

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

**Seventy-Eighth Session
April 14, 2015**

The Committee on Transportation was called to order by Vice Chair Jill Dickman at 3:37 p.m. on Tuesday, April 14, 2015, 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/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Jill Dickman, Vice Chair
Assemblyman Nelson Araujo
Assemblyman Richard Carrillo
Assemblywoman Victoria A. Dooling
Assemblywoman Michele Fiore
Assemblyman Edgar Flores
Assemblyman Brent A. Jones
Assemblyman P.K. O'Neill
Assemblyman Stephen H. Silberkraus
Assemblywoman Ellen B. Spiegel
Assemblyman Michael C. Sprinkle

COMMITTEE MEMBERS ABSENT:

Assemblyman Jim Wheeler, Chair (excused)
Assemblywoman Marilyn K. Kirkpatrick (excused)
Assemblywoman Melissa Woodbury (excused)



GUEST LEGISLATORS PRESENT:

Senator David R. Parks, Senate District No. 7

Senator Mark A. Manendo, Senate District No. 21

STAFF MEMBERS PRESENT:

Michelle L. Van Geel, Committee Policy Analyst

Melissa N. Mundy, Committee Counsel

Henri Stone, Committee Secretary

Trinity Thom, Committee Assistant

OTHERS PRESENT:

Chuck Callaway, Police Director, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department

Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs'
Association

Natasha Koch, Captain, Executive Officer, Nevada Highway Patrol,
Department of Public Safety

Kelly Martinez, Government Affairs Officer, Office of Administrative
Services, City of Las Vegas

Erin Neff, Public Information Manager, Regional Flood Control District,
Clark County

Robert L. Compan, Manager, Government and Industry Affairs, Farmers
Insurance Group

Lisa Foster, representing Allstate Corporation, and American Family
Insurance Company

Dan Musgrove, representing CSAA Insurance Group

Sean Sever, Communications Director, Department of Transportation

Jeanette K. Belz, representing Property Casualty Insurers Association of
America

Sandy Heverly, Executive Director, STOP DUI, Las Vegas, Nevada

Erin Breen, Director, Vulnerable Road Users Project, Transportation
Research Project, University of Nevada, Las Vegas

Vice Chair Dickman:

[Roll was called. Protocols and procedures were explained.] We will begin with
Senator Parks and Senate Bill 156.

**Senate Bill 156: Makes various changes concerning motor vehicles.
(BDR 43-11)**

Senator David R. Parks, Senate District No. 7:

Senate Bill 156 states that any motorist who becomes stranded after driving around barricades to enter a flooded stretch of roadway may be charged for the cost of his or her rescue. If public emergency services—such as swift-water rescue teams, paramedics, or helicopters—are called to rescue the motorist and/or tow the vehicle out of danger, the cost of those services can be billed to the motorist for up to \$2,000. In other words, if you drive through a flooded roadway or drive around flood warning barricades and you need to have yourself, your vehicle's other occupants, or your vehicle rescued by emergency responders, you are liable for the cost of your rescue.

The goal of S.B. 156 is simple. Under this law, emergency service providers can be reimbursed for the cost of providing rescues. A secondary goal of this bill is that of publicity. If the danger of getting swept away and the possibility of being killed by floodwaters does not resonate with you, maybe the expense of having to pay for your rescue will.

Assemblyman Jones:

Why limit it to \$2,000?

Senator Parks:

There needs to be a starting point. We are trying to get a message across to drivers to heed the warnings, so up to a \$2,000 limit is reasonable.

Assemblywoman Spiegel:

Is it correct to assume that the effective date is October 1? Monsoon season begins in the summer. Maybe the effective date should be July 1.

Senator Parks:

Thank you. The bill as written does not have an effective date, meaning the effective date would be October 1. An effective date prior to the start of flood season in southern Nevada would be quite helpful.

Assemblywoman Spiegel:

What would happen to Good Samaritans who saw somebody in trouble and tried to pull them out? Would the Good Samaritan have the same liability or would they be exempt?

Senator Parks:

Nevada has a pretty extensive Good Samaritan law. I think that the law would absolve them of any penalty. Sometimes Good Samaritans can find themselves in deep water and need assistance themselves.

Assemblywoman Fiore:

With Assemblywoman Spiegel's question, I do not think that it is outlined. Are you okay with an amendment outlining it? Because what I see happening is this: I have a big truck and if I saw a little car going down in the water, I would be that Good Samaritan and would try to winch them out even if the sign says do not go there. We need to be specific about that in writing. Intentions do not go far in written law, especially if an insurance company challenges it. My first question is are you willing to amend it to make sure that the Good Samaritan is safe? Also, how often does it happen that people move a roadblock and go into a flood zone with their car?

