

Amendment No. 1009

Senate Amendment to Assembly Bill No. 433 Third Reprint
(BDR 40-976)

Proposed by: Senate Committee on Finance

Amends: Summary: Yes Title: Yes Preamble: Amend Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold dashed underlining* is newly added transitory language.

WLK



Date: 6/1/2009

A.B. No. 433—Requires county hospitals in certain larger counties to provide outpatient cancer treatment as part of their care to indigent persons. (BDR 40-976)



ASSEMBLY BILL NO. 433—ASSEMBLYMEN PIERCE, HORNE, BUCKLEY; ARBERRY, ATKINSON, HOGAN, KIHUEN, KIRKPATRICK, LESLIE, MCCLAIN, MORTENSON, MUNFORD, OCEGUERA, OHRENSCHALL AND SEGERBLOM

MARCH 16, 2009

JOINT SPONSOR: SENATOR PARKS

Referred to Committee on Health and Human Services

SUMMARY—~~[Requires county hospitals in certain larger counties to provide outpatient cancer treatment as part of their care to indigent persons.]~~ Provides that failure to wear a safety belt is a primary traffic offense. (BDR 40-976)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to ~~[public health and safety; requiring a county hospital in certain larger counties to provide outpatient cancer treatment as part of its care to indigent persons under certain circumstances;]~~ motor vehicles; providing that failure to wear a safety belt is a primary traffic offense; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Counties are required through county hospitals to provide care to indigent persons. (NRS 428.010, 450.420) Section 1 of this bill provides that in a county whose population is 400,000 or more (currently Clark County) the care provided by a county hospital must include the outpatient treatment of cancer if the indigent person is a resident of that county and was a resident of that county at the time the person was diagnosed with cancer, but clarifies that this does not prohibit the hospital from providing uncompensated care for the outpatient treatment of cancer to other persons. Section 1 further provides that the duty to provide to indigent persons outpatient treatment for cancer applies only to the extent that the county hospital realizes a cost savings as a result of the amendatory provisions of sections 5 and 6 of this bill.]~~

Under existing law, most drivers of and passengers in modern vehicles are required by law to wear safety belts. However, the failure to wear such safety belts is not, at the present time, a primary offense for which a vehicle may be halted. (NRS 484.641, 484.6415) **Sections 5 and 6** of this bill make the failure to wear a safety belt as prescribed by law a primary offense for which a vehicle may be halted. However, section 9 of this bill clarifies that, during the period beginning on the effective date of this bill and ending on July 1, 2011, peace officers may only issue warnings for violations of the primary safety belt law.

Existing law establishes a uniform system of demerit points, which points are assigned to persons who commit certain moving traffic violations. (NRS 483.473) **Section 3** of this bill provides that if a person who commits such a violation is in compliance with the primary safety belt law established pursuant to the amendatory provisions of **sections 5 and 6**, any

demerit points which would otherwise be assigned to the driving record of that person must be reduced by one demerit point.

Sections 7 and 8 of this bill require the Legislative Commission to provide for studies of, respectively: (1) the incidence of racial profiling in the enforcement of the primary safety belt law; and (2) the efficacy and cost-savings associated with the primary safety belt law.

~~Section 10 of this bill requires University Medical Center to use the cost savings that it accrues as a result of the enactment of the primary safety belt law to pay the costs associated with providing cancer care to indigent persons as required by section 1, as well as allowing University Medical Center to pay other costs that it determines to represent areas of significant need.~~

WHEREAS, Traffic safety researchers have repeatedly shown that increasing safety belt use in passenger cars has the proven effect of saving lives, reducing injuries and reducing the staggering medical costs resulting from car accidents; and

WHEREAS, The National Highway Traffic Safety Administration (NHTSA) has found that safety belt use in passenger cars reduces the risk of death by 45 percent, the risk of serious injury by 50 percent, the severity of injuries by 400 to 500 percent and prevents ejection during an accident, 75 percent of which ejections result in the death of a passenger; and

WHEREAS, The NHTSA estimates that the adoption of primary safety belt laws, which allow an officer to stop a vehicle and issue a citation for the failure of a person to wear a safety belt, unlike secondary safety belt laws, which allow the issuance of such a citation only if a vehicle is first stopped for another infraction, would on a national level prevent 11,000 injuries and 800 deaths, and save approximately \$2.5 billion each year; and

