

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

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

The Senate Committee on Transportation and Homeland Security was called to order by Chair Dennis Nolan at 3:30 p.m. on Tuesday, March 13, 2007, in Room 2149 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 Maurice E. Washington
Senator Mark E. Amodei
Senator Maggie Carlton
Senator John J. Lee
Senator Joyce Woodhouse

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Frank Adams, Executive Director, Nevada Sheriffs' and Chiefs' Association
Michael D. Geeser, American Automobile Association, Nevada
Joseph Guild, III, State Farm Insurance Company
Paul J. Enos, Nevada Motor Transport Association

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CHAIR NOLAN:

We will open the hearing on Senate Bill (S.B.) 58.

SENATE BILL 58: 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)

MATT SZUDAJSKI (Committee Policy Analyst, Research Division, Legislative Counsel Bureau):

Senate Bill 58 imposes a \$5 administrative assessment on moving traffic violations to be used to provide grant funding to volunteer emergency medical-service organizations. The assessments will be placed into the Volunteer Emergency Medical Services Fund, which is created by this bill. The Committee on Emergency Medical Services will administer the fund and issue grants to volunteer emergency medical-service organizations for training, equipment or supplies related to emergency medical service.

There are two proposed amendments for this bill ([Exhibit C](#)). One comes from the City of Henderson and enables the clerk of the applicable court to retain up to \$1 of each administrative assessment to offset the cost of administering the assessment. The second amendment comes from Senator Nolan and adds capital expenditures to the list of items the grant funding can be used to purchase.

SENATOR HECK MOVED TO AMEND AND DO PASS S.B. 58 BY ADDING AMENDMENT TO INCLUDE CAPITAL EXPENDITURES IN THE LIST OF ITEMS THE GRANT FUNDING CAN BE USED TO PURCHASE.

SENATOR LEE SECONDED THE MOTION.

SENATOR CARLTON:

I will not be able to support this bill. I believe this is an Executive Branch function. This type of thing needs to be in somebody's budget. I do not agree with not putting things in the budget and expecting the Legislature to pick up the slack. This is a worthwhile cause, but I am opposed to the assessment way of doing this.

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SENATOR AMODEI:

We are currently having hearings in the Senate Committee on Judiciary regarding administrative assessments and court filing fees. I agree with the concept of providing some resources for this issue. I will be supporting the bill. However, the sponsor of this bill, Senator Heck, has agreed to allow the hearing process on assessments and filing fees to be played out on the Senate Floor so that when we vote on this, everybody can be informed in terms of what is at stake and what is going on in the Judicial Branch.

THE MOTION CARRIED. (SENATORS CARLTON AND WOODHOUSE VOTED NO.)

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CHAIR NOLAN:

We will open the hearing on S.B. 62.

SENATE BILL 62: Revises provisions regarding the number of license plates displayed on vehicles. (BDR 43-432)

MR. SZUDAJSKI:

Senate Bill 62 reduces the number of license plates issued and required to be displayed on a motor vehicle from two to one. There is one proposed amendment for this bill, which comes from Senator Nolan ([Exhibit D](#)). This is a strike-all amendment and requires automotive dealerships to mount brackets, devices or other contrivances to display and secure a license plate to the front of a vehicle when such brackets, devices or other contrivances are available.

CHAIR NOLAN:

This would amend the bill as a whole. The genesis of the bill was the sponsor's displeasure with how the section of statute was being administered statewide. It appeared as though some people were not putting license plates on because the means by which to mount brackets were not obvious.

SENATOR CARLTON:

Is the sponsor aware of the amend-as-a-whole situation?

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CHAIR NOLAN:

Yes, he is. He would like the bill the way he presented it, where just one license plate is required. He wants everyone required to do the same thing.

SENATOR CARLTON:

What will the dealers charge for doing this?

CHAIR NOLAN:

It is my understanding the cost of prepping a vehicle is included in the cost of the vehicle. I do not know what they would charge on a new car, but it is probably minimal.

SENATOR CARLTON:

I am going to support Senator Care, the sponsor of the bill, in what he was trying to do. I think he had a good idea. If we are going to require licenses on the front of some vehicles, we should require them on all.

SENATOR AMODEI:

Will there be language in the bill dealing with vehicles for the last two years?

CHAIR NOLAN:

The plan is to do this going forward.

SENATOR AMODEI:

What about the word "available"? Will bill drafting clarify what that means?

