

**MINUTES OF THE
SENATE COMMITTEE ON TRANSPORTATION**

**Seventy-Seventh Session
March 8, 2013**

The Senate Committee on Transportation was called to order by Chair Mark A. Manendo at 8:06 a.m. on Friday, March 8, 2013, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Mark A. Manendo, Chair
Senator Kelvin Atkinson, Vice Chair
Senator Pat Spearman
Senator Joseph P. Hardy
Senator Donald G. Gustavson

GUEST LEGISLATORS PRESENT:

Senator James A. Settelmeyer, Senatorial District No. 17
Senator Joyce Woodhouse, Senatorial District No. 5

STAFF MEMBERS PRESENT:

Jered McDonald, Policy Analyst
Darcy Johnson, Counsel
Melodie Swan-Fisher, Committee Secretary

OTHERS PRESENT:

Paul Jackson, Chair, Commission on Off-Highway Vehicles
Tom Clark, Black Rock City LLC
Keith Serpa
Michael Gerow, Commissioner, Commission on Off-Highway Vehicles; Owner,
Michael's Cycle Works and Michael's Reno Powersports
Gary Lambert, Vice Chairman, Nevada Commission on Off-Highway Vehicles
Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association

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Kyle Davis, Nevada Conservation League
Donnie Perry, Division Administrator, Division of Compliance Enforcement,
Department of Motor Vehicles
Ann Yukish-Lee, Division of Central Services and Records, Department of Motor
Vehicles
Terri L. Carter, C.P.M., Administrator, Management Services and Programs
Division, Department of Motor Vehicles
Erin Breen, Director, Safe Community Partnership Program, University of
Nevada, Las Vegas
John Gayer, Sergeant, Traffic Unit, Patrol Division, Henderson Police
Department
Brian O'Callaghan, Las Vegas Metropolitan Police Department, Nevada Sheriffs'
and Chiefs' Association
Traci Pearl, Administrator, Office of Traffic Safety, Department of Public Safety

Chair Manendo:

We will open the hearing with Senate Bill (S.B.) 109.

SENATE BILL 109: Revises provisions relating to off-highway vehicles.
(BDR 43-467)

Senator James A. Settelmeyer (Senatorial District No. 17):

During the 76th Legislative Session, two bills dealing with off-road vehicles (OHVs) were introduced: A.B. No. 298 of the 76th Session, and A.B. No. 302 of the 76th Session. Neither bill concerned the registration sticker required in *Nevada Revised Statutes* [(NRS) 490.082–490.084] and implemented in *Nevada Administrative Code* (NAC) 490.090]. Neither bill was acted on in committee. During the 75th Session, S.B. No. 394 of the 75th Session, which was related to OHVs, was enrolled but subsequently vetoed by the Governor. In the 76th Session, I asked on the Senate floor and Senator Pete Goicoechea, Senatorial District No. 19, who was at the time Assemblyman Goicoechea, asked on the Assembly floor, whether registration stickers were required for individuals who kept their OHVs confined to their property. It would be the same situation as that for an old car. I had an old car that I kept in the garage for 15 years while I worked on it. The Department of Motor Vehicles (DMV) was kind enough to not require me to license and register the car for the past 15 years. I did not need to register the car until I drove it on the road.

Senator Goicoechea and I had asked, on the respective Assembly and Senate floors, if OHVs kept on private property would need vehicle registration stickers. We were assured they would not. When the bill was implemented, the requirements were detailed in the NAC, which came out differently than originally proposed. For this reason, we are reintroducing the issue of registration stickers for OHVs to ensure it is expressed clearly.

Other issues have arisen as well. Owners of OHVs have approached me to discuss further scenarios involving OHVs. They have wondered, for instance, whether the registration sticker is required for OHVs ridden in parades or for OHVs ridden at Burning Man, the week-long annual event held in the Black Rock Desert. As it is now, Burning Man attendees who ride OHVs at the event must register those OHVs. Many of those who attend Burning Man are from out of State.

