

**MINUTES OF THE  
SENATE COMMITTEE ON TRANSPORTATION AND HOMELAND SECURITY**

**Seventy-third Session  
April 28, 2005**

The Senate Committee on Transportation and Homeland Security was called to order by Chair Dennis Nolan at 1:40 p.m. on Thursday, April 28, 2005, in Room 2149 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Dennis Nolan, Chair  
Senator Joe Heck, Vice Chair  
Senator Maurice E. Washington  
Senator Michael Schneider  
Senator Maggie Carlton  
Senator Steven Horsford

**COMMITTEE MEMBERS ABSENT:**

Senator Mark E. Amodei (Excused)

**GUEST LEGISLATORS PRESENT:**

Assemblyman Mo Denis, Assembly District No. 28  
Assemblyman Lynn C. Hettrick, Assembly District No. 39  
Assemblyman William C. Horne, Assembly District No. 34  
Assemblyman John Ocegüera, Assembly District No. 16

**STAFF MEMBERS PRESENT:**

Patrick Guinan, Committee Policy Analyst  
Sherry Rodriguez, Committee Secretary

**OTHERS PRESENT:**

Andrew Hettrick, Grandson to Assemblyman Lynn Hettrick  
Troy Dillard, Administrator, Compliance Enforcement Division, Department of Motor Vehicles

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Clark Whitney, Quality Towing  
Dan Lisoni, Milne Towing  
Justin Smith, Intern to Assemblyman William C. Horne  
Fred Haas, Detective, Las Vegas Metropolitan Police Department; Nevada  
Sheriffs' and Chiefs' Association  
Sabra Smith-Newby, City of Las Vegas

CHAIR NOLAN:

We will open the hearing on Assembly Bill (A.B.) 169.

[ASSEMBLY BILL 169 \(2nd Reprint\)](#): Makes various changes relating to  
abandoned motor vehicles. (BDR 43-967)

ASSEMBLYMAN MO DENIS (Assembly District No. 28):

Assembly Bill 169 requires a law-enforcement agency to determine if an  
abandoned vehicle had been stolen and the identity of the registered owner  
once an abandoned vehicle has been discovered on public lands. The bill  
provides that when an abandoned vehicle on public lands is not stolen, and the  
registered owner can be determined, the Department of Motor Vehicles (DMV)  
must send a notice to the registered owner that the vehicle must be removed  
within 30 days.

The bill requires the DMV to suspend the registration of each vehicle owned and  
registered by that person if the person fails to remove the abandoned vehicle.  
The DMV may reinstate the registration if the registered owner provides proof  
that the vehicle has been removed off public land and has satisfied any liens  
pertaining to costs of towing and storage.

Additionally, this measure provides two circumstances under which a registered  
owner may rebut the presumption that they abandoned the vehicle. First, the  
owner may show that their interest in the vehicle had been transferred as  
evident through a bill of sale, signed by the owner. Secondly, the owner may  
submit evidence that before the vehicle was found abandoned, an affidavit had  
been filed with the DMV or with the appropriate law-enforcement agency  
alleging the vehicle was stolen.

ASSEMBLYMAN LYNN C. HETTRICK (Assembly District No. 39):

With me here today is my grandson, Andrew Hettrick. This is his first time to participate in the legislative process, and I appreciate the Committee allowing him to sit with me at the witness table.

I enjoy riding dirt bikes out in the hills around my home. Every time we ride on public lands, we inevitably come across one, sometimes more, abandoned vehicles. We have tried to get something done about this. We are looking for a way to address the issue of abandoned cars and removing them from public lands. We came up with a solution where if someone abandons a car and refuses to move it, then we feel it would be appropriate to cancel the registration on any current or future vehicles that the owner of the abandoned car would have. The courts would not be involved.

This measure provides that if I am out in the desert and come across an abandoned vehicle on public land, if I can locate the vehicle identification number (VIN), I can take that VIN to the sheriff's office. The sheriff's office will trace that VIN and determine if the vehicle had been stolen, or has a registered owner. If the VIN does not match the vehicle, then they will not be able to find any information relating to that vehicle with regard to ownership.