CHAIR NOLAN:

There is language in the statute now regarding the mounting of license plates. I am assuming clarifying language will be put into the statute.

SENATOR HECK MOVED TO AMEND AND DO PASS S.B. 62.

SENATOR LEE SECONDED THE MOTION.

SENATOR WASHINGTON:

Is this motion for the bill in its original form?

CHAIR NOLAN:

No. It is to replace the bill with the amendment. We discussed a bill last Session that would have exempted vehicles that did not have brackets for front license plates from being required to mount them. There are a number of vehicles equipped with a system to mount a front plate, but owners are not aware of it and do not mount the plates. My proposed amendment is an attempt to clarify the intent of the law, which is to require front license plates on those vehicles which are so equipped.

THE MOTION CARRIED. (SENATOR CARLTON VOTED NO.)

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CHAIR NOLAN:

We will now open the hearing on S.B. 42.

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

MR. SZUDAJSKI:

Senate Bill 42 makes failure to wear a seat belt a primary offense by removing language from the statute that prohibits the issuance of a seat belt citation unless the violation is discovered during the investigation of another offense. The seat belt violation is considered a nonmoving offense.

According to the fiscal note, passage of S.B. 42 would make Nevada eligible for approximately \$5.5 million in federal grant funding through the National Highway Traffic Safety Administration. There are no proposed amendments for this bill.

SENATOR CARLTON:

Will the State apply for the federal grant money?

CHAIR NOLAN:

We would have to apply. As I understand it, if we add a primary seat belt law and we apply for the grant, \$5.5 million is the total amount we can receive. Currently, about a dozen states are considering primary seat belt legislation.

SENATOR WASHINGTON:

Does this answer Senator Amodei's concern regarding points on a driver's record?

CHAIR NOLAN:

It is a nonmoving violation and would not be attached to any demerit points and, therefore, should have no effect on an individual's insurance rate.

SENATOR AMODEI:

I had asked for research to be done. The objective to get people to wear seat belts is one nobody argued against. I had been curious as to whether other states dealt with this some way other than through law enforcement. I have received some research. Arizona, under civil law, regards wearing a seat belt as evidence in an action for personal injury or death and Wisconsin uses evidence of compliance or failure to comply as admissible in a civil action for personal injuries.

Some states allow for reduction in recovery for injuries instead of making it a primary traffic offense. I feel that is a more effective way to encourage seat belt use. It is good that this proposed law will not result in points or reporting to an insurance company. However, we have heard nothing from insurance companies saying rates will drop. I see surrounding states that are looking at other ways to do it and have the same effect.

SENATOR WASHINGTON:

I was to be furnished some language to answer the concern of racial profiling.

CHAIR NOLAN:

Some information has been submitted concerning racial profiling and seat belt laws ([Exhibit E](#) and [Exhibit F](#), original is on file in the Research Library).

SENATOR LEE:

We do not like our shirts getting wrinkled when we put on the seat belt. I understand personal freedom and I believe in personal freedom, but the older I get the more I understand the density of asphalt. Seat belts save lives. There might be some inconsistencies, but I am going to take the mature look at this and support this bill. If we find there is an issue of abuse in the future, I will look at this again.

CHAIR NOLAN:

Fifteen years as a paramedic and five years as a coroner's investigator have taught me that people wearing seat belts do a lot better in rollovers and in accidents, period. We may never know the names of the people or how many there really are, but there will be people who will walk away from accidents or have a hospital stay instead of a morgue stay and go home to their families as a result of this. The facts and statistics will bear it out.

SENATOR CARLTON:

I understand the Committee's point of view, but I am opposed to this. I have been opposed ever since my parents made me put on my seat belt. We heard there was already 90-percent compliance with the current seat belt law. We have a small percentage of people who are not complying. I do not think writing a ticket will make a big difference. If we had less than 75-percent or 50-percent compliance, I would say we have to do something drastic. I do not see the need for this just to get some money from the federal government and just to go after that last 10 percent. We are doing great now, and we do not have to push it any further.

CHAIR NOLAN:

After the Department of Public Safety and the Office of Traffic Safety indicated to us that those compliance statistics were done by people standing on corners watching cars go by during daylight hours Monday through Friday, I thought it was a seriously flawed number and the real numbers play out in traffic fatalities.

SENATOR HECK:

Because of our backgrounds, Chair Nolan and I hold similar views. We have seen the results of those not wearing seat belts being brought in for emergency medical care. While 90 percent may be good, if you are in the other 10 percent you would probably wish you had been wearing your seat belt. Sometimes the greater public good has to take precedence. It is for those reasons I support this bill.