Some OHV enthusiasts from the racing industry also found fault with the registration requirement. Despite the fact their events are sanctioned through the State of Nevada and held on government property, their OHVs must be registered. Ranchers sometimes lease properties from the federal government. My ranch is licensed by the Bureau of Land Management (BLM), U.S. Department of the Interior. The BLM knows what vehicles we are using on the property. It is much easier to use a Yamaha Rhino OHV or a Kawasaki Mule for tasks like hauling salt for cows into the back country. When my father got older, it was not easy for him to mount a horse. The Yamaha Rhino was easier for him to use as well as being more suitable for the climate and terrain. These concerns are addressed in S.B. 109.

I will now explain the changes S.B. 109 makes to the NRS. I compiled a proposed amendment to help ([Exhibit C](#)).

Senate Bill 109, section 2, proposes the first real change to S.B. 109 with the creation of an OHV dealer plate and the definition of OHV dealer. The OHV dealer plates would be used on vehicles being displayed, demonstrated or allowed for test-drives. Dealers are not the owners of the vehicles, so they cannot license them. Just as a car dealer has dealer plates for cars for sale, OHV dealers want the authority to have dealer plates for vehicles they are selling.

Section 2, subsection 2 of S.B. 109 details proposed changes for the dealer plate. Section 2, subsection 3 would require that the dealer have the registration sticker if the OHV is for his or her own personal property. Dealers would also have to have a registration sticker for any OHV being used for an off-roading business they might have on the side. Dealers that also rent and lease OHVs on the side would also have to carry regular registration stickers on their OHVs, and OHVs lent by dealers' employees would also have to be registered.

Senate Bill 109, section 2, subsection 3, paragraph (f), proposes that OHV dealers not authorized to sell cannot escape the registration requirement. We wanted to ensure that no one could use dealer plates to escape the registration requirement by establishing a business that offers OHVs for sale or rent in the desert.

Section 3 of S.B. 109 covers specifics about dealer plates and their numbering. Subsection 2 of section 3 addresses that only a reasonable number of dealer plates will be issued to a given dealer. Someone who sells only three or four vehicles a year will not be given 16 dealer plates, for example.

Section 4, subsection 3, paragraph (g) through paragraph (j) addresses registration exemptions for OHVs used in racing events. To qualify, a racing event would have to be an organized race, festival or other event sanctioned by a governing body, and it must be authorized by the government entity that has jurisdiction over the site. The OHV must be used on private land or public land leased to the owner or operator. Any OHVs used in search and rescue operations would also be exempt from registration requirements as would youth or child cycles. Also defined is the term "sanctioning body."

Senate Bill 109, section 5, subsection 2, proposes OHVs without functioning headlights could be allowed during daytime. Section 7, subsection 1, paragraph (c) makes reference to the exemptions sections. Section 8 details the proposed bonding requirements. Motorcycle dealers are already required to carry a \$75,000 bond. As the NRS stands now, dealers must carry a \$50,000 bond in addition to the \$75,000 bond. The additional bond must be issued by the same agency. Dealers would be required to provide two sets of fingerprints, submit two administrative fees and secure two bonds. Under S.B. 109, motorcycle dealers who are already bonded would not be required to secure an additional bond to sell OHVs. Dealers who sell OHVs only, however,

would need to obtain a bond. Auto dealers who add sales of OHVs to their businesses would not be permitted to escape the bond requirement for sales of OHVs.

Senator Gustavson:

I have a question regarding OHVs that qualify for exemptions to the registration requirement. Section 4, subsection 3, paragraph (f), refers to OHVs that were manufactured before January 1, 1976. I see there are some changes. I did not have a chance to go through this section in detail. I see in section 4, subsection 3, paragraph (j), there is also an exemption for OHVs whose displacement is 70 cubic centimeters or less—OHVs known as youth cycles. If an OHV is manufactured prior to 1976 and has a displacement of 70 cubic centimeters or less, does the exemption apply? The way I read the original amendment proposal, it does not.

Senator Settelmeyer:

In my understanding, that is current law. Registration stickers would not be required for OHVs manufactured prior to 1976. The exemption for OHVs that are 70 cubic centimeters or less would not apply because these vehicles are already exempt. Most OHVs manufactured prior to 1976 are no longer running. I would commend anyone who still has one of those.

