

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON TRANSPORTATION

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
May 7, 1981

The Senate Committee on Transportation was called to order by Chairman Richard E. Blakemore, at 2:10 p.m., on Thursday, May 7, 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 Wilbur Faiss
Senator Clifford E. McCorkle
Senator James H. Bilbray

COMMITTEE MEMBER ABSENT:

Senator Lawrence E. Jacobsen

GUEST LEGISLATOR:

Assemblyman Robert Price

STAFF MEMBER PRESENT:

Kelly R. Torvik, Committee Secretary

SENATE BILL NO. 603 (See Exhibit C)

Mr. Jerry DeForest, representing the Driver's License Division, Department of Motor Vehicles, spoke in support of the bill. He explained that it eliminates the repetition of requiring an accident report in NRS Chapters 484 and 485. He stated that 485.325 reads "if a person wilfully fails, refuses, or neglects to make a report of an accident in accordance with the provisions of this chapter, his driving privelege may be suspended." He suggested that be amended to read "in accordance with the provisions of NRS 484.229," since portions of Chapter 485 were being repealed.

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There was a short recess at 2:15 p.m.

Senator Neal moved that Senate Bill No. 603 be indefinitely postponed.

Senator Faiss seconded the motion.

The motion failed. (Senator Hernstadt voted "no". Senator McCorkle abstained. Senator Jacobsen and Senator Bilbray were absent for the vote.)

Senator Hernstadt explained that along with consolidating the requirement to file accident reports into one section of the statutes the bill also provides for monthly reports from truckers involved in accidents.

Senator Neal asked how reports are presently being filed. Mr. Daryl Capurro, representing the Nevada Motor Transport Association, explained that the Interstate Commerce Commission requires different reports than the State of Nevada.

Senator Neal asked what method of retrieval was used for accident reports involving truckers. Ms. Sharon Alcamo, Chief, Driver's License Division, stated that currently the department receives a policeman's report and the driver's report of accident. They are both shipped to the Department of Transportation for the purpose of being entered into a computer. She stated that effective the first of June or July the department will have a computerized accident reporting system, in addition to the micro-filming of the reports.

Senator Neal asked if the department will continue to ship the reports to the Department of Transportation once they are using the computerized accident reporting system. Ms. Alcamo stated that they would send the reports to the Department of Transportation once the reports were microfilmed and entered into the computer. She did not feel that the bill would effect the operation of the department.

Senator Neal asked if the bill would conflict with any federal regulation or statute. Ms. Alcamo did not know of any conflict.

Senator Neal moved that the bill receive an amend and do pass recommendation with the technical amendment which was suggested by Mr. DeFrost.

Senator Hernstadt seconded the motion.

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The motion passed. (Senator Jacobsen and Senator Bilbray were absent for the vote.)

ASSEMBLY BILL NO. 108 (See Exhibit D)

Senator Neal asked if the bill would affect leased vehicles which are operated in the state but have been leased from another state. Mr. Hale Bennett, Chief, Registration Division, Department of Motor Vehicles, explained that the thrust of the bill is to allow the department to preclude the use of a vehicle in Nevada, by a state resident, if the vehicle is owned by a resident of another state. He said that it could apply to lease vehicles. The bill would require a resident who is operating a vehicle which is owned in another state to pay the registration fees in Nevada rather than the other state since the vehicle is being operated in Nevada.

Senator Neal noted that the bill would help the leasing companies in the state and therefore it is special interest legislation. Senator Hernstadt did not think that it was special interest legislation because it would bring more income to the state.

Mr. Bennett explained that the department has very limited tools to force Nevada registration of a vehicle which is operated by a Nevada resident and owned by a person who is not a resident of Nevada.

Senator Neal stated that a lessee can supply the lessor with an affidavit which would allow the lessee to register the vehicle in a state other than the state which the vehicle is owned. Mr. Bennett stated that there are cases where persons intentionally defy the department and will not register their vehicles in Nevada if they are owned in another state.