Senator Parks:

I would certainly be fine with an amendment to include that someone who acts as a Good Samaritan not be covered by this statute. If we amend the bill, I would appreciate including Assemblywoman Spiegel's suggestion that we change the effective date to July 1. With regard to your second question, how often does someone do this, unfortunately, it is a lot more often than we think. When there is a major flooding in southern Nevada, this is a common occurrence. The Clark County Regional Flood Control District has a major advertising campaign to stay alive, and people still find a way to ignore it. In the interviews on television of stranded motorists who have been rescued, they are heard saying something like, Gee, I did not think it was that deep, or that they did not think the water was moving that fast and were certain they could make it. I would like that question to be put to our Department of Public Safety first responders and to flood control.

Vice Chair Dickman:

Are they here?

Senator Parks:

I think there are some people here from the Department of Public Safety who would be willing to provide comment. I think someone from the Clark County Regional Flood Control District is in attendance in Las Vegas.

**Chuck Callaway, Police Director, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department:**

We are here in support of the bill. I did not pull statistics on the number of swift-water rescues we have done, but I know that in talking to our search and

rescue folks and getting some feedback on this bill, it is typical that when we think of roadblocks it might be something like those orange and white signs that county works people put up that say "Caution, Flood Zone, Do Not Enter." People will sometimes drive on the curb to go around them. They may be trying to get to their house. They think that the water could not be that deep, so they get out there and their engine stalls. They become trapped and then the water rises. You often see the pictures where they are on the hood because the water is rising. For the helicopter needed to perform swift-water rescue, it costs about \$800 per hour just to fly it. This does not count the cost of the pilots; that is just the fuel. It is very risky for the officers involved in the rescue as well as for the citizen. I see this bill as a deterrent. Anything we can do to persuade people not to take that risk and potentially save their lives is a good thing.

Assemblywoman Fiore:

Are the signs going to change, as well, to make sure it is crystal clear that if you pass this "Do Not Enter" sign you are in trouble? When I see a "Caution" sign, I shrug it off. When I see "Do Not Enter," I obey it. We have got to be crystal clear with folks—"Do Not Enter" or "Enter at Your Own Risk." Do you understand what I am saying?

Senator Parks:

Most of the time the sign says, "Road Closed, Do Not Enter." I do not know how much plainer it can be.

Chuck Callaway:

I think another component is the educational component. We see commercials all the time about not entering the floodwater. I think this is a vehicle to let people know that if this bill passes that there could be liability on the part of the driver if they have to be rescued from a flood zone.

Assemblywoman Fiore:

I just want to make sure it is crystal clear. I do not want there to be a loophole.

Assemblyman Sprinkle:

I am curious. Is there already something in statute that makes it illegal to bypass signage?

Chuck Callaway:

There are local ordinances and, I believe, *Nevada Revised Statutes* dealing with disregard of a traffic control device. If a blockade is put up that says, "Do Not Enter," and you go around that, you could be charged with a misdemeanor offense for disregard of the traffic control device. Obviously that

would be a small fine in comparison to the cost of the rescue operation to get you out of the water.

Assemblyman Sprinkle:

Would it make more sense to increase those fines and penalties as a deterrent? The only reason that I ask that is because of my background. I would say that the majority of times I have been called out on anything it is because people are being stupid. Are we just going to stop at this? I know that we can charge people for starting wildland fires. Those costs run into the millions of dollars and are typically never collected. Where do we stop when we are taxing people to have public safety services?

Chuck Callaway:

I think that becomes a philosophical decision for the Committee of whether or not you want to make it a civil infraction, a criminal infraction, or both. I know in the Assembly Committee on Judiciary over the past several sessions, there has been a trend in trying to cut back on adding new criminal offenses. Do we think that someone who disregards the control device and gets stranded should spend time in a detention facility, or would those beds be better allocated to some other offense and we should go after them civilly?

Senator Parks:

Under the current laws on the books, drivers can get ticketed for ignoring barricades, driving recklessly, and they can be cited for putting their passengers or children at risk. Those statutes are already on the books.

