

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON TRANSPORTATION**

**Seventy-Fourth Session
May 8, 2007**

The Committee on Transportation was called to order by Chair Kelvin Atkinson at 1:36 p.m., on Tuesday, May 8, 2007, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/74th/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Kelvin Atkinson, Chair
Assemblyman Mark Manendo, Vice Chair
Assemblyman David Bobzien
Assemblyman John C. Carpenter
Assemblyman Jerry D. Claborn
Assemblyman Ty Cobb
Assemblywoman Susan I. Gerhardt
Assemblyman Ed Goedhart
Assemblyman Pete Goicoechea
Assemblyman Joseph M. Hogan
Assemblywoman RoseMary Womack

GUEST LEGISLATORS PRESENT:

Senator Bob Beers, Clark County Senatorial District No. 6
Senator Joe Heck, Clark County Senatorial District No. 5
Senator Dennis Nolan, Clark County Senatorial District No. 9



STAFF MEMBERS PRESENT:

Marjorie Paslov Thomas, Committee Policy Analyst
Sharon Wilkinson, Committee Counsel
Kelly Troescher, Committee Secretary
Matt Mowbray, Committee Assistant

OTHERS PRESENT:

Dennis Colling, Chief, Administrative Services Division, Department of Motor Vehicles
Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association
Chuck Abbott, Division Chief, Office of Traffic Safety, Department of Public Safety
David Manning, Regional Administrator, National Highway Traffic Safety Administration, United States Department of Transportation
Rusty McAllister, representing Professional Firefighters of Nevada
David Kallas, Detective, Director of Governmental Affairs, Las Vegas Police Protective Association Metro, Inc.
Kelly Thomas-Boyers, Private Citizen, Las Vegas, Nevada
Tracy McDonald, Sergeant, Las Vegas Metropolitan Police Department
Kevin Honea, representing Nevada Highway Patrol, Department of Public Safety
Jay Coates, Vice Chair Trauma Department, University Medical Center
Erin Breen, Director, Safe Community Partnership, University of Nevada, Las Vegas
Raymond Flynn, Assistant Sheriff, Las Vegas Metropolitan Police Department
Susan G. Martinovich, Director, Department of Transportation
Michael Geeser, Media/Government Relations, AAA Nevada
Garrett Gordon, representing National Association of Automobile Manufacturers
Cotter C. Conway, Deputy Public Defender, Washoe County
Jason Frierson, Office of the Public Defender, Clark County
Lynn Chapman, State Vice President, Nevada Eagle Forum
Janine Hansen, representing Independent American Party
Jeff Fontaine, Executive Director, Nevada Association of Counties
Jackie Frady, Executive Director, National Automobile Museum
Ranson Weber, Chairman, National Automobile Museum
Martha Barnes, Central Services and Records Division Administrator, Department of Motor Vehicles

Caroline Ford, Assistant Dean/Director, Center for Educational and Health Services Outreach, School of Medicine, University of Nevada, Reno
Patty Winters, Emergency Medical Services Coordinator, Nye County Emergency Medical Services
Kevin Higgins, Justice of the Peace, representing Nevada Judges Association
Judge John Tatro, Justice of the Peace, Carson City Justice/Municipal Court, representing Nevada Judges Association
Bradford Lee, State Health Officer, Department of Health and Human Services

[Called to order. Roll call.]

Chair Atkinson:

We have four bills today. We will hear Senate Bill 180 (1st Reprint) first.

Senate Bill 180 (1st Reprint): Provides the registered owner of a vehicle with the opportunity to make a voluntary contribution to the State Highway Fund at the time of the renewal of the registration. (BDR 43-696)

Senator Bob Beers, Clark County Senatorial District No. 6:

Senate Bill 180 (1st Reprint) started as a tax-me-more bill, which is a genre of legislation that has been enacted by a handful of states where citizens are given an opportunity to pay more than they are required to help fund government. As we heard about the transportation problems during the early part of the session, this bill morphed into an opportunity for people to contribute more for the construction of roads when they renew their vehicles.

The bill was scaled back in the Senate due to fiscal considerations. It would be expensive to implement for the kiosks, so we made it exclusive to the website.

Assemblyman Manendo:

Are you signing up for this?

Senator Beers:

I have stopped earning money, so I live on my wife's salary. I have talked it over with her and she has not given me a definitive answer.

Chair Atkinson:

The Department of Motor Vehicles (DMV) will collect this contribution, so do they already have something set up for that?

Senator Beers:

No, there is a fiscal note and that is the cost of programming for the website and the back-end costs of processing the contributions.

Chair Atkinson:

Are you saying that this has never been done, so we have no idea what this could even collect?

Senator Beers:

Correct.

Assemblyman Claborn:

The monies that would be donated would only be used for construction, maintenance, and repair of public highways in the state. Is that correct?

Senator Beers:

Yes, that is correct.

Assemblyman Claborn:

What fund would that be?

Senator Beers:

The money would go into the highway fund. We have a segregated highway fund that receives our federal allotment and gas tax funds. That is for funding Public Safety, the DMV, and road construction. There is a subcategory that can only be used for sound walls.

Chair Atkinson:

Is there anyone else who would like to speak in favor of S.B. 180 (R1)? [There were none.] Is there anyone else who would like to speak in opposition? [There were none.] Is there anyone who is neutral?

Dennis Colling, Chief, Administrative Services Division, Department of Motor Vehicles:

I am here to present the fiscal note. I would like to bring attention to the fact that there are a couple of other instances for which the Department collects voluntary contributions. One is veterans' home donations which year-to-date in 2007 has collected \$33, and there is the organ donation fund, which has raised \$16,834. We have no idea how much funding will be raised through donations to the highway fund.

You all have the fiscal note in front of you for programming time for \$51,975 ([Exhibit C](#)).

Assemblyman Carpenter:

Why does there have to be a special fund?

Dennis Colling:

We are required to track these funds individually. We need to know where the funds come from, who puts them in, and track them dollar for dollar.

Assemblyman Carpenter:

So there is a potential to spend \$51,000 to collect \$33?

Assemblyman Manendo:

Tell the Committee how the \$51,000 is going to be spent. Why do you need that much?

Dennis Colling:

I will describe what we do with a fiscal note like this. There are a lot of fiscal notes that we submit that have programming attached to them. The way we keep track of how many hours it is going to take to program this is through a cost factor. This session the bills that have come out have more than 10,000 hours of programming. In order for us to track it, we put a dollar amount on those hours.

In this case we have to go in and look at the internet and the over-the-counter contributions. We have to know where that money goes, set up the application in the general ledger system to track it all the way through. Government accounting requires we identify and track the individual dollar itself. We cannot just put money into the highway fund and then take it out. We have to have the exact dollars and it takes time and effort to change the programming.

Assemblyman Manendo:

So, 10,000 hours of programming thus far this session?

Dennis Colling:

More than that.

Assemblyman Manendo:

How many hours is this going to take?

Chair Atkinson:

It will take 385 hours.

Assemblyman Manendo:

To set up this program?

Dennis Colling:

That is correct.

Assemblyman Manendo:

Is this going to be done internally or are you contracting it out?

Dennis Colling:

We set this up to contract it out.

Assemblyman Manendo:

If we contract it out and it will take 385 hours, no wonder it costs so much. It seems excessive.

Chair Atkinson:

Can you tell us how you come up with the 385-hour figure?

Dennis Colling:

No, I cannot.

Assemblyman Goedhart:

That does sound excessive. You can buy an office software package for a few hundred dollars that runs the whole business. There already is a system in place to donate to two other causes, so to add a third column should not require 385 hours. We also do not have the documentation as to how we get to that number. Maybe we should in the future do an audit on how those funds are spent and how those contracts are awarded.

Chair Atkinson:

I would like information before this bill is in work session, but I do not know if that is possible. It would be interesting to find out, because their ability to comply is questionable if the DMV has two different funds that they utilize the same way. Something tells me that the DMV knows exactly how many hours it took to do those two. We should have a better estimate of how much time it would take to set this up.

Is there anyone else who would like to testify on S.B. 180 (R1)? [There were none.]

Senator Beers:

I spent 15 years programming accounting systems for a living. The second system is cheaper than the first and so on. I would be interested to see what you find out.

Chair Atkinson:

Will this bill go to Ways and Means?

Senator Beers:

I do not know. You can talk to Chairman Arberry and see what he thinks. It would depend on if the number of hours can be reduced. I think the DMV has an allotted bank of hours already in the budget. The question is how they are going to spend those hours. They are going spend money on contracted programmers anyway, so we are now allocating that time.

Chair Atkinson:

I have always had concerns because we never really know how many hours it did take. We are going to try and get some answers from the DMV.

Are there any other questions? [There were none.] We will close the hearing on Senate Bill 180 (R1). We will open the hearing on Senate Bill 42.

Senate Bill 42: Makes failure to wear a safety belt in a motor vehicle a primary offense. (BDR 43-329)

Senator Dennis Nolan, Clark County Senatorial District No. 9:

Senate Bill 42 would change Nevada statutes in regards to making the wearing of a seatbelt a primary offense. This means that law enforcement would be able to stop and cite individuals who are not wearing their seatbelts rather than stopping them for some other non-related offense and citing the seatbelt violation as a secondary offense. The penalties under S.B. 42 for not wearing a seatbelt continue to be a non-moving violation with no points given and no record of the infraction sent to the insurance companies and, therefore, no increase in insurance premiums. The penalties created by the primary seatbelt offense are to be treated in the same manner as a minor traffic violation or a parking ticket.

