

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

**Seventy-fourth Session
February 13, 2007**

The Senate Committee on Transportation and Homeland Security was called to order by Chair Dennis Nolan at 3:05 p.m. on Tuesday, February 13, 2007, in Room 1214 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Dennis Nolan, Chair
Senator Joseph J. Heck, Vice Chair
Senator Mark E. Amodei
Senator Maggie Carlton
Senator John J. Lee
Senator Joyce Woodhouse

COMMITTEE MEMBERS ABSENT:

Senator Maurice E. Washington (Excused)

GUEST LEGISLATORS PRESENT:

Senator Bob Beers, Clark County Senatorial District No. 6

STAFF MEMBERS PRESENT:

Carolyn Allfree, Committee Secretary
Dan Lindholm, Intern to Senator Nolan
Nicholas Marquart, Intern to Senator Nolan
Josh Selleck, Assistant to Senator Nolan
Matt Szudajski, Committee Policy Analyst
Sharon Wilkinson, Committee Counsel
Lynette M. Johnson, Committee Secretary

OTHERS PRESENT:

P. Michael Murphy, Coroner, Clark County
Dr. John Fildes, Director, Trauma Center, University Medical Center of Southern Nevada
Erin Breen, Director of Safe Community Partnership, Transportation Research Center, College of Engineering, University of Nevada, Las Vegas
Mikey Jones
Scott Craigie, Nevada State Medical Association
Michael D. Geeser, AAA Nevada
Rhondelle A. Blankenship
Deborah Kreun, Director, ThinkFirst-Nevada
Robert Hamilton
Bob Hogan, Director, The Nevada Community Enrichment Program; Chairman, Advisory Committee on Traumatic Brain Injuries
Frank Adams, Nevada Sheriffs' and Chiefs' Association
William A. Bainter, Lieutenant, Nevada Highway Patrol, Department of Public Safety
James W. Penrose
Jane Imboden, Administrator, The Nevada Community Enrichment Program
Joey Miller
Kate Diehl, Property Casualty Insurers Association of America

CHAIR NOLAN:

We will open the hearing on Senate Bill (S.B.) 49.

SENATE BILL 49: Removes the requirement that drivers and passengers on certain motorcycles wear protective headgear. (BDR 43-798)

SENATOR BOB BEERS (Clark County Senatorial District No. 6):

This bill, S.B. 49, repeals the motorcycle helmet law enacted at a previous session. Members of A Brotherhood Aimed Toward Education of Northern Nevada are interested in an amendment to include minors.

Nevada is in a shrinking minority of states requiring helmets for all motorcycle riders. I have sent the Committee members an e-mail ([Exhibit C](#)) on information from the Insurance Institute for Highway Safety. This bill currently is receiving the most comments on the Legislative public opinion poll wherein public opinion is predominately in favor of repealing the motorcycle helmet requirement. The

bill's proponents are not here today because they could not mobilize in time. I think if they were here, they would tell you conflicting studies exist on both sides of this issue. In the end, this may come down to your personal philosophy on liberty, whether or not you feel it is government's role to dictate how adults should live.

P. MICHAEL MURPHY (Coroner, Clark County):

We oppose S.B. 49 because our office does not need the business. Based on information from the National Highway Traffic Safety Administration (NHTSA), an unhelmeted motorcyclist is 40 percent more likely to suffer a fatal head injury and 15 percent more likely to suffer a nonfatal injury than a helmeted motorcyclist when involved in a crash. Whenever our office receives a corpse from a motorcycle accident, we inspect the rider's helmet. If it is an appropriate helmet and if the helmet has been worn appropriately, the victim's death is usually due to a torso injury or blunt force trauma.

DR. JOHN FILDES (Director, Trauma Center, University Medical Center of Southern Nevada):

We oppose S.B. 49 because the loss of a human life is too high when a helmet is not worn. Sadly, I have firsthand experience at treating victims of motorcycle crashes. Motorcycle helmets protect crash victims from death, disability and disfigurement. Over the years, we have been able to separate patients into two categories, those with and those without adequate helmets and have seen dramatic increases in death, disability and disfigurement when a helmet is not worn. In summary, appropriate motorcycle helmets save lives, reduce permanent disability, reduce disfigurement and are enormously helpful in most crashes that occur at low speeds on surface streets. I have provided you with a summary of our position and some general statistics ([Exhibit D](#)).

ERIN BREEN (Director of Safe Community Partnership, Transportation Research Center, College of Engineering, University of Nevada, Las Vegas):

Our office works on reducing transportation-related fatalities and injuries. I provided a one-page fact sheet ([Exhibit E](#)) and would like to stress two points. First, in states that did not have an all-rider helmet law, 66 percent of fatally injured motorcyclists were not wearing helmets. Secondly, in states with an all-rider helmet law, only 15 percent of fatally injured riders were not wearing a helmet. For this reason alone, we oppose S.B. 49.