Assemblyman Flores:

Thank you for the bill. I understand the idea that reckless conduct invites rescue. We have other statutes that are going in that direction—if you invite rescue, we are going to require restitution. How do we decide where to set a roadblock? Here is a simple hypothetical. I am in my house and jump into my vehicle to go somewhere. I do not see the roadblock because it surrounds my neighborhood. I drive my vehicle where I am not supposed to, and the helicopter comes to rescue me. Somebody says, "There was a roadblock down the street. You should have known." In the meantime, I was coming from the other side and did not see it, but I am now on the hook for \$3,000. The second hypothetical situation would be if you are in a flooded area and concerned about the situation behind you which is starting to flood. You make a judgment call to go forward or backward—both options look bad. You make a decision that puts you in trouble and on the hook for \$3,000. Maybe those situations would not happen. Maybe every house is put on notice. I do not know how that works. Could you help me with that?

Chuck Callaway:

Usually the way the roadblocks get put up is it starts raining and the floodwaters start rising. Law enforcement is out handling situations that occur at that time because of the water. We see a perfect example of that with the Charleston Boulevard underpass, which is notorious for filling rapidly with water. They even had a pole there that showed how deep the water was. An officer sees the danger and calls the city or county public works department. The county or city public works people will put up the signs. They are temporary signs held in place by sandbags until the road is safe, and then they are removed. Normally, they will try to set up the roadblocks so that you cannot get around them, leaving no way in or out. It would not make sense to put a roadblock at one end and then leave a side street open, allowing someone to come in without seeing the roadblock. They would put a roadblock up in any private drive or side street that would go into the flood zone. Hypothetically, what you are suggesting is possible—barricades could be put up around my neighborhood, I pull out of my driveway, and I do not see them. However, this legislation is intended for the person that intentionally goes around the barricade and disobeys the traffic signal, not the person who inadvertently finds himself in the floodwater and did not realize those barricades were up.

Assemblyman Flores:

I have seen those poles that indicate water depth. Have you considered demanding restitution in those cases where there is a pole that shows that the water is ten feet deep and I drive my vehicle into it, or are you specifically limiting it to a roadblock because you think that is easier to see?

Chuck Callaway:

At this point my agency has not seriously considered restitution in any of the cases where we rescue people. We have not thought about sending them a bill for the cost of rescue. We are looking at this bill more as a deterrent. I am not saying that down the road, if something was a violation that put people at risk and cost a significant amount of money, that we would not look at recouping some of those costs, but at this point we are looking at it as more of a deterrent.

Senator Parks:

All of the public works departments in southern Nevada are ready and mobilize well before an event occurs. They are quick to put up the barricades. This bill covers situations where water is on the road, the barricades have been put in place, and the person would have had to be rescued as a result of failing to follow the directions of "Do Not Proceed."

Vice Chair Dickman:

Are there any further questions from the Committee? Seeing none, we will now take testimony in support of S.B. 156, starting in Carson City.

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

We support the legislation. As mentioned earlier, obviously there are statutes in place where you can charge someone criminally for driving through a barricade. This basically puts a fiscal note on the driver for taking a risk. It is not as if it is something that is dropping out of the blue. They are coming up on an area where they can see the water. The signage is there. They are given every opportunity to steer clear. If their foolishness or reckless abandon gets the better of them and they put themselves in a predicament where the fire department and police have to go and do the rescue, they are drawing on resources that could be needed somewhere else.

Vice Chair Dickman:

Are there any more questions? [There were none.] Is there anyone else in Carson City in support of this bill?

Natasha Koch, Captain, Executive Officer, Nevada Highway Patrol, Department of Public Safety:

We also support this bill. I come from southern Nevada and have seen on many occasions people actually try to pass us, even when we are blocking the area with our cars and our cones. We support this bill as a deterrent to prevent this.

Kelly Martinez, Government Affairs Officer, Office of Administrative Services, City of Las Vegas:

The City of Las Vegas supports the bill because it provides clarity to a common situation that Las Vegas Fire and Rescue deals with during flood season. I have asked for some statistics on how many of these cases we see. I will get them to the Committee.

Vice Chair Dickman:

Is there anyone else in Carson City to speak in support of the bill? [There was no one.] We will go to Las Vegas. Is there anyone in support of the bill?

Erin Neff, Public Information Manager, Regional Flood Control District, Clark County:

We have some recent statistics. In August 2013, we had significant flooding along Grand Teton Road in Las Vegas. There were 18 swift-water rescues as a result of that one flood incident. These are people who crossed barricades. Grand Teton Road looked like a river. There was a barricade up, yet people still drove into the water, and they got stuck. That is just one event and only

one example of the statistics we get from one rainy afternoon in Las Vegas. Additionally, we think this bill will help people stay out of these situations. They know it is the wrong thing to do. We have seen people lose their lives doing this. We think perhaps by attaching a fine to it, people will think twice about doing it, so we support the bill.