WHEREAS, It has been demonstrated repeatedly that the use of safety belts increases by 10 to 13 percent in states which have adopted a primary safety belt law, resulting in fewer accident-related deaths and injuries, and reduced associated costs; and

WHEREAS, Recognizing the benefits of primary safety belt laws, the United States Congress enacted the Safe, Accountable, Flexible, Efficient Transportation Equity Act to encourage states to adopt such laws and, today, a majority of states have primary safety belt laws; and

WHEREAS, With specific regard to the State of Nevada, the NHTSA has found that if a primary safety belt law were to be enacted, in 2009 alone, the State would save approximately \$1.6 million as a direct result of injuries prevented, and the total savings to the State, medical patients and businesses would amount to approximately \$6.9 million; and

WHEREAS, Similar to the findings of the Federal Government, the Office of Traffic Safety of the Department of Public Safety has also found that the enactment of a primary safety belt law would save countless lives, reduce injuries and save the State approximately \$5.6 million over a 3-year period; and

WHEREAS, The adoption of this legislation would, in part, enable Nevada to receive \$1.2 million in federal funds and finally join the majority of other states that have chosen to adopt primary safety belt laws to save lives and prevent injuries; and

WHEREAS, The statistics amassed and compiled by both the NHTSA and the Office of Traffic Safety lead to the conclusion that the adoption of a primary safety belt law would, by way of the reduction of injuries and deaths, and also a reduction in the needless overuse of medical facilities and personnel to treat entirely

preventable automotive casualties, allow millions of dollars that are currently devoted to such purposes to be devoted instead to other medical crises and necessities; ~~and~~

~~Whereas, It is the considered opinion of the Nevada Legislature that money saved through the enactment of a primary safety belt law could and should be used compassionately to provide cancer treatment to indigent persons;~~ now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 450.420 is hereby amended to read as follows:~~

~~450.420 1. The board of county commissioners of the county in which a [public] county hospital is located may determine whether patients presented to the [public] county hospital for treatment are subjects of charity. Except as otherwise provided in NRS 439B.220, the board of county commissioners shall establish by ordinance criteria and procedures to be used in the determination of eligibility for medical care as medical indigents or subjects of charity.~~

~~2. Except as otherwise provided in this subsection, in each county whose population is 400,000 or more, a county hospital must provide outpatient cancer treatment to indigent persons who are residents of that county and were residents of that county at the time that they were diagnosed with cancer. This subsection:~~

~~(a) Does not prohibit a county hospital from providing uncompensated care for the outpatient treatment of cancer to other persons;~~

~~(b) Requires a county hospital to provide outpatient cancer treatment to indigent persons only to the extent that the hospital realizes cost savings as the result of an increased use of safety belts pursuant to the provisions of NRS 484.641 and 484.6415, and any law amendatory thereof or supplementary thereto.~~

~~3. The board of hospital trustees shall fix the charges for treatment of those persons able to pay for the charges, as the board deems just and proper. The board of hospital trustees may impose an interest charge of not more than 12 percent per annum on unpaid accounts. The receipts must be paid to the county treasurer and credited by him to the hospital fund. In fixing charges pursuant to this subsection the board of hospital trustees shall not include, or seek to recover from paying patients, any portion of the expense of the hospital which is properly attributable to the care of indigent patients.~~

~~[3.] 4. Except as provided in subsection [4] 5 of this section and subsection 2 of NRS 439B.220, the county is chargeable with the entire cost of services rendered by the hospital and any salaried staff physician or employee to any person admitted for emergency treatment, including all reasonably necessary recovery, convalescent and follow-up inpatient care required for any such person as determined by the board of trustees of the hospital, but the hospital shall use reasonable diligence to collect the charges from the emergency patient or any other person responsible for his support. Any amount collected must be reimbursed or credited to the county.~~

~~[4.] 5. The county is not chargeable with the cost of services rendered by the hospital or any attending staff physician or surgeon to the extent the hospital is reimbursed for those services pursuant to NRS 428.115 to 428.255, inclusive.]~~

~~(Deleted by amendment.)~~

Sec. 2. ~~[NRS 450.425 is hereby amended to read as follows:~~

~~450.425 1. The board of county commissioners of a county in which a county hospital is established may, upon approval by a majority of the voters voting on the question in an election held throughout the county, levy an ad valorem tax of not more than 2.5 cents on each \$100 of assessed valuation upon all taxable~~

property in the county, to pay the cost of services rendered in the county by the hospital pursuant to subsection [3] 4 of NRS 450.420. The approval required by this subsection may be requested at any primary or general election.