If the vehicle comes up as being stolen or the VIN does not match, no notification will be sent out. But, if there is a registered owner, the DMV will be notified and the DMV will send a letter to the registered owner notifying them that they have 30 days to prove that the vehicle was either sold or stolen. The letter would also notify the individual that if they do nothing, the DMV will cancel any current and future registration of all other vehicles that individual might own. You cannot abandon a vehicle on public lands.

There is no fiscal note applied to A.B. 169. Ultimately, we will either get some of these abandoned vehicles removed or registrations will be cancelled.

The DMV has stated that they would like to be very proactive in this process. They want to start a program so that when people renew registrations, an insert would be included in the renewal form, a slip that states, "The law in Nevada has changed. If you abandon a vehicle on public land and the vehicle is proven to be yours, you are going to lose the registration on every other vehicle you have in the State of Nevada unless you remove the abandoned vehicle. Do not

abandon vehicles on public lands." These vehicles need to be removed and that is our intent.

SENATOR CARLTON:

I had the same thing happen to me. We donated a car to charity and six months later I received a notice from a lawyer saying that we were being sued because that car had been involved in an accident; the registration had never been changed. Luckily, we kept the paperwork showing the charity to which the car had been donated. I contacted the charity with regard to the situation. The charity took care of the problem.

If I had not had the paperwork, under this bill, I would be risking four registrations versus one abandoned car. I have some concerns with Assemblyman Hettrick's portion of the bill. I had always thought the best way to solve this problem would be to simply send the registered owner a bill for the removal of the abandoned vehicle.

ASSEMBLYMAN HETTRICK:

That is exactly what Assemblyman Denis' bill states. If you have a bill of sale to prove that you no longer own the vehicle, this would not apply to you.

When this bill was drafted, the DMV found some wording they would like changed to make it clear which registered owner is involved. On line 18, page 2, the language in the bill now states, "most recent," and line 22, page 2, states, "most recent." The DMV wants it to simply state, "registered."

CHAIR NOLAN:

That language might address my concerns as well. Is this getting to be a real issue for the DMV to locate two or three generations of owners of a vehicle?

ASSEMBLYMAN HETTRICK:

By changing the language to "registered owner," the DMV would only look to the last registered owner. It would be the last registered owner who would receive this letter of notification from the DMV.

If the individual can prove they sold the vehicle to someone else, then they are no longer responsible for the vehicle.

To address Senator Carlton's suggestion of simply removing the abandoned vehicle and sending the bill to the registered owner, the problem is that we have no funding to remove the abandoned vehicle. Some of these vehicles are in locations that would require a helicopter to remove them. The bill would be outrageous.

ASSEMBLYMAN DENIS:

Additionally, one thing we did not talk about that is already in law is when you sell a vehicle, there are certain things you are required to do. The title is supposed to be completed and given to the new owner. You are required by law, when you sell a vehicle, to fill out the title and give it to the new owner. You also are required to turn in your license plates to the DMV if you are not going to be reusing them.

The DMV has also agreed to update their Web site showing a list of all the things you are required to do when you sell a car.

CHAIR NOLAN:

Andrew, do you ride with your grandfather, Assemblyman Hettrick?

ANDREW HETTRICK (Grandson to Assemblyman Lynn Hettrick):

Yes.

CHAIR NOLAN:

How old are you Andrew, and what school do you go to?

MASTER HETTRICK:

I am nine years old and I attend C.C. Meneley Elementary School in Douglas County.

CHAIR NOLAN:

Have you seen a lot of broken cars in the desert?

MASTER HETTRICK:

Yes.

CHAIR NOLAN:

What do you think about that?

MASTER HETTRICK:

I think we should get rid of them.

TROY DILLARD (Administrator, Compliance Enforcement Division, Department of Motor Vehicles):

We are offering a minor amendment to provide some clarification to some of the concerns expressed here. There are three areas of duplicate language. On page 2, line 13, we are recommending that the words, "most recent registered," be removed so that the language would read, "determine the identity of the owner," and inserting the words, "actively registered." Now the bill would state, "determine the identity of the owner of the actively registered vehicle." That language would also be used for lines 13, 18, and 22, where those appear. I think that would address some of the concerns and questions posed here today.