Vice Chair Dickman:

Is there anyone in opposition in the south? Seeing no one, is there any opposition to the bill here in Carson City? [There was no one.] Is there anyone neutral? [There was no one.] Senator Parks, do you have any closing comments?

Senator Parks:

I think that swift-water rescue is probably one of the most dangerous situations that anyone can be involved with, whether it involves rescue trucks or helicopters. We have seen loss of life, and anything we can do to lessen the number of incidents would be welcome.

Vice Chair Dickman:

We will now close the hearing on Senate Bill 156. We will open the hearing on Senate Bill 188.

Senate Bill 188: Revises provisions relating to vehicle collisions. (BDR 43-674)

Senator Mark A. Manendo, Senate District No. 21:

I appreciate the opportunity to present Senate Bill 188. A crash is not an accident. Changing the way we think about events and the words we use to describe them affects the way we behave. Motor vehicle crashes and injuries are predictable, preventable events. Continued use of the word accident promotes the concept that these events are outside human influence or control. In fact they are predictable results of specific actions. Since we can identify the causes of crashes, we can take action to alter the effect and avoid collisions. These events are not acts of God, but predictable results of the laws of physics.

The concept of accident works against bringing all the appropriate resources to bear on the enormous problem of motor vehicle collisions. Continuous use of the word accident fosters the idea that resulting injuries are an unavoidable part of life. Crash, collision, incident, and injury are more appropriate terms and should be encouraged as substitutes for the word accident.

Within the U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA) and the U.S. Department of Transportation (US DOT), the word accident will no longer be used in materials published and

distributed by the agencies. In addition, NHTSA is no longer using accidents in their speeches or in other public remarks, in communications with the news media, individuals, or groups in the public and private sector. Recently, two other US DOT agencies, the Federal Highway Administration (FHWA) and the Research and Special Programs Administration, joined NHTSA's administrator, Dr. Ricardo Martinez, endorsing his goal to eliminate accident from the agency's vocabulary. In this manner, attention will be focused on causes of crashes and what can be done to prevent collisions and the resulting injuries. Perhaps changing the way we think about events and the words we use will affect the way we behave. Our goal is to eliminate the word accident from the realm of unintentional injury on the highway and across the nation. We want to reflect that crashes are not accidental. This is a culture shift adopted by the Nevada Strategic Highway Safety Plan and the Zero Fatalities goal that we have in Nevada.

You may have noticed in the news a number of crashes and sadly, in many cases there is bodily harm or death. You may also have noticed that you are seeing the shift by our media partners. I give them a lot of credit. A few weeks ago, we had the horrible crash at the bus shelter in Las Vegas where a grandmother and her granddaughter were killed. The media continuously spoke about the fact that it was a crash because it really was not an accident. The person driving was impaired and ran away from the scene—that is no accident. The culture that we need to try to change with that word is important.

When we heard this bill in the Senate, there was no opposition. There are some folks who have since come to me with concerns about where this would go. Our intent is not to make insurance companies change any of the forms overnight. We certainly do not want to affect case law that is out there or current cases that are pending—that is not our goal. If the federal government can switch over their forms, insurance companies can do that as well. If they need more time to do that, that is fine. We can work that out. I did not realize there was that much of an issue. Some of the language we were talking about was used in the Nevada Insurance Code, such as the term crash includes the term accident as that term is commonly understood. I know that Bob Compan is going to come up. We already had a chat back here. That may have alleviated some concerns.

I do not have anything else right now. I know there are others here who may come forward to testify in support of the bill.

Vice Chair Dickman:

Are there any questions from the Committee?

Assemblyman Flores:

I understand the intent of calling it a crash. We are treating it differently in our minds more than anything else. How will that change what we are already doing now to address these issues? Please elaborate.

Senator Manendo:

I think it is more of a mentality thing. When I used the example of the bus shelter, in conjunction with our media partners, people are seeing this as what it really is. If you are driving down the street and the wind is blowing and a tree falls on top of your car, that is an accident. If you are driving down the street and you are on your cell phone and not paying attention, you are impaired, you are driving with your knees, and you kill three people, it is a crash. As we as a state—with our Strategic Highway Safety Plans and with our Zero Fatalities—are using the term crash in speeches, in press releases, and in school and community talks, we are trying to set the boundaries and the example so that we change behavior. That is the intent of what we are trying to do.

