

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON TRANSPORTATION

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
May 14, 1981

The Senate Committee on Transportation was called to order by Chairman Richard E. Blakemore, at 2:06 p.m., on Thursday, May 14, 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 Lawrence E. Jacobsen
Senator Wilbur Faiss
Senator Clifford E. McCorkle
Senator James H. Bilbray

COMMITTEE MEMBER ABSENT:

Senator Joe Neal

STAFF MEMBER PRESENT:

Kelly R. Torvik, Committee Secretary

ASSEMBLY BILL NO. 549

Mr. Hale Bennett, Chief, Registration Division, Department of Motor Vehicles, explained that the bill was not requested by the department. However, the department supported the bill because it addresses a problem that the department cannot currently address. As of May 13, 1981, the department had issued 1,022 handicapped plates and 1,544 special handicapped parking permits. Approximately one-half of the applications that are received for special parking privileges are from persons who have temporary, long-term handicaps. A special parking permit is not available to those persons with temporary handicaps. Passage of the bill would help the department and the consumer.

Chairman Blakemore noted that although there was not a fiscal note there would be a fiscal impact on the rural counties in providing the special parking permits. Mr. Bennett assumed

Senate Committee on Transportation
May 14, 1981

the fiscal impact would be minimal in that the county would have to purchase some printed material which could be placed on the dashboard.

Senator Faiss asked if there was an expiration date on the permits. Mr. Bennett stated the permits which the department was issuing, because they are permanent, did not have an expiration date. However, because the handicap would be temporary it would be reasonable to have an expiration date on the permits. Senator Bilbray noted that it may be necessary to require an expiration date within the bill.

Senator Bilbray stated that he had received several complaints regarding unauthorized persons parking in handicapped parking zones. This was a great inconvenience to those persons who are handicapped. He asked if the provision which provides for punishment of such violators was severe. Mr. Bennett believed that legislation had been introduced during this legislative session which would restrict the use of handicapped parking places and the unauthorized vehicles could be towed. However, enforcement would be covered by local ordinances because most of the handicapped parking spaces are on private property. Senator Bilbray noted the smaller businesses do not want to alienate their customers by having their cars towed and they also resent the fact that they are required to provide handicapped parking places.

Senator Jacobsen believed that there would have to be some sort of expiration date. He asked if there should be a minimal charge for the issuance of the handicapped parking permits. Senator Bilbray suggested that the counties be allowed to charge a minimal fee to offset expenses. Mr. Bennett felt that it would be reasonable for the cities and counties to be able to recover their expenses.

Senator Jacobsen asked if there had been many complaints of misuse of the handicapped parking permits and plates by members of the handicapped person's family who are not handicapped themselves. Mr. Bennett stated that the department had received complaints. However, they felt that the benefits gained by the use of the plates and permits far outweighed the abuse.

SENATE BILL NO. 643

Mr. John Clark, representing the Public Service Commission, stated that the commission did not sponsor the bill. He explained that the bill transferred to the Department of Motor Vehicles the power and duties to enforce the commission's

Senate Committee on Transportation
May 14, 1981

regulations dealing with motor carriers. The Pat McCormick Management Study of the Public Service Commission recommended that the enforcement duties be transferred to the department.

Chairman Blakemore asked why this was necessary since the department currently has the enforcement branch physically and technically under its jurisdiction. Mr. Clark explained that the commission had six inspectors who, in contemplation of the approval of the bill, were transferred to the department in both the commission budget and the department budget. The bill would obligate the department to enforce the regulations. Mr. Clark believed that was the major impact of the bill. He stated he had no objections to the bill.

Mr. Bill Goddard, Inspector, Motor Carrier Division, stated there were three recommendations that the commission's enforcement personnel be transferred to the Motor Carrier Division. These being from a consulting firm that reviewed the commission, the Governor's Task Force, and the Transportation Subcommittee. He believed that the budget was approved with three of the positions being transferred to the department. The bill would allow the department to adopt rules or regulations and put commercial vehicles out of service.

Chairman Blakemore noted that it would allow the department to operate just as it had in the past. However, it would enforce the rules and regulations in the name of the department rather than the commission. He asked Mr. Goddard to submit a written opinion regarding the impact of the bill.

ASSEMBLY BILL NO. 547

Ms. Sharon Alcamo, Chief, Driver's License Division, Department of Motor Vehicles, stated that the bill was not a departmentally sponsored or initiated bill. However, the department supports the concept of increasing the penalty for driving without a valid driver's license. Basically the bill removes the \$250 maximum penalty and allows the department to subject the violator to a full misdemeanor penalty of up to six months in jail and a maximum of a \$500 fine. She believed that the legislature was considering a bill which would increase the misdemeanor penalty up to \$1,200. There is a possibility the bill which increases the penalty, if approved, would affect Senate Bill No. 547. She stated some judges had indicated that persons who did not have a valid driver's license seemed to be habitual offenders.