If the vehicle does not have an active registered owner, then there would be no action taken by the DMV of suspending any additional registrations.

There are two completely separate issues this bill is addressing. Sections 1 and 2, Assemblyman Hettrick's portion of the bill, pertain only to vehicles abandoned on public lands that have active registration. Under that process, there is no rebuttable presumption. If the vehicle is actively registered, you are responsible for it. So, if there is a vehicle on public lands that has been abandoned and it has an active registration, they did not follow the law in processing; whether it was sold or transferred, they did not follow the law; therefore, the repercussion of that is that they are still responsible for that vehicle until they do. That is what that section actually accomplishes.

Section 3, Assemblyman Denis' section, changes those rebuttable presumptions for abandoned vehicles in general. The two are in separate areas. Assemblyman Denis' section modifies an existing statute whereas Assemblyman Hettrick's is a new section altogether.

SENATOR HORSFORD:

I would imagine some of these abandoned cars are not actively registered. Could some type of red flag be triggered at the DMV the next time that individual goes to register any car, so they would be responsible for the abandoned car as well? Would that occur with the language as proposed?

MR. DILLARD:

With the language that is proposed, no. The circumstance is strictly that it is reported to law enforcement. The DMV is not involved until they are notified by law enforcement. If you report an abandoned vehicle, law enforcement will first determine if the vehicle had been reported as stolen. If it was, then law enforcement will enact their recovery process for stolen vehicles. Any additional vehicles that are registered to you would have the registration canceled provided you did not satisfy having the vehicle removed or pay the cost of removal, if the sheriff's office has a towing company remove the vehicle. That would be a lien process that is related to this, yet separate.

The concern is that now we are putting the DMV in the position of trying to prove whether someone actually transferred a vehicle. As the statute exists today, you sign off on the title and you transfer it to the purchaser of your vehicle. The new owner is supposed to submit that title to the DMV within 10 days. If they do not do that, there is no repercussion for you at this point. That is where Assemblyman Denis' bill started out. This bill takes some steps in the right direction.

CHAIR NOLAN:

If a parent gave one of their registered vehicles to their child who then ran the car into the ground and abandoned it, and, subsequently, it is discovered that the last registered owner was neither the last operator nor the person who abandoned the car, do you think there is enough flexibility in the wording of the bill to waive penalties against the true owner?

MR. DILLARD:

I believe the way the bill is worded, the owner would be notified. The first reporting to the DMV is that we would send that registered owner a letter notifying them of the vehicle in question. The letter gives the individual 30 days to address it and have the vehicle removed. Or, if the vehicle was stolen, they are going to deal with that process. It gives them the ability to have that vehicle removed before this process begins. That letter would include language that indicated that if the vehicle is not removed within 30 days, all vehicles registered to them would be subject to cancellation of the registrations.

CHAIR NOLAN:

I want to make sure we have enough flexibility in the bill so that if a vehicle is found and the owner is notified, the owner can state that they have sold the car

or gave it to someone and had no idea where it was. There must be enough flexibility in the bill to deal with those types of situations. We do not want the DMV to go after and penalize the wrong person who did not abandon the car, even though they did not follow the statute and do everything they were supposed to do to transfer title. I want to make sure the DMV has enough flexibility that when those unusual circumstances do arise, some consideration can be given to those persons.

MR. DILLARD:

I believe we would not have that type of flexibility with the bill as currently worded.

CHAIR NOLAN:

It would not take much of an amendment to give you the flexibility. I will leave that up to the Committee to address with the primary sponsors. I understand their intentions; they do not want to give a lot of flexibility to these people. The sponsors want to stop people from abandoning cars on public lands and get their cars removed, and we appreciate that intent. I want to make sure we are catching the right people and fining the ones responsible for abandoning those vehicles.

SENATOR CARLTON:

I wanted to follow up on what you had said. The thing that concerns me with this is placing guilt on someone without any real proof that they were the one who actually left the vehicle behind. There is no hard evidence showing that person got out of that car and abandoned it on public lands. Yet, they are the one who will be penalized on all the registrations of cars they own. I have some concerns with that.

