

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

**Seventy-Fifth Session  
April 7, 2009**

The Committee on Transportation was called to order by Chairman Kelvin Atkinson at 1:41 p.m. on Tuesday, April 7, 2009, 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/75th2009/committees/](http://www.leg.state.nv.us/75th2009/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](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Kelvin Atkinson, Chairman  
Assemblyman Mark A. Manendo, Vice Chair  
Assemblyman John C. Carpenter  
Assemblyman Chad Christensen  
Assemblyman Jerry D. Claborn  
Assemblywoman Marilyn Dondero Loop  
Assemblyman Pete Goicoechea  
Assemblyman Joseph M. Hogan  
Assemblyman Ruben J. Kihuen  
Assemblywoman Ellen B. Spiegel  
Assemblywoman Melissa Woodbury

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Marjorie Paslov Thomas, Committee Policy Analyst  
Darcy Johnson, Committee Counsel  
Sharon McCallen, Committee Secretary  
Sherwood Howard, Committee Assistant

**OTHERS PRESENT:**

Samantha Stone, Research Associate, Nevada Taxpayers Association,  
Carson City, Nevada  
Troy Dillard, Administrator, Division of Compliance Enforcement, Department of  
Motor Vehicles  
John Sande IV, Reno, Nevada, representing Nevada Franchised Automobile  
Dealers Association, Reno, Nevada  
Joseph K. Forti, Chief of Police, Police and Detention, City of North Las Vegas,  
Nevada  
Trevor Hayes, Las Vegas, Nevada, representing the City of North Las Vegas,  
Nevada  
Brian O'Callaghan, Detective, Metropolitan Police Department, Las Vegas,  
Nevada  
Frederick Drees, Chief Safety Traffic Engineer, Department of Transportation  
Bernard Spahn, representing Supporting Alternative Energy, Carson City,  
Nevada  
David Bowers, Assistant City Engineer, City of Las Vegas, Nevada  
Susan Aller, Lieutenant, Nevada Highway Patrol, Department of Public Safety  
Erin Breen, Director, Safe Community Partnership, Transportation Research  
Center, University of Nevada, Las Vegas, Nevada  
Lynn Chapman, State Vice President, Nevada Families, Sparks, Nevada  
Janine Hansen, State President, Nevada Eagle Forum, Elko, Nevada  
Michael Geeser, Media/Government Relations, AAA Nevada, California State  
Automobile Association, Las Vegas, Nevada  
Linda West Myers, Las Vegas, Nevada, representing Go West Institute for  
Transportation Infrastructure and the Southwestern States of the Chapel  
of Four Chaplains, Las Vegas, Nevada  
Ed Gobel, President, Council of Nevada Veterans Organization, Las Vegas,  
Nevada  
Judy Cox, American Civil Liberties Union of Nevada, Las Vegas, Nevada  
Richard Perkins, Henderson, Nevada, representing InsureNet, Inc.,  
Novi, Michigan  
Edgar Roberts, Director, Department of Motor Vehicles

**Chairman Atkinson:**

[Roll called.] Today we have three bills before our Committee. We have Assembly Bill 482, Assembly Bill 503, and Assembly Bill 504. After we conclude our three bills today, we have four bills that are on the work session.

[Turned the meeting over to Vice Chair Manendo.] We will open with Assembly Bill 503.

**Assembly Bill 503:** Creates an advisory committee to develop recommendations for the funding of highways in this State. (BDR S-954)

**Assemblyman Kelvin Atkinson, Clark County Assembly District No. 17:**

Assembly Bill 503 creates an advisory committee to develop recommendations for increasing funding for highways in Nevada which will be submitted to the voters for approval in the 2010 General Election. I believe it is important to have the citizens of Nevada approve any new types of funding for the state's transportation projects.

You may recall that in the 2007 Legislative Session, this Committee heard testimony from a variety of sources on the importance of increasing funding for, and continued investment in, our state's highway system. State transportation revenues are still not keeping up with the escalating construction costs and needs of our state. Nevada's Department of Transportation (NDOT) estimates that by 2016 there may be a cumulative shortfall of \$6.3 billion to fund necessary highway projects. We must remember our transportation system impacts our quality of life. We must continue to make it a priority that we invest in our transportation infrastructure in order to support our communities and economic activities.

This measure proposes creating an advisory committee consisting of six members; three appointed by the Speaker of the Assembly, and three by the Majority Leader of the Senate. Not more than one member from each House may serve on the committee. The remaining four members will be appointed from the general public. Much like what I am proposing, the Legislature passed Senate Bill No. 154 of the 74th Session which created an advisory committee known as the Washoe County School Construction and Revitalization Advisory Committee. This advisory committee prepared recommendations for the imposition of taxes to fund capital projects for the Washoe County School District and required the Board of County Commissioners to impose those taxes only if the voters of the county approved the imposition of those recommended taxes in the 2008 General Election. The advisory committee met throughout the legislative interim and discussed a variety of taxes that could be used to fund capital projects in Washoe County. The advisory committee recommended

the imposition of an additional one-quarter percent sales and use tax in Washoe County beginning July 1, 2009. The question of the sales and use tax and the imposition of an additional government services tax was added to the 2008 General Election ballot in Washoe County. Ultimately the voters opposed the ballot question and it lost 54 to 45 percent. Therefore the Legislature listened to the public and did not go forward with the recommendation.

In closing, I urge you to let an advisory committee develop recommendations to fund transportation projects and allow voters to choose what types of funding should be used for the construction and maintenance of our highways, if any.

Mr. Vice Chairman and Committee members, a few of us met in the interim to try to figure out what this Legislative Body would do with increased funding for transportation this session. We are facing a \$2.5 billion to \$3 billion shortfall, so I am quite sure when we talk about transportation there are not a lot of dollars left.

At the end of last session we looked at a few different advisory questions we felt would go on the ballot. It passed in the Assembly but the Senate did not take action on it. This time instead of us, the Legislature, coming up with the ballot questions, we thought it would be best if we created an advisory committee and let them study a few questions, get some information from the public, and try to come up with something the citizens themselves would be comfortable in supporting. That is where we are today and I do urge your support of Assembly Bill 503.

I know Assemblywoman Woodbury was thinking of the same type of bill earlier in the session; we talked about it, but it was already in this committee bill.

**Vice Chair Manendo:**

Sometimes you have to take a second bite at the apple to get where we need to go. Thank you for your leadership on this. Are there any questions?

**Assemblyman Carpenter:**

Will that committee have the authority to put that question on the ballot?

**Assemblyman Atkinson:**

That is what the committee is going to do, yes. That is what we are asking the committee to do. When the advisory committee meets they are going to be developing a question that will go on the ballot.

**Assemblywoman Woodbury:**

I really appreciate your bringing this committee bill forward. It is really important for voters to know where their money is going. When they do know and have a prioritized list of projects to do, they are more likely to want to fund it because the accountability and transparency are right there and they can see where their money will be spent.

**Assemblyman Hogan:**

In terms of the scope of the recommendations we anticipate from the committee, do you anticipate they would come forward with a specific recommendation on the sources of funds? Would they make specific recommendations on the projects that are to be approved? I am a little unclear on how much information they are going to present to the voters.

**Assemblyman Atkinson:**

We actually would want the committee to come up with pretty much every single recommendation. What I envision is that NDOT and the Regional Transportation Commission (RTC) would have a long list of projects they would like to see done, and projects that are important to Nevadans would be a part of that list. I envision them having a list and figuring out the cost to fund those projects and then asking the voters how they want to fund those projects. It would be too broad if we just said we need \$10 billion to let us do what we want to do. I do not think voters would approve it. If we came up with something constructive, we could tell the voters which projects are needed and ask them how the Legislature should fund those projects.

**Assemblyman Hogan:**

It will be crucial by the time we get the report back, because the longer it goes the further behind we get. I am wondering if it would make sense to add a little more specificity as to what the recommendations would have to encompass. If the committee found it hard to agree on the sources of revenue and skimped on that part or some other aspect of it because they did not reach a comfortable unanimity, we could wind up with a report having some gaps. I do not have a strong feeling on this, but I am curious whether we might protect the interests of our citizens by being a little more specific about what the committee must come forward with.

**Assemblyman Atkinson:**

It sounds like an amendment from you, but I do not have a problem amending it and making sure it is clear in the bill.

**Vice Chair Manendo:**

The committee consists of six members? I am curious why six and not seven to alleviate tie breaking?

**Assemblyman Atkinson:**

The reason we left it at six is because we did not want to give either House an advantage.

**Samantha Stone, Research Associate, Nevada Taxpayers Association,  
Carson City, Nevada:**

Nevada taxpayers want to call your attention to section 4, subsection (a), item 3. We would advocate a change that does not have the committee bringing the item to the ballot, writing the explanation, writing the arguments in favor, and also writing the arguments in opposition. We would advocate the arguments in opposition should not come from the same source as the arguments in favor.

**Vice Chair Manendo:**

Where are you reading from?

**Samantha Stone:**

Page 3, line 1.

**Assemblywoman Spiegel:**

Ms. Stone, who would you recommend write the opposition argument?

**Samantha Stone:**

This is an unusual structure. I believe the process is if a ballot question comes from the Legislature, the Legislative Counsel Bureau (LCB) writes the arguments for and against. Is that correct? If it is done at the local level, the counties would solicit citizen committees of engaged people who want to participate for or against. This is neither process, so you have devised your own terms here.

**Assemblyman Atkinson:**

Actually Ms. Stone, if I can correct you, I see it was a mistake. We will correct that.

**Vice Chair Manendo:**

Mr. Hogan, would you like to restate the language you were thinking of?

**Assemblyman Hogan:**

I think you will get a better idea from our legal expert. The idea was just to be a little more specific in what their project should encompass, the cost as well as

the project, so the people vote yes or no on what the Committee comes up with.

**Vice Chair Manendo:**

Is there anything else on Assembly Bill 503? Seeing none we will close the hearing on Assembly Bill 503 and bring it back to Committee.

We will open the hearing on Assembly Bill 482.