The impetus behind the bill, which came through the Senate Committee on Transportation and Homeland Security, was one of saving lives. In every state which has implemented a primary seatbelt law, the incidence of fatalities and morbidity associated with traffic accidents has decreased. According to the National Highway Traffic Safety Administration (NHTSA), seatbelt usage would increase, on average, 15 percent in Nevada. The number of lives projected to

be saved as a result of increased seatbelt usage, based upon data and historical information, is as many as 18. This would translate into a cost savings of \$22 million in productivity and costs to individuals, insurance companies, and tax payers. It would also prevent 220 injuries and save \$33 million.

Additionally, Nevada is eligible for approximately \$5.5 million in transportation dollars which can be used on a wide variety of transportation highway or safety projects.

As of March of this year, 25 states have primary seatbelt laws. Another 20 states are also considering a primary seatbelt law, 9 of which have legislation pending.

The federal funding is a one-shot funding opportunity that will be eliminated prior to our ability to reexamine this during our next legislative session. There are three states that had primary seatbelt laws and reduced them to secondary and then went back. New Hampshire has no seatbelt law at all.

A study was recently completed by the Rose-Glenn Group ([Exhibit D](#)). It was an independent study that sampled 404 Nevadans from our urban areas as well as Elko and the rural areas. That study concluded that 75 percent of randomly selected people thought that the primary seatbelt law was good and supported it, and a small percentage of those thought Nevada already had a primary seatbelt law. Fifty-nine of the drivers aged 35-44 and 90 percent of the drivers under 25 support primary seatbelt laws.

There was spirited debate on this bill in the Senate. We have looked at this bill in just about every legislative session for the past 12 years. These bills are sometimes a tough pill to swallow, but the reality is Nevada is growing. When we read about traffic accidents in newspapers, the population differences between our rural and urban communities are reflected in the number of fatal accidents.

Clark County, with a population over two million, has two or three fatal accidents almost everyday. Often, when the details of the accidents come out, we learn that the individuals were not wearing seatbelts.

When we talk about behavior modification, people have all kinds of different reasons for doing things. It has been proven in most states with primary seatbelt laws that most of our citizens are law abiding. If they understand what the law is, they comply. That is enough to modify some people's behavior.

There are some people who do not want to be stopped by police. If a police officer sees you drive by and you are not wearing your seatbelt and he feels compelled to stop you to talk to you or cite you for the seatbelt, they can find any number of other reasons to stop you. If your seatbelt was on and was the only real reason he stopped you, you would get a ticket, and I do not believe that happens much, at least in the urban areas.

This bill initially failed on the Senate Floor because we did not have information available for members who were interested in voting for this bill but could not without statistical data to support their vote. That information involved, first, insurance premiums. In the 12 years that I have been here, we have never been able to bring the insurance industry to the table to say there would be an automatic decrease in insurance premiums. That has just never happened in workers' compensation, medical malpractice, or automobile insurance. That is because there are too many variables for the insurance industry to say that they know there will be a reduction in claims. The data, though, is compelling in the states that have implemented primary seatbelt laws. The only thing that really stabilizes insurance premiums or has the potential to reduce premiums is if the insurers pay out less. If there is a decrease in the frequency and severity of accidents, and in every state that has implemented seatbelt laws there was a decrease in the frequency of severe accidents, then insurers have less payouts.

The last bit of information that we did not have, but it turns out that there is a significant amount of data available, is the issue of whether or not primary seatbelt laws induce racial profiling. The information that came back was overwhelming ([Exhibit E](#)). According to the studies from the Nevada Department of Public Safety in 2002 there were 400,000 traffic stops, and of those, Caucasians made up the largest percentage. Since the advent of racial profiling studies, there was a determination about four years ago that there was racial profiling. As a result of those data collected, those incidents have decreased.

The organizations that support primary seatbelt laws are the National Black Caucus of State Legislators, National Urban League, Blacks in Government, National Conference of Black Mayors, and National Organization of Black Enforcement Executives. That is a result of when people buckle their seatbelts, there is really no reason to stop them.

Chair Atkinson:

Do you believe most people think that Nevada already has a primary seatbelt law?

Senator Nolan:

As a visceral answer, I would say most people know that it is a secondary offense. The Rose-Glenn study said that maybe five percent of the people thought it was a primary offense. Those might be people who moved here from primary law states.

Chair Atkinson:

Do we know the percentage of Nevadans who do wear their seatbelts?

Senator Nolan:

Thank you for asking that question. The data that has been collected by NHTSA for seatbelts is a bit dated and flawed. The methodology was to have people standing, monitoring heavy traffic areas, and counting the number of people versus the number of cars which drive through particular intersections during daylight hours. Those were mostly daylight hours during the workweek.

Nevada conducted its own study after-hours and on weekends, when most people are out recreating. Nevada is unique because it has tourists and shift changes at times when other states do not. The study then estimated that 60 percent of people wear seatbelts. The NHTSA is trying to reevaluate how they are going to conduct these studies so we can get realistic numbers nationwide of how many people wear their seatbelts.

Chair Atkinson:

How much in federal funding does Nevada stand to receive if we move from a secondary to a primary law?

Senator Nolan:

Five and half million dollars.

Chair Atkinson:

Is that annually?

Senator Nolan:

No, that is a one-time appropriation.

Assemblyman Carpenter:

How many lives would be saved in Nevada?

Senator Nolan:

The estimation is 18 lives would be saved and 220 serious injuries would be prevented.

Assemblyman Carpenter:

What can we use that \$5.5 million for?

Senator Nolan:

It can be used for just about any transportation improvement or safety program. It can go toward asphalt or highway transportation safety programs.

Chair Atkinson:

Could it go to the \$3.8 billion shortfall?

Senator Nolan:

It absolutely could.

Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association:

The Sheriffs' and Chiefs' Association brought this bill forward as a result of the carnage that we observe on the highways today. Part of our job is to pick up the remains of these dismembered and mangled bodies from the highways. We think it is a grave matter of health and safety.

[Read from prepared statement ([Exhibit F](#)) and handed out statistics sheet ([Exhibit G](#)).]

Chuck Abbott, Division Chief, Office of Traffic Safety, Department of Public Safety:

[Read from prepared statement ([Exhibit H](#)), referred to study by the Insurance Institute for Highway Safety ([Exhibit I](#)).]

There is a stipulation that \$1 million of the \$5.5 million grant must be spent on behavioral issues.

Chair Atkinson:

For time considerations, I am going to ask people to limit their testimony and not be repetitive.

David Manning, Regional Administrator, National Highway Traffic Safety Administration, United States Department of Transportation:

[Read from prepared statement ([Exhibit J](#)).]

Assemblyman Carpenter:

Mr. Adams, did I understand correctly that you would not stop someone for a burned out headlight?

Frank Adams:

No, sir. I said that we could stop them for a head or tail light out because it is a safety issue. We are asking for the same ability to do that for someone not wearing a seatbelt.

Assemblyman Carpenter:

I would like a study on Interstate 80 (I-80), and then on United States Route 93 (U.S. 93) from the Idaho line to where it meets Interstate 15 (I-15), and on United States Route 95 (U.S. 95). I would be interested to know how many of the people killed were from out-of-state and whether they came from a primary seatbelt law state. What I have read in the paper is that many of these crashes are out-of-state people.

Frank Adams:

I am not sure whether or not we can do that, but we will take a look at it to see what we can get back to you.

Assemblyman Goedhart:

Mr. Adams, what percentage of fatalities involved not wearing seatbelts?

Frank Adams:

The number of deaths for 2006 is 432; 175 were unbuckled. That is about 45 percent.

Chuck Abbott:

I believe the number is more like 52 percent.

Assemblywoman Womack:

On this graph you gave us ([Exhibit D](#)), those aged 35-44 were the lowest percentage group at 59 percent who supported enforcement of the seatbelt law. That is the age of parents with small children. Children learn by example. If we can save a parent and the children get in the habit of wearing a seatbelt by example, then I think this is a great bill.

Chair Atkinson:

Mr. Manning, you gave some statistics on other minority groups. Do you have that available?

David Manning:

It is in my statement, which I provided.

Chair Atkinson:

From the responses I am getting, I can see the Hispanic community is just as concerned, so I was wondering if we had numbers on that as well.

David Manning:

The studies that were done in the four states looked at all people of color, not just African-Americans.

Senator Nolan:

This is a weighty subject. Some 35 years ago this Legislature passed, what was most likely a difficult decision, secondary seatbelt laws. As a result of that there are a lot of Nevadans alive today. This bill is probably one of the best gifts we could give this session—there would be more parents and siblings who will be alive. It will be a great satisfaction to see statistics in the year after this law is implemented in the decrease in fatalities, just like in other states.

If that is not enough to convince you, then talk to your constituents about insurance rates because Nevada's insurance rates are based mostly on Clark County's loss factors. Most companies rate Nevada as a whole, so even our rural communities, who do not have the accident experience that the urban areas have, have to pay those higher rates. There are a number of benefits to this bill.

During the testimony on this bill in the Senate, there was a young man who was an intern here. Maybe some of you saw him. He was a resident, originally from Las Vegas, attending University of Nevada, Reno (UNR), who was involved in a tragic accident and lost his life. His mother is here to testify in southern Nevada. She did not testify before because at the time it was a very emotional issue. He was a well-liked young man.

Rusty McAllister, representing Professional Firefighters of Nevada:

I will give you two stories from my experiences. I have been a firefighter for 23 years, about 8 years of that as a paramedic. I still run on medical calls every day that I am on duty.

We refer to children in parent's laps as human airbags. You see it every day. You see children behind the steering wheel in the parent's lap. Until you have had one handed to you in the middle of the night, not breathing, with a parent saying "do something," you cannot describe it. If you could stop one of those, just one, this bill would be worth every penny.