~~2. Any tax imposed pursuant to this section is in addition to the taxes imposed pursuant to NRS 428.050, 428.185 and 428.285. The proceeds of any tax levied pursuant to this section are exempt from the limitations imposed by NRS 254.59811, 428.050 and 428.285 and must be excluded in determining the maximum rate of tax authorized by those sections.~~ **(Deleted by amendment.)**

Sec. 3. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If:

(a) A peace officer halts a vehicle for a violation that is a moving traffic violation under NRS 483.473;

(b) The peace officer issues a citation for the moving traffic violation; and

(c) During such a traffic stop, the peace officer determines that the person cited is in compliance with the relevant provisions of NRS 484.641 or 484.6415, as applicable,

the officer shall so notify the Department and the Department shall ensure that any demerit points which would otherwise be assigned as a result of the moving traffic violation are reduced by one demerit point.

2. As used in this section, "demerit point" means a point assigned to the driving record of a person pursuant to the uniform system established under NRS 483.473.

Sec. 4. NRS 483.010 is hereby amended to read as follows:

483.010 The provisions of NRS 483.010 to 483.630, inclusive, **and section 3 of this act** may be cited as the Uniform Motor Vehicle Drivers' License Act.

Sec. 5. NRS 484.641 is hereby amended to read as follows:

484.641 1. It is unlawful to drive a passenger car manufactured after:

(a) January 1, 1968, on a highway unless it is equipped with at least two lap-type safety belt assemblies for use in the front seating positions.

(b) January 1, 1970, on a highway ~~if~~ unless it is equipped with a lap-type safety belt assembly for each permanent seating position for passengers. This requirement does not apply to the rear seats of vehicles operated by a police department or sheriff's office.

(c) January 1, 1970, unless it is equipped with at least two shoulder-harness-type safety belt assemblies for use in the front seating positions.

2. Any person driving, and any passenger who:

(a) Is 6 years of age or older; or

(b) Weighs more than 60 pounds, regardless of age,

who rides in the front or back seat of any vehicle described in subsection 1, having an unladen weight of less than 10,000 pounds, on any highway, road or street in this State shall wear a safety belt if one is available for his seating position.

3. A citation must be issued to any driver or to any adult passenger who fails to wear a safety belt as required by subsection 2. If the passenger is a child who:

(a) Is 6 years of age or older but less than 18 years of age, regardless of weight; or

(b) Is less than 6 years of age but who weighs more than 60 pounds,

a citation must be issued to the driver for his failure to require that child to wear the safety belt, but if both the driver and that child are not wearing safety belts, only one citation may be issued to the driver for both violations. ~~A citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense.~~ Any person who violates the provisions of subsection 2 shall be punished by a fine of

not more than \$25 or by a sentence to perform a certain number of hours of community service.

4. A violation of subsection 2:

(a) Is not a moving traffic violation under NRS 483.473.

(b) May not be considered as negligence or as causation in any civil action or as negligent or reckless driving under NRS 484.377.

(c) May not be considered as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product.

(d) May not be considered as a basis for cancellation of insurance coverage, increase in insurance rates or refusal to issue or renew a motor vehicle liability policy.

(e) May not be considered as a basis for diminishing any recovery for damages arising out of the ownership, maintenance, occupancy or operation of a motor vehicle.

(f) May not be considered as a basis for denial, in whole or in part, of benefits or payment of a claim submitted pursuant to a health insurance policy or health care plan.

5. The Department shall exempt those types of motor vehicles or seating positions from the requirements of subsection 1 when compliance would be impractical.

6. *The provisions of subsections 2 and 3:*

(a) Do not authorize a peace officer to halt a vehicle for the sole purpose of determining whether the driver of the vehicle or a passenger in the vehicle is not wearing a safety belt.

(b) Require that a peace officer have probable cause before the peace officer halts a vehicle for the primary offense of the driver of the vehicle or a passenger in the vehicle failing to wear a safety belt.