Senator Gustavson:

Mine is a dirt bike. It is 90 cubic centimeters, though. It has been sitting in the garage for a long time. I did not want to have to register it only for it to sit in the garage.

Senator Settelmeyer:

In my understanding, it is exempt under existing law.

Paul Jackson (Chair, Nevada Commission on Off-Highway Vehicles):
Senator Settelmeyer covered the bill very accurately. I will answer any questions regarding the bill.

One of Nevada's great qualities is its open land. It lends itself well to the use enjoyed by OHV riders. We would like to encourage the practice as much as we can. We want to encourage riders to enjoy doing so on closed circuits. The typical rider who comes to Nevada to ride OHVs spends an average of \$232 a day. That is a conservative estimate. These recreationists buy gas, book

hotel rooms and buy meals. Sometimes they take their OHVs to shops for repair; OHVs break down a lot. All this represents a great economic boost to our State.

Some of the exemptions to registration are matters of common sense. We do not want registration stickers to be required for parade vehicles. We would prefer that people who go to our festivals and spend a lot of money, as in Burning Man, not need to go to the hassle of obtaining a registration sticker. I am in favor of S.B. 109.

Tom Clark (Black Rock City, LLC):

I represent Black Rock City LLC, the operators of Burning Man, the event that takes place in Pershing County. The organization also owns property in Washoe County. Black Rock City LLC supports this legislation.

Michael Gerow (Commissioner, Nevada Commission on Off-Highway Vehicles; Owner, Michael's Cycle Works and Michael's Reno Powersports):

I own two motorcycle dealerships in northern Nevada and am in support of the bill. We have discussed processing the registration stickers versus the California registration stickers that are sold through our store. We need to make it easy to register these vehicles when people come to Nevada. This may be a challenge. I have some numbers indicating what our stores have sold since the law allowing us to issue the stickers was implemented. We are running a 3-to-1 ratio of people electing to purchase the California nonregistered stickers. Purchasing the California nonregistered stickers is easier. This bill should help the process and entice more people to come to Nevada to spend their money. Senate Bill 109 could create an economic boom.

Chairman Manendo:

Why is it easier to purchase the California nonregistered stickers? What do your customers say about this?

Mr. Gerow:

This time of year, we sell California nonresident stickers to snowmobile riders. These people are ready to ride their machines on the trails and want the sticker right away. Our stores have been urging them to purchase the Nevada resident stickers, but because they cannot have them right away they choose to purchase the California nonresident sticker. If we could make the transaction

simpler and issue the sticker at the time of sale, it might entice more OHV riders to purchase a Nevada registration.

Offering temporary stickers could help as long as California will accept them. Both of our dealerships have always tried to register as many vehicles as we can.

Senator Hardy:

I think you opened something I am not sure we understand. If a person from Reno goes to your shop, he or she can buy a California sticker on the spot, pick it up and go snowmobiling?

Mr. Gerow:

Yes. Purchasers can go snowmobiling or ride an ATV or any off-road vehicle.

Senator Hardy:

But these riders live in Reno, and you know it, but they are buying a California sticker that counts for use in California and Nevada?

Mr. Gerow:

Technically, because we are honoring the California stickers, that is correct.

Senator Hardy:

Have we created an unintended consequence that this bill will fix?

Mr. Gerow:

It will definitely help. I am really trying to emphasize to Nevada residents the importance of buying a Nevada sticker because the money would stay in Nevada. During our biggest year—I believe it was 2006—my two stores sold almost \$100,000 worth of nonresident off-road stickers to Nevada residents.

This was because we did not register our off-road vehicles. Snowmobile owners were required to have a California permit. If they did not have one, their machines were subject to impound.

Senator Hardy:

Is the problem you are facing that a Nevada resident who buys a State registration sticker must wait for something to come in the mail? Of course, the mail is not as swift as it used to be.

Mr. Gerow:

Yes, that is true. The registration has to be processed as well. The average wait time is over 8 weeks.

Senator Hardy:

That hardly seems practical for riders who want to ride, especially snowmobiles, the same day.