In 1985, I was a young firefighter/paramedic with the city fire department. I received a phone call from my mother. She said that I needed to go to

Salt Lake City, Utah, right then because my ex-wife had been in an automobile accident. She was taking six children to school and was plowed by a dump truck. My child was ejected from the vehicle. He was paralyzed from the neck down and lived that way five more years on a ventilator before he passed away. I do not know if this law would prevent that from happening again, but if there is a chance, please take the opportunity to make it happen.

Chair Atkinson:

Regarding the human airbag comment, are you talking about children who are in mother's laps? Is that not already illegal?

Rusty McAllister:

My understanding is that it is illegal and children are supposed to be restrained. I do not know if you can pull people over for that.

David Kallas, Detective, Director of Governmental Affairs, Las Vegas Police Protective Association Metro, Inc.:

Yes, you can stop someone if they have a child in their lap. I do not know if that goes to the heart of the issue. The issue is about saving lives, and if you can save one, then it makes the law worthwhile.

Racial profiling is a separate and distinct issue from seatbelts. On my way home Sunday, I was behind a car with two adults, one in the driver's seat and one in the passenger seat. There was also a seven- or eight-year-old child standing between the two seats. I followed that car for about half a mile because we were going in the same direction. I was thinking to myself, if I were in my police car, I would stop the car because I would not want to get called an hour or so later to find that the child was ejected through the front windshield. I would have to pick the child up from the side of the road and explain to the parents. As it is right now, there was nothing I could do.

This Legislature has implemented laws to save lives. We have made changes to domestic violence laws so when we show up at a scene where we believe domestic violence has taken place, we have no recourse but to take the primary physical aggressor to jail because statistics show that if we leave those people there, the potential for violence exists. We do not want to come back later and find a body.

The Legislature has agreed over years and years to keep the helmet law in place because we believe requiring people on motorcycles to wear helmets will save lives.

I represent the patrol and traffic officers from Henderson, Las Vegas, and North Las Vegas who are the first to respond to accident scenes where they find an adult or child on the side of the road. Adults can all make choices, but children are not in a position to do so. If this Legislature were to permanently, or with a sunset clause, implement a primary seatbelt law, it would provide the opportunity to see the changes in attitudes, similar to those about domestic violence laws. The Legislature has had a consistent mentality in regard to helmet laws and their importance to safety. We implore you to support S.B. 42.

Chair Atkinson:

I wanted to make sure that this Committee, me included, knows which laws pertain to this piece of legislation. I want to be clear that a police officer could pull someone over for an unrestrained child.

David Kallas:

I did not take in that matter. In regard to the child in the lap, I also get frustrated when I see dogs hanging out the car windows because I wonder how the driver is paying attention to the road. We need to do everything we can to ensure that people get from point A to point B in the safest manner possible and implementing a primary seatbelt law will help.

Assemblyman Manendo:

If this law is passed and you pull over a car and neither the driver nor the passenger is wearing a seatbelt, do you write two citations or one? Currently, we will use the child as an example. If neither the parent nor the child is wearing a seatbelt there is only one citation issued. I am curious what would be done if there are two or three adults in the car.

David Kallas:

I would hope that under the primary seatbelt law, in regard to the adults, you should be in the position to cite all of the adults. It is the law. Anyone who violates the law should be subject to it. I am not going to cite a seven-year-old because they might not know better. If there is a sixteen- or seventeen-year-old in the car who is in control of the vehicle I am going to cite them and everyone else who is not wearing a seatbelt. That is something the Committee could look at in terms of an amendment to the bill.

Assemblyman Manendo:

That is not clear in the bill.

Assemblyman Carpenter:

The way I read it is that a citation must be issued to any passenger who violates the provisions this subsection. So if there are five people with no belts, there are five tickets.

Chair Atkinson:

That is the way I see it.

Kelly Thomas-Boyers, Private Citizen, Las Vegas, Nevada:

I am here in support of S.B. 42 for two reasons. I am a concerned citizen, a health care professional, and a parent. My sons and I have been Nevada residents for 16 years. We are proud to call this great state home; we love the rural wide open spaces of the north and the desert here in the south. We look at this state as one standing strong for its citizenry, not a divided one.

I have worked in the health care industry since moving here. I have worked in hospitals, for private physicians, health maintenance organizations, and last year I worked to finish my M.B.A. for Boyd Gaming in the employee benefits department. The topic of health care has always been in our home. We talk about personal responsibility for one's own health, and the great impact rising costs are to our financial health.

My son Adam, as a college junior, started taking classes on health policy and interned with Public Employees' Retirement System (PERS) last year. He reviewed initiatives on preventive health and the dollars that could be saved by the system in the long run by supporting those initiatives. He soon realized that we all share in covering the costs of poor health and poor decision-making. Whether young, old, rich, poor, sick, or healthy, we all carry the costs of delivery of care. As a young man, he often wondered how he could afford to live on his own and was constantly reminded that the cost of health care was a primary concern. He was part of an age where benefits do not necessarily go hand-in-hand with a job. Both of my sons took great interest in their health, by following a healthy diet, exercising regularly, and following doctors' advice. We did our best to control our health because we had a heightened awareness of the impact to our community. You all share in that awareness as community leaders. We appreciate all of your work in this area. I implore you to stand for an initiative that can have a positive affect on the health and well-being of our fellow citizens. It can also have an impact on lowering health care costs.

There is nothing else in this legislative session that would have more impact and would guarantee more freedom for your constituents. Wearing safety belts saves lives. It is your job to think of the many and have the vision to guide and

lead. It is not being a nanny or overbearing, it is being a responsible leader when presented with facts.

The other reason I am here today is as a parent and to give you the idea that these are not just statistics. These are real people in these accidents. My son, Adam, was a lover of learning. His Faith Lutheran school principal made a comment to me the other day about how brilliant Adam was with words and how he helped him be a better leader. Adam's love for debate and journalism took him to the University of Nevada, Reno, where over the last four years he studied journalism and health policy. He made the Reno-Carson area his home.

Adam was selected for an internship last December with Senator Michael Schneider and was nervous and excited. He was raised in a mixture of Republicans and Democrats and this was his opportunity to make a decision about his own philosophy. Under Senator Schneider, Adam researched a bill banning direct-to-consumer marketing of pharmaceuticals. I have a copy of the testimony with me. It was well researched and thorough. Senator Townsend suggested his presentation be used as a model for all interns.

Adam was happy and had a lot going for him and as a parent I believed he found the window showing him what to do with his education. He had passion for life, work, family, and friends. It was natural to see him take that approach in government. At 6 foot 3 inches, a healthy physique, and a great mind, he was a strong warrior. I was here on March 6th and 7th to visit him at the Legislature. I was so impressed with the duties he had taken on and the lovingness of the legislators in teaching and guiding him. He was busy with a full-time schedule and other responsibilities. The last time I saw him we left the security deposit for the apartment. It was the last thing we did together. I left Reno knowing that my son was headed in the right direction on every front. He was happy and at peace. I was grateful that the extended family at the Legislature was guiding him.

On the evening of March 10th, after only being in the car for five minutes, one exit away from the theater where they were meeting friends, a pedestrian crossed Interstate 80. The vehicle swerved and my son was ejected. He was not wearing his safety belt. Investigators told me that if he had been wearing his belt, he would have survived. They were not breaking the speed limit or driving recklessly. What happened was out of their control and was an accident. Had S.B. 42 been in effect, I believe my son would have had his safety belt on. He had always worn it otherwise. My son listened to the guidance of authorities, whether it was a doctor, a policeman, or a legislator.

He took his responsibilities to protect his friends, family, and even the healthcare of all citizens seriously. His passion must live on in the decisions we make and I ask you to vote "yes" and support S.B. 42 to fight on for better health and safety for all our children and citizens of the state.

Chair Atkinson:

The Committee gives its deepest regards.

Kelly Thomas-Boyers:

Thank you.

Tracy McDonald, Sergeant, Las Vegas Metropolitan Police Department:

I have been with the department for 26 years and 11 months. I am the fatal supervisor for our department, so it is part of my duties and responsibilities to respond to critical injury and fatal accidents, 24 hours a day, seven days a week. When we respond to an accident it is two of my fatal detectives and I who go to the scene, determine how the accident occurred, and what could have been done to save lives.

In the 30 months I have been the supervisor, I realize that we are faced with an epidemic of car accident fatalities in my jurisdiction. The total fatalities in 2000 was 95, in 2005 we set a record of 184. Last year was 166 and this year we are 20 ahead of the record year of 2005. We have a problem here in Clark County.

I am in favor of a primary seatbelt law and, in preparation of my testimony, reviewed the 354 fatalities that I have been involved in and investigated. In 2006, there were 69 fatalities investigated to determine the intrusion, crush damage, and the physics. Up to this date, we think 17 of the 69 fatalities were survivable accidents if they had been wearing a seatbelt.

Any law enforcement tool that the State can give to assist officers in stopping vehicles to get people to buckle up is going to reduce the number of fatalities statewide. I urge support because the highest fatality accident months are coming in the fall.

Kevin Honea, representing Nevada Highway Patrol, Department of Public Safety:

I would like to clarify a few things. If you take pedestrians, motorcyclists, and bicyclists, the people who do not have the ability to wear safety belts, the number not wearing belts was over 100. You would subtract that from the total number, keeping the same number of deaths, which is where we come up with 53 percent instead of 33 percent unrestrained.

There was an inquiry earlier about the fatalities occurring from people out of state. Speaking on behalf of the southern command of the Nevada Department of Public Safety, the numbers are overwhelmingly Nevada residents, specifically Las Vegas Valley residents. We support this bill.

If you knew that this particular time you chose not to wear your seatbelt would be the last, you would wear it. We understand the argument of personal choice, but we are left to deal with the mothers of children killed in accidents, or other family members. I now would have the ability to stop all of this.