**Assembly Bill 482:** Makes various changes relating to the repair of motor vehicles. (BDR 43-1124)

**Assemblyman Kelvin Atkinson, Clark County Assembly District No. 17:**

Assembly Bill 482 is basically identical to Assembly Bill No. 393 of the 74th Session, a bill sponsored last session by Speaker Buckley. If you recall, last session A.B. No. 393 made it out of the Assembly, then it went to the Senate where sections 17 through 21 were deleted. Speaker Buckley felt it was important enough to bring it back this session and so did the Governor as he had the same identical bill introduced this session. We had to make a decision on which bill we were going to hear and it is A.B. 482.

The subject of both bills is car repair. Currently, our regulatory system for car repair does not work well. Some customer complaints are handled by the Department of Motor Vehicles (DMV) and some are handled by the Consumer Affairs Division. How does a customer know who to contact and for which complaints? If a garage resolves a customer complaint with one agency, why should it be subject to another investigation by a second agency? That is what we are trying to do; to make sure it is very clear that they will be handled by one agency, and that is the DMV. That is one thing this bill changes.

Also, Chapter 487 of the *Nevada Revised Statutes* (NRS) requires the DMV to register and regulate car dealerships, body shops, and garages. Chapter 598 of NRS requires the Consumer Affairs Division to monitor complaints and investigate deceptive trade policies.

The idea behind the Speaker's original bill was to take all customer complaints related to car repair and put them under one agency, the DMV. This same agency would register and regulate car dealerships, body shops, and garages. The Executive Branch opposed removing all authority over car repairs from the Consumer Affairs Division. So the bill was revised to streamline the process of regulations and enforcements with the DMV while allowing Consumer Affairs to continue to investigate claims of deceptive trade practices by garages. We need to change the system of overlapping jurisdiction and give authority over

these complaints to a single agency. That agency is functioning well, handles similar issues for new car dealerships, and has demonstrated its competence in doing so. There is nothing worse than going to an auto mechanic and being taken to the cleaners. This repeatedly happens in this state.

Last session the Committee saw a video clip of a Channel 8 Investigative Report documenting a customer's experience at an auto repair shop in Las Vegas. The customer was actually an undercover person working for the Office of the Attorney General's Bureau of Consumer Protection. The poor performance of the garage and charging for repairs that were never made was caught on tape. The garage was sued by the Office of the Attorney General for deceptive trade practices. We know that there are three types of auto repair garages: the garages that are consistently doing good work, the garages where the employee makes an occasional mistake, since no business can be 100 percent perfect, and garages that rip off people.

This makes DMV the single point of consumer complaints. When they receive a complaint, they will enter it into the database and determine what action should be taken depending upon whether it is a failure to comply with the regulatory disclosures or a pattern of deceptive trade practices. Either way, they can discipline a garage by imposing a fine, and enforcing it through the garage registration authority.

Assembly Bill 482 gives the DMV authority to impose a fine up to \$10,000 for each violation of the law. In addition, DMV can issue a cease and desist notice without a financial penalty. Suspension and revocation of the garage registration can also be applied if the business is not performing up to the level that provides customer protection.

The bond for garages is unchanged in this bill. A garage must post a \$5,000 bond, cash, or certificate of deposit, with the DMV and the certificate of deposit continues to earn interest. There is a due process clause in NRS 233B when a bond is involved and a claim is not made on it. Injured customers will be instructed on how to recover against a garage by proceeding against the garage's bond. That is how claims against all of the other businesses the DMV regulates are handled.

Other things currently in law related to repair quotes remain the same. Many shops have an advanced form called a waiver. If you sign it at the front end, most of the shops will give you a phone call to authorize any changes to the original agreement. If the customer fails to sign that waiver, regulations require a written agreement before that work can be performed if the amount in question exceeds 20 percent or \$100 of the estimated cost.



Last session, owners of garages and auto body shops expressed concerns because they wanted one agency to deal with it. The same agency that does the registration should do the enforcement. They should not be subject to multiple investigations by both the DMV and the Consumer Affairs Division. Assembly Bill 482 will finally accomplish that.

That was what we were doing last session with a similar bill, and the sections I just read to you were the sections taken out of that bill. This puts them back in so they will be regulated under one roof and we will not have multiple agencies doing the same thing.

**Vice Chair Manendo:**

As disclosure, I work for the Collision Authority and we are an auto body shop with four locations in Las Vegas. This will not affect the company I work for any differently than any other body shop, so I will be participating in voting.

Because Mr. Atkinson mentioned news reports, I want to say that several times the news media has come to the business where I work asking for input on what they should actually be looking for when they go out to do these undercover stings. We are pleased to be working with the media and helping to catch some of the bad guys in this industry.

**Assemblyman Carpenter:**

Do all garages have to register with someone?

**Assemblyman Atkinson:**

From my understanding, all garages do have to register with DMV and post a bond.

**Troy Dillard, Administrator, Division of Compliance Enforcement, Department of Motor Vehicles:**

Yes. If they are putting themselves out to the public, then they are required to register with the Department of Motor Vehicles.

**Assemblyman Carpenter:**

Is there a cost to register besides putting up the bond?

**Troy Dillard:**

Yes. The annual cost for garage registration is \$25 per year.

**Assemblyman Carpenter:**

No matter whether you have 1 service person or 25?

**Troy Dillard:**

That is correct. It is for the license itself.

**Vice Chair Manendo:**

And the bond is how much?

**Troy Dillard:**

A garage bond is \$5,000, which they can do in one of three ways as the Chairman indicated in his testimony. That was just passed last session, so it is new to the industry.

**Assemblyman Atkinson:**

We do have some proposed amendments that were given to me, but I wanted to go over them after if it is okay with you ([Exhibit C](#))?

**Vice Chair Manendo:**

Absolutely. Mr. Dillard do you have some comments while you are at the table?

**Troy Dillard:**

The amendments the Chairman is referring to have been run through the DMV. We, in effect, agree with the concept of this as the Chairman testified. Part of one of the Governor's forthcoming bills concerns some reorganization of the Consumer Affairs Division's responsibilities and this exact concept is going to be contained within that bill. We are onboard as far as the moving of this responsibility.

In addition, the fiscal note that was on this bill will be reduced as a result of those amendments being presented. It now is basically for one new investigator for the purpose of transferring the authority from Consumer Affairs to the Department of Motor Vehicles. There is also a budget amendment which has been submitted addressing that as well.

**Assemblyman Carpenter:**

On the sign they have to put up, do they have to put all of this in writing or just that they are a registered garage?

**Troy Dillard:**

Those signs are already required today and they are verbatim according to the existing statute that you are looking at. All garages have those posted today.

**Assemblyman Carpenter:**

You hope all garages have them posted today.

**Troy Dillard:**

They are required to.

**Assemblyman Hogan:**

I was curious about the adequacy of the bond at \$5,000. It seems to me a poor job on a reasonably expensive car could exhaust that amount of protection. Has that not been a problem, or is that something we should consider raising to make sure customers are adequately covered?

**Troy Dillard:**

There are effectively two answers to that question. We have not seen many bond hearings, but part of that is probably because of the result of the existing regulatory structure with Consumer Affairs handling the investigatory process and the Department holding the bond. We anticipate we will see some increase in those bond filings if this responsibility comes under the DMV.

The second aspect is the regulation currently on the books, which is proposed to be moved from Consumer Affairs to the Department, is limited in what it entails. Nevada does not have quality of workmanship laws on the books. That is something that is not regulated. It is a civil issue. Contained within the bill are about seven different things dealing with express warranty issues, returning of parts, notification of additional charges, and those types of issues. In addition, for clarification, one of the amendments removes the section that transfers the fund for undercover investigations to the DMV. The Office of the Attorney General's Bureau of Consumer Protection will still be involved in this process and continue to handle the prosecution of these types of cases. They will only be working with the Department of Motor Vehicles instead of the Department and the Consumer Affairs Division.

**Assemblyman Hogan:**

Because of the limited nature of consumer protection, I gather you are anticipating no one repair establishment would be likely to exceed or to accumulate liabilities under this law that would exceed the amount of the bond they have posted?

**Troy Dillard:**

I would not make the assumption that they will not. In our other businesses, bonds are set at various levels and many times liabilities do exceed them. The Legislature tried to strike a balance between what was fair and reasonable to both the businesses and the consumers. I can tell you a lot of garages did go out of business after the \$5,000 bond requirement came in because they were not bondable even at \$5,000.

**Assemblyman Atkinson:**

I will quickly go over the six amendments with the Committee and most of them are just cleaning up the bill. The bill came out of drafting with some of the language already passed last session. This is what this amendment is really doing—removing some of that because it is already taken care of.

Amendment number one deletes section 2 in its entirety. The rationale is the definition was added into the statute last session in Assembly Bill No. 393 of the 74th Session.

Amendment number two, section 4, paragraph 1, deletes lines 8 through 10 and lines 16 through 18 on page 3. The rationale is that it removes additional cost to the DMV to develop and maintain a hotline and eliminates industry cost to change existing signage.

Amendment number three, section 4, paragraph 2, deletes lines 23 through 25 and lines 31 through 33 from page 4. What it does is remove additional costs to DMV, again, to develop and maintain a hotline and eliminate industry cost to change existing signage. That is the same deletion as in amendment two.

Amendment number four deletes section 15 in its entirety because the Office of the Attorney General was given this fund last session and there is no intent to move this account to the DMV.

Amendment number five deletes section 17, subparagraph 2 only because the DMV does not investigate deceptive trade policy and does not mediate claims by consumers. The DMV does provide information to customers on how to obtain recovery from the garage owner's bond.

Number six deletes sections 30 and 31 in their entirety. It eliminates overlapping jurisdictions with the Consumer Affairs Division. Jurisdiction for overlapping unfair trade practices claims related to garage and car repairs is solely vested in the Department of Motor Vehicles.

This is what the six amendments do. As you see, most of them are just cleanup language in this bill that were already taken care of last session.

**Vice Chair Manendo:**

Are there any questions from the Committee? They might be trying to mock-up their bill as I was and will have questions in a bit. We can have Mr. Sande come up.

**John Sande IV, Reno, Nevada, representing Nevada Franchised Automobile Dealers Association, Reno, Nevada:**

We are strongly supportive of this bill and think it makes great sense. We are already regulated almost exclusively by the Department of Motor Vehicles, so it makes sense to have them do more.