Mr. Gerow:

No, it is not practical. We receive books of California stickers. California makes it so easy. The California nonresident stickers can be obtained without even providing information about the OHV. A registrant does not even have to show proof of ownership. Obtaining a California registration sticker in Nevada is a loophole. California just wants the revenue.

Senator Hardy:

Are any applicants turned down for the Nevada registration during the 8-week period? Is there a reason to continue the 8-week wait?

Mr. Gerow:

I have not seen any registration requests turned down. Again, when people have the choice to have the registration right away versus 8 weeks later, they will choose the easier option. They do not need a vehicle identification number (VIN) inspection. They do not have to go through a long process. They opt for the California sticker because California has made it easy. California is taking our money.

Senator Hardy:

Do you have the ability to do VIN inspections? I assume that because you sell the vehicles you have the ability to look at them to ensure they are not stolen. You have the capability of doing all the necessary documentation. In fact, you actually document the ownership because snowmobile buyers, for instance, do not take their machines to a DMV location to prove ownership. Do you provide, right then and there, all the information they send in to register the vehicles?

Mr. Gerow:

Do we provide all the information for the nonresident?

Senator Hardy:

Do you provide all the information for anyone who buys an OHV from you?

Mr. Gerow:

Yes, we do provide the needed documentation to buyers who purchase vehicles in our stores and want to register them in Nevada.

Chair Manendo:

I do not understand why it takes 8 weeks to register an OHV in Nevada. That is a long time. Government usually tries to get these things right, and its intentions are good. But, for some reason, there are delays. Maybe they are backlogged. Maybe this is one of those instances in which business could execute the registration process better. We have had discussions about allowing wedding chapel owners to issue certificates of marriage from their establishments. The proprietors are properly bonded, and they do not keep an unlimited supply of licenses. When they need more licenses, they can apply to get more. The process serves the customers well. I am open to considering the same method for OHV dealers. I think Vice Chair Atkinson is open to the idea as well. We in this building have had discussions about this concept as it applies in different areas. Department stores issue hunting licenses, for example. The concept is not new.

Keith Serpa:

I am an OHV dealer in Carson City. Mike Gerow covered the subject well. The S.B. 109 does address most of the concerns I had with the original law. There is no downside.

Senator Hardy:

I am reading the bill and looking for the phrase "as intended." I do not see that part of the bill. Do we need another way to do the things this bill hopes to accomplish? The bill seems clean as it is. What will be the unintended consequences of processing this bill before we understand why it takes 8 weeks for the DMV to process registrations?

Chair Manendo:

Maybe we can find out more about that.

Gary Lambert (Vice Chair, Nevada Commission on Off-Highway Vehicles):

I have looked carefully at S.B. 109. If the Committee is interested, I can give

some background on how other states handle registration requirements for OHVs.

The OHV marketplace generates just under \$2 billion per year. This can be verified by checking a study of State parks by the Nevada Trail Stewards that was begun in 2003 and finished in 2005. In 2003, OHV sales in Nevada totaled almost \$1.7 billion. Surely the sales tax from those sales was significant. The figure includes only OHVs registered with the DMV and does not represent revenue from tourism or racing. The nearly \$1.7 billion total reflects the currency value as it was in 2003. Our marketplace is largely in Nevada, and the OHV industry provides close to 20,000 jobs in the State.

I can offer explanation on the 8-week processing period for obtaining the registration sticker. The processing period was originally nearly 9 weeks. I am certain that many people are receiving their stickers now within 30 days. Response time is improving. The way the process was structured has been a problem. I think S.B. 109 will address everything we think it can. Putting registration stickers at cash registers would improve the process. This cannot be done at present, however, because the stickers are one-off. The DMV contracts with 3M Company for their manufacture and production. The stickers have a date code on them. In California and states adjacent to Nevada, each registration sticker has a date range printed on it. Each sticker is stamped with an end date. Most of them have an end date of September. In California, though, OHV owners can buy a sticker for \$40, walk outside and affix it to their vehicles. All requirements are then satisfied. Other adjacent states have a VIN confirmation process. This helps flag stolen vehicles. For nonresident stickers, the VIN confirmation process is bypassed. It has always been easy for nonresidents to get a California nonresident sticker in any state adjacent to California. The California system includes loopholes that encourage OHV owners to get a nonresident sticker in Nevada, perhaps even those who are California residents. This is because doing so will enable them to acquire a bigger use ratio. They can use the registration sticker longer, particularly if the vehicle is being used for racing. As you can tell, the registration issues for OHVs are complex.