Jay Coates, Vice Chair, Trauma Department, University Medical Center:

About ten years ago, there was an automotive crash that made national news. It involved a talented linebacker, Derek Thomas, from Kansas City, who with three friends was going to the Super Bowl in a Ford Bronco that rolled off the highway. Two were dead at the scene; one was paralyzed from the neck down; the only one wearing a seatbelt walked away. I see this play out time and time again through our trauma center.

Our trauma center in Las Vegas is one of the four or five busiest in the United States and 80 percent of our trauma is blunt trauma, most of which are motor vehicle crashes. Wearing safety belts quite often makes the difference between walking away from an accident and going to the morgue. The patients who do not wear safety belts and are not killed often have severe injuries, which is an astronomical cost to our society both in the state and nationwide. Head injuries from motor vehicle crashes cost our society tens of billions of dollars a year in medical care, rehabilitation, and lost production.

I am strongly in favor of this bill.

Assemblyman Manendo:

How many people per year do you see come into University Medical Center (UMC) with a head trauma from an unrestrained crash?

Jay Coates:

We often are not privy to the information of who were or were not wearing seatbelts, unless we speak to the highway patrol or police officer who was on the scene. Statistically, I will say, in medical literature it is very clear that the individuals who do not wear seatbelts and who have head trauma are in the 45 to 50 percent range and that is about what we see come through our trauma center.

Assemblyman Manendo:

I wish we had more data. How much does it cost the taxpayers per trauma case like that?

Jay Coates:

Are you asking for someone with a head injury? I do not know that I could break it down on an individual basis. On a nationwide basis, per the Centers for Disease Control (CDC) and NHTSA, it is approximately \$12 to \$15 billion a year every year for head injuries alone. That does not include people who are paralyzed, crippled, or are so seriously injured that they cannot reenter society in a timely fashion.

Assemblyman Manendo:

I am looking more for Nevada statistics than nationwide.

Assemblyman Goicoechea:

Did you say that 45 to 50 percent of the people with head trauma were not wearing their seatbelt? That tells me that 50 to 55 percent were.

Jay Coates:

That number is specific to the patients in the study. We see about 4,500 activations a year through the UMC trauma. About 80 are blunt trauma and the vast majority of those are motor vehicle crashes. Of that number, not specific to head trauma, there are probably 40 to 50 percent who do not wear their seatbelts. That is a rough estimate because it is a difficult statistic to track.

Assemblyman Goicoechea:

That is what we are struggling with: it is a difficult number to track. We think we have an 80 to 90 percent compliance rate, but if we are so worried about head trauma, we need to wear helmets when we drive the car.

Erin Breen, Director, Safe Community Partnership, University of Nevada, Las Vegas:

I run a program in Clark County whose mission is to reduce the fatalities and injuries that are attributable to motor vehicle crashes.

I would like to give some clarification on some questions. Current Nevada law states that if a child is under age 6 or weighs under 60 pounds, and that child is observed unrestrained in a vehicle by a police officer, it is a primary offense and the officer can stop for that offense.

On the issue of who gets the ticket: if there is an unrestrained child under the age of 18 in the vehicle, the driver of the vehicle, regardless if they are the parent, receives the citation. If the person is over 18, then the unbuckled person receives the citation. I do not believe this bill will change that wording were it to pass.

Everything else I was going to say has already been said. I run an advocacy and education program along with a lot of other people. We have done everything we can to get to the people who are still unbelted. The reality is that we need your help. Numbers are going in the wrong direction. Between 2004 and 2006 we had a 10 percent reduction in the number of people who were belted in fatal crashes. They are statistically overrepresented. Fifty-three percent of the people who died in traffic crashes last year were not wearing seatbelts. If, in fact, you could save 18 people in one year and prevent 220 life-altering injuries with one vote, I cannot understand why there is this debate. People wearing seatbelts will save lives and money. The costs are astronomical to the taxpayers every time there is a fatal accident in the amount of emergency personnel who respond to close roads, transport victims, and notify family members. More important than that is the human cost. On a daily basis I deal with parents like Mrs. Thomas whose children were always belted in the car with them as children, but sadly our youngest citizens are overrepresented in those who are dying unbelted in crashes. They would pay attention to the law.

Please give us the chance to see, if in fact, this law will save the amount of lives that we think it will.

Raymond Flynn, Assistant Sheriff, Las Vegas Metropolitan Police Department:

One of the highest callings a police officer can have is to protect life. This is one of the most important bills we are pushing this session. What gets lost in translation, the news, and is buried on page seven in the paper—other than the super fatal accidents—is that every single year we have more fatalities due to car crashes than homicide. Homicides get front page news, auto fatalities do not. We urge your support.

Assemblyman Goicoechea:

Ms. Breen, did you say an unrestrained child under six was a primary offense?

Erin Breen:

Yes, under age 6 and 60 pounds.

Susan G. Martinovich, Director, Department of Transportation:

We support the bill. There has been a lot of talk over the years about road and highway safety. To that issue a statewide strategic safety plan was developed,

not by NDOT or the Office of Traffic Safety, but by people from all across the state who are involved and feel they can make a difference: Chiefs of Police, Sheriffs, local Regional Transportation Commissions, educators. This plan was made through meetings, committees, and a lot of public input. Strategies were developed on how to move forward, one of which was the primary seatbelt law. There were many engineering strategies and we are addressing those. We are taking care of the easy ones: rumble strips and signs. It is now time to take the next step toward implementing a primary seatbelt law data and statistics show can save lives. This is one more step toward zero fatalities.

Assemblyman Goicoechea:

What I hear from my constituents is that it is not the issue of the seatbelt, it is the primary offense. That is the big issue against it.

Michael Geeser, Media/Government Relations, AAA Nevada:

I cannot begin to tell you how important this issue is not only to AAA Nevada, but to the AAA clubs across the country. It is our opinion that Assemblywoman Womack is absolutely right and is backed by statistics when she mentioned children learning from parents. A University of California, Irving report came out and showed that driver restraint was the strongest predictor of child restraint use. The study showed that a restrained driver was three times more likely to restrain a child.

I was on Sahara Avenue in Las Vegas last Sunday and I saw a car next to me with tinted windows. I could not see who was driving the car, but I could see that the seatbelt was caught in the door. Michael Geeser with AAA cannot pull someone over and say, "Could you please wear your seatbelt?" but the way it is now, neither can a law enforcement officer. Those are the people this bill is targeting. Under that scenario, police would now be able to pull someone over and cite them at their discretion.

To answer the other question about having law enforcement come into your car and telling drivers what to do: we view a seatbelt as the same type of component on a car as the brakes, taillights, mirrors, and all of the other things that make us safer when we drive. Why would we not be able to say "We would like for you to use it?" We would like you to use your brakes and lights and do not want that point to be lost.

Assemblyman Bobzien:

Do you have any information on comparative automobile insurance rates between states that have the primary law and those that have the secondary law? It sounds crass, with all of the statistics about mortality, but I am trying to get the full picture.

Michael Geeser:

I can tell you that I have seen a document that states what the insurance rates are, comparing the states with primary and secondary seatbelt laws. As you pointed out, it does not paint a clear picture because so many other things go into what other states charge for their insurance rates. For instance, California, where insurance rates tend to be higher than other states, has a primary seatbelt law, so it does not give us a good indication of where those insurance rates went after the primary bill was passed.

Assemblyman Bobzien:

I appreciate that it is difficult to isolate that, but would it be your sense that there is an impact on insurance rates because we do not have a primary seatbelt law? I am asking that in comparison to the other factors that we do know, like car theft.

Michael Geeser:

That is important to touch on. Automobile insurance rates in Nevada are based on two things: the frequency and the severity of claims. I cannot speak for every insurance company, but I can speak for AAA. It is our opinion, as an insurer, that if either one of the criterion are lowered, insurance rates could possibly go down. I believe that insurance rates in Nevada would go down if we could lower either the frequency of accidents or the severity of claims made in the state. A primary seatbelt law would speak highly to the severity of accidents we have.

Garrett Gordon, representing National Association of Automobile Manufacturers:

We are in support of the bill for all of the public safety reasons mentioned here today.

Chair Atkinson:

We will now move to the opposition.

Cotter C. Conway, Deputy Public Defender, Washoe County:

I want to start on the focus of this bill, which is safety. I am not here to say that seatbelts do not save lives, they do. The question is really whether or not a tougher seatbelt law saves lives.

There has been a lot of testimony about studies and statistics. It is easy to find anything on the internet that might support your position. For example, an article written by Ted Balaker from the Reason Foundation refers to a study from 2002 regarding the safest states. Of the top five safest states, only one had a primary enforcement law. New Hampshire, which has no seatbelt law, had the third safest streets in the country in 2002.

There is a link between seatbelts and safety, but the real question is if there is a true link between tough seatbelt laws and lives saved. That tenuous link is what I am concerned with. I have submitted a synopsis of the seatbelt laws and enforcement in the 50 states and the District of Columbia ([Exhibit K](#)). Less than 50 percent of the states have the primary enforcement. The ones in boxes are the secondary enforcement states. Some may be considering changing to primary seatbelt laws, but currently there are 28 states with secondary enforcement.

With regard to the State of Louisiana, it appeared to have primary enforcement; however, my colleague from Clark County found a case called *State v. Antoine* [721 So.2d 562 (1998)], which interpreted that language to be secondary.

Many states that have what would be considered a primary enforcement law have gone to great lengths to restrict how and in what manner it is enforced. Under the current bill, officers can do anything they want once they pull the car over and that is of concern to the defense bar.