7. The provisions of subsections 2 and 3 do not apply:

(a) To a driver or passenger who possesses a written statement by a physician certifying that he is unable to wear a safety belt for medical or physical reasons;

(b) If the vehicle is not required by federal law to be equipped with safety belts;

(c) To an employee of the United States Postal Service while delivering mail in the rural areas of this State;

(d) If the vehicle is stopping frequently, the speed of that vehicle does not exceed 15 miles per hour between stops and the driver or passenger is frequently leaving the vehicle or delivering property from the vehicle; or

(e) Except as otherwise provided in NRS 484.6415, to a passenger riding in a means of public transportation, including a school bus or emergency vehicle.

~~7.7~~ 8. It is unlawful for any person to distribute, have for sale, offer for sale or sell any safety belt or shoulder harness assembly for use in a motor vehicle unless it meets current minimum standards and specifications of the United States Department of Transportation.

9. *As used in this section, "motor vehicle liability policy" has the meaning ascribed to it in NRS 485.055.*

Sec. 6. NRS 484.6415 is hereby amended to read as follows:

484.6415 1. Any passenger 18 years of age or older who rides in the front or back seat of any taxicab on any highway, road or street in this State shall wear a safety belt if one is available for his seating position, except that this subsection does not apply:

(a) To a passenger who possesses a written statement by a physician certifying that he is unable to wear a safety belt for medical or physical reasons; or

(b) If the taxicab was not required by federal law at the time of initial sale to be equipped with safety belts.

2. A citation must be issued to any passenger who violates the provisions of subsection 1. ~~[A citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense.]~~ Any person who violates the provisions of subsection 1 shall be punished by a fine of not more than \$25 or by a sentence to perform a certain number of hours of community service.

3. A violation of subsection 1:

(a) Is not a moving traffic violation under NRS 483.473.

(b) May not be considered as negligence or as causation in any civil action or as negligent or reckless driving under NRS 484.377.

(c) May not be considered as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product.

(d) May not be considered as a basis for cancellation of insurance coverage, increase in insurance rates or refusal to issue or renew a motor vehicle liability policy.

(e) May not be considered as a basis for diminishing any recovery for damages arising out of the ownership, maintenance, occupancy or operation of a motor vehicle.

(f) May not be considered as a basis for denial, in whole or in part, of benefits or payment of a claim submitted pursuant to a health insurance policy or health care plan.

4. *The provisions of subsection 1:*

(a) Do not authorize a peace officer to halt a taxicab for the sole purpose of determining whether a passenger in the taxicab is not wearing a safety belt.

(b) Require that a peace officer have probable cause before the peace officer halts a taxicab for the primary offense of a passenger in the taxicab failing to wear a safety belt.

5. An owner or operator of a taxicab shall post a sign within each of his taxicabs advising passengers that they must wear safety belts while being transported by the taxicab. Such a sign must be placed within the taxicab so as to be visible to and easily readable by passengers, except that this subsection does not apply if the taxicab was not required by federal law at the time of initial sale to be equipped with safety belts.

6. *As used in this section, "motor vehicle liability policy" has the meaning ascribed to it in NRS 485.055.*

Sec. 7. 1. The Legislative Commission shall provide for a study conducted by the staff of the Legislative Counsel Bureau concerning the enforcement of NRS 484.641 and 484.6415, as amended by sections 5 and 6 of this act, respectively.

2. The study must include, without limitation:

(a) An examination of whether there is evidence that racial profiling plays a part, either directly or indirectly, in the enforcement of NRS 484.641 and 484.6415, as amended by sections 5 and 6 of this act, respectively.

(b) Gathering of information on the number of traffic stops carried out for primary seat belt offenses, including, without limitation:

(1) The number of citations issued.

(2) The sex, race and age of the persons to whom citations were issued.

(c) An examination of any other matter that the Audit Division of the Legislative Counsel Bureau determines to be relevant to the study.

3. The study described in subsection 2 must be carried out in consultation with:

- (a) State and local law enforcement agencies.
- (b) The Chairman of the Senate Standing Committee on Energy, Infrastructure and Transportation during the immediately preceding session of the Legislature. ~~H.~~ or his designee.
- (c) The Chairman of the Assembly Standing Committee on Transportation during the immediately preceding session of the Legislature. ~~H.~~ or his designee.
- (d) The American Civil Liberties Union.
- (e) The National Association for the Advancement of Colored People.
- (f) The Nevada District Attorneys Association.
- (g) The Nevada State Public Defender's Office within the Department of Health and Human Services.

4. The Legislative Auditor shall determine, receive and process any data that the Legislative Auditor determines is necessary for the conduct of the study.