Senate Committee on Transportation
May 14, 1981

Chairman Blakemore asked if "valid driver's license" referred to a suspended license. Ms. Alcamo explained that it would not address the suspended driver's licenses. Suspended or revoked licenses are addressed in another section of the statutes. The penalty for driving with a suspended license is another suspension period for an equal amount of time as the original suspension. The penalty for driving with a revoked license is an additional year of revocation.

Chairman Blakemore asked if the bill which raised the misdemeanor penalties would raise the penalties for driving with a suspended or revoked license. Ms. Alcamo did not believe that it would because the penalties for driving with a suspended or revoked license are specific.

ASSEMBLY BILL NO. 109

Mr. Jerry Deforest, Safety Responsibility Officer, Driver's License Division, Department of Motor Vehicles, stated that the bill was sponsored by the department. It was designed to make NRS Chapter 485 conform with the Statute of Limitations and to clear up various contradictions with the act itself. He explained that the change on page one, lines three through five was a definition of a registered owner. The change on lines six through thirteen was necessary because there are loopholes in the mandatory insurance provision. An individual can obtain a proof of insurance card, register the vehicle with that proof of insurance, cancel his insurance and then drive without insurance for the remainder of the year. As of now there is no penalty, other than the \$100 fine for driving without insurance. The amendment would allow the division to take suspension action against those individuals and require them to maintain proof of financial responsibility for a period of three years after the reinstatement of their driving priveleges. Mr. DeForest explained that maintaining proof of financial responsibility is normally done by filing a SR22 form with the division. The SR22 form is a certificate which is on file with the department which guarantees that insurance coverage is afforded to that individual. If the insurance coverage is cancelled for any reason the division is notified by the insurance company of the cancellation.

Chairman Blakemore questioned if the bill would force a person who leases a car to meet requirements that cannot be met.

Senator McCorkle asked if the phrase "financial responsibility" was clear among the insurance industry. Mr. Virgil Anderson, representing AAA, stated that the phrase was defined among the industry.

Senate Committee on Transportation
May 14, 1981

Mr. DeForest explained the change on page two, lines 11 through 14. Presently an individual can protest a final decision of the of the department by filing a petition with the District Court of Carson City, Nevada, for a trial de novo. The amendment would allow the individual to file the petition in any appropriate district court. However, upon the recommendation of past attorney generals, it would be limited to a judicial review of the decision. Therefore, it is necessary for the amendment on page six, line four which repeals NRS 495.199 because that section makes all references to a trial de novo.

Mr. DeForest directed the committee's attention to an amendment proposed by the division (see Exhibit C). He stated that because of inflation it was necessary to raise the amount. He also submitted another amendment which was necessary because most drivers are not qualified to estimate the damage to a vehicle which creates administrative problems (see Exhibit D). Chairman Blakemore noted there could be a problem meeting the deadline for filing the report if it is required that an itemized statement of repairs be attached to the report.

Mr. DeForest explained the change on page two, lines 40 through 45. He stated that presently an individual who is required to maintain proof of financial responsibility in his prior state of residency can come to Nevada and let the insurance in his prior state of residency be cancelled. This forces the state of prior residency to take suspension action. However, the individual would still be able to drive on his valid Nevada driver's license because Nevada would not be aware that the insurance had been cancelled in the other state. The amendment would require the individual to maintain proof of financial responsibility with the department for the same time period which was required by the state of prior residency. If the insurance is cancelled Nevada would be sent a notice of cancellation and action could be taken by the state.

Chairman Blakemore asked what would happen to the individuals who are exempted from obtaining a Nevada driver's license. Mr. DeForest explained those individuals would still have a valid driver's license from their state of prior residency and that state could take action if the insurance was cancelled. A state can only suspend a license which it issues.

Chairman Blakemore asked Mr. DeForest to provide him with a written explanation of the bill. He noted that there was confusion as to who the provisions would apply to, the average driver who is required to show proof of insurance when registering

Senate Committee on Transportation
May 14, 1981

the vehicle or the high risk driver who is required to maintain proof of financial responsibility.

Mr. DeForest explained that before a person can be licensed in the State of Nevada he must be able to be licensed in his state of prior residency. He explained the change on page three, lines 44 and 45. Presently when a person's driving privilege is going to be suspended, due to certain time limits, some individuals are able to delay the suspension process until the time has passed when the department can suspend their privileges. To enable the division to more efficiently process the suspension it was suggested that the time an individual is allowed to request a hearing be changed from 30 days to 15 days.