Senator Hernstadt pointed out that persons would prefer to purchase their vehicle in Oregon because they can use the name of another person who is a resident of Oregon to avoid the sales tax and pay a low registration fee.

Senator Neal asked how many vehicles are being operated in the state with the ownership and registration in another state. Mr. Bennett stated that the department is aware of several hundred vehicles operating in that manner. He stated that the department has attempted to cause them to register, license and pay taxes in Nevada; however, present law prevents the department from forcing the registration and licensing. Mr. Capurro noted that if the MX Missile System came to Nevada there would be more persons operating vehicles owned in another state without registering them in Nevada.

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Senator Neal was concerned that persons would be forced to pay registration fees in both the state where the vehicle was leased and in Nevada. Chairman Blakemore explained that currently a person may obtain an affidavit from the lessor or seller which would allow the person to forego registration of the vehicle in the state where it was purchased or leased and require that the person register the vehicle in the state where he resides.

Senator Neal pointed out that it can be economically advantageous for a person to lease a vehicle. He did not feel that those persons who decide to lease should be subjected to payment of registration fees in the state of ownership and the state of residence. Mr. Bennett stated that the department is asking that the lessee obtain a waiver from the lessor which would allow the lessee to register the vehicle in the state where he resides. Senator Neal noted that the bill does not prohibit two registration fees from being paid.

Senator Hernstadt asked if the cost of registration is prorated when a vehicle's registration, from another state, has not expired. Mr. Bennett stated that the fees are prorated.

Chairman Blakemore noted that if a vehicle is leased in another state by a Nevada resident the leasing company would issue a transit permit to the lessee so the lessee could register and license the vehicle in Nevada. Mr. Bennett stated that the title would remain in the state where the lease took place and the registration, privilege taxes and licensing would be paid to the State of Nevada.

Chairman Blakemore pointed out that passage of the bill would not cause any difficulties to the leasing companies.

Senator Hernstadt noted that passage of the bill would not prevent persons from leasing vehicles. It would make it less expensive for legitimate persons to lease vehicles.

Chairman Blakemore stated that an out-of-state leasing company would want to keep the title and be informed of where the vehicle is registered. Mr. Bennett stated that if the person identifies himself as being from Nevada an out-of-state leasing company will state in the contract that the vehicle must be registered in Nevada. The leasing companies need to know where the vehicle located in case of default.

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

Senator Faiss seconded the motion.

The motion passed. (Senator Neal voted "no". Senator Jacobsen was absent.)

Assemblyman Price presented the committee with a copy of Assembly Bill No. 635 which was passed by the Assembly Committee on Transportation with no opposition. He explained that the bill would correct the problems with Senate Bill No. 196. Chairman Blakemore noted that the bill would correct a problem that no one in the committee was aware of. The department and the Governor had ample time to review Senate Bill No. 196 and neither of them discovered the problem.

ASSEMBLY BILL NO. 259 (See Exhibit E)

Assemblyman Price noted that the bill was uncontested when it was heard in the Assembly Committee on Transportation.

Chairman Blakemore stated that Ms. Alcamo had submitted a letter to the committee stating that the department supported the bill as it appeared in the first reprint.

Senator McCorkle moved that the first reprint of Assembly Bill No. 259 receive a do pass recommendation.

Senator Hernstadt seconded the motion.

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

There being no further business, the meeting adjourned at 2:40 p.m.

Respectfully submitted,


Kelly R. Forvik

APPROVED:


Senator Richard E. Blakemore

Dated: 5/8, 1981

SENATE AGENDA

COMMITTEE MEETINGS

Committee on Transportation, Room 323 EXHIBIT A
Day Thursday, Date May 7, 1981, Time 2:00 p.m.