Senate Bill 109 does well to address the issues brought to the Commission on Off-Highway Vehicles.

Chair Manendo:

Can you tell us a little about the Nevada Commission on Off-Highway Vehicles?

Mr. Lambert:

When the original legislation concerning the OHV marketplace was adopted, the Governor was required to appoint the Commission on Off-Highway Vehicles. Nevada has an extensive OHV trail system, but it has no trailheads to speak of. In California, OHV users are confined to small designated OHV park areas. Nevada has a huge system of roads and rural routes that are available for the OHV community as well, including horse trails. In northern Nevada, BLM-approved horse tracts attract many horse enthusiasts. I receive many requests for information from outdoor enthusiasts who want to know where they can ride. In the last 10 days alone, I have received calls from people in North Carolina inquiring about places to ride.

Senate Bill 109 does a lot to fix the problems and improve the system. I cannot stress enough how big a magnet Nevada can be for this type of tourism. The pastime has been significant for years. Revenue was probably \$2 billion even in 2003. The figure from the state parks study did not include revenues from tourism and racing. Nevada is the best place in the West for this recreational activity.

Robert Roshak (Executive Director, Nevada Sheriffs' and Chiefs' Association):

We support S.B. 109. One of our members is on the Commission on Off-Highway Vehicles, and our organization has no concerns with the bill in terms of how it impacts law enforcement.

Kyle Davis (Nevada Conservation League):

Our organization was among the many groups that worked together during the 75th Session on the legislation that put the OHV registration system in place. I have looked at S.B. 109 and spoken to Senator Settlemeyer, and I think everything in it is consistent with our intent during the 75th Session. One reason we found it important in 2009 was the environmental impact of OHV users who disregard best practices by riding off trail. Off-trail OHVs cause significant environmental damage to riparian areas and other habitats. If the law requires that OHVs have visible registration stickers on them, violators can be more easily reported to authorities. We need to be vigilant to recognize appropriate exceptions, but in future sessions, it will be important to monitor whether the exceptions have been abused. If there are

cases in which OHV users with exemptions are on public lands and outside the provisions of the exceptions, we can make adjustments so the registration system will work as intended. We are in support of the bill.

Senator Hardy:

How does someone report a violator, and how do law enforcement officers respond?

Mr. Davis:

The most typical scenario would be something like this: While half-way up a mountain hunting chukar, a hunter sees a rider going off-trail. If the license plate is visible, the hunter reports the number to law enforcement. Whether it results in law enforcement making contact is uncertain. The police might look up the plate and contact the user. The encounter might result in merely educating the violator. The officer may remind the violator that he or she must stay on the trails. Even an admonishment would contribute to deterring users from going off trail and causing harm to the environment.

Donnie Perry (Administrator, Division of Compliance Enforcement, Department of Motor Vehicles):

I will read my written testimony ([Exhibit D](#)).

Senator Hardy:

What is the track record of the bonding on OHVs versus other vehicles that are bonded? Do we have data on how many bonds have been used or for what the bonding has been used in the last 4 years we have been bonding OHVs?

Mr. Perry:

I do not have the specific numbers with me, but I can get back to you with an answer.

Senator Hardy:

In your understanding of the process and history, do you think the bonds have been used too much, or is their use an exception to the rule?

Mr. Perry:

I cannot say at this point whether the bonds have been used too much.

Ann Yukish-Lee (Division of Central Services and Records, Department of Motor Vehicles):

I oversee the area that issues OHV registration stickers and titles. I want to explain why the registration process takes 8 weeks. At this time, the DMV has a 1-day turnaround time for OHV registrations from the time we receive the documents to the time we process them. They then go to a third-party contractor, who prints the stickers the next day and mails them. The total time, from the time the DMV receives the applications to the time the applicants receive them, is approximately 5 days.

