starting on line six of page two it states that the owner does not need additional insurance for any additional motor vehicles. He noted that the present law has no provision for property damage insurance.

Senator Hernstadt assumed that the \$5,000 on line four of page two referred to property damage insurance. He suggested that Mr. Bennett draw up amendments which would return the insurance limits to the original figures and solve the discrepancies. The committee agreed.

SENATE BILL NO. 477

Mr. Wink Richards, Chief, Motor Carrier Division, Department of Motor Vehicles, presented the committee with suggested amendments to the bill with an explanation as to the intent and justification of the bill. (See Exhibit C.) He explained each change in the bill and the reasoning for the change. He stated that the loss of revenues would be accounted for by a \$2 to \$3 million increase in revenues from the higher license fees. Mr. Richards stated that the bill was developed with the cooperation from Daryl Capurro, Managing Director, Nevada Motor Transport Association.

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Mr. Capurro agreed with the bill and the amendments. He had one problem with the bill on page five, section 10. He disagreed with the Senate Committee on Finance approval of a recommendation to transfer the inspectors from the Public Service Commission (P.S.C.) to the Department of Motor Vehicles (D.M.V.). Since six of the eight transportation inspectors would be transferred from the P.S.C. there would be no reason to increase the fees in N.R.S. 706.536. Those fees are used to defray the costs of the inspectors. He suggested that the P.S.C. receive a \$1 to \$2 fee for the support of the remaining inspectors. He noted that the \$1 fee would produce \$142,731.

Senator Hernstadt suggested that monies that the P.S.C. did not use for inspectors be reverted to the Highway Fund. Mr. Capurro felt that the trucking industry had done its fair share in working to increase the highway fund.

Mr. Jim Avance, Taxicab Authority, stated that the taxicab operators would support passage of Senate Bill No. 477.

ASSEMBLY BILL NO. 42

Colonel Pete Zadra, Chief, Nevada Highway Patrol, stated that the bill was developed through changes proposed by the patrol, the Nevada Traffic Control Committee, the Nevada Traffic Law Enforcement Committee, and other unidentifiable entities. He explained the changes that were proposed and the reasons for the changes.

In regard to the provision in subsection three, section five, page four, Chairman Blakemore asked if two 2.5 pound fire extinguishers would be acceptable. Colonel Zadra did not believe that they would be acceptable. Chairman Blakemore explained that because of leaky extinguishers or extremely heavy extinguishers it may be advisable to allow more than one extinguisher with a total of five pounds.

Mr. Virgil Anderson, AAA, stated that there was a concern as to the right-of-way provision in section one. There could be a problem, particularly during rush hour traffic, where a vehicle would be required to stop until the freeway was clear. He hoped that the amended version of the bill would remedy that situation. He agreed that snow tire standards should be determined by the Department of Motor Vehicles.

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ASSEMBLY BILL NO. 108

Mr. Hale Bennett explained that the bill would solve the problem of vehicles being operated by a resident with permission of a nonresident owner. This problem seldom arises, however, when it does arise there is no remedy for it.

Mr. Anderson voiced his support of the bill.

ASSEMBLY BILL NO. 259

Chairman Blakemore noted that there was a letter from Sharon Alcamo, Chief, Driver's License Division, Department of Motor Vehicles, which she requested be entered into the record.
(See Exhibit D.)

Assemblyman Dini explained that he requested the bill because he knew of a situation where a disabled women, who had a 14 year old child capable of driving, had to go to the hospital daily for treatments and no one in her family had a driver's license. The bill would allow the department to issue a driver's license to the child. He explained that the bill would be very important to the few to which it applied.

SENATE BILL NO. 444

Senator Hernstadt explained that the reason for the bill was that the Allied Arts Council had been determined a broker and Mr. Heber Hardy, P.S.C., had developed the bill to solve the problem of transportation for the council's tours.

Mr. Capurro stated that Mr. Hardy had requested the bill every session because he did not want to be required to regulate brokers and draw up regulations for them to abide by. He stated that he supported resolving the transportation problem for tours of the Allied Arts Council. However, he felt that there should be control over the brokers by the P.S.C. because the brokers are responsible for the handling of people's lives, goods and money. He did not feel that since the broker regulations would be difficult to draft that the regulation of brokers should be eliminated. The elimination of brokers under the P.S.C. would invite unfit brokers to do business in the state.

Chairman Blakemore appointed a subcommittee of Senator Hernstadt, Daryl Capurro and Virgil Anderson to develop a solution to the transportation problem of the Allied Arts Council.