SENATOR WASHINGTON:

I support Senator Carlton's position. My reasons may be a little different. I understand the importance of seat belts. However, there are some other factors that are important. I believe in personal responsibility, but I am also concerned about the potential for racial profiling. I am not one to beat the drum about profiling, but having recently been a victim, I have some cause for

concern. If the bill should pass from this Committee, I may propose an amendment on the Senate Floor to address this issue. In times past, I probably would have winked at it and said I am not going to be a part of the profiling issue. I am going to vote no.

SENATOR HECK MOVED TO DO PASS S.B. 42.

SENATOR LEE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS AMODEI, CARLTON AND WASHINGTON VOTED NO.)

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CHAIR NOLAN:

We will open the hearing on S.B. 61.

SENATE BILL 61: Provides for a pilot program for local governments to use certain automated systems for the enforcement of traffic laws. (BDR 43-330)

MR. SZUDAJSKI:

Senate Bill 61 enables the use of automated traffic-enforcement systems and directs the Nevada Department of Transportation (NDOT) to adopt regulations for the establishment of a pilot program to allow county, city or other local government to use the systems. The NDOT is also required to establish an information clearinghouse to receive reports from localities utilizing such systems and to submit a biennial report to the Legislative Counsel Bureau. The bill also provides that citations issued through such a system must be subject to appeal and issued to the registered owner of the vehicle.

There are eight proposed amendments for this bill ([Exhibit G](#)). Proposed amendments 1 and 2 are from Senator Heck; proposed amendments 3, 4 and 5 are from Senator Nolan; proposed amendments 6, 7 and 8 are from the American Automobile Association (AAA), Nevada.

CHAIR NOLAN:

Proposed amendment 1 provides for a four-year limitation on the pilot program, which cannot be renewed without legislative approval. Amendment 2 requires a

report every two years, including the session after implementation and the one following. Items to be included in the report are expenditures, numbers and types of citations issued and the number of accidents at the intersections where the enforcements systems were installed.

SENATOR HECK:

What I really want to concentrate on is the report that will help us decide whether the program will be renewed. Rather than get into a litany of what should be included, I want to put on the record the types of information I would like to see in the report. It will be in more detail than just the types and numbers of accidents. It should be trended historically from before the cameras were put in place.

SENATOR AMODEI:

Do you want to know what the settings were before and during the program?

SENATOR HECK:

That reminds me of another item. Also in the report should be any changes to any type of traffic-control or signaling device, such as whether the yellow-light timing is lengthened or lane configurations are changed, so we have all the variables that may have an impact on the numbers and types of accidents.

CHAIR NOLAN:

We will include those thoughts in the amendment.

SENATOR LEE:

I have questions regarding amendment 2 and what is to go into the reports to this Committee. What is meant by "amounts spent on capital expenditures"? Are there not basically three categories of citations? Regarding the number of accidents at intersections, it was my understanding that the systems will be put in locations and moved to other locations.

SENATOR HECK:

The reason for looking at the numbers and types of citations is to determine what is being accomplished by having the cameras in place. The same applies to the types of collisions. I want to make sure that what was presented to us is the end result.

As far as trending the study historically, even if they move the cameras they should be able to keep track of what was done at those intersections.

As to capital expenditures, I did not request that. I am not sure where it came from.

CHAIR NOLAN:

There was discussion regarding the cost of implementing the program versus the revenue from the citations issued and whether local governments would see this as a revenue-producing project. A report on capital expenditures would help produce a complete picture. This is supposed to be a traffic-safety issue and not a revenue-generating project.

SENATOR LEE:

I can support amendment 1; amendment 2 has no validity. If this cannot be renewed without legislative approval, the information would come back anyway.

SENATOR HECK:

It is already in the bill that the NDOT will promulgate regulations which will dictate what should be included in the reports. The amendment does not matter to me; I just wanted to get on record what I would like to see in the report to ensure that we can make an informed decision on whether to extend the program. If I serve on this Committee in 2009 and those things are not in the report, the program will probably not be renewed.

CHAIR NOLAN:

Since we have so many amendments, we will ask Committee members to indicate their support for the amendments as we work our way through them.

I proposed amendment 3 based on the discussion we had. There was consensus from the Committee to have a public-information campaign to inform the motoring public which intersections would be governed by the cameras and a general public campaign to inform communities in advance. That is the intent of the amendment.