Chair Manendo:

That is a lot better than 2 months, or even 1 month. I am confused.

Senator Spearman:

This may not be germane to the discussion, but I am curious. Does the bill have ramifications for insurance?

Mr. Perry:

Do you mean in terms of how bonds on the business may affect insurance?

Senator Spearman:

If we adopt S.B. 109, will it impact the ability of people to ensure that the owners are carrying insurance? Is that issue germane to the process?

Ms. Yukish-Lee:

Owners are not required to carry insurance on OHVs. If S.B. 109 is passed, it will not have an effect on insurance.

Chair Manendo:

That is how it stands now?

Ms. Yukish-Lee:

Yes.

Chair Manendo:

I think there is another bill in the works that may change that.

Senator Settlemeyer:

I will gladly follow the discretion of the Committee and Chair to work out any issues or differences to improve the bill. I am curious to know more about the bond funds. I want to know if there are any circumstances under which we have used the bond funds. I am not aware of any such circumstances, but I am eager to find out more from Mr. Perry. If changes to the language are needed, I will gladly make them, as long as the changes are the same or similar to the language in the bond categories. The reason there has been a backlog in processing the licenses is that they were not required in the past. Now all OHV owners are required to license their vehicles, and this has caused the DMV to become overwhelmed. The DMV is now able to process the registrations more swiftly.

Mr. Jackson:

The DMV is doing an excellent job processing the registration stickers. If OHV users want to ride their OHVs today, they can apply for the stickers and simply carry the computer-generated receipts for proof of registration. This will suffice in the event that users are stopped by law enforcement. For this reason, the delay in obtaining registration stickers is not an issue for riders.

Chair Manendo:

Mr. Perry, please confer with Senator Settlemeyer to ensure you are in agreement before we bring the bill back to Committee. We will close the hearing on S.B. 109 and open the hearing on S.B. 143.

SENATE BILL 143: Revises provisions governing certain examinations for driver's licenses. (BDR 43-696)

Senator Joyce Woodhouse (Senatorial District No. 17):

I support S.B. 143. I will read my written testimony ([Exhibit E](#)).

While presenting [Exhibit E](#), I am amending my presentation with the following additions: In the last sentence of the second paragraph on page 2, I am also adding to the wording. This results in the sentence being spoken as follows: "Senate Bill 140 of the 76th Session received a great deal of testimony, discussion, and amendment before it was passed out of both houses."

On page 3 of [Exhibit E](#), I am adding the following sentence after the last sentence in the first paragraph: "As indicated, we have a friendly amendment that I will be working on with representatives of the DMV regarding a change in the effective date, which we would move to January 1, 2014."

Terri L. Carter, C.P.M. (Administrator, Management Services and Programs Division, Department of Motor Vehicles):

I support S.B. 143. I will read my written testimony ([Exhibit F](#)). When reading [Exhibit F](#), I am amending my presentation. In the second paragraph, I added the following sentence: "However, we would request the changes to the *Nevada Driver's Handbook* and written exam be completed no later than January 1, 2014, to allow the DMV to make changes that may be necessary as a result of legislation."

Senator Gustavson:

I think everyone knows now it is against the law to use a handheld device while driving. Of course, many people still use their phones while driving, despite knowing the law. We are talking about using cell phones and other technology as they relate to driving. Are those who take the driver test allowed to have cell phones with them while they take the written exam?

Ms. Carter:

I do not think we prohibit people from having cell phones on their persons. But, during the test, there is someone in the room observing the test takers. For this reason, someone would not be able to take out a cell phone and do an Internet search to find the answer to a question on the written exam.

Chair Manendo:

Yes, even a laptop computer or an iPad computer could be used to look up answers.