Maybe some of the language Chair Nolan suggested might give the needed flexibility. It seems that with that letter you are presumed guilty until you prove you are innocent. That makes me uncomfortable, because there is no actual proof that the registered owner is the person who left that car.

ASSEMBLYMAN HETTRICK:

The requirement under the law is when you sell a vehicle, you must sign off the registration and the new owner is required to go to the DMV and register the vehicle or they are breaking the law. If someone has signed off on the title, they should have a bill of sale. They should have surrendered their license plates to



the DMV or transferred them to a different vehicle. That person should have multiple ways to prove to the DMV that they no longer control that vehicle. That is the whole point of the 30 days. They would immediately respond with the proper documentation.

Secondly, the law says that if the vehicle is registered to you, you are responsible for that vehicle. It does not say you are not responsible for the vehicle because if it did, they would all be abandoned.

There are ways to prove this. The proof of sale satisfies the requirement as one of the two rebuttable presumptions. Either proof of sale or a proof of filing a stolen-vehicle report to the appropriate law-enforcement agency serves as a rebuttal.

CLARK WHITNEY (Quality Towing):

I initially signed in opposition to A.B. 169. I have spoken with Assemblyman Hettrick and Assemblyman Denis. They were able to provide some clarification and I am now in favor of this bill. I think this is a necessary thing. I support the bill as it is written.

DAN LISONI (Milne Towing):

We are in support of A.B. 169.

VICE CHAIR HECK:

If there is no further testimony, we will close the hearing on A.B. 169. We will hold this bill for a work session and look at the proposed amendments. We will now open the hearing on A.B. 348.

**[ASSEMBLY BILL 348 \(1st Reprint\)](#)**: Prohibits unauthorized use of device that interferes with traffic-control signal. (BDR 43-38)

JUSTIN SMITH (Intern to Assemblyman William C. Horne):

I have written testimony ([Exhibit C](#)) prepared for this Committee.

SENATOR CARLTON:

It is legal to buy this device, a mobile infrared transmitter (MIT) but illegal to use it. Is that correct?

MR. SMITH:

It is my understanding that its intent was to be used for emergency vehicles. As for current law, I do not believe that it is permitted to be used on a private vehicle. However, they are available for purchase by the public. I believe that not all states have legislation that applies to this.

SENATOR CARLTON:

This question is for the law enforcement. Is this going to be a primary or secondary offense?

FRED HAAS (Detective, Las Vegas Metropolitan Police Department; Nevada Sheriffs' and Chiefs' Association):

It would be difficult to detect this as a primary offense. During the daytime, you would not be able to see the light that the device projects. On some MITs, you would be able to see the light at night.

SENATOR CARLTON:

Is this classified as a secondary offense?

MR. HAAS:

It is my understanding that the way the bill is written, this would be a primary offense. Again, it would be very hard to detect. One of the things we looked at was how the lights operate. I contacted Clark County's traffic control. If you have an intersection controlled by a MIT and you have two vehicles approach from two different directions, one from the north/south and one from the east/west, the signal refers over to what is called an A-Band, that allows the north/south traffic to travel first. If you have multiple vehicles in the intersection traveling in that direction, you could literally hold an intersection hostage.

You would tie up the intersection permanently until all the MITs that were facing that north/south direction had cleared; it would then switch to the other MITs that were at the scene. This has a potential to not only delay our response time but also cause accidents.

These MITs are easily available. We found 36 listings on e-Bay for these devices priced from \$150 to \$400, depending on the sophistication of the device you wanted to use.

SENATOR CARLTON:

With regard to the primary offense, if you think I might have one of these devices in my car, day or night, could you pull me over simply based on a suspicion?

MR. HAAS:

No, we must have probable cause. We cannot go by gut instinct. We must see the light change out of its rotation or see a light emanating from a car. We cannot see devices that have an infrared light, and it would be very difficult to stop someone for that being the primary offense; it would have to be something secondary that was discovered during a traffic stop.