Regarding safety, Frank Adams' exhibit (page 8 of [Exhibit G](#)) says that the state seatbelt usage rate is 91.2 percent and the two primary states used for comparison, California and Oregon, are only 93.4 and 94.1, so there is only a small percentage difference between a primary and a secondary enforcement state. This goes back to the point of does strengthening seatbelt laws save lives the same way we know the seatbelt, in and of itself, does. Telling people to wear a seatbelt does save lives.

The document I prepared ([Exhibit K](#)) shows the restrictions that are imposed in the primary-enforcement states. It is a concern that was not only raised by the defense bar, but was also raised by our Nevada Supreme Court in the case of *Gama v. State* [112 Nev. 833 (1996)]. In a footnote, they expressed their concern about the use of minor traffic infractions as general law enforcement tools for investigating other serious crimes. They indicate that their hands are tied because of the current law, but they said, "[W]e conclude that Nevada motorists must look either to constitutional provisions other than those prohibiting unreasonable searches and seizures or to the Nevada Legislature if they desire to afford themselves greater protection against pretextual traffic stops." In addition to our concerns about whether tougher seatbelt laws would actually save lives, I am also concerned about opening up abuses without the restrictions that many of the primary states have included in their seatbelt laws.

Jason Frierson, Office of the Public Defender, Clark County:

There is no question that seatbelts save lives. Our concern with this bill deals with the pretext issue and what follows after the seatbelt citation. It is difficult to blankly cite what other states do without going into some of the specifics. Many primary states have ongoing racial profiling studies so there is an annual review of whether or not these stops spill over into other types of infractions. We had one study for one year.

One of the things that other states do is in the event there is an accident, and an individual makes a claim, there is a statutory reduction in the amount he can recover if he was not wearing his seatbelt. That is an option that some of the states with a primary offense law have incorporated into their statutes. There is at least one state that has a measure requiring once states have achieved an 80 percent usage rate, the law goes back from a primary to a secondary offense. We already surpass 90 percent.

We are operating on the assumption that making Nevada a primary state will change seatbelt use. It is our experience, as Public Defenders, that oftentimes the change in law does not change behavior. I do not know many people who choose to not wear a seatbelt, possibly because this is a secondary state. It is already against the law to not wear your seatbelt. While I understand the concerns regarding the safety measures, other states have incorporated statutes to cover what can happen after an initial seatbelt stop by an officer. There are some states that do not allow a seatbelt stop to be used for probable cause for any other offense.

Chair Atkinson:

You can sometimes see when a police car shows up people put on their belt. People think it is a primary offense. I have to agree that I am not sure how much more a change in the law will change compliance. What is your standpoint?

Cotter C. Conway:

I deal mostly with felonies, so I have never seen a seatbelt violation situation. I did not think it was anything but the law to wear your seatbelt. I did not think of it in terms of secondary or primary. It is my position to wear a seatbelt and I think it does save lives. I was involved in a serious accident on Spooner Summit some years ago and my car was totaled. I was wearing a seatbelt and walked away.

Chair Atkinson:

I wonder if this law will make people wear seatbelts when they otherwise would not. I want more information on that.

Assemblyman Carpenter:

What I see is that requiring children to be in car seats has done more to make adults buckle up than anything else we could do. I do not see all of the advertising I used to. While I wear a seatbelt all the time, my wife absolutely would not wear a seatbelt until we had grandchildren. She bought car seats, and so I said that it did not make any sense to buckle the kids up in the back when she is in the front without. Now she buckles up. Education is much better than trying to force things on people.

Assemblyman Manendo:

I appreciate your testimony, Mr. Chairman. This is a difficult and sensitive issue. I am somewhat convinced that the change in the law will have an impact safety-wise. Would you be in favor of passing this legislation with a sunset provision so we could come back to see if the change did in fact save lives or dollars?

Cotter C. Conway:

If this bill has to pass, I would prefer a sunset provision so we can revisit this issue and see what the data are. I also agree with Assemblyman Carpenter that education is far more valuable and I see that with my four-year-old son. I buckle him in every time we get in car. The other day we were driving around and one of the buckles popped out and he immediately told me. Even a four-year-old can learn that from his parents by example and their practice.

Assemblyman Manendo:

Without a doubt, education is a true component. For example speed kills, but speeding is a primary offense. Even with education, some people still speed. Maybe with the help of NDOT and municipalities, we can use those educational tools even if the bill passed with a sunset clause. We do not know what will happen if we change to a primary enforcement and have an aggressive education campaign. We will see if the public cries out against it or not. I am trying to make this work.

Jason Frierson:

I would be supportive of a sunset provision only if it included some limiting language similar to Louisiana and Georgia that does not allow the stop to spill over into probable cause for other offenses.

If this law was strictly an effort to enforce seatbelt usage and decrease injuries and the costs to the communities, with a sunset provision it would take out a lot of the concerns about pretext. That would yield us valuable information.

Assemblyman Goedhart:

The seatbelt law, as proposed, would save lives and prevent injuries. I have to balance that against the needs and concerns of my constituents in rural Nevada, who are libertarians of sorts. They want to be able to smoke if they want to, and eat what they want, and do not want to be subjected to someone from government telling them one thing or another. This also fits in with the concern of pretext. Some of my constituents want the right to sometimes engage in behaviors that may not be the best for their own personal welfare. As tragic as that is, we have to philosophically decide where we go as a governing body and to what degree we want to legislate other people's behavior.

Lynn Chapman, State Vice President, Nevada Eagle Forum:

I, too, read Ted Balaker. In the article "Unbuckling Seat Belt Laws" he said, "But why waste cops' time with seatbelt laws? After all, laws shouldn't protect careless people from themselves, they should protect the peaceful from the dangerous." It is tragic when someone dies because he refuses to wear a seatbelt, but it is much more tragic when a reckless driver kills innocent people.

Government officials are more on the mark when they call for enforcement of drunk-driving laws, but, then again, the law should focus on recklessness whether it is encouraged by alcohol, fatigue, general stupidity, or high-speed lipstick application.

John Adams and Gerald Wilde have come up with the personal safety theory. It is assumed that some people are inherently more careful than others. They drive more carefully and use any optional safety feature available. Others are not so careful. They drive more recklessly and they do not voluntarily avail themselves of optional safety features. Another part of the theory is that drivers compensate for the safety features that are added to our cars like seatbelts or non-slip breaks by driving less carefully. The outcome of their theory is that the introduction of an obvious safety feature would not produce fewer fatalities.

A stronger seatbelt law will not make any difference. It will not scare people into using their seatbelts. I see many cars driving around without license plates and those are obvious violations. They do not seem fearful of getting a ticket for that.

My brother was killed three years ago and he was wearing a seatbelt.

I will close with a quotation: "Government is best which governs the least, because its peoples discipline themselves."

Assemblyman Claborn:

I would like to hear more about that lipstick scenario.

Lynn Chapman:

I should have put cell phones in there too.

Janine Hansen, representing Independent American Party:

I was happy to have the clarification by Ms. Breen about the children in their car seats.

It is important to realize that this is more than a safety issue. It is also a liberty issue. There is a tremendous amount of discomfort for many of us who feel that if this law passes, we could be stopped at any time for any reason.

We support people wearing their seatbelts. We have a high compliance rate in an independent-minded state like Nevada. This has been a sensitive and emotional issue today, and I would like to say that my brother was killed in an accident and he was not wearing his seatbelt. I do not know what the outcome might have been if he had been wearing his seatbelt, but, even in light of that, my concerns on the liberty issue are such that I felt compelled to testify today.

A great statement by a Supreme Court Justice is "It is not the responsibility of the government to keep the people from falling into error; it is the responsibility of the people to keep the government from falling into error." In America the people are the sovereigns and it is important that we maintain our strict adherence to our constitutional rights. They could be abused, especially the issue of search and seizure if we were stopped for something like seatbelts. It is difficult to tell whether or not someone is wearing a seatbelt. Sometimes it is difficult for someone to wear the front part of the belt, so it is difficult to tell if he is wearing one or not.

The \$5.5 million is another objectionable "strings attached" inducement from the federal government to jeopardize our individual liberties.

We also talked about insurance. When I moved from Reno to Elko my insurance went down, so Nevada does not have flat rates.

If you want to have educational campaigns to encourage people to wear their seatbelts, I fully encourage it. To create a primary offense is a real concern for those who are worried about their liberty.

Chair Atkinson:

Is there anyone else opposed to S.B. 42? [There were none.] Is there anyone who would like to be neutral?

Jeff Fontaine, Executive Director, Nevada Association of Counties:

While the Nevada Association of Counties (NACO) is not taking a position on the bill itself, they did want me to present some information to this Committee that is relevant given the discussion here with regard to the cost impact, particularly to the counties and taxpayers of this state.

[Refers to handout ([Exhibit L](#)).] Every county in the state is required, pursuant to NRS 428.185, to levy an ad valorem tax of one and a half cents of each hundred dollars of assessed value on real property. The money goes into a fund called "Fund for Hospital Care to Indigent Persons." Then, pursuant to NRS 428.245, payments from an indigent accident account are made to cover all or a portion of unpaid charges for treating an indigent person who is injured in a motor vehicle accident in Nevada. These claims are processed through NACO and the administration of the fund is by a Board of Trustees comprised of five county commissioners, all appointed by the Governor.

Since August of 1987, \$93 million from that account was paid to hospitals for treating indigent persons injured in motor vehicle accidents, which includes people in trucks, cars, or as bicyclists, motorcyclists, and pedestrians. From 2003 to 2006, \$32 million was billed to that account, with a payout of \$26 million to cover 277 cases. This averages out to about \$96,000 per claim. Of these 277 cases, 169 were involved in car or truck crashes. Of the 169, 99 were not wearing seatbelts. We are talking about a fund that is subsidized from property tax.