**Vice Chair Manendo:**

We will close the hearing on Assembly Bill 482 and bring it back to Committee. Mr. Chairman, if you will allow me to entertain a motion on Assembly Bill 482, I would be pleased to do so at this time.

ASSEMBLYMAN HOGAN MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 482.

ASSEMBLYWOMAN SPIEGEL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN CHRISTENSEN WAS  
ABSENT FOR THE VOTE.)

Mr. Chairman, I am assuming you want to handle this bill on the floor.

**Assemblyman Atkinson:**

Yes.

[Assemblyman Atkinson resumed the Chair.]

**Chairman Atkinson:**

Thank you Mr. Vice Chairman and Committee members for your indulgence on A.B. 482. We have one more bill that we are going to entertain today and that is Assembly Bill 504.

**Assembly Bill 504: Authorizes local governmental agencies to use automated systems to enforce traffic laws. (BDR 43-461)**

This is a bill we are starting to receive a lot of emails on today.

**Joseph K. Forti, Chief of Police, Police and Detention, City of North Las Vegas, Nevada:**

This bill draft request has always been important to me. It is important to different people for a lot of different reasons. For me, as a police officer, public safety is the most important issue we can address. Part of my mission as Chief of Police is to have safe communities in North Las Vegas. Having safe streets is part of having a safe public in a safe community. It has become very apparent

there is a very big problem. Traffic collisions occurring in intersections are very devastating in nature.

I have provided you with some information about how problematic this is, particularly in North Las Vegas as well as the Las Vegas Valley ([Exhibit D](#)). We have noticed an increase in running red lights. Obviously we do not have enough officers to put one at every intersection. The majority of complaints we receive from citizens are regarding people who are running red lights and the terrible crashes that occur in those intersections. The data is out there to support how serious the injuries are that occur in intersection accidents.

When we look at the statistics in North Las Vegas, our 15 highest crash locations are at intersections. In looking at this and trying to verify some of the data to show there is an issue and a problem, we decided to engage in a pilot project. We had a company come into North Las Vegas and we picked two intersections. One of them was Cheyenne Avenue and Martin Luther King Boulevard and the other was Camino El Norte and Craig Road. The company came in and placed sensors at those intersections so we could study and see exactly what the problem was. At Martin Luther King Boulevard and Cheyenne Avenue, just so you understand that intersection, the sensors were put in to only monitor the northbound traffic. At Craig Road and Camino El Norte, we were only monitoring the southbound travel lanes. Early on we discovered that at Martin Luther King Boulevard and Cheyenne Avenue, over 72 violations of failing to stop at red lights were occurring per day. This is an enormous problem if you multiply it in one direction for a whole year. You can see it pretty much appears people have just decided there is no reason to stop for a red light. Of course Martin Luther King Boulevard and Cheyenne Avenue is one of our top crash locations.

At Camino El Norte and Craig Road, it was not quite as large a problem. We were only averaging about 16 traffic violations per day.

To try to put some validity to this pilot project, about halfway through we erected signs and dummy cameras at the intersection to see what effect this would have and to see if this would modify or alter the behavior of the drivers who were blatantly running these red lights at these intersections. Surprisingly, we did not see a large reduction even with the cameras up and with the signage up. At Martin Luther King Boulevard and Cheyenne Avenue we dropped down to 61 violations per day. At Camino El Norte and Craig Road, it only dropped down to 14 violations per day.

I do not have an explanation for why it dropped so little—it could have had something to do with the signage. We said it was a pilot program; perhaps

people were aware red light photo enforcement in Nevada is not legal at this time and just continued to ignore them.

However, the data clearly shows that just at those two intersections alone we have a significant problem.

A lot of people think the motivation behind this is to garner revenue. I can assure you this is not the case. As a matter of fact, one of the amendments to this bill that Trevor Hayes will be talking to you about says the fine for this violation during the pilot program will be only as high as the lowest parking violation. These funds will be managed through Nevada's Department of Transportation (NDOT) to run this program while it is in its pilot phase. I would ask you to please remember we are only asking for this as a pilot program at this time.

Red light cameras have been around for quite awhile. Over 20 European and foreign countries utilize them. To date over 358 cities, municipalities, and counties across our country utilize red light cameras. Approximately 21 different states, the District of Columbia, and Puerto Rico also use red light camera photo enforcement. It is not something new. The technology is not new. These days when we are all being challenged with budget constraints, particularly in law enforcement, this is a way to use and augment the technology to our advantage. Instead of investigating accidents, we can allow our police officers to investigate more serious crimes such as murder, rape, and robberies which we are also trying to reduce to have safe communities.

Our traditional efforts would continue to be utilized even if we would engage photo enforcement. We are not going to do away with our traffic officers; we need them. We just do not have enough, particularly in North Las Vegas, to send out to all the complaints we get and to do all the enforcement we would like. I only have 20 motor officers for the City of North Las Vegas and they are spread out over seven days in two shifts. It is pretty difficult to have these officers located at intersections. Some might question why we do not put our motor officers at these locations where we know a lot of people are running red lights. We cannot put them there seven days a week, 24 hours a day. We have other issues we have to deal with. The use of this technology would come in handy, particularly for an agency like mine.

A very important issue we also look at when we look at traffic accidents is, how do they impact us? We can talk about the financial impact from traffic collisions. I have some numbers to share with you. The average cost per fatal accident is somewhere around \$900,000. That is an average. For critical injury traffic collisions, the cost is somewhere around \$1.23 million. For the lesser

traffic collisions, somewhere around \$153,000 per accident is spent. When we look at the economic impact, we know for a fact we can reduce traffic accidents by the use of red light cameras. If you reduce the number of accidents, these numbers will go down. The most important thing we have to remember about traffic collisions, fatal accidents, or critical injury accidents, is the emotional and physical damage caused when these accidents occur.

Being an accident investigator for over four years, investigating fatal and serious injury accidents, when you have to go to the hospital and talk to family members about their loved ones, when you have to look at the young children who were in these vehicles and were either killed or critically injured, it is something that in law enforcement will stick with you for the rest of your life. It is pretty hard to dismiss those images out of your mind. I speak from my heart when I talk about this; it is truly a public safety issue, as opposed to a revenue gatherer or anything else. We want to look at this as a public safety issue. Please keep that in mind.

Finally, I want to talk about traffic enforcement. I was a traffic commander. I went to the Northwestern Traffic School of Command and the one thing I learned that impacted me the most are the three Es to make roadways safer; engineering, enforcement, and education. All three of those have to be in concert if you are going to have a positive impact on making safe roadways.

The first thing is engineering. It is up to the Federal Highway Administration to make sure that they have the highest standards for building safe roads. We depend on the auto manufacturers to design safe vehicles for us to drive in. We rely on engineering technology to help us reduce roadway accidents.

We talk about enforcement. Again, the technology is there to assist us in the enforcement effort as well as our traditional methods of enforcing traffic laws.

Finally is education. Education is as important as any of them. We must make our communities aware of the dangers of running red lights. Pedestrian safety and education must also be emphasized. We will do this education, and it is part of our plan if this program is implemented. Education is going to be a big partner in this whole issue regarding photo enforcement. It is not just about putting up cameras and saying, "Okay, the cameras are up," and we just collect fines. That is not what we are looking for here.

I will now turn my time over to Trevor Hayes, thank you.



**Assemblyman Goicoechea:**

You talk about this being a pilot program but there is nothing in the bill that talks about it being a pilot program. At how many sites would you put these cameras up? Would there be a limit? What is the time frame for the pilot program?

**Trevor Hayes, Las Vegas, Nevada, representing the City of North Las Vegas, Nevada:**

As I walk through the bill, I will explain that. The very last section, section 8 of our proposed amendment ([Exhibit E](#)), says this expires on June 30, 2013. When we say pilot, we mean it has a four-year time frame, at which time we have to come back here and you have to approve its extension or let it die. There are also other provisions concerning coming back and reporting to the Legislature on the progress of the pilot program which I will talk about as I go through the bill.

**Assemblywoman Spiegel:**

I do have some questions regarding your claims of increases in safety. There have been numerous studies I have found from multiple jurisdictions of the 21 states that have these red light cameras. From what I am finding on the Internet, nearly all of them actually had increases in total crashes. For example, the Virginia Department of Transportation found that the "cameras were associated with an increase in total crashes that aggregate results suggested was 29 percent. The cameras were associated with an increase on the frequency of injury crashes by 18 percent." Washington, D.C., found increases in crashes more than doubled. Maryland found increases in crashes more than doubled. North Carolina found increased rear-end collisions. I am finding this again and again and I did a search on statistics, but I have not found any showing a decrease in crashes. Could you please tell us where we are going to be getting these savings from?

**Joseph Forti:**

I can tell you Tampa, Florida, had a tremendous reduction in crashes; Toledo, Ohio, Columbus, Ohio, and Dayton, Ohio all had reductions in serious-injury crashes. I have read other studies, that I do not have with me, definitely supporting the reduction in collisions across the country.

**Assemblywoman Spiegel:**

Could you please provide me with that data?

**Joseph Forti:**

I would be more than happy to.

**Chairman Atkinson:**

Are there anymore questions for the Chief? No. Mr. Hayes, we will take your testimony.

**Trevor Hayes:**

I will briefly go through the amendment which I believe was provided to all of you ([Exhibit E](#)). The first couple of sections just go through the definitions. I will start with section 4 defining what a red light camera is, where it will be used, and how it will be used. There have been concerns brought forth in previous legislative sessions regarding the camera taking the photo of the person as opposed to the car, so we have taken that into account. It will only take a photo of the license plate on the car as the car enters the intersection, the position of it within that intersection, and the day and time of the transgression. A photo of the person's face will not be taken which was a concern of some people regarding civil liberties issues.

Section 5 talks about the regulations the Department of Transportation will implement. This section describes their regulation making process.

I do want to direct your attention to section 2 (a), which says the penalty will be equivalent to the lowest penalty of a parking ticket within that jurisdiction. Other concerns and some of the complaints I have heard or read about nationwide are about the way jurisdictions try to increase revenue, but we are not looking for revenue; we are merely looking for a way to increase safety. That is why we have a low amount for the fine. It is merely enough to keep the system operating and create an awareness of the situation to those receiving the tickets. It is not going to put points on someone's driving record and the amount of the fine is not going to break the bank.