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

I am neutral on S.B. 143. I asked Senator Woodhouse to introduce S.B. 143. I did that for two reasons: the potential to save lives and the potential for Nevada to qualify for incentive funding under P.L. 112-141, the Moving Ahead for Progress in the 21st Century Act (MAP-21 Act), administered by the Federal Highway Administration, U.S. Department of Transportation (USDOT). I believe Traci Pearl, from the Office of Traffic Safety, is going to

discuss the MAP-21 Act. As of now, it appears funding from the bill could be in jeopardy. Between July 2002 and July 2011, Nevada issued just under 240,000 new driver's licenses. Those were not all issued to teenage drivers. People come here from all over the world. Some have to take the written test. It is important that we ensure Nevada takes distracted driving, especially driving while using a cell phone, seriously. Other persons besides those taking the driver's license exam for the first time are required to take the written test. Among them are those persons who have let their licenses lapse for longer than a year and persons who have had their licenses suspended. These persons are not included in the 240,000 I have mentioned. In 2011, there were just under 1.7 million active driver's licenses in Nevada. Almost 16,000 of them were issued to young drivers who fall under our graduated driver licensing (GDL) laws. There are countless studies on the dangers facing teen drivers. The National Safety Council (NSC) reports that the crash rate per mile for United States 16-year-olds is 10 times that of other inexperienced drivers. The NSC further shows that 16-year-old drivers have three times the crash rate of 18-year-old drivers. This is due partially to inexperience and partially to immature decision making skills. Those of us who have or have reared teenage drivers can attest to that.

One of the most dangerous things teens do behind the wheel is mix inexperience with cognitive, manual and visual impairments that are in play when they use cell phones. This is true whether they use either hands-free or handheld phones. Teenagers who use cell phones while driving are putting themselves, their passengers and the general driving public in danger. Having friends in the car is another proven distraction for teens. This issue is mitigated under our GDL law, which imposes restrictions for the first 6 months teenage drivers hold their driver's licenses. The crash risk for teenage drivers who have passengers in the car is dramatic. Some studies report the risk as high as 300 percent greater than what it would be if teens were driving alone. When we saw this problem in Nevada, we enacted the GDL law. It is a shining example of good laws saving lives. For states to receive funding pursuant to the MAP-21 Act, they must pass a total cell phone ban for drivers under age 18. Eliminating distracted driving has been the cornerstone of U.S. Transportation Secretary Ray LaHood's agenda. Many safety advocacy groups stand behind him. The NSC reports that in the United States, one in four motor vehicle crashes involved the use of a cell phone. Even though we have a law on the books in Nevada prohibiting cell phone use, people are still using their cell phones while driving. We must ensure that those who come to

Nevada and apply for a Nevada driver's license understand that our State takes cell phone use while driving seriously. This is an important step to take whether or not we qualify for the incentive funding from the MAP-21 Act. Senate Bill 143 still has the potential to save lives.

Senator Gustavson:

Ms. Breen, you mentioned that one in four accidents involved the use of a cell phone. Are there statistics that break down the findings by comparing the use of handheld devices to the use of hands-free devices, or do the statistics show just an overall total?

Ms. Breen:

It is an overall total reported by the NSC in their most recent report on the state of cell phone use in the United States. Many studies have been done about cell phone use while driving, and they have considered both handheld and hands-free devices. The findings show that using either kind of device is just as dangerous as driving drunk. Texting and driving has been shown to be even more dangerous than driving drunk. It is the cognitive impairment that poses the danger. Even if not held, a cell phone draws drivers' attention away from the task at hand. Drivers become cognitively impaired because their minds are occupied with the unseen persons at the other end of the phone. It is dangerous for any driver, but even more so for teens, who do not have the driving skills acquired through experience.

John Gayer (Sergeant, Patrol Division, Henderson Police Department, City of Henderson):

I support S.B. 143. In the last 7 years, I have served on various community boards and committees in my capacity as a sergeant for the patrol division. This bill meets requirements not only for our "Nevada Highway Safety Performance Plan" but those set forth at the federal level as well. Improving traffic safety can be summed up with the four Es: education, encouragement, enforcement and engineering. This bill would address the education portion of the four Es for traffic safety. Last year, I served on a committee with the Governors Highway Safety Association (GHSA) through the National Highway Traffic Safety Administration (NHTSA), USDOT.