Assemblyman Flores:

On page 53, section 76, subsection 1, paragraph (a), I see a clear distinction between accident and crash. For example, subparagraph (2) says, "Sustains an injury by accident or motor vehicle crash." That concerned me because when I first read it, my interpretation was that we are just treating the word accident as the same thing as a crash. I understand the intent that we want everyone to be thinking that this crash is not an accident. Then I realized we are creating a distinction with the word "or," which is an accident or a crash. The words are meant to be interchangeable, but are mutually exclusive. That created more confusion for me. We are treating those differently, and therefore changing the whole statute. I just heard your comment that you are going to try to redefine crash to include accident. I understand what you are trying to do. I am not in any way against it. I was just concerned as I read this.

Senator Manendo:

I am looking at Committee Counsel for help.

Melissa N. Mundy, Committee Counsel:

There are certain sections in the bill where if the term accident is only supposed to refer to a motor vehicle accident, that word was changed to crash. There are other sections in *Nevada Revised Statutes* where the term accident is used, but not necessarily limited to just a motor vehicle accident. That is why, as in section 76, we had to specify accident or motor vehicle crash because the term accident could mean something other than motor vehicle accident.

Vice Chair Dickman:

Thank you for that clarification. Are there any other questions? [There were none.] We will take testimony in support of the bill here in Carson City.

Natasha Koch, Captain, Executive Officer, Nevada Highway Patrol, Department of Public Safety:

We are here in support of this bill. We at the Nevada Highway Patrol have been processing ourselves to use the term crash instead of accident. It is good to get out of the mindset that if you are not paying attention when you are driving a motor vehicle and you rear-end someone, that it is an accident. It is absolutely preventable. You could have done something to prevent that from happening.

Vice Chair Dickman:

Does changing this wording affect traffic citations or liability in any way?

Natasha Koch:

It will not affect the issuance of citations regarding the fault because the crash will be investigated the same way. There are very few true accidents on the roadway—a utility pole falling on you or the road falling out from under you are accidents. Most crashes are a result of a driver error. I do not know how the insurance companies will deal with it.

Assemblywoman Fiore:

This is a comment. This is a big change. We are basically looking at cleansing the English language of the word accident. There are definitely going to be ramifications to this. I would like to hear those.

Robert L. Compan, Manager, Government and Industry Affairs, Farmers Insurance Group:

We support the bill. I will answer Assemblywoman Fiore's question, as it goes along with our proposed amendment ([Exhibit C](#)). We will obviously let the Legislative Counsel Bureau (LCB) decide what language to use. I want to thank Senator Manendo for allowing us to come in so late in the game. We did not testify on the Senate side. I apologize to the Committee for that. It is a big bill and took us awhile to wrap our arms around that and what the ramifications actually are. For the insurance industry, there are 30-odd chapters of insurance law here in the state. If someone slips and falls in your house, under this legislation, it would probably be defined as a crash. You can slip and fall and have a crash. That is why we are recommending this amendment for the purpose of the Nevada Insurance Code that determines accident and crash do not mean the same thing. When we looked into *Nevada Revised Statutes* for the definition of an accident, we found a few statutes in mining and industrial

relations. The definition of accident said it was a sudden occurrence that impacts or causes bodily injury. That is why we are looking at taking out the term and defining them to mean the same. That way we will not have to change millions of forms.

Assemblywoman Fiore:

Just to be crystal clear, is this bill basically an insurance bill that you have brought forth using one of our senators as your sponsor? If someone is walking on the sidewalk and falls off the curb, is that a pedestrian accident or a car crash if the car hits the person that fell off the sidewalk? This is an interesting bill.

Robert Compan:

We are not the proponents of this legislation. We did not ask Senator Manendo to bring it forth. We did not become aware of the issues we had when it was dropped into the bill language until it was here in the second house.

To answer the second part of your question, we understand Senator Manendo's intentions, and we think they are great. In 1996, NHTSA adopted changing accident to crash. Florida has now adopted that language to where crash replaces accident. If you look on the back of your bill in section 150, subsection 1, it states that "the Legislative Counsel shall revise any provisions of any bill or resolution enacted during the 78th Regular Session of the Nevada Legislature which uses the term 'accident' as that term is replaced or amended pursuant to the provisions of this act." As Legal has already noted, there are certain provisions in here where accident and crash are interchangeable or one is defined as the other. Our only concern here is in the insurance chapters of law. We want them to have the same meaning as defined by what the LCB deems to be an accident to mean the same as a crash.