I personally got a red light ticket in another jurisdiction, and the fine was over \$400. Either points would be put on my record or I would have to attend traffic school. We will not do that here in our proposal.

Some people ask how will you know who is driving the car if you do not take a picture of their face? What they do is send a ticket to the registered owner, and in subsection 4 of that section we have a process whereby if you have loaned the car to a friend, neighbor, your child, or your spouse, you can simply sign an affidavit swearing that it was not you driving the car and send it to the court. The court shall dismiss the citation without requiring a court appearance by the registered owner if it finds there is reason to believe the registered owner was not the driver.

Continuing on to sections 5, subsection 3, there will be a public information campaign at least 30 days prior to the implementation of any red light camera, so people will be aware and not caught off guard.

Paragraph (b) of subsection 3, states there will be signage at the intersection and as you go into major entrances to the jurisdiction letting people know there is red light enforcement there. Again, we are not trying to catch anyone off guard. This is about saving lives and if people see the signage and see this is happening and are not going to run a red light, that has done a better job than writing a ticket ever would.

Continuing on down to subsection 4, (a) and (b), the vendors that provide the red light camera equipment will not be paid based on the number of citations or get a percentage of the revenue generated. There have been complaints in other jurisdictions we have read about saying the vendors are incentivized to issue more tickets or issue tickets that should not be. This alleviates that concern.

In section 6, the Department of Transportation will get a report from the county or local government that uses the red light cameras. They will get them in the odd-numbered and even-numbered years. You will get one January 1 of odd-numbered years before you meet at the Legislature, so if you do have concerns before the next legislative session, you will get this report and see what has been done prior to the session.

Finally, in section 8, which I mentioned earlier, this test program has a four-year time limit on it. If, in four years, we find out this did not significantly reduce accidents, we will have ample data to decide whether this has been a success or not.

**Chairman Atkinson:**

Are there any questions from the Committee members? Mr. Manendo and then Mr. Carpenter.

**Assemblyman Manendo:**

Who would pay for the public service announcements (PSAs)?

**Joseph Forti:**

That would probably be established through the Department of Transportation in the funding gathered from the violations that would more than likely pay for the PSAs. In the interim, we would probably team up with our local television and radio stations to do PSAs to get the information out that we are going to be installing red light cameras and beginning an awareness program.

**Assemblyman Manendo:**

Yes, because you mentioned prior to the implementation of it you would do it, so we have assurances that the local media in Las Vegas is going to put these out?

**Joseph Forti:**

We have not talked to them at this point about it, but I know we have had great success in teaming up with them for these types of programs.

**Assemblyman Manendo:**

Will we give them a list of PSAs that we want them to be so gracious about? On this particular issue, we can come up with a list of things that we want put in the PSAs and maybe they can do them all.

**Trevor Hayes:**

Noting the many emails you have received on this issue, and as was indicated by the Chair earlier, I am certain initially there will be a great deal of media coverage. I have no doubt there will be news stories and television stories leading up to it. Once it is going, there will be funding in place for the media to do more paid announcements.

**Assemblyman Manendo:**

I thought you said you were going to have specific PSAs, not just media coverage. There is a difference between an outlet picking up a story and news media actually doing PSAs. I do not even know if Channel 10 does those. I have a concern regarding that.

**Trevor Hayes:**

I was saying there would also be earned medias in addition to the PSAs.

**Assemblyman Carpenter:**

What is the cost of one of these systems?

**Joseph Forti:**

To install one of these systems at an intersection would cost around \$100,000. Normally, these are put in by the vendors and they absorb the costs up front when the cameras are installed.

**Assemblyman Carpenter:**

You are going to have to catch a lot of people to pay \$100,000 off. What is the cost of the lowest fine? You are going to have to get a lot of fines to pay \$100,000 I would think.

**Joseph Forti:**

My understanding of the way it works is that it is amortized over approximately a seven-year period. It is not paid up in one year. The companies come out and install these cameras at their cost and then over the years, you pay on them as you would a loan.

**Trevor Hayes:**

The vendors who come in take the gamble that this is something the Legislature will keep in place for a number of years, or they risk losing the money. They do have to amortize their investment over about a seven-year period of time to recoup and if you decide to change your mind, then they are out of luck. It would not fall back on the jurisdiction.

**Chairman Atkinson:**

Do I hear a public private partnership (PPP) in here? People know how I feel about those.

**Trevor Hayes:**

I do not know that I would call it a PPP, it is merely the municipality using a vendor that has expertise in an area to provide a service.

**Chairman Atkinson:**

So they will, in this case, almost lease the equipment. They will make their money back on tickets.

**Trevor Hayes:**

It is their equipment, they own it, we contract with them to come in and install it, and they do get revenue from the tickets. It will be a set fee as opposed to getting a percentage.

**Chairman Atkinson:**

I understand, but we are going to go around and around on this. It is a real simple concept to me. They have the equipment you need, and I know Chief Forti said it costs around \$150,000 per intersection, so if they are going to loan you this equipment they have to make their money back somehow. If the city is not going to pay it back, I would strongly discourage the city from using taxpayers' money to put in equipment to ticket people. The only way this company is going to make their money back, per intersection, is going to have to come from tickets. That is a yes or no.

**Trevor Hayes:**

Yes. The funding from the tickets is what will pay them back.

**Chairman Atkinson:**

Right. Then there is a portion that, obviously, will go to the cities for their costs, et cetera.

**Trevor Hayes:**

Administrative costs.

**Chairman Atkinson:**

Administrative costs.

**Assemblyman Kihuen:**

I do have a question with regard to the cameras themselves. Is there anything in the bill prohibiting the use of cameras for reasons other than catching the license plate? For example, marches, protests, seat belts, anything like that?

**Joseph Forti:**

No. Because of the way the cameras are set up, they would not trigger for seat belts, nor function for protests. They are not meant for that. They are strictly set up for red light photo enforcement. The sensors are set up to work with the signal in a sequence so when the signal turns red, the sensors send a message to the camera identifying anyone going over a certain speed, because speed has to do with the utilization of these cameras. The speed has to be between 15 and 20 miles per hour. Then the loop sensors are triggered only when the signal turns red.

**Assemblyman Kihuen:**

So if the camera catches that person not wearing a seat belt, that would become a second offense and would you be able to give him a ticket for not wearing a seat belt?

**Joseph Forti:**

No, because we are only going to be photographing the license plate of the vehicle. We would not be photographing the inside of the vehicle.

**Chairman Atkinson:**

Why did you use four years instead of two?

**Trevor Hayes:**

In speaking with the vendor we are working with—who is the largest in the country—they felt that was a good sample time frame for what they have done in the past to show the effects. Part of this is public education. Once people start getting tickets and realize cameras are in place, fewer people will run those red lights and we will be better able to analyze the effects.

**Chairman Atkinson:**

A concerned caucus member asked who the vendor would be and why the city has already chosen the vendor without going through the request for proposal (RFP) process like we do with everything else? My understanding is that for public agencies, anything over \$25,000 needs to go out to bid and that did not happen in this case. I have been asked to inquire about this.

**Joseph Forti:**

In response, some of this took place before I became the Chief of Police. I know there was discussion through the City Attorney's office as to what we could do and what we could not do, and the legal opinion of the city was they would enter into a contract with a particular company based on a sole-source product. That is my understanding about why it was initiated.

**Chairman Atkinson:**

To me, that is not a good answer. Someone needs to be able to answer that for this Committee before Thursday. We need to know why this single vendor was chosen.

**Joseph Forti:**

We will do that.

**Trevor Hayes:**

I will research why the selection was made before Chief Forti became Chief and get back to you. I will point out, even if North Las Vegas goes with this one vendor, others who are unable to do this are not restricted to any vendor and they can go through their own process and choose a different vendor.

**Chairman Atkinson:**

What I am trying to do is get to the bottom of this with why someone believes this vendor was chosen. I am trying to give you the opportunity to get back to me later, but if you want to do it publicly, we can do that. I am just asking. We want to find out. We will bring it back to the Committee.

**Assemblywoman Dondero Loop:**

I heard two things. You had asked why that vendor was chosen and they answered because it was a sole source vendor. Is that correct? Then just now, I heard other groups can choose other vendors?

**Chairman Atkinson:**

They have the option to choose other vendors.

**Assemblywoman Dondero Loop:**

I know, but sole source means that is the only vendor carrying that product.

**Chairman Atkinson:**

That is what it means.

**Trevor Hayes:**

I was not around then, but I will find out the information and get back to you by Thursday. If I misspoke, I apologize.

**Assemblyman Goicoechea:**

How many of these sites at \$100,000 are you going to put up?

**Joseph Forti:**

We will determine how many locations are needed for North Las Vegas based on our top crash locations. We will look at all of our statistics. It is not our plan to put the cameras up at every intersection. That certainly would not be practical. If we are looking at this from a safety issue, we really only want to address the intersections where we are having the largest problem. In North Las Vegas, we would be looking at maybe 10 to 12 cameras. I would not put an exact number on it, but again; I have provided you with information on our top 15 crash locations. Some of those average 20 crashes and some are in the high 70s. Those would be the intersections we would target.

**Assemblyman Goicoechea:**

Thank you. I would think though, if we are talking about a pilot program with a sunset on it, we would also put a number in there that talks about how many. Maybe it will be very worthwhile for you to capture those revenues by putting more cameras in, but if we are talking about a pilot program, how many are we talking about using, and at how many sites?

**Chairman Atkinson:**

Did you have that identified when you were talking about the pilot project—how many sites and where they were going to be? Was that not identified?

The city had another pilot project where it just conducted a sample. It did not necessarily send tickets, but they did have it at two or three intersections.

**Joseph Forti:**

Yes, and I believe someone from Las Vegas will be able to answer those questions regarding the exact intersections that they gathered their data from.



**Assemblyman Claborn:**

I received an email from Arizona saying they are repealing this because it is unconstitutional in the State of Arizona. I also think it is unconstitutional in the State of Nevada as well. What this bill does, as far as I am concerned, is take away your right to face your accuser. This bill is unconstitutional. If I go through this light, it takes a picture of my license plate, and it takes a picture of me. I have two twin brothers, how do they know it is me? I might be in Hawaii, it might be my twin brother. You say, well you can go to court—why should I have to go to court when I was not the perpetrator? This is ridiculous. It is going to be a hardship on everyone. What you need to do if you want to catch these people running red lights is put a cop out there to watch them running the red lights. If you do not have enough people, make a program. I have already explained how you can do that.