Chair Atkinson:

Are there any questions? [There were none.] Is there anyone else who would like to testify on S.B. 42? [There were none.] We will reconsider it at a work session. People have asked for additional information, and we would appreciate that information before the work session. I will close the hearing on S.B. 42. We will open the hearing on Senate Bill 319 (1st Reprint).

Senate Bill 319 (1st Reprint): Revises provisions governing the licensing and taxation of motor vehicles that are exhibited or displayed in certain museums. (BDR 43-1131)

Jackie Frady, Executive Director, National Automobile Museum:

Some history of the museum: following the death of Bill Harrah, Harrah's automobile collection and Harrah's hotels and casinos were sold to Holiday Inns.

They had planned to sell the automobile collection. There was a public outcry across the state of Nevada to try to save that collection. A nonprofit museum was formed to receive 175 cars from that collection, build an extensive research library, and a museum. It was the support from the Legislature, the City of Reno, and individuals that made it possible. Since 1993, the museum has been self-sustaining. We are considered one of the top ten automobile museums in the world and we have been voted the best museum in Northern Nevada.

In this bill, we were initially asking for a special license plate that could be interchangeable on our cars, but with the revision of the bill we are allowed to use exempt plates. That is a great solution for us and we are grateful for that. In the original bill, Section 8 noted that 501(c)(3) nonprofit museums that displayed automobiles were exempt from registration fees and we would like to have that added back in.

Section 3 in the original bill asked for a one-time waiver of fees to transfer the certificates of title that were in the name of the City of Reno to the museum. When the museum's construction debt was financed with General Obligation bonds from the city, we transferred our titles as collateral for those bonds. When the bonds were fully paid, the titles came back to the museum, but we have not had them transferred because of the expense involved.

Perhaps when Section 8 is readdressed and we are exempted from registration fees, we would also be exempt from these transfer fees. If that is the case, then it would address our concern. If it is not the case, we would like it to be considered for a one-time transfer. It is for less than 200 vehicles.

Assemblyman Cobb:

What do you think the financial benefit to the Northern Nevada community is from the Automobile Museum?

Jackie Frady:

The museum is considered one of the top attractions in Northern Nevada. It is in the top ten for automobile museums and was voted the best museum in Northern Nevada so we know we are contributing to tourism.

Assemblyman Manendo:

What is it you want to do? You want to amend the bill again?

Jackie Frady:

Section 8 of the original bill identified organizations that were exempt from registration fees and included nonprofit 501(c)(3) museums that exhibit vehicles, which we are, and we would like that language to remain.

Assemblyman Manendo:

Why was it taken out?

Jackie Frady:

We do not know.

Chair Atkinson:

Do we think that it was taken out by drafting or did someone amend it out?

Jackie Frady:

We do not know. John Sande was hoping to find that answer.

Assemblyman Goicoechea:

Why do you need to have them registered and licensed?

Jackie Frady:

There is a group of cars that we do use. We are in the Nevada Day parade, the Veterans' Day parade in Reno, we do various events in the community like Hot August Nights, the Air Races, and we may take a car to a repair or paint shop. By having the exempt plate, it allows us to drive our cars on public streets.

Assemblyman Goicoechea:

We did some plates for classic cars and replicas and the old timers plates. Those allow so many miles a year. I am concerned because the exempt plate status is usually for governmental entities.

Jackie Frady:

When the bill first came forward, we were asking for a special interchangeable license plate for our cars. The provision currently with the DMV is a special use permit and every time we move a car we go to the DMV and get a permit for a specific car and a specific date. The committee felt that there was probably a solution to this and maybe the special interchangeable plate was not it, and came back with the exempt plates. That is the language in the revised bill. That meets the needs of the museum.

Assemblyman Goicoechea:

I am concerned because there are a lot of other 501(c)(3)s out there.

Jackie Frady:

This bill is addressing just the cars in our collection and not the cars we use as service vehicles.

Assemblyman Goicoechea:

I understand that. But I am concerned that we are granting exempt tags for this. We are going to have a museum in Winnemucca soon and I can see someone next session saying "Well, you gave those plates to Harrah's collection"

Jackie Frady:

It does not specify the museum by name.

Assemblyman Goicoechea:

I will have to think about it a bit.

Jackie Frady:

It is a great savings to us as a nonprofit.

Assemblyman Claborn:

I know a bit about this bill. I was going to contact the museum over the interim because I knew the DMV was going to charge for license plates on the automobiles and registration while they are sitting inside the building. This was because we made a mistake on a bill two or four years ago which states that if a car has a license plate and the insurance runs out, there is an automatic \$250 fine. This happened to me on my 1950 Studebaker, which was at the prison getting refurbished. My answer for you is what the DMV gave me—if you want to take the automobiles out, you can get a \$2 permit for 2 days for parades, et cetera. The problem that you have is you want an exemption because your cars do not use the highways and rarely use the streets.

Jackie Frady:

It is challenging because we have 200 cars and every time we move one, we have to go to the DMV, get the permit, come back, and if there are mechanical repairs, we take it for a test drive and next week if there is another test drive, another permit is required.

Assemblyman Claborn:

If it were up to me, I would give you the exemption right now.

Assemblyman Goedhart:

You mentioned the title transfer fees, because you had used them as collateral. What is the amount per vehicle? The fees are not based on the value, but the age, is that correct?

Jackie Frady:

I understand it is a flat transfer fee of about \$28 per vehicle for the 200 vehicles.

Ranson Weber, Chairman, National Automobile Museum:

I want to reiterate the importance of S.B. 319 (R1) to our museum. The real issue when we testified in the Senate was about exempt plates and what all of that meant. I would point out that the DMV testified that there was no such thing as a plate that could be transferred from car to car. That is not accurate because automobile dealers can have dealer or loaner plates. As long as there is liability insurance, that plate can be used on 100 different cars in a day. The exempt plates make sense to us because we are trying to fit an end to a need. The real issue is with the inventory in a 501(c)(3) such as ours, to move those vehicles around and participate in local community activities. We do not have the staff to run to the DMV to get a \$2 permit. It is not the \$2 permit. If we could get the permits through the mail or call and have them sent, it would be feasible.

We are trying to accommodate the public to make these historical automobiles available to the public during parades and other activities.

Assemblyman Claborn:

I agree with you. I do not think the concept of dealer plates would fit your needs, but we will find out when the DMV testifies.

Assemblyman Manendo:

You stated that you need this exemption so you can be involved in the parades. Are you saying that without this legislation you cannot do that?

Ranson Weber:

No. What I am saying is that we can go down to the DMV and apply and get the \$2 permit to participate in a parade or move a vehicle to a repair shop. But we have 175 or 180 vehicles and when we are moving 2 or 3 a week it becomes a real process to get someone to do that. We do not have the staff to do that. About 90 percent of the hours used to keep the museum running are volunteer hours. We are trying to make this a simpler process.

Chair Atkinson:

Is there anyone else who is in favor of Senate Bill 319 (1st Reprint)? [There were none.] Is there anyone who is in opposition? [There were none.] Is there anyone who is neutral?

Martha Barnes, Central Services and Records Division Administrator, Department of Motor Vehicles:

What I was planning to testify about has been amended in the Senate to where we would no longer have a fiscal note, but it sounds like that may change again. I would like to wait until work session to find out where this goes if that is okay.

Chair Atkinson:

It looks like it got changed at the very last minute so you did not have the updated language.

Assemblyman Manendo:

If we take the bill back to the other version, was the fiscal note \$27,000?

Martha Barnes:

It was \$27,180, and that included the changes we would have to make to the title because right now no one gets a waiver of the title fees when they change the ownership documents.

Assemblyman Manendo:

It would be 200 hours at \$135 an hour.

Martha Barnes:

I was trying to take it away.

Assemblyman Manendo:

They want the language back, so we will send this bill to Ways and Means.

Assemblyman Goedhart:

Ranson Weber had a good point about dealers and dealer plates. As long as they have liability and comprehensive insurance they can take any car out on that plate. Is there not a certain type of license plate that is available for entities like this museum who would like to have a car in a parade?

Martha Barnes:

Not at this point. The dealer's plate is a different venue but we can look into that. At this point in our system a vehicle has to be tied to a plate.

Assemblyman Goedhart:

So you could not issue five plates to the museum for use on their cars? That is not possible?

Martha Barnes:

Not at this time. We are going to work with Mr. Claborn to come up with something like that.

Assemblyman Goicoechea:

Are you talking about this session?

Martha Barnes:

No sir. It would be next session.

Assemblyman Claborn:

The bill that I had was to exempt old cars for one time. The chair and the DMV worked hard on the different statutes that we have and we did not have time to get it in for this session. So we are going to try again for next session.

Ranson Weber:

We need to clarify what it means to transfer a plate from one car to another. I disagree with the statement that a dealer or loaner plate is linked to a vehicle. It is tied to the entity. A simple way to resolve this is to put museums or other 501(c)(3)s under that same statute to accomplish this goal. We could buy a loaner plate for \$12 a year. I know this because I am a licensed dealer in the State of Nevada. I have two dealer plates and four loaner plates.

The Senate said that maybe the exempt plate would be better, but the reality is that you already have a provision now for a license plate that can be transferred from vehicle to vehicle, and you would only have to modify the statute to allow the museum to have a loaner plate. I am not suggesting a dealer plate because we are not a dealer.

Chair Atkinson:

We need to do more research on this bill and we were not going to take action today anyway. We will get some information from our policy people and talk to the DMV and then bring it back.

I will close the hearing on Senate Bill 319 (1st Reprint) and open the hearing on Senate Bill 58 (1st Reprint).