S. B. No. 603--Consolidates reports required from operators of motor vehicles involved in certain accidents.

SENATE COMMITTEE ON TRANSPORTATION

DATE: May 7, 1981

EXHIBIT B

PLEASE PRINT PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME ORGANIZATION & ADDRESS TELEPHONE

Jerry DeForest DMV Drivers License Div 985-5360

Sharon Alcamo DMV-DLD 5360

Daryl E. Caputo New MTR Transp. Assn 331-6884

Vale B. Burkitt DMV -5347

S. B. 603**SENATE BILL NO. 603—COMMITTEE ON TRANSPORTATION**

APRIL 24, 1981

Referred to Committee on Transportation**SUMMARY—**Consolidates reports required from operators of motor vehicles involved in certain accidents. (BDR 43-1919)**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; consolidating the reports required from the operators of motor vehicles which are involved in certain accidents; 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 484.229 is hereby amended to read as follows:
2 484.229 1. [The] Except as provided in subsection 2, the driver
3 of a vehicle which is in any manner involved in an accident, resulting in
4 bodily injury to or death of any person or total damage to any vehicle
5 or item of property to an apparent extent of \$250 or more, shall, within
6 10 days after [such] the accident, forward a written report of [such]
7 the accident to the department of motor vehicles.
8 [2.] The department may require [any driver of a vehicle involved
9 in an accident of which written report must be made as provided in this
10 section] the driver or owner of the vehicle to file supplemental written
11 reports whenever the original report is insufficient in the opinion of the
12 department.
13 2. The driver of a vehicle subject to the jurisdiction of the Interstate
14 Commerce Commission or the public service commission of Nevada need
15 not submit in his report the information requested pursuant to subsection
16 3 of NRS 484.247 until the 10th day of the month following the month
17 in which the accident occurred.
18 3. A written accident report is not required under this chapter from
19 any person who is physically incapable of making a report, during the
20 period of [such] his incapacity.
21 4. Whenever the driver is physically incapable of making a written
22 report of an accident as required in this section and [such driver] he
23 is not the owner of the vehicle, [then] the owner [of the vehicle involved
24 in such accident] shall within 10 days after knowledge of the accident
25 make [such] the report not made by the driver.

1 5. All written reports required in this section to be forwarded to the
2 department by drivers or owners of vehicles involved in accidents [shall
3 be] *are* without prejudice to the [individual] *person* so reporting and
4 [shall be] *are* for the confidential use of the department or other state
5 agencies having use of the records for accident prevention purposes,
6 except that the department may disclose the identity of a person involved
7 in an accident when [such] *his* identity is not otherwise known or when
8 [such person] *he* denies his presence at [such] *the* accident.

9 6. No written [reports] *report* forwarded under the provisions of
10 this section [shall] *may* be used as evidence in any trial, civil or criminal
11 arising out of accident except that the department shall furnish upon
12 demand of any party to such a trial, or upon demand of any court, a
13 certificate showing that a specified accident report has or has not been
14 made to the department in compliance with law, and, if such a report
15 has been made, the date, time and location of the accident, the names and
16 addresses of the drivers, the owners of the vehicles involved and the
17 investigating officers. [The reports] *Such a report* may be used as evi-
18 dence when necessary to prosecute charges filed in connection with a vio-
19 lation of NRS 484.236.

20 SEC. 2. NRS 484.247 is hereby amended to read as follows:

21 484.247 1. The department of motor vehicles shall prepare and
22 upon request supply to police departments, sheriffs and other appropriate
23 agencies or [individuals] *persons* forms for written accident reports as
24 required in this chapter, suitable with respect to the persons required to
25 make [such] *the* reports and the purposes to be served. The [written
26 reports shall] *forms must be designed to call for sufficiently detailed*
27 *information to disclose with reference to a vehicle accident the cause,*
28 *conditions then existing and the persons and vehicles involved.*