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SENATE BILL NO. 455

Mr. Larry Ketzenberger, Las Vegas Metropolitan Police Department, submitted a letter to the committee which stated his recommendations for the bill. (See Exhibit E.)

Senator Bilbray pointed out that the bill refers to six months suspension of a driver's license while Senate Bill No. 83 refers to a year suspension for failing to submit to a breath, blood or urine test as required by implied consent.

There being no further business, the meeting adjourned at 3:56 p.m.

Respectfully submitted by:


Kelly R. Torvik

APPROVED:


Senator Richard E. Blakemore
Chairman

Dated: 4/10, 1981

SENATE AGENDA

EXHIBIT A

COMMITTEE MEETINGS

Committee on Transportation, Room 323.

Day Thursday, Date April 9, 1981, Time 2:00

S. B. No. 477--Revises provisions for licensing of motor carriers and certain other motor vehicles.

A. B. No. 42--Changes certain laws regulating traffic.

A. B. No. 108--Requires registration of motor vehicle operated by resident with permission of nonresident owner.

A. B. No. 259--Authorizes issuance of restricted drivers' licenses to permit certain minors to drive for handicapped members of household.

S. B. No. 431--Increases amounts required for lessors of motor vehicles to show financial ability to respond to damages.

S. B. No. 444--Removes brokers from regulations pertaining to motor carriers.

MOTOR CARRIER DIVISION

SB 477

I. Intent:

Proposes a "Single License Plate" concept for the Department of Motor Vehicles. Eliminates trailing vehicles from mandatory Motor Carrier licensing and prorated registration and prorated privilege tax and shifts the fees and taxes to the motor vehicles.

II. Justification:

Eliminates duplication of efforts by the Registration Division and/or County Assessors and the Motor Carrier Division and the Automation Division. The Department would require a single license plate for Nevada based commercial vehicles rather than a registration license plate and a Motor Carrier license plate.

Eliminating trailing vehicles from mandatory Motor Carrier licensing and prorated registration and prorated privilege taxes reduces the work load of the department (Automation Division, Motor Carrier Division and Administrative Services Division) and eliminates efforts, which are administratively and economically unfeasible.

Increasing the fees and taxes on motor vehicles will generate the loss of revenue from the trailers.

MOTOR CARRIER DIVISION

Amendment to SB 477

Page 2 Line 10 - Delete closed bracket after 1. Add closed bracket after 706.526]

Page 4 Line 43 - Delete open and closed brackets before and after 706.516. 706.516 should not be deleted.

Page 5 Line 9 - Delete \$20.00 and add \$30.00 (SB262)

Page 10 Line 2 - Add closed bracket after year]

Page 10 Line 5 - Add open bracket before [such

Page 12 Line 16 - Add 706.516

Page 12 - Add new sections

366.550 Security for tax: Bonds and deposits.

1. When the department requires, or when specifically provided by this chapter, an applicant for a special fuel dealer's license or an applicant for a special fuel user's license, or a holder of a special fuel dealer's license or a special fuel user's license, shall provide a bond duly executed by him as principal, and by a corporation qualified under the laws of this state as surety, payable to the State of Nevada, conditioned upon the faithful performance of all of the requirements of this chapter and upon the punctual payment of all excise taxes, penalties and interest due to the State of Nevada. The amount of the bond shall be fixed by the department at one and one-third times the estimated amount of the quarterly tax determined in such manner as the department deems proper, and may be increased or reduced by the department at any time subject to the limitations prescribed in this chapter, but the total amount of the bond shall not exceed \$5,000. The amount so fixed shall be rounded off to the next larger integral multiple of \$100.

2. No recovery on any bond, nor the execution of any new bond, nor the suspension or revocation of any special fuel dealer's license or special fuel user's license affects the validity of any bond.

3. In lieu of a bond or bonds an applicant for a special fuel dealer's license or special fuel user's license or the holder of a special fuel dealer's license or special fuel user's license may deposit with the state treasurer, under such terms as the department may prescribe:

(a) A like amount of lawful money of the United States or bonds of the United States or of the State of Nevada of an actual market value of not less than the amount fixed by the department; or

(b) A savings certificate of a bank, building and loan association or savings and loan association situated in Nevada, which shall indicate an account of an amount equal to the amount of the bond which would otherwise be required by this section and which shall indicate that this amount is unavailable for withdrawal except upon order of the department. Interest earned on this amount shall accrue to the account of the applicant for or holder of the special fuel dealer's license or special fuel user's license.