SENATOR CARLTON:

With regard to page 2, section 1, subsection 2, paragraph (b): "May, without a warrant, seize and take possession of a vehicle equipped with any device ... ." Can you seize my car on the spot?

MR. HAAS:

This is so that we do not cause any damage to the vehicle. If the device has been hardwired into the electrical system of the vehicle, we do not want to tear it out of the car at the scene and cause damage to the car. If it is possible to get it turned off or removed at the scene, then that is the other option.

VICE CHAIR HECK:

This would be similar to the type of offense in those states that have outlawed radar detectors where a traffic stop is based on a suspicion that someone has a radar detector in their vehicle. It is still a primary offense in those jurisdictions. I think this is very similar to that, and therefore I do not see any problem with the bill as written.

CHAIR NOLAN:

I know these devices would be very appealing. They would probably be more appealing than radar devices, if someone really knew how to use them and was able to expedite their travel through traffic.

VICE CHAIR HECK:

I know we are talking about mobile infrared transmitters; do all of them work on infrared?

MR. HAAS:

It is based on a frequency. That frequency will set off a traffic signal. Whether it would be infrared or a light beam, they can carry the same frequency across to activate that device.

SENATOR HORSFORD:

The language in the bill talks about any device or mechanism including a mobile infrared transmitter. What are some of the other types of devices that would fall under the language of this bill and why are we being so broad with the terms, "any device or mechanism," and not just specific to the mobile transmitters?

MR. HAAS:

Some of these things can be hardwired into the car. Once it has been hardwired as part of the car, which was a stipulation to not needing a warrant to get the device out. If you cover just the mobile handheld one, that can be carried from car to car, then the bill would not cover one that had been permanently installed in the vehicle.

SENATOR HORSFORD:

So, could we say; "an infrared or mobile infrared transmitter," and still meet the intent?

MR. HAAS:

There are light-emitting devices also. They are not all necessarily infrared. It is just a frequency that is put out by that light, whether it is through infrared or through a light technology. Currently, the Las Vegas Metropolitan Police Department (Metro) uses a light technology and the fire department uses partially infrared. Both work on all the intersections.

SENATOR HORSFORD:

If we could work on the language of the mechanism and the definition, or common terms that we currently use, we could remove "any device or mechanism." That, in my opinion, is pretty broad, particularly involving the seizure of a vehicle and other provisions in the bill. I would then be more comfortable with this bill.

CHAIR NOLAN:

With reference to section 1, subsection 1, paragraph (a), that Senator Horsford is referencing; "... with any device or mechanism, ..." I think we have to look at

what that mechanism or device is doing. The bill further states, "... that is capable of interfering with or altering the signal of a traffic-control signal." I do not know how many legal devices there are that can be mounted in cars that can potentially interfere with a traffic signal in any way, shape or form. I understand what we are trying to achieve; we are looking at devices, either the strobe light or the infrared light, which are the two that I am familiar with. I do not know if there are any other types of devices or mechanisms available that have the ability to interfere with a traffic-control signal. Conceptually, is there something else that exists besides these two types?

MR. HAAS:

There are none that I am aware of but technology changes. These companies are developing new technologies on a daily basis that would allow these devices to advance in the future to other sources of transmitting a signal.

SENATOR CARLTON:

I would like to go back to the first question I asked. It is okay to sell them, but not okay to use them. I feel that if we are going to penalize people, we also need to penalize the person who is selling the device. They are selling the device to an unauthorized user. I do not think it is fair to only penalize one and not the other, because both sides are breaking the law.

SENATOR SCHNEIDER:

That sounds good but I am not sure the State of Nevada can cross state lines to enforce our laws. I think we would need some type of contact with the federal government to do that.

CHAIR NOLAN:

If the device is sold interstate, then we have enforcement possibilities. If it is sold over the Internet, and there is not a connection that they can make to some type of intrastate commerce where the seller had to be licensed in the State, then they might be beyond legal reach in Nevada.