29 2. *The form prepared for a report to be made by persons pursuant*
30 *to NRS 484.229 must call for such information as is required by the*
31 *drivers' license division of the department of motor vehicles to enable*
32 *it to determine whether the requirements for the deposit of security under*
33 *chapter 485 of NRS are inapplicable. The division may rely upon the*
34 *accuracy of information supplied by a driver or owner on such a form*
35 *unless the division has reason to believe that the information is erroneous.*

36 3. Every accident report required to be made in writing [shall]
37 *must* be made on the appropriate form approved by the department and
38 [shall] *must* contain all the information required therein unless *it is not*
39 *available.*

40 SEC. 3. NRS 485.130 is hereby amended to read as follows:

41 485.130 1. The division shall:

42 (a) Administer and enforce the provisions of this chapter.

43 (b) Provide for hearings upon request of persons aggrieved by orders
44 or acts of the division under the provisions of NRS [485.150] 485.185
45 to 485.300, inclusive.

46 2. The division may [make rules and] *adopt* regulations necessary
47 for the administration of this chapter.

48 SEC. 4. NRS 485.140 is hereby amended to read as follows:

49 485.140. 1. Any person aggrieved by an order or act of the divi-
50 sion, under the provisions of NRS [485.150] 485.185 to 485.300,

1 inclusive, may, within 10 days after notice thereof, file a petition in the
2 district court of Carson City for a trial de novo to determine whether
3 [such] the order or act is lawful and reasonable. The filing of such a
4 petition [shall] does not suspend the order or act of the division unless
5 a stay thereof [shall be] is allowed by a judge of the district court pend-
6 ing final determination of the matter.

7 2. The court shall summarily hear the petition and may make any
8 appropriate order or decree.

9 Sec. 5. NRS 485.220 is hereby amended to read as follows:

10 485.220 1. The security required under NRS [485.150] 485.185
11 to 485.300, inclusive, [shall] must be in such a form and [in such]
12 amount as the division may require, but in no case in excess of the
13 limits specified in NRS 485.210 in reference to the acceptable limits of
14 a policy or bond.

15 2. The person depositing security shall specify in writing the person
16 or persons on whose behalf the deposit is made and, at any time while
17 [such] the deposit is in the custody of the division or the state treasurer,
18 the person depositing it may, in writing, amend the specification of the
19 person or persons on whose behalf the deposit is made to include an
20 additional person or persons; but a single deposit of security [shall be]
21 is applicable only on behalf of persons required to furnish security
22 because of the same accident.

23 Sec. 6. NRS 485.240 is hereby amended to read as follows:

24 485.240 1. [In case] If the operator or the owner of a motor
25 vehicle involved in an accident within this state has no license or regis-
26 tration, or is a nonresident, he [shall] must not be allowed a license or
27 registration until he has complied with the requirements of NRS [485.-
28 150] 485.185 to 485.300, inclusive, to the same extent that would be
29 necessary if, at the time of the accident, he had held a license and
30 registration.

31 2. When a nonresident's operating privilege is suspended pursuant to
32 NRS 485.190 or 485.230, the division shall transmit a certified copy of
33 the record of [such] that action to the official in charge of the issuance of
34 licenses and registration certificates in the state in which [such] the
35 nonresident resides, if the law of [such other] that state provides for
36 action in relation thereto similar to that provided for in subsection 3.

37 3. Upon receipt of [such] a certification that the operating privilege
38 of a resident of this state has been suspended or revoked in any [such]
39 other state pursuant to a law providing for its suspension or revocation
40 for failure to deposit security for the payment of judgments arising out
41 of a motor vehicle accident, under circumstances which would require the
42 division to suspend a nonresident's operating privilege had the accident
43 occurred in this state, the division shall suspend the license of [such]
44 the resident if he was the operator, and all of his registrations if he was
45 the owner of a motor vehicle involved in [such] that accident. [Such
46 suspension shall] The suspension must continue until [such] the resi-
47 dent furnishes evidence of his compliance with the law of [such] the
48 other state relating to the deposit of such security.