No, I cannot support this and I never will support anything knowing that it takes your constitutional rights away from you. I have said that since 1998 and I am saying it today. No support from me on this.

**Trevor Hayes:**

I would just like to point out a couple of things, if I may. It does not take a picture of the face as indicated in section 4 of our amendment. Subparagraph 4 of paragraph (b), subsection 2, section 5, points out you can have it dismissed by affidavit without having to go to court.

**Assemblyman Claborn:**

To me, it does nothing. It still takes your constitutional right away from you. You are never going to convince me.

**Assemblyman Manendo:**

With regard to the expiration date, why did you pick four years? Why not two, or seven, which you said it would take to recoup expenses?

**Joseph Forti:**

Again, we had not really looked at the expense part, or how it would be operated, because it is a pilot program run by the Department of Transportation and they would be setting a lot of that up. The reason we selected four years was because we thought it would be a sufficient amount of time to look at the data regarding the traffic enforcement. Did this photo enforcement program do what we expected it to do? Has it reduced the amount of traffic collisions in intersections? Again, that is what we are trying to accomplish—reduce the number of collisions in these intersections. We are also trying to regain compliance from people to try to have them observe the traffic laws and to stop

for traffic control devices. We thought four years would give us plenty of time to gather that information and those statistics so a decision could be made.

**Chairman Atkinson:**

So I get one of these in the mail and it was me, but I do not have to go to court? All I have to do is sign the affidavit saying it was not me and send it back? Is that what you are saying I could do?

**Trevor Hayes:**

Such a thing could be done and there will be some people who will do that. I can give you my own experience of getting one of these in another state. I was driving my mom's car and she could have checked the box saying it was not her, but it had another part that asked, "Who was it?" She put my name down, my driver's license and also wrote a notation in the margin, "my son." I think most people tend to be law-abiding citizens. They are signing an affidavit saying they swear they are telling the truth. It is the price of a parking ticket. Are people going to lie over a parking ticket?

**Chairman Atkinson:**

You make a good point though because that means someone could put anybody's information down. Most moms are not like yours, most mothers like their sons. Seriously, if a person was mad at someone, they could put that person's information down. I am sure that can happen because there are vindictive people.

**Trevor Hayes:**

Fortunately, we are in the State of Nevada and not California and ours would not have that section. California has it because they took a picture of my face also. If someone was mad at me in California and put my name down, I could show up and say that person and I do not look alike.

**Chairman Atkinson:**

What you are proposing is even less convincing because now someone who has gotten three or four tickets continues to say, "Not me." Is there some point at which the court says, "Come on, this is the fifth time?"

**Trevor Hayes:**

Under subsection 2 of section 5, it does say the court shall dismiss the citation without requiring a court appearance. It does not say if there is reason to believe the registered owner was not the driver of the vehicle. If it happens six times at the same intersection with the same car, they are probably going to ask you to come in and talk to them.

**Chairman Atkinson:**

You are telling me even the first time the judge could say, "You say it is not you, but I think it might be and you need to come into court."

**Trevor Hayes:**

It could, but with the courts being clogged as much as they are, I doubt a judge is going to be calling people in over a parking ticket when they have people who have committed more serious offenses.

**Assemblyman Carpenter:**

You said this will sunset in four years, but it will take probably seven years to pay for the equipment. What is going to happen then? Are you still going to keep it up there for free?

**Trevor Hayes:**

That is on the company. We do not have liability as a jurisdiction for the amount it cost to put it in. They put it in and recoup that expense. They are hoping in four years they will have shown good enough results and we will want to keep it. After four years, if you say no, then they take a loss. That does not hurt the taxpayers in the State of Nevada, or the City of North Las Vegas, or the City of Elko, if they chose to do it.

This is just enabling; it does not require any jurisdiction. There would be no funds lost by the jurisdiction that tried this experiment.

**Chairman Atkinson:**

Because you mentioned your incident was in California, does California not give you the option to come down to view the tape as well? That is something I heard.

**Trevor Hayes:**

I do not know all of the details of California, but when they mailed me the ticket, they also included a picture of me, a picture of the car, and a picture with the light in the background. I then had the option to go online and look further.

**Chairman Atkinson:**

So you can go online if you want? Okay. We will open this up for the rest of the people who wish to testify.

**Brian O'Callaghan, Detective, Metropolitan Police Department, Las Vegas, Nevada:**

I am going to echo everything the Chief said and also what Trevor Hayes stated. I want to make clear this is enabling legislation which does not require the rural areas to participate. We tried to cover every aspect to make sure some of the concerns from the last session were addressed. In fact, last session we kept all of the amendments that were of concern and the only thing we did not keep was the one from the American Automobile Association (AAA) referencing driver recognition. In regard to the driver recognition, if you look at it as a civil violation, you can say, "Wait a minute, that is less than a moving violation." I am going to have to agree with you on that. This is a type of legislation and we want to see if it is going to work. That is the whole purpose behind it. Sometimes you have to do something to see if it is going to work. Again, it has a sunset clause so in four years it is gone if we do not have the information to prove it is working. Also, in 2011 you can do the same.

We did have a red light violation study at Sahara Avenue and Valley View Boulevard. You should have a copy of that ([Exhibit D](#)). There are eight approaches to that intersection, and although we are limited on equipment the Department of Transportation set it up with the cameras that were already there. They set the system up for the westbound travel lane. It was a short period of time, approximately two weeks, but within those two weeks the initial study came back with 300 to 400 violations. That seemed kind of high for a 24-hour period. The Department of Transportation sat down and reviewed the tapes, piece-by-piece and made sure there was a violation. The estimation is very conservative. If there was any doubt a vehicle crossed the line, they would not count it. It still came up to 60 to 80 violations within a 24-hour period just at the one approach. The other approaches were not accounted for.

Assemblywoman Spiegel identified other studies regarding increases in accidents. Sometimes, there is an increase in rear-end accidents, but they involve fewer injuries. A study out of North Carolina showed the reduction of angle accidents, which are more costly, was down to 42 percent. Eventually, the rear-end accidents went down 25 percent. There are all kinds of studies to show there is a reduction. There may be an increase in rear-end accidents in some locations, but eventually, that will drop.

Another thing Assemblyman Goicoechea brought up is you have specific areas and limits within the city where you want to use them. If they do a study where the larger numbers of violations are and they put up cameras and they are a problem, they end up removing them. When they do these studies, especially with a pilot program, they would go out and make sure the violations are there because if they are not, there is no reason for putting up the cameras.

When you are using these cameras there is a halo effect. You do not have to have them on every intersection because this halo effect radiates out further, so people at other intersections catch on and it reduces violations.

If you look at our intersection high incident report ([Exhibit D](#)), you will notice I only picked the top 30 for accidents. You can see in one intersection it went from 150 violations down to 70. We do have a big problem in southern Nevada, but not in the whole state. That is why the enabling portion is very important. It still has to go through the county and city for approval.

The other thing is, we are part of the Nevada Strategic Highway Safety Plan and there is a lot of information if you look at their statistics. If you look at the total intersections within the state, which are included in ([Exhibit D](#)), it is staggering. If you look at the total number of crashes at intersections in southern Nevada, they are almost three-quarters of the accident totals. Southern Nevada has over a million people and we do not have enough officers to cover all the intersections. There is also a safety problem for the officers who are trying to stop the violators. In the big picture, this is going to help us reduce our accidents and our fatalities and injuries.

In conclusion, we have complied with what the Legislature wanted by including these amendments and we also did our own studies and provided all of the numbers. The Office of Traffic Safety did a survey which showed registered voters were in support of the red light camera.

**Assemblywoman Dondero Loop:**

Do you know what happens to insurance rates when those intersections are targeted? Does anything happen to your insurance rates as the insurance companies see those intersections are being targeted?

**Brian O'Callaghan:**

This is where we are going to run into a conflict because the insurance companies would like to have that information, but as it is a pilot program, I do not think it will affect one's insurance. There is a concern that the person who runs the red lights is not being targeted for their insurance, but the insurance companies would still like to know so that information could be used later. Right now, we are trying to see if the system works.

**Assemblywoman Dondero Loop:**

I am just trying to put all the pieces of the puzzle together. Who is involved? We have law enforcement; we obviously have a company that sells this product involved, as well as insurance companies. Is this it? What about the software that goes into the lights?

**Brian O'Callaghan:**

You would also be talking about the medical community regarding accidents and injuries. I think that would be the total amount of entities right now. You are correct.

**Assemblyman Hogan:**

There may be some sensitivity about handling the information, film, et cetera, by persons who are not law enforcement certified individuals. I was not clear where the dividing line is between the company employees if they are actively involved in the official police role. Are there phases of this process in which non-sworn officers are employees of the company providing the equipment as well as handling the data and the identity and information of the individual people?

**Brian O'Callaghan:**

Yes there are. These people are certified and have background checks the same as law enforcement. They are certified to handle that type of information. The information that is sent still goes through law enforcement. They are the ones looking at the information and making sure there has been a violation. It does go to the company, but it is not up to them to determine the violation. It still has to go to the police department and it is up to the officer to make the citation.

Also, in answer to Assemblyman Claborn's concern, what can happen is that I can cite a violation, hold it, and three weeks later I can still cite that person. The constitutional right is not a problem. There are a lot of people who are cited weeks later, even after an accident, because law enforcement does not charge anyone until they have all of the facts. It is the same thing with a citation. Sure, the camera goes off, but it is still up to the officer to review it, determine that it was a violation, and then send the citation out. There is a time delay, but a lot of misdemeanors are delayed up to a year.

When you talk about 14th Amendment rights, you look at it like it is being tied into a trial. There is no preponderance of evidence involved because this is really just a summons. It is still up to you to agree or disagree whether it was you or if it was your car. Most people are good citizens. They are still going to sign off because of the affidavit. There are bad ones, but over-all you still have good citizens out there that are going to comply with the law since it is an affidavit.