MIKEY JONES:

In 1991, I was involved in a near-fatal motorcycle accident. The responding paramedic told me that I might have broken my neck if I had been wearing a helmet. I find it incredibly curious that no one has addressed this specific fact. Most people involved in tragic motorcycle accidents are paralyzed. If I had a choice between spending my life as a quadriplegic or suffering from the pain I now endure, or even death, I would choose the latter. In my opinion, S.B. 49 should pass. It should be a person's choice whether or not to wear a helmet.

SENATOR HECK:

I will read a letter ([Exhibit F](#)) from the Professional Firefighters of Nevada, who oppose S.B. 49.

SCOTT CRAIGIE (Nevada State Medical Association):

The Nevada State Medical Association (NSMA) is concerned about this issue and opposes S.B. 49. As previous testimony has established, the medical community often bears the burden of these accidents. In addition, the State also incurs some of the burden when an injured motorcycle rider does not have enough long-term health care coverage. Some NSMA members suggested that in addition to proof of vehicle insurance, motorcycle riders be required to show proof of appropriate health care coverage before receiving a license.

CHAIR NOLAN:

The posting for today's hearing occurred Friday, February 9, 2007; therefore, both proponents and opponents had equal notification time. This is the first time proponents of the bill have not turned out en masse. I do not know if this is indicative of their position. Within the last 25 years, this issue has come before the Legislature 13 times and has failed every time. We recognize the importance of this issue and appreciate everyone's participation. Undoubtedly, we will hear this bill again.

MICHAEL D. GEESER (AAA Nevada):

As a traffic safety advocate and motorcycle insurer, AAA Nevada adamantly opposes S.B. 49. Motorcycle helmet laws are effective in reducing deaths and injuries from crashes. The NHTSA estimates that if all motorcyclists had worn helmets last year, 728 lives could have been saved. I have submitted a letter ([Exhibit G](#)) summarizing a recent study conducted by the Center for Rural Emergency Medicine at West Virginia University.

RHONDELLE A. BLANKENSHIP:

My daughter sustained her traumatic brain injury while sitting without a helmet on an idling motorcycle that suddenly lunged, throwing her into a brick wall. I could quote statistics but feel this Committee should focus on the societal impacts. Requiring a rider to have health insurance is not the answer. We had insurance and it ran out; outpatient care was not covered; inpatient rehabilitation was not covered. My daughter's care became the State's responsibility. Repealing the helmet law would be an injustice to our society; therefore, I oppose S.B. 49.

DEBORAH KREUN (Director, ThinkFirst-Nevada):

I oppose S.B. 49 and will read from prepared testimony ([Exhibit H](#)).

ROBERT HAMILTON:

I oppose S.B. 49 and will read from prepared testimony ([Exhibit I](#)).

BOB HOGAN (Director, The Nevada Community Enrichment Program; Chairman, Advisory Committee on Traumatic Brain Injuries):

I oppose S.B. 49 and will read from prepared testimony ([Exhibit J](#)).

FRANK ADAMS (Nevada Sheriffs' and Chiefs' Association):

My organization represents the sheriffs' offices and police departments throughout the State. We adamantly oppose S.B. 49.

WILLIAM A. BANTER (Lieutenant, Nevada Highway Patrol, Department of Public Safety):

The Nevada Highway Patrol (NHP) opposes S.B. 49. The Department of Public Safety is concerned that repealing the helmet law will increase the severity of injuries and the fatality rate of people involved in motorcycle accidents. In 2006, the NHP investigated 256 motorcycle accidents and 49 accidents involved fatalities.

JAMES W. PENROSE:

I oppose S.B. 49 and have provided prepared testimony ([Exhibit K](#)).

JANE IMBODEN (Administrator, The Nevada Community Enrichment Program):

I oppose S.B. 49 and will read from prepared testimony ([Exhibit L](#)).

Senate Committee on Transportation and Homeland Security
February 13, 2007
Page 6

JOEY MILLER:

I was a client of The Nevada Community Enrichment Program. I had a motorcycle accident on October 21, 2005, and was in a coma approximately six months. I oppose S.B. 49.

CHAIR NOLAN:

How old were you at the time of your accident?

MR. MILLER:

I was 25 years old.

KATE DIEHL (Property Casualty Insurers Association of America):

I will read from prepared testimony ([Exhibit M](#)). The Property Casualty Insurers Association of American opposes this bill.

CHAIR NOLAN:

We are not taking any action on this bill today. There being no further comments or business, this meeting of the Senate Committee on Transportation and Homeland Security is adjourned at 3:54 p.m.

RESPECTFULLY SUBMITTED:

Lynette M. Johnson,
Committee Secretary

APPROVED BY:

Senator Dennis Nolan, Chair

DATE: _____