He explained the changes on page four, line 50; page five, line 7, 8, 25, 27, 36, 38, and 46. All of those changes make reference to a one year date. To make NRS Chapter 485 conform to the Statute of Limitations concerning tort claims it was necessary to change those references to two years. In addition, this will enable the division to take action for the same amount of time an individual has to file action concerning the case.

Mr. DeForest explained the changes on page five, lines 17 and 18. Reference is made to proof of financial responsibility that must be maintained for three years. The law now requires the proof to be maintained for three years. However, if it is not maintained for three years, there is nothing in the law to allow the division to again suspend the driving and registration privileges of that individual. The amendment would allow the division to take suspension action since it is a requirement that the high-risk driver maintain the proof of financial responsibility.

Mr. Anderson addressed the recommended amendment (see Exhibit D). The amendment would solve the problem of having an itemized estimate from the repair garage in every circumstance. It would be meaningless to require an itemized estimate of a vehicle which suffered a total loss. He voiced his support of the amendment.

Chairman Blakemore noted that when the bill which required mandatory insurance was approved two years ago, it was approved with the understanding more vehicles would become insured. At that point it was estimated 40 percent of the vehicles on Nevada's highways were uninsured. Mr. Anderson stated a recent survey by the department determined 86 percent of Nevada's drivers are insured.

Senate Committee on Transportation
May 14, 1981

Chairman Blakemore asked how that figure compared with the national average. Mr. Anderson stated 86 percent was the national average.

Chairman Blakemore noted testimony given during the last two sessions of the legislature stated insurance rates are high in Nevada because Nevada has a great deal of uninsured vehicles. He asked if there would be a reduction in rates because of the increase in insured vehicles. Mr. Anderson stated when the inflation rate decreases the insurance rates will also decrease. He said Nevada insurance rates are much less expensive than those in California. Generally, 50 percent of the premiums are related to property damage. The Assembly Concurrent Resolution No. 29 study indicated the insurance rates have gone up less than the Consumer Price Index. Because most persons carry uninsured motorist insurance the argument that having more insured vehicles will reduce insurance is a fallible argument. Senator Bilbray noted because insurance rates will be raised if a person makes a claim against his insurance it would not make much difference if he carried uninsured motorist coverage. Mr. Anderson noted his company will surcharge a person's insurance if they are at fault in two accidents during one year.

ASSEMBLY BILL NO. 547 (See Exhibit E)

Senator Jacobsen moved that the bill receive a do pass recommendation.

Senator Bilbray seconded the motion.

The motion passed. (Senator Neal was absent for the vote.)

ASSEMBLY BILL NO. 549 (See Exhibit F)

Senator Bilbray moved that the bill receive a do pass recommendation with the suggested amendments.

Senator Jacobsen seconded the motion.

The motion passed. (Senator Neal was absent for the vote.)

Senate Committee on Transportation
May 14, 1981

There being no further business, the meeting adjourned at
3:00 p.m.

Respectfully submitted:


Kelly R. Torvik

APPROVED:


Senator Richard E. Blakemore
Chairman

Dated: 5/18, 1981

SENATE AGENDA

EXHIBIT A

COMMITTEE MEETINGS

Committee on Transportation, Room 323.
Day Thursday, Date May 14, 1981, Time 2:00

S. B. No. 643--Provides department of motor vehicles greater power to enforce certain statutes and regulations governing motor carriers.

A. B. No. 547--Increases penalty for driving without license.

A. B. No. 109--Makes various changes to laws governing financial responsibility of owners or operators of motor vehicles

A. B. No. 549--Provides for local issuance of parking permits for person having temporary handicaps.

SENATE COMMITTEE ON TRANSPORTATION

DATE: May 14, 1981

EXHIBIT B

PLEASE PRINT PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME ORGANIZATION & ADDRESS TELEPHONE

Rep Bennett *Registration Div - DMV* *885-5347*

Don Clark *PSC* *885-4724*

Virgil Deane *DL* *885-5360*

Raymond *DL* *885-5360*

Kenneth Shelton *DMV - DIRECTOR'S OFFICE* *885-5380*

VIRGIL ANDERSON *AAA* *882-1890*

William G. ... *D.M.V. Motor Carrier Div* *885-5340*

ROBERT LIST
Governor

STATE OF NEVADA

S. BARTON JACKA
Director



EXHIBIT C

DEPARTMENT OF MOTOR VEHICLES

555 WRIGHT WAY

CARSON CITY, NEVADA 89711
DRIVER'S LICENSE DIVISION
(702) 885-5360

May 12, 1981

TO: SENATE TRANSPORTATION COMMITTEE MEMBERS
FROM: *Jerry DeForest*
JERRY DEFOREST, SAFETY RESPONSIBILITY OFFICER
DRIVER'S LICENSE DIVISION
SUBJECT: AB109