The only concern we have is with regard to the language; "with any device or mechanism, ... capable of interfering with or altering the signal of a traffic-control signal." On one hand, that takes into account new technology coming out in this area where at some point, as testimony indicated, there might be some type of ultrasound device that is able to change traffic lights. On the other hand, the creation of that might even somehow encompass everyday

kinds of devices that we do not foresee right now. Those could be cellular-type or communication devices which might have the capability of controlling traffic signals. I am not trying to be far-reaching; I am trying to see if we could more narrowly define that provision.

ASSEMBLYMAN WILLIAM C. HORNE (Assembly District No. 34):

I understand that it is any device or mechanism, including, without limitation, a mobile infrared transmitter, capable of interfering with a traffic-control signal. I understand the Committee's concern to be that you think that this will include a device that may not have been designed to change a traffic-control signal, but in fact does so. Is that the concern? Are you fearful that this may encompass a device that was not designed or intended to change traffic lights, but in fact does?

CHAIR NOLAN:

With what we are trying to do, I think the language is fine. Sometimes, we just have to do the best we can to rely on our law-enforcement agencies to make those decisions. If someone has one of these devices mounted in their vehicle in a concealed way or otherwise directing itself towards traffic lights, it is there for one purpose and one purpose only, in my opinion.

SENATOR HORSFORD:

My question actually was that if we know the type of devices that cause this, either the mobile or the non-mobile infrared transmitters, why not just state those provisions and not include the broad spectrum of; "any device or mechanism," particularly with the other sections or provisions in the bill that would allow for the seizure of a vehicle that has some device. Again, that could be a device that we may not know of today, that would cause interference with the signal light. I am talking about the broadest sense. When we talk about interfering with the signal light, what does that mean? I understand changing a signal light, but interfering with a signal light and a device that may interfere with a signal light, what do those terms mean and what are the implications that could be beyond the primary intent of the bill?

ASSEMBLYMAN HORNE:

To answer the first part of your question, the reason it is broad is because there is a rapidly changing technology. It occurs whether we like it or not. It would be inefficient for us to have to return to this issue every time another device is made that deals with sound. This language encompasses any device that could

possibly be manufactured with the purpose of changing traffic-control signals. We are taking a proactive movement to not confine ourselves, but to look forward to possibilities of this same harm being brought about by another device.

With regard to the second part of your question on what it means to interfere with a traffic light or interfere with a traffic-control signal, my understanding would be traffic lights do one thing; they change from one color to another to regulate traffic. If you have a device that would manipulate that cycle outside its normal operation that it is designed to do, that is interference. If a signal is not operating in the way in which it is programmed because of the interjection of a signal to change the pattern, that is interference.

VICE CHAIR HECK:

I think the point of evolving technology that has been brought up is great. We saw it with radar detectors. You are correct, we do not want to have to come back and revisit this issue every time a new piece of technology comes out.

SENATOR HORSFORD:

I support the intent of the bill as proposed. But, when we talk about penalties, we have to understand the broader intent that some of the bills we are considering may have. I believe it is in the purview of the Legislature to review other devices that may be created by way of new technology and the implications of those, particularly regarding the penalties that may be imposed for those new technologies. I fully agree and support the intent of the bill. My goal is to tighten it so that the type of devices that are currently causing this potential harm are addressed and if there is some future technology or device that does the same thing, that we deal with it at that time. But, if we are not able to do that, I will still support the bill.

CHAIR NOLAN:

In looking at these devices, most of them are designed to be easily concealed. It appears there may only be one wire attached that looks like it could be cut or snapped off quickly. I do not mind the language that Senator Carlton offered relating to making it illegal to sell this type of device to anyone other than an authorized law-enforcement agency or emergency-response agency within the State. Would you be willing to accept an amendment?

ASSEMBLYMAN HORNE:

Yes, if it is the pleasure of this Committee. As for the concern of going after the seller of the devices, generally, all states have their long-arm statutes when you make yourself available in other states to do business. Oftentimes, those long-arm statutes deal with civil liabilities and criminal liabilities, unless they are licensed in the state. I would be surprised if any of these manufacturers would be licensed here in Nevada. Even though we may put in language that states a person may be criminally liable for selling this type of device here, it may be a law without effect. I do not know if we would be able to enforce it. That is only my opinion and I may be completely wrong.