49 Sec. 7. NRS 485.260 is hereby amended to read as follows:

50 485.260 Security deposited in compliance with the requirements of

1 NRS [485.150] 485.185 to 485.300, inclusive, [shall] must be placed
2 by the division in the custody of the state treasurer.
3 Sec. 8. NRS 485.300 is hereby amended to read as follows:
4 485.300 [The report required by NRS 485.150 to 485.180, inclu-
5 sive, the] Any action taken by the division pursuant to NRS [485.150]
6 485.185 to 485.300, inclusive, the findings, if any, of the division upon
7 which [such] the action is based, and the security filed as provided in
8 NRS [485.150] 485.185 to 485.300, inclusive, are privileged against
9 disclosure at the trial of any action at law to recover damages.
10 Sec. 9. NRS 485.150 to 485.180, inclusive, are hereby repealed.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 108

ASSEMBLY BILL NO. 108—ASSEMBLYMEN HAYES,
BREMNER, PRICE AND WESTALL

FEBRUARY 4, 1981

Referred to Committee on Transportation

SUMMARY—Requires registration of motor vehicle operated by resident with permission of nonresident owner. (BDR 43-289)

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 registration of motor vehicles; requiring the registration of a motor vehicle operated for an extended period by a resident with the permission of the nonresident owner; 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 482.385 is hereby amended to read as follows:
2 482.385 1. Except as otherwise provided in *subsection 4* and NRS
3 482.390, a nonresident owner of a vehicle of a type subject to registration
4 under this chapter, owning any vehicle which has been duly registered for
5 the current year in the state, country or other place of which the owner
6 is a resident and which at all times when operated in this state has dis-
7 played upon it the registration number plate or plates issued for [such]
8 the vehicle in the place of residence of [such] the owner, may operate
9 or permit the operation of [such] the vehicle within this state without
10 any registration thereof in this state under the provisions of this chapter
11 and without the payment of any registration fees to the state.
12 2. [Nothing in this section shall be construed:
13 (a) To prohibit] *This section does not:*
14 (a) *Prohibit* the use of manufacturers' or dealers' license plates issued
15 by any state or country by any nonresident in the operation of any vehicle
16 on the public highways of this state.
17 (b) [To require] *Require* registration of vehicles of a type subject to
18 registration under this chapter operated by nonresident common motor
19 carriers of persons or property, contract motor carriers of persons or
20 property, or private motor carriers of property as stated in NRS 482.390.
21 3. When a person, formerly a nonresident, becomes a resident of this

1 state, he shall, within 45 days after becoming a resident, apply for the
2 registration of any vehicle which he owns and which is operated in this
3 state.

4 ~~Any resident operating a motor vehicle upon a highway of this~~
5 ~~state, which is owned by a nonresident and which is furnished to the resi-~~
6 ~~dent operator for his continuous use within this state, shall cause this~~
7 ~~vehicle to be registered within 45 days after beginning its operation within~~
8 ~~this state.~~

9 5. A person registering a vehicle pursuant to the provisions of sub-
10 sections [3 or 5] 3, 4 or 6 of this section or pursuant to NRS 482.390
11 [shall] must be assessed the registration fees and privilege tax, as
12 required by the provisions of this chapter and chapter 371 of NRS. He
13 [shall] must be allowed credit on [such] these taxes and fees for the
14 unused months of his previous registration. The fee provided in subsec-
15 tion 9 of NRS 482.480 [shall] must not be prorated. Those fees that are
16 to be prorated will be prorated based upon Nevada registration fees and
17 privilege taxes and reduced by one-twelfth for each month remaining on
18 the registration period in the state of former residence.

19 [5.] 6. If a vehicle is used in this state for a gainful purpose, the
20 owner shall immediately apply to the department for registration, except
21 as provided in NRS 482.390, 482.395 and NRS 706.801 to 706.861,
22 inclusive.