Last year, I sat on the Model Minimum Uniform Crash Criteria Committee, a committee sponsored by the GHSA. The GHSA is the resource NHTSA uses to gather crash data. The GHSA just modified the crash criteria standards that law

enforcement officers use to file crash reports. The committee had a lengthy discussion proposing changes to crash criteria that law enforcement officers must collect. We added criteria on distracted driving, including cell phone use. At present, law enforcement officers do not collect information on cell phone use.

Senator Gustavson, you asked whether those taking the written portion of the driving exam are allowed to bring cell phones with them in the testing room. In the last 3 or 4 years, three of my children have acquired their driver's licenses. They have told me that someone is present in the testing facility to monitor the test and that the person collects cell phones as well as backpacks and purses.

Brian O'Callaghan (Las Vegas Metropolitan Police Department, Nevada Sheriffs' and Chiefs' Association):

For all the reasons stated, we fully support this bill.

Traci Pearl (Administrator, Office of Traffic Safety, Department of Public Safety):

Our office applies for the federal grants from NHTSA. We urge the driving public to change behavior—to not drink and drive, to wear seatbelts in the car and helmets while riding bicycles. The "Click it or Ticket" commercials originate in our office. Our office is neutral on S.B. 143. We have to be because we are federally funded. If the bill passed, however, it would meet one of two requirements necessary for us to qualify for new distracted-driving funds under the MAP-21 Act, the new Surface Transportation Program, which provides flexible funding for highway projects. The second requirement the State does not need to meet now is one I hope the Committee will address in the interim. The legislation requires prohibition of cell phone use while driving for those under 18. Nevada law covers that requirement now, but hands-free cell phone use is not prohibited. Passing a law prohibiting the use of hands-free devices would make the State eligible for further funding.

Chair Manendo:

For how much funding would the State be eligible?

Ms. Pearl:

I am not sure how much.

Chair Manendo:

Will the amount of the funding award change?

Ms. Pearl:

Yes, it will change. The amount for the first year is uncertain. The MAP-21 Act passed with the Surface Transportation bill, but implementation rules are not yet available. If funded, the State would receive \$180,000. It is nice that the MAP-21 Act allows states that do not qualify when they first apply to receive a portion of a balance the Federal Highway Administration, USDOT, distributes from reconfigured funds. Nevada could receive a minimum of \$180,000 and maybe more.

Chair Manendo:

Do you know how many states qualify for the fund?

Ms. Pearl:

Very few qualify for the fund.

Chair Manendo:

Do you think Nevada is close to qualifying?

Ms. Pearl:

Yes. I think Nevada is very close to qualifying.

Chair Manendo:

Nevada has the potential to receive \$180,000. Could the State receive even more?

Ms. Pearl:

There is a limit to what states can receive. This is so that no one State would receive the full amount even if no other states qualified. It is based on awards made in the federal budget for fiscal year 2009. It is a sound formula. I am uncertain what the State would receive if we qualified for the second distribution. It would depend on how many states are eligible.

Senator Hardy:

Is S.B. 143 broad enough to include the second requirement—the prohibition of the use of hands-free devices for those under 18? Would such a provision make the State eligible for a grant before the interim?

Ms. Pearl:

I cannot answer that. It would depend on the Committee and the sponsor of the bill.

Senator Woodhouse:

Personally and philosophically, I would love to add that provision to this bill, but if we could work on it in the Interim to remove the part that prevents the State from qualifying for the MAP-21 Act funds, it would be a small step forward. If, on the other hand, the Committee wants to add the second condition prohibiting teenage drivers from using even hands-free devices, I will be happy to help draft that stipulation.

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Chair Manendo:

Seeing no further business before the Committee, we are adjourned at 9:13 a.m.

RESPECTFULLY SUBMITTED:

Melodie Swan-Fisher,
Committee Secretary

APPROVED BY:

Senator Mark A. Manendo, Chair

DATE: _____

EXHIBITS				
Bill	Exhibit		Witness / Agency	Description
	A	1		Agenda
	B	4		Attendance Roster
S.B. 109	C	8	Senator James A. Settlemeyer	Proposed Amendment
S.B. 109	D	2	Donnie Perry	Written Testimony
S.B. 143	E	3	Senator Joyce Woodhouse	Written Testimony
S.B. 143	F	1	Terri L. Carter	Written Testimony