CHAIR NOLAN:

No, I think you are right with regard to those people who are selling these devices on the Internet. A lot of Internet companies base themselves in Nevada as well.

SENATOR HORSFORD MOVED TO DO PASS A.B. 348.

SENATOR WASHINGTON SECONDED THE MOTION.

CHAIR NOLAN:

The only thing we were proposing to Assemblyman Horne was what Senator Carlton had proposed with regard to making it illegal to sell these devices in Nevada. I would support an amendment for that. Would the Committee be willing to make this a gross misdemeanor to sell this type of device to an unauthorized user within the State?

SENATOR CARLTON:

I understand what the sponsors of this bill are trying to do. This is a very serious issue. I was not prepared to vote on it today, because I still have some concerns with regard to confiscation of a car because of the due-process considerations. A police officer could walk up to your vehicle, discover that you have this device, and then impound your car. I need some more time to study this before I would be prepared to vote on this issue.

CHAIR NOLAN:

Senator Carlton, it was also pointed out that a number of these different devices are advertised on the Internet, both the legal and illicit ones. The illicit ones seem to be portable and they can be attached to a cigarette lighter in the



car. They could also be hardwired and be connected by one small wire which could be easily disabled. The bill would provide for law enforcement to confiscate the device first, and if they were unable to confiscate the device, then to impound the vehicle and take the device legally. Assemblyman Horne, is that correct?

ASSEMBLYMAN HORNE:

As I understand it, yes. I would like to offer some additional information that might reassure Senator Carlton. Currently, law enforcement can impound an unsafe vehicle on the road. It is in our statutes that an unsafe vehicle can be impounded. If we state that these devices are illegal and unsafe because of the risk they pose to other drivers on the road, then that device makes the vehicle unsafe. If the vehicle cannot be made safe at the scene by simply unplugging the device, then it would be the responsibility of law enforcement to impound the vehicle until that vehicle can be made safe. The only reason for this provision is to get an unsafe vehicle off the road. The owner can go to the impound lot, remove the device and then get their car back. It would not be a permanent confiscation of a vehicle; it is simply to remove an unsafe vehicle from the road until it can be made safe again.

SENATOR CARLTON:

It does not say that in the bill.

SENATOR HORSFORD:

On page 2, lines 18 through 22 it states; "... impounded until: (1) The device or mechanism is removed from the vehicle; and (2) The owner claims the vehicle by paying the cost of the towing and impoundment." I think that might address some of Senator Carlton's concerns.

If this device is something that can be removed from the vehicle at the scene without causing damage to the vehicle, then that is what will be done. If the device cannot be removed at the scene, then that is when law enforcement would impound the vehicle.

CHAIR NOLAN:

An additional observation that Vice Chair Heck had made was that apparently there are states that outlaw the device itself with the exception of its use by authorized emergency agencies which cause the seller of these devices to put a

disclaimer on their Web site stating: "Unfortunately, we cannot ship to certain states because these devices are illegal there."

Perhaps, we can word something like that into the bill making these types of devices illegal in the State for use by those other than authorized emergency agencies.

If that type of language is acceptable to the sponsors of the bill, and to the Committee, then we will put that in as an amendment as well.

Let the record show that Assemblyman Horne approved that as a conceptual amendment.

Do the maker of the motion and the Senator who seconded the motion, consider that as an amendment to make these devices illegal in this State with the exception of use by authorized emergency agencies?

SENATOR HORSFORD WITHDREW HIS PREVIOUS MOTION ON A.B. 348.

SENATOR WASHINGTON WITHDREW HIS SECOND.

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SENATOR HORSFORD MOVED TO AMEND AND DO PASS A.B. 348 WITH AMENDMENT TO INCLUDE MAKING TRAFFIC-CONTROL-SIGNAL ALTERING DEVICES ILLEGAL IN THE STATE OF NEVADA WITH EXCEPTION OF USE BY AUTHORIZED EMERGENCY AGENCIES.

SENATOR WASHINGTON SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR AMODEI WAS ABSENT FOR THE VOTE.)

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CHAIR NOLAN:

We will close the hearing on A.B. 348 and open the hearing on A.B. 368.