Senate Bill 58 (1st Reprint): Provides for the imposition of an administrative assessment for certain traffic violations to be used for the awarding of grants to volunteer organizations that provide emergency medical services. (BDR 14-221)

Senator Joe Heck, Clark County Senatorial District No. 5:

Rural emergency medical services (EMS) in Nevada are in a state of crisis. In March 2006, the Reno Gazette-Journal reporter, Jason Hidalgo, did a report titled "Rural EMS in a State of Emergency." In a week-long series he described the uphill battle that the rural, largely volunteer, ambulance crews are facing while trying to serve their communities. I have included one of those articles in the handout ([Exhibit M](#)). From the article:

The three-month investigation also revealed many rural emergency medical service crews are driving old and unreliable vehicles, borrowing vital rescue equipment from neighboring counties, suffering repeated communication breakdowns and struggling to fill their volunteer rosters because of stricter post-9/11 training requirements enacted by the state.

The Legislative Committee on Healthcare, during its interim meeting in Elko, heard firsthand about the difficult conditions under which our rural volunteer crews operate. Our volunteer companies receive no state funding and in addition, although they are the third leg of the public safety stool along with fire and police, they receive very little federal funding. Even after 9/11 and the millions of dollars made available by the Department of Homeland Security, there are no direct grant dollars available for emergency medical services. They must apply for grants available to the fire service or compete against the hospitals for money from the Health Resource and Services Administration grants. It is time we helped the volunteers who help us. Senate Bill 58 (1st Reprint) will help fund rural EMS by providing for the imposition of an administrative assessment for certain traffic violations to be used to support these vital services. It will accomplish this by requiring the courts to impose a \$5 administrative assessment in addition to any other fine or assessment any time a person pleads, is found guilty of, or enters a plea of no contest to a moving traffic violation.

These monies will be credited to the newly created Nevada Volunteer Emergency Medical Services Fund within the State Treasury. It will be administered by the State's Committee on Emergency Medical Services. The money will be used to award grants to volunteer organizations that deliver emergency medical services in this state and may be used for training, equipment, supplies, and capital expenditures. Many other states use a similar

mechanism to fund their emergency medical services. This is included in the handout ([Exhibit M](#)). Arizona earmarks 13 percent of every fine, penalty, and forfeiture for criminal offenses and civil penalties imposed for civil traffic violations. Utah assesses a 14 percent general surcharge to EMS. Pennsylvania assesses \$10 to all moving violations and \$25 to all driving under the influence (DUI) offenses. The State of Washington imposes \$5 on all traffic infractions and Florida imposes \$5 on reckless driving and \$25 on DUI and 7.2 percent on all other traffic infractions.

According to 2005 from the Nevada State Trauma Registry, the number of patients admitted to hospitals as a result of car or motorcycle crashes was almost equal to the combined total of the next top five causes of traumatic injury in this state. When one considers that many of the cases listed under pedestrian and bicycle accidents also involved a motor vehicle, that number would be even greater. This funding mechanism targets those who disproportionately use emergency medical services as demonstrated by the well established connection between motor vehicle collision injuries and emergency transport. That is the next page of the handout.

One might wonder how much money this bill will raise. To answer the question, I queried the major law enforcement agencies in the state about the number of moving violations they issued in 2005. That is the next page of the handout. According to the data provided by the agencies, a total of 582,249 violations were cited, which when multiplied by the \$5 assessment, would equal a little over \$2.9 million. It will enable the volunteer companies to replace broken down or out-dated equipment and get the training they need.

Those of us who live in the urban areas are fortunate to have full-time paid professional emergency medical services and we sometimes take it for granted. For our fellow citizens in the rural areas, the response to their medical emergency should not depend on the success or failure of the volunteer company's bake sale or car wash. These men and women give of themselves. When a siren blares or a pager beeps, they leave work in the middle of the day, leave their families at the holiday dinner table, or leave their warm beds on a snowy winter night. Quoting again from Mr. Hidalgo's story, "They are security guards, miners, real estate agents, and school supervisors. They are brothers, sisters, fathers, mothers, grandparents, and neighbors. They are the people you rely on in rural Nevada on your worst day on the highway. They are the ones who are there because no one else is." Unknown, unpaid, and usually unrecognized, volunteers are the lifeblood that keeps rural emergency medical services going. It is for them, and the people that call upon them, that I urge your support of S.B. 58 (R1).

Assemblyman Manendo:

Since there is a fee, do we know the Governor's position? Would he sign a fee increase?

Senator Heck:

Yes. This is considered a fine and therefore not subject to the no new fees provisions.

Assemblyman Goicoechea:

Who is the Committee of Emergency Medical Services comprised of?

Senator Heck:

That committee is in statute already and is made up of representatives of EMSs from across the State. Mr. Laughridge from the EMS office is here and could probably better explain the committee, its functions, and makeup.

Caroline Ford, Assistant Dean/Director, Center for Educational and Health Services Outreach, School of Medicine, University of Nevada, Reno:

My colleague, Robin Keith, had to go to Senate Finance. [Read from prepared statement ([Exhibit N](#)).] There are some charts, graphs, and maps that better illustrate some of the points I made.

Assemblyman Goicoechea:

I will expect a "yes" vote from anyone who cannot identify where the photo was taken, because I can. The real concern is that EMTs in rural Nevada are now going to be required to have national certification. The certification requires much more training, and the ability to train people will be needed. We are having a lot of people drop off because they cannot afford the time and training for the national certification.

In the town where this picture was taken, they do not park the ambulances back to back because they do not know which one will start and which one will not. All of you are depending on them to pick you up if you wreck on the highway. This is in Austin.

Caroline Ford:

I have Ms. Keith's statement that I would like to read since I do not know if she will be back in time. Robin Keith is the Executive Director of Nevada Rural Hospital Partners. The Nevada Rural Hospital Partners has been a close partner of the Office of Rural Health in articulating the need for these services. As you know, most of these services are covering vast geographic areas and are operated by volunteers. Some of the issues they face are small size and lack of critical mass of volunteers, lack of adequate funding, small tax bases that are

now capped, dependence on volunteers with associated high turnover, the age and condition of ambulances, outdated communication systems and limited access to ongoing training programs.

At the behest of the interim Health Care Committee, Nevada Rural Hospital Partners and the Office of Rural Health did a survey last summer to assess what was needed. One hundred two surveys were sent to rural EMS services, 47 were returned. The respondents identified the need for new ambulances and access to training as their most pressing needs. Approximately 245 ambulances are serving the rural area; of those 108 were in poor or below poor condition. At a cost of about \$150,000 each to replace, it would add up to about \$16.2 million just to do that.

Ambulances are only part of the problem. Training and communication are also critical needs. There is no disagreement that the funds are needed. The concerns about this bill are based on assessing a small percentage of the population for a service needed and used by all. It is logical to think that only users should pay for services. Following that line of thought, only those involved in traffic accidents should pay for the portion of EMS costs that are associated with those accidents. Since EMS providers care for people who have not been in traffic accidents, it is not fair to expect traffic violators to foot the whole bill, but it is important to note that the amount of funding being generated through this proposal is not the whole bill. The proposal will generate about \$2.9 million, based on data from the state EMS coordinators office. Twenty-eight services averaged 661 runs for 2006. At that rate the 102 services provided 67,458 runs, and \$2.9 million then averages out to \$43 a run. Not even close to the average cost of an ambulance run, which is anywhere from \$250 to \$712. The point is that this does not place the entire burden for the service on a small percentage of the population. It places a portion of the burden on from 6 to 20 percent of the population.

It is not always possible to relate the cost of public service solely to those who use it. An example is the hospital emergency rooms (ER) which always lose money. They are subsidized by higher charges for other hospital services used by a segment of the population. Last year Nevada large hospitals provided \$452 million in uncompensated care. That was paid for by the people who use hospitals and the employers who provide insurance for those people.

Our rural EMS is in dire straits. This proposal will provide a much needed permanent solution to the issue without placing an undue burden on anyone. Only a small percentage of us will need EMS, but like many public services, we all need it to be there.

Assemblyman Manendo:

How much money do you need?

Caroline Ford:

We need \$60 million. There is not a good figure of the cost to provide all the education, training, and to compensate volunteers to attend classes, to replace all the ambulances that need to be replaced, and communication equipment.

Assemblyman Manendo:

I am from Clark County and I do not know if all our equipment and training is up to par. I am trying to figure out your needs and the needs of the other counties. Have you gone to the voters in the rural counties to see if this is something they are willing to pay more for? If this is so important, which it sounds like it is, those people would be willing to pay for it. This proposal sounds like it should be a last option, when you have exhausted everything else. Has that approach been taken?

Caroline Ford:

As stated in Ms. Keith's testimony, the counties are up against tax caps, and so they are powerless to do much about raising this issue. Counties support this service by funneling money through a variety of ways—sometimes through fire protection. These counties do not have the infrastructure to be able to support a paid service and to replace ambulances as the cost is so great. The tax caps are a large reason for that.

Assemblyman Manendo:

Then maybe they need to change their tax caps. If they have needs, it should be something we should be looking at.

Assemblyman Goedhart:

We know that in the rural areas we have these needs. The vast majority of the services are provided by the volunteers. I know in Nye County they had brought it to a ballot initiative and it had a narrow majority to increase their sales tax because they were at the property tax cap. In this current legislative session it does not look like that bill is going to go anywhere. That fund was going to be split 50/50 between the fire services and the police. It has been challenging and I applaud the efforts and the reasoning behind this bill.

Patty Winters, Emergency Medical Services Coordinator, Nye County Emergency Medical Services:

Nye County is the largest county in the state. I am new to this job. Before this I was a volunteer in Smokey Valley for 19 years.