**Chairman Atkinson:**

We are going to come back to Carson City and let the gentleman here speak in favor.

**Frederick Droes, Chief Safety Traffic Engineer, Department of Transportation:**

I am here to let you know the Department is here in support of this bill. Unfortunately, I have not seen the amendment. It sounds like it will mirror the language we had in legislation in 2007 and we were in support of it then. It supports the goals of our statewide Strategic Highway Safety Plan to reduce the number and severity of crashes on our roadways.

**Assemblywoman Spiegel:**

Is your agency responsible for also setting the yellow lights? I am not sure how that works

**Frederick Droes:**

If you mean the timing on the yellow lights the Department of Transportation is not responsible for that. The local agencies maintain and operate the signal systems. I can further that by saying they typically use the Institute of Transportation Engineering (ITE) standards for timing of yellow lights.

**Assemblywoman Spiegel:**

I know in other jurisdictions there have been manipulations of the length of time of yellow lights at intersections having red light cameras. I was wondering if you knew about that or could speak to that.

**Frederick Droes:**

I do not have firsthand knowledge. I have heard those comments that the yellow light duration is manipulated in order to affect the number of violations.

**Bernard Spahn, representing Supporting Alternative Energy, Carson City, Nevada:**

I am in favor of Assembly Bill 504 mostly because I think it will prevent serious accidents. That will be a conservation benefit because you do not have to replace or repair cars.

When I was in Fullerton, California, in 2006, they had these cameras and there were newspaper articles about the quick timing of the flash for the red lights. I myself was flashed once and felt it was undeserved. I hope that will be looked at or at least followed up on by the Committee.

**David Bowers, Assistant City Engineer, City of Las Vegas, Nevada:**

We would like to be on the record as being in support of this bill on the basis of safety alone.

**Susan Aller, Lieutenant, Nevada Highway Patrol, Department of Public Safety:**

We are in support of this bill as well.

**Chairman Atkinson:**

Thank you very much. Is there anyone else in Carson City that would like to testify in favor of Assembly Bill 504? We will go back down to Las Vegas.

**Erin Breen, Director, Safe Community Partnership, Transportation Research Center, University of Nevada, Las Vegas:**

This is the fourth time I have appeared to testify in support of photo enforcement in the State of Nevada. The first time we testified in support of photo enforcement there were 70 communities in the United States utilizing cameras to help their public safety numbers move in a downward direction. In 2005 there were 110, in 2007 there were 243, and as of today, there are over 400 communities across the United States employing photo enforcement to reduce speed, crashes, and red light running crashes.

Mr. O'Callaghan went over a lot of the intersection data so I will not go over it again except to point out that since the last time this measure failed, 38 lives have been lost in red light running crashes in the State of Nevada. The latest one was reported today in the Las Vegas Review Journal. There have been 6,592 injuries with 1,401 being listed as life-altering injuries. I do not have to quote you the monetary cost. I am sure you have heard it many times. The psychological costs in the community of Las Vegas are staggering. The people are afraid to drive in our community.

The survey by the Office of Traffic Safety Commission, through the University of Nevada, Reno, showed 84.6 percent of registered voters favored photo enforcement. That says a lot. Those strongly favoring photo enforcement were at 51.5 percent; Democrats slightly more than Republicans; females slightly more than males. For every age group, over 50 percent of the population surveyed supported photo enforcement.

You already know there is a lot of opposition to this bill. I am grateful you will give us the opportunity to get back with you before Thursday and refute some of the opposition you have already heard, and some I am sure you will hear following my testimony. This is a lightning rod for people to come out and speak, and I would just like to point out the proponents of this bill are not trying to make money; we are simply trying to save lives. I believe in law enforcement. I believe the best education you will ever receive is a citation given by a police officer. I believe strongly in traditional enforcement. What I do know is there are not enough officers for traditional enforcement, at least in my community. I have parents who tell me of the hardships of teaching their teenagers to drive because they do not know how to tell them what to do at an intersection if the light turns yellow.



To Assemblywoman Spiegel, I would like to tell you I was part of a community-wide committee here that dealt with signal timing for yellows in Clark County. We do not take this bill lightly in the community. There has been a lot of research put into this and we know it will save lives. We are hoping you will give us the opportunity to prove it.

**Assemblyman Manendo:**

I know Ms. Breen does wonderful work in southern Nevada and is much respected. If you had the choice between having an actual police officer at a particular intersection, do you see that as more beneficial to saving lives than the red light cameras?

**Erin Breen:**

I think the thing we have not discussed is whether red light running enforcement is inherently dangerous for a police officer. For them to see the violation they are on one side of the intersection and they have to chase the offender through the intersection to issue the ticket. I always think it is better to get a ticket from an actual police officer because there is give and take right there on the scene. I have the utmost respect for law enforcement, but what I know is, we simply cannot afford the number of police officers it would require to have an effect on the red light running in Clark County. I am sure you have heard this because you are from Clark County, but we joke about it being a good intersection if only six people blow the red light. It is a serious problem in our community and I do not think we could afford the budget to have that many police officers to respond to red light runners.

**Chairman Atkinson:**

Are there any other questions from the Committee members? Seeing none, is there anyone else in Las Vegas or Carson City wishing to testify in favor of Assembly Bill 504? Seeing none, we will move to the opposition. Is there anyone in Carson City wishing to testify in opposition to A.B. 504?

**Lynn Chapman, State Vice President, Nevada Families, Sparks, Nevada:**

I would like to start by asking a question. How many of the red light running accidents were caused by or related to alcohol or drugs?

I am here to give you the good stories. The Colorado Supreme Court upheld rulings declaring that Denver's photo radar programs were illegal. A Sacramento judge had contested the trial procedure for red light cameras as flawed. He said "I think the police, the DA, the traffic court and the whole thing is corrupt." This is the best story; the Sacramento Bee reported that Ed Jaszewski said the attitude of the Sacramento County traffic court when it comes to motorists contesting red light camera tickets was quite an adventure

for him. He is an attorney and was volunteering as a pro tem judge in traffic court and taking care of run-of-the-mill cases such as people who did not stop at stop signs and speeding. He said one day a batch of red light photo enforcement cases landed on his desk. He said he learned how the tickets are usually handled by the court when he acquitted one of the first cases. The next thing he knew he was handed a note that the traffic commissioner wanted to see him. He stepped out into the hallway and the commissioner wanted to make sure he was clear on how the camera system works. On the same day, Jaszewski went home, opened his mailbox and found a red light citation with his name on it. It should be noted he is not certain whether he ran a red light on the day in question, but he is pretty sure the light was yellow. He did say he is insistent that the trial procedure is flawed. For one thing, the prosecution never lays a legal foundation for the evidence. In most cases in which a photo is used as evidence, the photographer is called to the stand to verify it is legitimate, and it has not been doctored.

On March 13, I was driving somewhere and I turned on the radio and was listening to some man talking about red light running, so I pulled over and started writing down everything I heard. This man is a state representative, Barry Loudermilk, in the State of Georgia. This is what he said and I quote, "When the cameras were installed, it reduced the yellow light time by one second. This was used as a revenueing ploy so the state legislature decided to pull the cameras. The state did a test and put the one second back into the yellow light time and red light running was reduced by 80 percent. Accidents by red light runners were reduced by 30 percent." Mr. Loudermilk has been in the state legislature since 2005. I looked him up on the Internet and he is a State Senator.

I had some real questions about the red light cameras. As a citizen, I do not want them looking over my shoulder; I feel very uncomfortable about that. I have been driving over 40 years and I have never had a ticket, so I am not here just talking about running red lights all the time, because I do not. I just do not think it is a very good idea to have the red light cameras. If you are going to spend that much money on 10 to 12 cameras costing \$1 million each, why not use that money to hire more policemen?

**Janine Hansen, State President, Nevada Eagle Forum, Elko, Nevada:**

I, too, have certainly appreciated the questions offered by this Committee and I would say much of our testimony has been taken up by some of the questions. I appreciate what Mr. Claborn said because I think this is one of the most important issues—the constitutional issue. Photo imaging can only be hearsay evidence. You have no right to face your accuser. It does violate the principles of the 14th Amendment of the *United States Constitution* when it

says "nor shall any state deprive any person of life, liberty, or property without due process of law." We know that only about 1 percent of the people who receive these tickets will object, so therefore, it becomes easy to enforce. Article 1, section 8, clause 5, in the *Nevada Constitution* also makes the same statement that "no person shall be deprived of life, liberty, or property without due process of law." I think if this was going to be a pilot program it might only be limited to North Las Vegas. Why impose this unconstitutional program on all of the rest of us? We cannot subpoena the camera, and we cannot cross examine the camera.

Several years ago, I was astounded by a statement made that the best education you will ever receive is from an officer issuing you a citation. I am sorry to say that is not always the case. When I was given a citation some years ago, the policeman made three errors on the ticket and did not tell the truth in court and it was dismissed. So that is one of the reasons why it is important to have the opportunity to go to court. We were told repeatedly the cost of this will only be a parking ticket. If that is in the bill, I could not find it. Maybe I did not read it very well or maybe it is in the amendment, which we did not have a copy of, but if that is their assurance, it is not good enough. If it is in the bill, maybe someone can show me where it is.

We have all heard about RoboCop, now we are going to have RoboRevenuingCop. In order to pay for it, I think this is revenuing. We have heard them protest this several times that it is not about revenue, but we know in other places it has become that.

In Stockton, California, accidents have increased under the red light cameras by 8 percent at the majority of intersections and over 15,000 citizens were cited with \$338 each. I do not know what the minimum parking ticket is. This means that in Stockton, \$5 million in fines were charged. This could be a good way to revenue.

There is now evidence that all types of accidents may increase when cameras are installed.

One last closing argument I would like to mention is to say again, if you are going to have a pilot program, limit it to North Las Vegas if they are the ones that want it. Do not impose it on the rest of us.

I think a statement about safety is important. Safety is very important. My brother was killed in an automobile accident. That changed my life, as I worked with him almost every day. I have seven little grandchildren ages six and under and that is important to me. I think more important to me is maintaining the

foundation of liberty in this nation. Benjamin Franklin said, "Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety." I oppose this bill and I hope you will too.