**ASSEMBLY BILL 368**: Authorizes designees of certain law enforcement officers to remove abandoned vehicles from public property. (BDR 43-356)

ASSEMBLYMAN JOHN OCEGUERA (Assembly District No. 16):

Currently, only commissioned officers, marshals, sheriffs and similar law-enforcement personnel are authorized to remove abandoned vehicles from public property. This bill authorizes the designees of sheriffs, marshals and law enforcement to remove abandoned vehicles from public property in their jurisdictions.

The designee must be affiliated with law enforcement, such as a cadet or a parking-enforcement officer. Under the provisions of the A.B. 368, a commissioned officer will continue to respond to a call concerning an abandoned vehicle. However, if these officers are busy and need to be available for other calls, a cadet or crime-scene investigator or someone like that could stay with the abandoned vehicle until it was removed.

MR. HAAS:

We are in support of A.B. 368. It will allow officers to respond to higher-priority calls instead of waiting at the scene for a tow truck to arrive and remove a recovered stolen vehicle or a vehicle that has been abandoned. It will also allow our cadets, time to be used more wisely instead of waiting around to take reports. They can help to take care of these abandoned-vehicle calls.

SENATOR CARLTON:

You are telling us who a designee is but is there an actual definition of designee?

ASSEMBLYMAN OCEGUERA:

I do not believe there is a definition of designee. However, I would think the way this is worded, a designee would have to be part of that law-enforcement agency, probably a noncommissioned officer. I do not see where it allows for the leeway to go outside of the law-enforcement agency, but it is a valid concern.

SENATOR CARLTON:

Things change. After we do this, five or six years from now something could change. I understand your intent and it is a good one. But, without an actual definition of designee, that could end up being anyone, five years from now,

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that they chose to designate. Every position discussed within the bill lies inside law enforcement, but the word designee does not necessarily point to law enforcement.

ASSEMBLYMAN OCEGUERA:

I would be happy to amend the bill to put that as, "an employee of."

SENATOR CARLTON:

I just do not want to see this contracted out for a private company to be taking care of something like this.

VICE CHAIR HECK:

Assemblyman Ocegüera, do you agree with a conceptual amendment to state that a designee is an employee of the agency?

ASSEMBLYMAN OCEGUERA:

Absolutely.

VICE CHAIR HECK:

Is there anyone else wishing to testify on A.B. 368?

SABRA SMITH-NEWBY (City of Las Vegas):

With respect to the designee, within the city of Las Vegas we have marshals and within that unit is Detention Enforcement. Currently, those who handle abandoned vehicles are under that unit, but they are not technically marshals; they would be parking-enforcement personnel. Before that, it was the Code Enforcement Agency (CEA) with the neighborhood services which would be the designee, but of course all of them are part of the CEA. I do not know if that clears up anything, but I thought I would add that to the record.

VICE CHAIR HECK:

If we say that the designee is an employee of the agency, is that going to restrict some of these designees? Which agency are we going to refer to? I do not want to get caught up in which agency is going to be the sponsoring agency.

SENATOR CARLTON:

Vice Chair Heck, I did not want to create a problem; I just wanted to make sure that it was covered. If the sponsor of the bill is comfortable with the language

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and does not feel it is a problem, then I am okay with this. I just wanted to make sure that the intent was there. I do not want to convolute this anymore than necessary.

VICE CHAIR HECK:

Thank you, Senator Carlton. We will make sure then that we get it through with the intent as specified and the bill as written.

ASSEMBLYMAN OCEGUERA:

Certainly, a floor statement in that regard would help.

SENATOR HORSFORD MOVED TO DO PASS A.B. 368.

SENATOR SCHNEIDER SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS NOLAN AND AMODEI WERE ABSENT FOR THE VOTE.)

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VICE CHAIR HECK:

The meeting of the Senate Committee on Transportation and Homeland Security  
is adjourned at 2:55 p.m.

RESPECTFULLY SUBMITTED:

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Sherry Rodriguez,  
Committee Secretary

APPROVED BY:

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Senator Dennis Nolan, Chair

DATE: \_\_\_\_\_