[4:364:1953]—(NRS A 1957, 605; 1967, 854; 1969, 580; 1973, 703; 1977, 380)

706.486 Department to provide identifying devices; display of devices; transfer of devices.

1. Identifying devices shall be provided by the department and delivered to the applicants. The reasonable cost of such devices shall be borne by the state and paid out of the state highway fund upon claims therefor allowed as other claims against the state.

2. Identifying devices assigned to vehicles shall be displayed during the current licensing year, under such regulations as the department may prescribe.

3. The department may, by rule and regulation, permit the transfer of an identifying device from one vehicle to another by the operator thereof, or between operators respectively.

4. The department shall permit the transfer of identifying devices between operators upon being satisfied that such transfer has been approved by the commission.

(Added to NRS by 1971, 703)



EXHIBIT D

DEPARTMENT OF MOTOR VEHICLES

555 WRIGHT WAY

CARSON CITY, NEVADA 89711

DRIVER'S LICENSE DIVISION
(702) 885-5360

April 8, 1981

TO: CHAIRMAN BLAKEMORE
SENATE TRANSPORTATION COMMITTEE

FROM: *Sharon P. Alcamo*
SHARON P. ALCAMO, CHIEF
DRIVER'S LICENSE DIVISION

SUBJECT: AB 259

I would appreciate your reading the following testimony into the record.

AB 259 would allow for the issuance of a restricted license for a person between the ages of 14 and 16 to drive a medically ill member of his household.

Although this legislation was not originally submitted by the Department, we do support it and feel it satisfies a justified need.

During the last year, the Driver's License Division received approximately 30 requests for this type of license. Because no authority existed for issuing a license under these circumstances, they were denied. In many cases, it imposed an extreme and severe hardship on the families.

On the other hand, it is important to insure the issuance of the restricted license is not abused. It is for this reason several amendments were made to the original bill tightening up the requirements to obtain this type of license. The amendments included:

1. Changing the word handicapped to a medical condition rendering that person unable to drive.
2. Adding that a hardship must exist before a restricted license can be issued.
3. Authorizing the Department to specify the period of time for which the license remains in effect based on the individual circumstances of the case.
4. Authorizing the Department to specify the conditions and other restrictions of the license based again on the individual circumstances of the case.

The Department is in agreement with and supports AB 259 as it appears in the first reprint.

Inter-Office

MEMORANDUM

EXHIBIT E

To : ASSISTANT SHERIFF L. KETZENBERGER
 From : CAPTAIN K.A. CAMPBELL - TRAFFIC BUREAU
 Subject : LEGISLATIVE CHANGE PROPOSALS - 58455

Date: 9-30-80

The Traffic Bureau recommends the following changes in the N.R.S. for upcoming legislative session.

484.383 Persons under the influence of intoxicating liquor, controlled substance; Implied consent to chemical tests, exemptions from blood tests.

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 person was driving a vehicle while under the influence of intoxicating liquor or a controlled substance and after such person was arrested (or incapacitated)* for any offense allegedly committed while such person was driving a vehicle under the influence of intoxicating liquor or a controlled substance.
2. Such person shall be informed that 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.

484.795 When peace officer has option to take person before magistrate. Whenever any person is halted by a peace officer for any violation of this chapter and is not required to be taken before a magistrate, the person shall, in the discretion of the peace officer, either be given a traffic citation, or be taken without unnecessary delay before the proper magistrate. He shall be taken before the magistrate in any of the following cases:

1. When the person does not furnish satisfactory evidence of identity or when the peace officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court;
2. When the person is charged with a violation of NRS 484.701, relating to the refusal of a driver of a vehicle to submit such vehicle to an inspection and test;
3. When the person is charged with a violation of NRS 484.755, relating to the failure or refusal of a driver of a vehicle to submit the vehicle and load to a weighing or to remove excess weight therefrom; or

* as reflected in NRS 484.795, Section 4 - proposed change

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4. When the person is charged with a violation of NRS 484.379 (DUI) (unless such person is incapacitated and being treated for injuries at that time).

The justification for these changes, would allow a police officer to issue a citation to a drunken driver when that driver was incapacitated in a hospital or other medical facility; thereby reducing the many manhours needed to incarcerate the violator. With this kind of procedure, the officer would have more time available to apprehend even more drunken drivers.

The drunken driver, who is unjured, seldom goes to jail under present conditions. He is usually booked in absentia and released on bail or on his own recognizance.

The change in 484.383 would allow the officer to obtain the chemical test needed to facilitate a conviction and the change in 484.795, Section 4, would allow the officer to issue a citation to those persons who are admitted into a medical facility, without the lengthy delays of absentia bookings, etc.