**Michael Geeser, Media/Government Relations, AAA Nevada, California State Automobile Association, Las Vegas, Nevada:**

We too oppose the bill unless a couple of amendments can be adopted ([Exhibit F](#)). Our opposition, however, is much different than the folks who spoke before us.

In reference to our friends from law enforcement who we heard from earlier, we understand what the situation is and we know how prevalent and dangerous red light running is. We applaud their effort to try and curb that. We believe citations should be issued to the driver of the vehicle and not to the registered owner, who may or may not have been driving the car at the time the violation occurred. By creating a system in which no photograph of the driver is required, along with a lesser fine, a parking ticket in this case, and no negligent operator point assessment, what this bill does is create two penalties for one crime. If a camera catches you, it is a different penalty than if an officer catches you for the same dangerous, and, quite often, deadly crime that has occurred. We think it is important if we are going to adopt this bill, and use this as a deterrent to catch red light runners; that you take a photograph of the driver, and in addition to that, create an equal penalty for the same infraction whether it is a camera catching you or an officer. If those two amendments are adopted, then AAA would put its full support behind this bill. Without that, we cannot support the bill.

Let me add in closing, if those two amendments were adopted, I would go so far as to say AAA, and perhaps others in the insurance industry, might actually help with the education component. There is an educational arm of the insurance industry already in place in Nevada looking to help the public understand more issues about safety and insurance. It is the perfect vehicle, if you will, for us to help explain that. The American Automobile Association would be along for that ride as well. Without those two amendments, this is an inequity for motorists and we oppose the bill unless those amendments are adopted.

**Chairman Atkinson:**

Did you meet with the bill's sponsors before this meeting?

**Michael Geeser:**

Yes, I did. We have discussed this for quite some time. We have gone around and around and I absolutely respect their opinion; we just could not reach an agreement.

**Chairman Atkinson:**

Who did you talk to?

**Michael Geeser:**

We talked to the folks from North Las Vegas, including Chief Forti, as well as the Las Vegas Metropolitan Police Department and Officer O'Callaghan. I tried to make those comments clear to you as well.

**Chairman Atkinson:**

I just wanted to make sure you ran it by them.

**Assemblywoman Spiegel:**

Does AAA have any data regarding accidents at red light cameras in other jurisdictions?

**Michael Geeser:**

We do not. I could find data for you but it would not have come from AAA. I would be happy to help you with that if you would like.

**Linda West Myers, Las Vegas, Nevada, representing Go West Institute for Transportation Infrastructure and Southwestern States of the Chapel of Four Chaplains, Las Vegas, Nevada**

We are here in opposition to A.B. 504 for a variety of reasons. Some of them have already been addressed.

We noticed there is no fiscal note on the bill, at least on the copy we received, and we strongly believe there should have been a huge fiscal note on this bill. It is going to cost quite a bit, as other testimony has attested to.

We very much appreciate Assemblywoman Spiegel's research. She covered some of the items we have done research on as well. We share Chief Forti's concern for safety and that is another reason we are here.

In this era of rampant identity theft, we need to be concerned about those who might put someone else's name as the driver. As a point of information, the Public Service Announcements (PSAs) which used to be a Federal Communications Commission (FCC) licensing requirement have changed so the PSAs are no longer required by the FCC.

The University of South Florida's College of Public Health noted in study after study that, rather than improving motorist safety, red light cameras significantly increased crashes and therefore raised insurance premiums. The studies clearly show that the red light cameras do not work; they increase crashes and injuries as drivers attempt to abruptly stop at camera intersections. Comprehensive studies from North Carolina, Virginia, and other states and communities have all recorded that cameras are associated with increases in crashes. A study by the Virginia Transportation Research Council also found cameras were linked to increased crash costs. From my personal experience, someone tried to turn my little pickup truck into a hood ornament, so I am more concerned about the people who come from behind if you stop suddenly. It creates a chain reaction of rear-end collisions when the cars in front stop suddenly so they will not get nailed by red light cameras.

In addition to the constitutional issues brought up, such as violating our 4th and 5th Amendment rights, cameras presume guilt. They invade privacy, generate revenue for local governments and camera companies, and have led to an increase in rear-end collisions according to a Pennsylvania Institute study. Some drivers use reflective covers and sprays to thwart the cameras. Meanwhile, many states continue to consider the use of photo enforcements and some of these states have introduced legislation to extend the yellow lights and include advance roadway signs warning drivers of photo enforcement ahead. We have discussed possible solutions at some length and received some information from the Federal Highway Administration and the Manual on Uniform Traffic Control Devices. One of the things that should be analyzed is retiming of traffic signals as a red-light running counter measure. An all-red clearance interval should be considered to provide additional time for motorists already in the intersection to proceed on through the intersection on the red indication while holding cross traffic on the cross street approaches. The red clearance intervals are not intended to reduce the incidents of red light running; rather they are safety measures.

Ensuring there are appropriate yellow times, and that yellow times are consistent throughout the jurisdiction, would go a long way toward safety if people could depend on the yellow lights allowing them time to complete clearing the intersection before the light actually changes to red.

**Ed Gobel, President, Council of Nevada Veterans Organizations, Las Vegas, Nevada, representing the Go West Institute for Transportation Infrastructure:**

I also hold numerous positions in other veterans' organizations, am the Regional Director for the Southwestern States of the Chapel of Four Chaplains, where

I will be sorely needed if this bill passes and also represent the Go West Institute for Transportation Infrastructure.

Former Senator Joe Neal was just here and I am honored with his presence because, together, we fought this bill years ago. We also fought for freedom together in the Armed Forces of the United States of America. Even a pilot program cannot take away someone's constitutional rights.

I want to thank Chief Forti for his sincere concern for people's safety. We have already discussed some of the studies showing an increase in crashes and fatalities. I want to thank Assemblywoman Spiegel, in particular, because we were going to show the same research that showed over a 50-percent increase in crashes. You may solve part of the problem of red light crashes, but you increase the number of rear-end crashes if people see a red light camera and quickly stop when someone is right behind them. It could significantly increase the number of crashes and decrease safety.

Since this bill has been introduced in several sessions, not a single insurance premium has dropped because of the result of red light cameras. In fact, the rates have gone up in most jurisdictions where it has been introduced.

The system is easily fooled. That is why I hate to call it a system. You can purchase film like the kind you put over your computer monitor, cut it in half, and use it on your front and rear license plates, and it is legal in Nevada. A police officer directly behind you can read the plate, but a camera cannot read the plate unless it is directly behind you. Also, the camera is easily fooled. One of the studies quoted by Assemblywoman Spiegel, stated that several thousand people copied and printed a license plate and put it over their plates. The red light camera took a picture of what it saw, and the wrong person got the citation. If you submit an affidavit and the court has reason to believe that the driver was not the perpetrator, they can do away with the citation.

As I understand it now, there will not be a photo of the driver; it will just be the rear license plate. These are the kinds of things we keep testifying to session after session. Does A.B. 504 decrease crashes? You always hear about the poor person who was hurt in a crash by someone who ran a red light. But is this bill the way to solve the problem or is it done by conforming to the standards that, apparently, we are not conforming to, at least in southern Nevada.

The Manual on Uniform Traffic Control Devices is drastically different than the way we actually approach the timing of yellow lights. As anyone who drives across the valley here knows, there is no way to guess what kind of time you

get with a yellow light. You can get anywhere from a half a second to three seconds. There is no way to judge if people will stomp on their brakes or if they will go through the intersection anyway. We do not use all-red intervals in very many places. An all-red interval is when you have traffic going through a rather large intersection and keep all sides red until traffic completely moves through to allow the next group to safely pass through the intersection. For some unknown reason, we do not do that here. We keep hearing that is going to change, but it has not. There needs to be that all-red interval buffer.

**Chairman Atkinson:**

Mr. Gobel, we are going to need you to start wrapping it up because we still have a work session and an amendment. I hate to rush you, I know you have waited patiently.

**Ed Gobel:**

I appreciate that. I have been here for close to four hours waiting my turn and I will try to be as quick as possible. I have tried not to even quote the studies, and I really have waited my turn quietly. As everyone has testified to so far, this is a matter of life or death.

We need to reevaluate all of the intersections, including all of the components—traffic flow, yellow lights, et cetera. Once again, in deference and appreciation to Assemblyman Claborn, it is a violation to both our 4th and 5th Amendment rights. We force people to testify against their spouses by saying, "I did not do it, my wife was the driver." The 4th Amendment, gives you the right to be secure in your person, your papers, and your property. We violate that by taking pictures of people. Those of us who have children and grandchildren teach them to respect law enforcement. State Senator Maggie Carlton said it best in the last session during the hearing on S.B. No. 61 when she said we are talking about two different punishments and two different treatments of the same issue. How can I teach my grandchildren to respect law enforcement if there is a violation for running a red light and I get a ticket in the mail for illegal parking? How do I justify the law changing the story of what I allegedly did?

In the 2007 Session, it was demanded and agreed to that there would be a report on the effect of engineering changes such as the yellow-light interval and the all-red interval. No one has ever seen that report and we have requested it many times.

The cost of the overall system is in the millions of dollars, and the cost per intersection is \$40,000 to \$400,000 just for the annual maintenance. We keep hearing that there is no money, and that the people will not get revenue based on the number of tickets given. That is in the bill, yet we just heard that they



are going to get the revenue to pay for the system through the tickets. Many states and entities have dropped red light cameras and the Supreme Court has ruled it unconstitutional in several states.

**Chairman Atkinson:**

Are there any questions from Committee members? Is there anyone else wishing to testify in opposition in Las Vegas? Seeing none, is there anyone testifying as neutral in Carson City or Las Vegas? One last person in Las Vegas.

**Judy Cox, American Civil Liberties Union of Nevada, Las Vegas, Nevada:**

[Ms. Cox presented a letter in opposition to the bill ([Exhibit G](#)). I am here to testify in opposition to Assembly Bill 504. Basically everything I was going to say has pretty much already been said.

This bill raises constitutional issues—specifically due process issues as well as privacy issues. Proof of these problems is already coming in from other states and for that reason we are opposed to this bill in its entirety.

**Chairman Atkinson:**

I have seen an amendment that Mr. Perkins is going to ask for in the bill.