5. Not later than June 30, 2010, the staff of the Legislative Counsel Bureau shall submit a report of the results of the study conducted pursuant to this section and any recommendations for legislation to the Legislative Commission. The Legislative Commission shall submit the report and any recommendations for legislation to the 76th Session of the Nevada Legislature.

6. As used in this section, "racial profiling" has the meaning ascribed to it in NRS 289.820.

Sec. 8. 1. The Legislative Commission shall provide for a study conducted by the staff of the Legislative Counsel Bureau concerning the efficacy of NRS 484.641 and 484.6415, as amended by sections 5 and 6 of this act, respectively.

2. The study must include, without limitation:

(a) An examination of whether ~~and, if so, to what degree,~~ the provisions of NRS 484.641 and 484.6415, as amended by sections 5 and 6 of this act, respectively, and their enforcement, ~~[reduce or do not reduce:]~~ alter;

(1) Morbidity and mortality as among drivers of and passengers in passenger vehicles and taxicabs.

(2) Costs incurred by individual persons, insurers and medical facilities.

(3) The rate of survival of victims of motor vehicle accidents as among drivers of and passengers in passenger vehicles and taxicabs, depending upon whether those drivers and passengers were wearing safety belts.

(b) An examination of any other matter that the Audit Division of the Legislative Counsel Bureau determines to be relevant to the study.

3. The study described in subsection 2 must be carried out in consultation with:

(a) The Office of Traffic Safety of the Department of Public Safety.

(b) The chairman of the Senate Standing Committee on Energy, Infrastructure and Transportation during the immediately preceding session of the Legislature. ~~H.~~ or his designee.

(c) The chairman of the Assembly Standing Committee on Transportation during the immediately preceding session of the Legislature. ~~H.~~ or his designee.

(d) The University of Nevada, Reno.

(e) The University of Nevada, Las Vegas.

(f) State and local law enforcement agencies.

4. The Legislative Auditor shall determine, receive and process any data that the Legislative Auditor determines is necessary for the conduct of the study.

5. Not later than June 30, 2010, the staff of the Legislative Counsel Bureau shall submit a report of the results of the study conducted pursuant to this section and any recommendations for legislation to the Legislative Commission. The Legislative Commission shall submit the report and any recommendations for legislation to the 76th Session of the Nevada Legislature.

1 **Sec. 9. 1.** State and local law enforcement agencies, in cooperation with the
2 Department of Transportation, the Department of Motor Vehicles, nonprofit
3 organizations and interested private-sector entities, shall coordinate and conduct a
4 campaign to inform the public of the provisions of NRS 484.641 and 484.6415, as
5 amended by sections 5 and 6 of this act, respectively.

6 ~~2. Notwithstanding the provisions of NRS 484.641 and 484.6415, as~~
7 ~~amended by sections 5 and 6 of this act, respectively, during the period~~
8 ~~beginning on the effective date of this act and ending on July 1, 2011, a peace~~
9 ~~officer may only issue warnings for primary seat belt offenses and shall not~~
10 ~~issue citations for primary seat belt offenses.~~

11 **Sec. 10. 1.** ~~University Medical Center shall determine the cost savings, if~~
12 ~~any, that it accrues as a result of the provisions of NRS 484.641 and 484.6415, as~~
13 ~~amended by sections 5 and 6 of this act, respectively.~~

14 ~~2. University Medical Center shall use the cost savings described in~~
15 ~~subsection 1.~~

16 ~~(a) To pay for the cost of carrying out the provisions of NRS 450.420, as~~
17 ~~amended by section 1 of this act; and~~

18 ~~(b) To pay other costs that, in the determination of University Medical Center,~~
19 ~~represent the greatest areas of need.~~

20 ~~University Medical Center has sole discretion to determine in what proportion to~~
21 ~~allocate money as between the purposes described in paragraphs (a) and (b).]~~
22 ~~(Deleted by amendment.)~~

23 **Sec. 11.** (Deleted by amendment.)

24 **Sec. 12. 1.** This act becomes effective upon passage and approval and
25 expires by limitation on July 1, 2011.

26 2. Section 5 of this act expires by limitation on the date the Federal
27 Government rescinds the requirements for the installation of automatic restraints in
28 new private passenger motor vehicles, if that action is based upon the enactment or
29 continued operation of certain amendatory and transitory provisions contained in
30 chapter 480, Statutes of Nevada 1987.