SENATOR CARLTON:

Even though I will be voting no on this whole issue because I think it is all bad, I hope they do a better job on the public-information campaign than they did on

the traffic signals on the highways. Everyone was confused about the ramp metering. We were told there would be a big campaign, and it did not materialize in the way we were told it would.

CHAIR NOLAN:

I agree that we need to do a decent job. Almost every sheriff and police chief in the State testified in favor of this bill. We are hoping the municipalities will work together with the Office of Traffic Safety to do a good multimedia campaign on this.

SENATOR CARLTON:

Who is going to pay for it?

CHAIR NOLAN:

Local municipalities will pay for their public-information campaigns.

SENATOR LEE:

The Regional Transportation Commission (RTC) has "On the Move." There are certain regional people who could get out the message. I am thinking of North Las Vegas. A town can put up a \$3,000 billboard that may not be in the area of town where it is needed. The RTC would reach everybody in the valley. I am wondering if we can have the RTC do this and charge each entity for its portion of the advertisement.

CHAIR NOLAN:

The proponents should know the intent is that wherever this program is implemented there needs to be a concerted effort with law enforcement and the state Office of Traffic Safety. Perhaps the RTC can assist in this effort. Whatever it is, there needs to be a real multimedia effort before we surprise the public with it. I would ask the proponents of the bill to include what was done to inform the public in the report to us.

Amendment 4: citations issued must include a picture of the driver. This was not included in the package we received. I did not ask the proponents if the system they are advocating will be able to capture a picture of the driver.

FRANK ADAMS (Executive Director, Nevada Sheriffs' and Chiefs' Association):

It is my understanding that there are systems which capture both the driver and the rear license plate. It requires an additional camera. The problem in Nevada is

that we do not have all of our drivers licenses digitized, so the identification of the driver is difficult.

SENATOR LEE:

Business people have a lot of vehicles. Sometimes, guys just jump into trucks and go out on jobs. You do not know who is in what truck. This would be a great way for a company to know which drivers may cause an insurance problem.

CHAIR NOLAN:

It will help with the next issue, that of sending a citation to the driver. With no opposition, we will include amendment 4.

Amendment 5: citations shall be issued against the driver, as opposed to the registered owner. This recommendation came from AAA, [Exhibit G](#).

We heard that this is difficult to do. Owners are responsible for parking violations when they lend their vehicles to other individuals. This would be included in that mindset.

MR. ADAMS:

Our intent was to make it the responsibility of the registered owner of the vehicle. In Nevada, we went to a digital photograph a few years ago. It will not be until 2010 that all driver-license pictures will be digitally available.

SENATOR WASHINGTON:

The amendment makes sense. There may be some problems in trying to implement it, but there has to be some mechanism for a way out for the registered owner.

MR. ADAMS:

In the bill there is a method of appealing. With a photograph of the driver, even without requiring law enforcement to identify the driver, there are grounds to appeal the citation. There are good reasons to photograph the driver. We do not have a problem with it.

CHAIR NOLAN:

What would the process be? We want to make sure it is not an onerous process for the owner who was not the driver.

MR. ADAMS:

Because we place this in the same category as a parking citation, there are no points to the driver's license, but there is an appeal process through municipal court. If you can show the judge who was driving the vehicle, that person would be made responsible for the citation.

CHAIR NOLAN:

What would make a lot of sense to me is for the owner to send the citation to court with the individual who was driving the vehicle. We could provide for that individual to appear in lieu of the owner. We want to make it easy for the owner who received the ticket to give it to the driver to take care of it.

MR. ADAMS:

We would have no objection to that. I am not sure how it would work; it is out of our realm.

CHAIR NOLAN:

Ms. Wilkinson, can we find a way to help the owner who receives a citation when someone else has been driving the car and committed the violation?

SHARON WILKINSON (Committee Counsel, Legal Division, Legislative Counsel Bureau):

The initial citation would have to be dismissed and perhaps another citation issued. Certainly, we can draft that language into the statute.

SENATOR HECK:

The last thing we want to do is jam up the court system. When the citation is sent to the registered owner with a copy of the photo of the driver, the owner should be able to send back some documentation with his own photo and notarization saying he was not the driver. The ticket should then be dropped, not reassigned. If you give it to somebody else, it will become far too complicated. It should be an affirmative defense in the appeal process.

SENATOR WASHINGTON:

I agree. If you can prove that you are not the person responsible for driving the vehicle, that should suffice and the ticket should be dropped.