The suggested amendment for AB109 is as follows:

484.229.1 - "The driver of a vehicle which is in any manner involved in an accident, resulting in bodily injury to or death of any person or total damage to any vehicle or item of property to an apparent extent of [\$250] \$350 or more, shall, within 10 days after such accident, forward a written report of such accident to the department of motor vehicles".



EXHIBIT D

DEPARTMENT OF MOTOR VEHICLES

555 WRIGHT WAY

CARSON CITY, NEVADA 89711
DRIVER'S LICENSE DIVISION
(702) 885-5360

May 14, 1981

TO: SENATE TRANSPORTATION
COMMITTEE MEMBERS
FROM: *Jerry DeForest*
JERRY DEFOREST, SAFETY RESPONSIBILITY OFFICER
DRIVER'S LICENSE DIVISION
SUBJECT: AMENDMENT TO AB109

The suggested amendment is as follows:

1. Section 485.150. 1, page 2 lines 21 thru 23:

1. Except as provided in subsection 2, the operator of every motor vehicle which is in any manner involved in an accident within this state, in which any person is killed or injured or in which damage to the property of any one person, including himself, in excess of [\$250] \$350 is sustained, shall within 10 days after [such] that accident report the matter in writing to the division. In cases involving damage to a motor vehicle, the operator shall attach to the accident report an [itemized] estimate of repairs or a total loss statement from an established repair garage or an insurance adjuster employed by an insurance carrier licensed to do business in this state or licensed in accordance with NRS 684 A or a motor vehicle physical damage appraiser licensed under the provisions of NRS 684 B.

A. B. 547

ASSEMBLY BILL NO. 547—COMMITTEE ON JUDICIARY

APRIL 23, 1981

Referred to Committee on Judiciary

SUMMARY—Increases penalty for driving without license. (BDR 43-1377)

**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 motor vehicles; increasing the penalty for driving without a license; 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 483.550 is hereby amended to read as follows:**
2 **483.550 1. It is unlawful for any person to drive a motor vehicle**
3 **upon a public street or highway in this state without being the holder of**
4 **a valid driver's license.**
5 **2. [Any person convicted of violating the provisions of this section**
6 **shall be punished by a fine of not more than \$250.] The court shall**
7 **require [the] any person convicted of violating this section to obtain a**
8 **valid driver's license or produce a notice of disqualification from the**
9 **department.**

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A. B. 549

ASSEMBLY BILL NO. 549—COMMITTEE ON
HEALTH AND WELFARE

APRIL 23, 1981

Referred to Committee on Health and Welfare

SUMMARY—Provides for local issuance of parking permits for persons having temporary handicaps. (BDR 43-1209)

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 parking permits; providing for local issuance to meet the needs of persons having temporary handicaps; 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. Chapter 482 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 1. *Each county and city shall provide for the issuance of temporary*
4 *parking permits for motor vehicles used by or for persons having tem-*
5 *porary handicaps which impair their ability to walk.*
6 2. *A county or city may arrange to have the temporary parking per-*
7 *mits issued through facilities which provide physical therapy or other*
8 *services to such handicapped persons, as their needs for the permits*
9 *arise.*
- 10 SEC. 2. NRS 484.407 is hereby amended to read as follows:
11 484.407 1. Except as provided in subsection 2, [owners of motor
12 vehicles] *an owner or operator of a motor vehicle displaying a special*
13 *parking permit, a temporary parking permit or special plates for a*
14 *physically handicapped [persons] person, issued pursuant to NRS 482.-*
15 *384 [may park such motor vehicles] or section 1 of this act, may park*
16 *the motor vehicle for not more than 4 hours at any one time in [parking*
17 *zones] a parking zone restricted as to the length of time parking is per-*
18 *mitted, without penalty, removal or impoundment of [such vehicle if*
19 *such] the vehicle if the parking is otherwise consistent with public safety*
20 *and is done by a physically handicapped person or a person transporting*
21 *a physically handicapped person.*
- 22 2. This section does not authorize the parking of a motor vehicle in
23 any privately or municipally owned facility for off-highway parking with-
24 out paying the required fee for the time during which [such] *the vehicle*
25 *is so parked.*