**Richard Perkins, Henderson, Nevada, representing, InsureNet, Inc., Novi, Michigan:**

InsureNet is a national insurance verification system and I am here to offer a conceptual amendment to Assembly Bill 504 that would direct the state to contract with a third party to provide a system of insurance verification.

Let me first apologize to the Committee and to those who might be involved in any aspect of this potential amendment. While it is not unorthodox, it is certainly not common for amendments to come out like this except when there are deadlines. We are trying to find a vehicle that is compatible with such an amendment.

I will also tell you before I begin the testimony that, with some parallel, I was the prime co-sponsor of the prohibition in 1997 of what you have just debated for the past two hours because of many of the concerns that were raised. Not to provide too much commentary on the original bill, I would tell you that I am not nearly as opposed to it as I once was because of the information I received during my law enforcement career. It might be valuable information for you to have as I provide this testimony.

I have provided the Chair with some information in our conversations and I do not have a specific, detailed amendment for you, but it is a product of the

deadline that is fast approaching and I hope to make the Committee comfortable with my comments.

[Read from prepared Amendment to Assembly Bill 504 ([Exhibit H](#)).]

Again, it could include any or all of these suggested amendments, depending upon the will of the Committee.

I would like to explain a couple of key points. For this to be as successful as it needs to be, that being insurance verification, the association with the National Law Enforcement Telecommunications System (NLETS) is crucial. All 50 states participate in NLETS, as well as many of our federal law enforcement agencies, INTERPOL, and others. The system is governed by its users and has never been breached to my knowledge. I also think any system should be noninvasive. What does that mean? It means the information is specific to a vehicle, not a person, so personal identifying information is not available. In fact, other states that are considering this system are discussing creating a portal for privacy groups to monitor that information. All of this can be accomplished in a more efficient manner through the use of the automatic license plate readers. I was in opposition to those being used 12 years ago, but now, citations with registration and insurance information go to the registered owner anyway, regardless of who the operator of the vehicle is. License plate readers can read a great number of license plates in a short time and transmit that data to the correct place for enforcement.

When I was an active law enforcement officer, I was generally disappointed in the compliance rate for automobile insurance. I saw many victims damaged by people without insurance, which increases the cost for all of us. Recent estimates show between 15 percent and 22 percent of drivers in Nevada are noncompliant. All of you know someone who has been affected by a driver without insurance. Nevada's high auto insurance costs are, I believe, part of the reason.

This form of enforcement is also a force multiplier for our Highway Patrol and local law enforcement. It enforces our current laws. A system like this will save hospitals, courts, prosecutors, law enforcement, and cut down on repair scams and other fraud. The system will be consumer-friendly since the insured has very quick access to their own information.

We are all acutely aware of the budget issues facing our state. While we are truly looking for compliance, we will also, as our primary focus, generate revenue. The insurance premium tax not being paid by those who are currently not insuring their vehicles would then be captured, as well as other revenues.

The savings to government, our citizens, and business will be fairly large. As well, there should be no cost to the state to implement this. How can that be? There are a number of companies, including the company I represent, that will invest in all of the up-front costs and negotiate a contract based upon those future citation revenues.

There is no need to have the local or state governments spend any money on this. None. All of the risk is borne by the company. After this description, you might ask who would oppose this and why? I have been around this building long enough to know that someone will. I believe the Director of the Department of Motor Vehicles is here and they may or may not be supportive of this amendment, but I also know that they are creating an in-house system that I do not believe can compete with the system I just described to you. They are paying good money for it as well. I am sure they have additional information for you.

If I might be so bold, Mr. Chairman, I would also suggest that registration enforcement would piggyback onto the same system. After all, both insurance and registration are the responsibility of the owner of the vehicle. I am sure there are a number of people who could estimate the number of expired registration vehicles operating on our roadways.

The governmental services tax comprises an important part of the revenues necessary to operate essential functions and it is not fair to those who pay it to let those who do not get away. This is technology we should not let get away. If it is the policy of this state to require auto liability insurance, then it is my opinion based on a lengthy law enforcement career, my experience here, and the exposure I have had with business and government across the country, that this is the way to go.

Mr. Chairman, I just anecdotally will finish by telling you, this concept came to me through a colleague in the National Speakers Conference organization of which I am still a member. In fact it was the former Speaker of Rhode Island who reached out to me, knowing my background in law enforcement, and ran this by me. I have since done a great deal of personal research, and it is my belief this is a strong way to go. It is noninvasive and clearly does not create the violations that were discussed earlier.

**Chairman Atkinson:**

The only issue I have, and I believe you covered it, is the registration portion. I know a lot of people have been concerned about that for a long time and have been trying to figure out how to get these individuals who drive around in our

state after the 30-day grace period within which they should register their vehicles in Nevada. I believe this tool will assist in that endeavor.

**Richard Perkins:**

In some ways it will. If it is a valid registration, there is no way to determine if that person has been in the state for the period of time that is required to reregister. It will be difficult to do that. However, there are many people who move here from another state and will then reregister their car with a California license plate and with a Nevada address. Clearly, those will get captured.

About a month ago I saw a car in front of me with a California license plate, a local automobile dealer license plate frame, and a sticker in the back window saying, "My son or daughter is an honor student at the local elementary school." Again, this will not pick up something like that, but it will assist in those that have let their registration lapse.

These license plate readers are placed strategically along the roadways and they can literally read hundreds of license plates at a time. That interfaces with the systems that are in place to run registrations, so this would run the insurance verification at the same time.

**Assemblyman Hogan:**

Are these systems currently available from multiple providers so that we could have a competitive procurement in terms of what they would withdraw from our revenues to pay for their expenses and profits?

**Richard Perkins:**

There are a number of license-plate-reader vendors out there and a number of options. In fact, the system the DMV is currently pursuing in terms of insurance verification could also be merged with the license reading system. My suggestion is that you use one, and currently there is only the one I represent, that is associated with NLETS. That to me is the real key here. It is the interconnectivity among all 50 states for law enforcement today. If I, as a law enforcement officer, run a license plate from another state, it goes from me to the DMV, to the NLETS, back to DMV, and back to the officer. It is a very secure system and one law enforcement is familiar with. I do not think it precludes any other company from competing with this company for that association with NLETS. Right now, I think they are the only one.

**Chairman Atkinson:**

Does the DMV want to come up? Mr. Perkins, I know you are offering this as an amendment to A.B. 504 knowing that the City of North Las Vegas and

Chief Forti were on the bill, but I do not know if you had a chance to talk to them.

**Richard Perkins:**

I did have a conversation with Chief Forti and Mr. Hayes, as well as with a number of other people in the law enforcement community, all of whom suggested to me that they support this concept. As it relates to their bill, we did not have that conversation.

**Chairman Atkinson:**

That is fine. I just wanted to make sure. I always ask that in this Committee.

**Richard Perkins:**

Those protocols are always important to me, as is the tradition of this Body.

**Edgar Roberts, Director, Department of Motor Vehicles:**

I was just given this amendment a couple of minutes ago and my staff has not had time to analyze it or to be able to give me the information to say what the cost would be for our information technology (IT) to allow a third party vendor to connect to our systems. In regard to the insurance verification aspect of it, Assembly Bill 21 was passed out of this Committee. It deals with the Department building an insurance verification system in-house by our IT people. We are not using a vendor. We will go out and query the insurance companies to see if a person has insurance or not, so we are not using a vendor, we are using our IT staff to build this.

**Chairman Atkinson:**

Mr. Roberts, are you going to take a closer look at the amendment? You said you had to look at cost and what else?

**Edgar Roberts:**

I would have to give this to our IT staff to see if there would be a fiscal note regarding the impact to the Department by having a third-party vendor connecting to our systems, and then bring that back to the Committee.

**Assemblywoman Spiegel:**

What is the Department's current policy about releasing this kind of data to third parties such as Mothers Against Drunk Driving, the American Civil Liberties Union (ACLU), and other parties that were listed? Is there a policy in place now?

**Edgar Roberts:**

Yes, we do have a policy in place where there are certain requirements and certain information we can release. There is also certain information that we cannot release. We would probably need further clarification from Mr. Perkins on exactly what this system is asking the Department to do, or how much information they would be seeking from us, and determine what information we could release to a third party.

**Richard Perkins:**

As I understand the process I described to you, the information that is gathered from insurance companies by InsureNet, if you will, is really gathered to them directly through NLETS, then shared with the states, so it would not have to require the DMV to forward that on. If this amendment were favorable to the Committee, obviously there would be revenue received through this process, so this bill would end up in the Ways and Means Committee for its deliberations as well. My request to the Committee is, if it is something favorable to the Committee, it has to make it out of this Committee by Thursday. If there are other things to work out with the Department or others, we would be happy to do it within the Ways and Means Committee.

**Chairman Atkinson:**

Thank you, Mr. Perkins. Are there any questions from the Committee members? Seeing none, is there any other business to come before the Committee?

We are going to move our work session to Thursday and just to let you know, we are going to have 10 to 12 bills at that work session including those from today. Expect a long work session.

[Meeting adjourned at 4:29 p.m.]

RESPECTFULLY SUBMITTED:

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Sharon McCallen  
Committee Secretary

APPROVED BY:

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Assemblyman Kelvin Atkinson, Chairman

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

**EXHIBITS**

**Committee Name:** Committee on Transportation

**Date:** April 7, 2009

**Time of Meeting:** 1:41 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 482	C	Assemblyman Kelvin Atkinson, Clark County Assembly District No. 17	Proposed Amendments
A.B. 504	D	Joseph K. Forti, Chief of Police, North Las Vegas Police Department	Red Light Violation Study
A.B. 504	E	Trevor Hayes, Las Vegas, Nevada, representing The City of North Las Vegas, North Las Vegas, Nevada	Proposed Amendments
A.B. 504	F	Michael Geeser, Media/Government Relations, AAA Nevada, California State Automobile Association, Las Vegas, Nevada:	Letter in opposition to <u>A.B. 504</u>
A.B. 504	G	Judy C. Cox, American Civil Liberties Union of Nevada	Letter in opposition to <u>A.B. 504</u>
A.B. 504	H	Richard Perkins, Henderson, Nevada, representing InsureNet, Inc., Novi, Michigan	Proposed Amendment