MR. ADAMS:

That works for us, too. If we get people's attention, we will have accomplished what we set out to do.

CHAIR NOLAN:

We will ask Ms. Wilkinson to draft an amendment to that effect.

Amendment 6 was proposed by AAA: the purpose of implementing the system is to promote traffic safety and not generate revenues for government or vendors. The proponents have testified that this is strictly a traffic-safety function and not a revenue-generating function.

SENATOR LEE:

Would these people be interested in helping implement the public information and safety campaign with the entities?

MICHAEL D. GEESER (American Automobile Association, Nevada):

We would be more than happy to help in whatever way we think would be the most productive to get the message to the motorists.

SENATOR LEE:

We are looking for some leadership on this. Thank you.

JOSEPH GUILD, III (State Farm Insurance Company):

State Farm Insurance Company supports this bill and will assist with the public-information campaign.

CHAIR NOLAN:

Does anybody think we need to include amendment 6, with all the intent that has been put in the bill? We will strike amendment 6.

Amendment 7: per-citation payments to contractors will be prohibited. This will be included.

Amendment 8: citations are to be mailed within ten days of a violation.

MR. ADAMS:

Are we talking about ten calendar days or ten working days? I would like to see ten working days.

CHAIR NOLAN:

We will include amendment 8 as ten working days.

We have collectively agreed on amendment 1. Senator Lee, do you still have some opposition to amendment 2?

SENATOR LEE:

We have it covered. Senator Heck has put on the record what he is expecting. It is probably not an issue, but I will oppose it.

SENATOR HECK:

I will withdraw amendment 2. The requirement for the report is already in the bill and I have stated my intent.

CHAIR NOLAN:

Amendment 2 is withdrawn. We will include amendments 3 and 4; we will strike amendment 5 and replace it with a new amendment.

SENATOR LEE:

Tell me what might happen if a trucking company fires somebody and a citation comes in the mail ten days later.

PAUL J. ENOS (Nevada Motor Transport Association):

It is probably not an issue, since there will not be demerits to a personal license. A trucking company would probably pay the citation and absorb the cost. I do not know. Based on your scenario, the person would be working there while he was driving the truck and issued the citation. The company could try to get the cost out of the driver. It would depend upon how much time the company wanted to spend contesting the citation. Instead of going through that, the company would probably just absorb the cost.

CHAIR NOLAN:

With regard to amendment 5, Ms. Wilkinson, please read back to us what the intent of the amendment replacing it will be.

MS. WILKINSON:

The registered owner would be issued the citation, but he would have the opportunity to submit some type of evidence to show that he was not the person operating the vehicle and the ticket would be dismissed.

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SENATOR HECK:

It is important that there is an option to do that outside the court system.

Ms. WILKINSON:

Yes.

CHAIR NOLAN:

Amendment 6 is stricken. Amendment 7, per-citation payments to contractors prohibited, and amendment 8, citations to be mailed within ten working days, are included.

SENATOR HECK MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 61.

SENATOR WASHINGTON SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS AMODEI AND CARLTON VOTED
NO.)

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CHAIR NOLAN:

The next bill is S.B. 106.

SENATE BILL 106: Revises provisions concerning the release of certain confidential and restricted documents relating to potential acts of terrorism. (BDR 19-300)

MR. SZUDAJSKI:

Senate Bill 106 expands the list of authorized officials who can access classified documents related to preventing or responding to terrorism to include public-safety personnel.

There are three proposed amendments related to S.B.106 ([Exhibit H](#)). The first two come from the Nevada Commission for Homeland Security. The third comes from the City of Henderson.

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CHAIR NOLAN:

The amendments were discussed thoroughly in Committee. The reason we held the bill was to look at deleting the sunset and to adding city emergency managers if they were not already included.

MS. WILKINSON:

City emergency managers would not be included. If you want to include city managers, you will need to state it.

CHAIR NOLAN:

We eliminated from the original amendment some other individual job classifications and elected officials which the Committee collectively felt would have been informed if there was a need to know.

SENATOR HECK MOVED TO AMEND AND DO PASS S.B. 106.

SENATOR WASHINGTON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR NOLAN:

We have no other bills scheduled today. There being no further business, the meeting of the Senate Committee on Transportation and Homeland Security is adjourned at 4:47 p.m.

RESPECTFULLY SUBMITTED:

Carolyn Allfree,
Committee Secretary

APPROVED BY:

Senator Dennis Nolan, Chair

DATE: _____