Money for EMS is not going to solve it all, but we do have to provide for those volunteers the supplies it is going to take for them to do their jobs. Raising taxes is only part of that answer. Without the State standing behind the volunteers, those counties, municipalities, and towns, are not going to do it either.

Our emergency services system in rural and frontier Nevada is on the backs of those volunteers. Those volunteers are your parents, Boy Scout, and Girl Scout leaders. They do not have the time to have those bake sales to raise money for the equipment. They are going to take care of you on the highway. They just do it. I am a second generation emergency medical technician. I have seen EMS go from the old hearse style ambulances to where we are today. It is time to ask ourselves, what do we owe? Do we say, "You live in Reno which can support paid personnel and you deserve that, but you live in another area and do not." We need somebody to say that those volunteers need that funding. They need it for training and equipment.

Nye County has tried to do something. We are okay in terms of funding and equipment but we have personnel issues. We removed an ambulance from a community because we could not staff it. That was my worst day, to tell a community that you cannot have emergency medical services. This bill will help us augment, not just equipment, but to some degree, personnel.

Chair Atkinson:

We will move to the opposition for Senate Bill 58 (1st Reprint).

Kevin Higgins, Justice of the Peace, representing Nevada Judges Association:

I represent the Association of all the municipal judges and justices of the peace here in Nevada. This session we have opposed every administrative assessment and there have been about six, ranging from \$5 to over \$100.

I have no doubt that rural emergency service in Nevada is a critical issue that has to be supported. Our problem is using an administrative assessment to do it. For every criminal citation and misdemeanor conviction, there are a whole series of assessments that are added to the basic fine. For a \$25 seatbelt ticket, there is a \$25 administrative assessment, and in my court, a \$10 court facility fee and a \$7 drug court fee. So the \$25 ticket is \$67. The lowest fine I can give under statute is \$5, so the lowest you could walk out the door with is a \$47 ticket. Over the last 20 years those administrative assessments have come to replace the funding of the judicial branch instead of funding out of the general budget. Those assessments pay for the Supreme Court, the Office of the Courts, the Central Records Repository, and Judicial Education.

Our problem is that there are a couple of Supreme Court cases that specifically state what these assessments can and cannot be used for. One of the primary cases is *McKay v. City of Las Vegas* [106 Nev. 203, 789 P.2d 584 (1990)], where the Supreme Court unequivocally stated that the surcharge revenues are to be used "primarily" for the improvement of the court system. What has happened in *Nevada Revised Statutes* (NRS) 176.059, through which all the assessments pass, 51 percent of those funds are distributed to the courts and 49 percent is distributed to the executive branch which funds everything from Peace Officers Standards and Training (POST) to the victims of crime and the highway patrol switching system.

The cases also say there has to be a nexus, there has to be a connection between the assessment and the support of the court system. The last assessment passed was for the drug court. Every ticket pays a \$7 fee for the drug court. When I fine someone for running a stop sign they are going to pay \$7 for drug court, and I have to tell them that this is the funding mechanism. There is an arguable connection between drug court and other parts of the judicial system. As much as it pains me to say so, I do not know what the connection between rural ambulance service and courts is. I do not see how that fee is going to survive any questions about its constitutionality.

Senator Heck is much more articulate than I am and he tells us that it is not a fee but rather a fine. The problem is that it might not be a fine, it might be a tax. That is what the court cases say, that if it does not fall within the boundaries set forth by these Supreme Court cases, it is no longer an administrative assessment, it is a tax, and the courts are not set up to collect taxes. I had to testify against the DNA bill that would have funded DNA testing, because testing inmates is not part of the judicial system.

The law also says that the administrative assessments have to be collected first, before any of the fines are collected. If someone has a fine and is not paying it, the only solution we have is to have them put in jail. All of the assessments come out first before any of the counties or cities get any share of that funding. We have to make decisions to let people out of jail that are never going to pay these fines.

You cannot take the number of misdemeanor cases times \$5 and assume that is what the funding stream is going to be. You are assuming that everyone who gets a ticket shows up for court, which less than half do, and that they actually pay it. It is a much smaller stream once those who do not show up and do not pay are considered in the equation and how much the counties are going to pay in order to collect the five dollars.

I am sorry to testify against this bill, but it is problematic.

**Judge John Tatro, Justice of the Peace, Carson City Justice/Municipal Court,
representing Nevada Judges' Association**

This is a very hard bill to testify against. Some of our members in the rural counties are volunteers. I was a volunteer emergency medical technician. I understand the need and the cause. There has to be a way to make this happen; however in the 12 years that I have been a judge in Carson City, fines and fees have been raised. Lyon, Storey, and Douglas Counties and Carson City judges got together to make our fines uniform ten years ago and we have not been able to raise them since because the administrative assessments have gone up. When I started they were \$10. Now the minimum is \$42 and goes up to \$132. When I am fining someone, justice has to be rendered on the case, not what the city or the county needs in their budget. So if I have someone in front of me who was going 10 miles an hour over the speed limit, and the officer wrote them up for a \$50 fine plus a \$57 administrative assessment, that is \$107. I think, well the person has no previous history and reduce the ticket, because if I drop the ticket to \$40, then the administrative assessment goes to \$42. That may not seem like a big difference, but when one multiplies that out over the thousands that come through the courts, and all judges do this, it adds up.

Carson City, like the state, is in a bit of a financial crisis. This year in Justice Court we collected \$540,000 in administrative assessments. Of that, \$90,000 stayed in Carson City. The rest of it goes to the state to fund the judicial system and executive branch agencies Judge Higgins mentioned.

It is not that this is not a good cause. We need to be able to raise our fines and fees so that we can bring more income into our counties, but we have to render justice based on the facts of each case.

As a president elect of the Judges' Association, I am a member of the Nevada Association of Counties (NACO) Board, and the Board said that they neither support nor oppose this bill. They have concerns about the bill relating to the money that the counties do not get.

Assemblyman Bobzien:

You are right to raise the question of is it a fine or is it a fee? Mr. Higgins, you had mentioned something about a Highway Patrol switching fee.

Kevin Higgins:

Nevada Revised Statutes 176.059 splits that administrative assessment pie into about 40 different pots. Fifty-one percent goes the Supreme Court and without

the fees that the Justice Courts collect we would not have a Supreme Court in Nevada. The other 49 percent goes to a whole range of executive functions, one of which is the switching system for the Nevada Highway Patrol (NHP). Since more than half the assessments go to the courts, then it is primarily used for the courts.

Assemblyman Bobzien:

Do you have a list or a diagram of the pie?

Kevin Higgins:

The NRS 176.059 lists where all those go. I will get one to you tomorrow.

Chair Atkinson:

Is there anyone else who wants to testify in opposition to Senate Bill 58 (1st Reprint)? [There were none.] Are there any who would like to be neutral?

Bradford Lee, State Health Officer, Department of Health and Human Services:

[Read from prepared statement ([Exhibit O](#)).]

Chair Atkinson:

Is there anyone else who would like to be heard on Senate Bill 58 (1st Reprint)? [There were none.] We will let the Senator give his closing remarks.

Senator Heck:

I appreciate the position of our esteemed members of the judiciary and their concerns about the camel's nose under the tent and other people trying to fund things from court assessments. The comments they made show that this is a doable project.

I have a copy of that Supreme Court case and it does state the key word "primarily"; the assessments are to "primarily" go to the support of the courts. That remains unchanged by adding this \$5 assessment to assessments already charged because it does not tip the balance. That same case states that a reasonable assessment is not to be considered a tax. It also states that it is okay for the Legislature to mandate that the fee be assessed and for the courts to collect it.

The 49 percent of the money that does not go to the courts goes to things that anyone who got a traffic ticket would wonder what was the nexus between them. Part of that assessment is going to the Central Repository of Criminal Records. Maybe that is necessary because they will run a check to see if there are any outstanding wants or warrants. Some of it goes to the Peace Officer Training Commission. I want to make sure that the Highway Patrolman who is

pulling me over is well trained. Part of the funding goes to the operation of the switching system, part goes to the fund for the compensation of the victims of crime. I have a speeding ticket, so there is no victim, and part goes to the advisory council for prosecuting attorneys, but no one is being prosecuted.

Part of their argument, while valid, is somewhat suspect. Forty-nine percent of the assessments collected go to other things than the courts and there is a proven nexus between the use of EMS and motor vehicle collisions. Finally, there are many other states that use the same funding mechanism without any constitutional challenges.

Chair Atkinson:

We will bring this bill back next week in work session. Is there any public comment? [There was none.] We will adjourn [5:01 p.m.].

RESPECTFULLY SUBMITTED:

Emilie Reafs
Transcribing Secretary

APPROVED BY:

Assemblyman Kelvin Atkinson, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Transportation

Date: May 8, 2007

Time of Meeting: 1:36 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 180 (R1)	C	Dennis Colling, Department of Motor Vehicles	Draft fiscal note
S.B. 42	D	Senator Dennis Nolan	Seatbelt Enforcement Study
S.B. 42	E	Senator Dennis Nolan	Information from multiple websites about racial profiling and primary seatbelt laws
S.B. 42	F	Frank Adams	Prepared Statement
S.B. 42	G	Frank Adams	Statistics
S.B. 42	H	Chuck Abbott	Prepared Statement
S.B. 42	I	Chuck Abbott	Insurance Institute for Highway Safety Study
S.B. 42	J	David Manning	Prepared Statement
S.B. 42	K	Cotter C. Conway	Seatbelt laws synopsis
S.B. 42	L	Jeff Fontaine	Handout
S.B. 58 (R1)	M	Senator Joe Heck	Handout
S.B. 58 (R1)	N	Caroline Ford, School of Medicine, University of Nevada, Reno	Prepared Statement, and charts
S.B. 58 (R1)	O	Bradford Lee, State Health Officer	Prepared Statement