23 [6.] 7. An owner registering a vehicle under the provisions of this
24 section shall surrender the existing nonresident license plates and regis-
25 tration certificates to the department for cancellation.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 259

ASSEMBLY BILL NO. 259—ASSEMBLYMEN
DINI AND PRICE

MARCH 3, 1981

Referred to Committee on Transportation

SUMMARY—Authorizes issuance of restricted drivers' licenses to permit certain minors to drive for handicapped members of household. (BDR 43-1212)

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 drivers' licenses; authorizing the issuance of a restricted license to a person between the ages of 14 and 16 years to drive for a handicapped member of his household; 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 483 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 1. *The department may issue a restricted license to any person*
4 *between the ages of 14 and 16 years which entitles him to drive a motor*
5 *vehicle upon a highway if a member of his household has a medical con-*
6 *dition which renders that member unable to operate a motor vehicle, and*
7 *a hardship exists which requires the younger person to drive.*
8 2. *An application for a restricted license under this section must:*
9 (a) *Be made upon a form provided by the department.*
10 (b) *Contain a statement that a person living in the same household*
11 *with the applicant suffers from a medical condition which renders that*
12 *person unable to operate a motor vehicle and explaining the need for the*
13 *applicant to drive.*
14 (c) *Be signed and verified as provided in NRS 483.300.*
15 (d) *Contain such other information as may be required by the depart-*
16 *ment.*
17 3. *A restricted license issued pursuant to this section:*
18 (a) *Is effective for the period specified by the department;*
19 (b) *Authorizes the licensee to operate a motor vehicle on a street or*
20 *highway only under conditions specified by the department; and*

1 (c) May contain other restrictions which the department deems neces-
2 sary.

3 4. No license may be issued under this section until the department
4 is satisfied fully as to the applicant's competency and fitness to drive a
5 motor vehicle.

6 SEC. 2. NRS 483.250 is hereby amended to read as follows:

7 483.250 The department shall not issue any license under the provi-
8 sions of NRS 483.010 to 483.630, inclusive:

9 1. To any person who is under the age of 16 years, except that the
10 department may issue:

11 (a) A restricted license to a person between the ages of 14 and 16
12 years pursuant to the provisions of NRS 483.270 [.] and section 1 of
13 this act.

14 (b) An instruction permit to a person who is at least 15½ years of age
15 pursuant to the provisions of subsection 1 of NRS 483.280.

16 (c) A restricted instruction permit to a person under the age of 16
17 years pursuant to the provisions of subsection 3 of NRS 483.280.

18 2. To any person whose license has been revoked until the expiration
19 of the period for which [such] the license was revoked.

20 3. To any person whose license has been suspended; but, upon good
21 cause shown to the administrator, the department may issue a restricted
22 license to [such person] him or shorten any period of suspension.

23 4. To any person who has previously been adjudged to be afflicted
24 with or suffering from any mental disability or disease and who has not at
25 the time of application been restored to competency by the methods pro-
26 vided by law.

27 5. To any person who is required by NRS 483.010 to 483.630,
28 inclusive, to take an examination, unless [such person] he has success-
29 fully passed [such] the examination.

30 6. To any person when the administrator has good cause to believe
31 that [such person] by reason of physical or mental disability that person
32 would not be able to drive a motor vehicle with safety upon the highways.

33 7. To any person when the administrator has good reason to believe
34 that the driving of a motor vehicle on the highways by [such] that
35 person would be inimical to public safety or welfare. Two or more con-
36 victions of driving while under the influence of intoxicating liquors or of
37 a controlled substance as defined in chapter 453 of NRS are sufficient
38 evidence of conduct inimical to the public welfare, and the administrator
39 shall refuse to issue or renew a license for a person so convicted until it
40 is proven to the reasonable satisfaction of the administrator that [such] a
41 issuance or renewal is not opposed to the public interest.

42 8. To any person who is not a resident of this state.