Assemblywoman Fiore:

Just as an example, let us say that a pedestrian is walking, trips on the curb, and falls into the path of an oncoming car in the street. Is that a pedestrian accident or is that a car crash?

Robert Compan:

I do not know if I can answer that. Somebody crashes into you. They hit you. But the pedestrian walked out and slipped off of the curb, so that is an accident. If you have them interchangeable, they are the same thing. I am not a legal genius. I will defer to LCB to answer that question.

Melissa Mundy:

Assemblywoman Fiore, I think that there are some sections where that situation is referred to as a collision. For the purpose of this bill, that was also changed to crash. It depends on the specific section that you are looking at as to what it is actually called.

Vice Chair Dickman:

I want to clarify your intent with this amendment. Did you mention that there are 30 sections? This lists 21. Are there some missing?

Robert Compan:

It was hastily put together, and I apologize to the Committee. When I first started drafting the mock amendment, I was using the chapters there in the Legislative Counsel's Digest. After that when I started going through them and noticing some insurance chapters and so forth, I got as many as I could on short notice. We would ask that all the chapters relating to insurance be amended.

Vice Chair Dickman:

Thank you for that clarification.

Assemblyman Araujo:

I do not think I have ever heard the word crash so many times in one day, but I am sure that was not an accident. How many states have made that change in their statutes? How could that change impact our federal policies?

Robert Compan:

The federal government, through NHTSA, passed it in 1996; that is the federal law portion of your question. Only the state of Florida has taken this into consideration and changed it. There may be others that I am not aware of.

Vice Chair Dickman:

Is anyone else in support?

Lisa Foster, representing Allstate Corporation, and American Family Insurance Company:

I think the point has been made that advocates for traffic safety who continually strive to lower crash rates, accident rates, and deaths on the roadways feel that using the word crash has more of an impact in achieving that goal. We certainly understand that. But as Mr. Compan said, we need to make sure that if the word is changed in statute it will not affect insurance statutes. This bill is a combination of sections of the law. The reason for not doing this is, according to the Commissioner of Insurance, that it would require insurers to change their filings with the Division of Insurance. That is a bit of a difficult

process, although it can be done. I think that the bigger issue for insurers is it probably is going to require us to change our policy language. When you look at all the different insurers and how accident is defined a certain way in their policies, if those all have to be changed, that is a pretty costly thing to do. Those types of things drive up insurance rates. Perhaps with Mr. Compan's amendment or something close to it that works well, we could stick with the word crash in certain sections but try to pull the insurance pieces out of this.

Vice Chair Dickman:

Are there any questions? [There were none.]

**Chuck Callaway, Police Director, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department:**

We are in support of the bill.

Dan Musgrove, representing CSAA Insurance Group:

We are in support of Mr. Compan's work. We just want to work with the sponsor and make sure we cover the bases.

Sean Sever, Communications Director, Department of Transportation:

We testify in favor of the bill for all of the same safety reasons that have been given. We think that it is important to differentiate between accident and crash. We try to encourage people to avoid driving impaired through our Zero Fatalities campaign. We feel this could further help to educate people.

Jeanette K. Belz, representing Property Casualty Insurers Association of America:

Thank you for hearing this bill. It is certainly a very important issue in keeping fatalities down. We agree with the testimony provided by the other insurers.

Vice Chair Dickman:

Is there anyone else who wants to speak in support of the bill here in Carson City? [There was no one.] Is there anyone in Las Vegas who would like to speak in support of this bill?

Sandy Heverly, Executive Director, STOP DUI, Las Vegas, Nevada:

We thank Senator Manendo for bringing this bill on our behalf. I understand that some may think this bill is just a matter of semantics; however, STOP DUI supports this effort because we believe that word choice does matter, especially when trying to change a misguided and antiquated perception. A single word can dynamically construct and shape our perception. Ask anyone who works in marketing, public relations, or even your own campaign manager, how a single word can make a difference. Ask anyone of ethnic heritage if a single word can

make a difference. Language and how we use it can have a profound impact on how we conceptualize and act on public policy issues.

Motor vehicle crashes and injuries are predictable and preventable events. Continued use of the word accident promotes the concept that these events are outside the realm of human influence or control. It carries with it a misleading connotation of what occurred as it implies no fault of any nature. The way car crashes are framed has a powerful effect on how they are perceived. The word crash does not imply or assign blame. It simply states an event. I attended the conference when Dr. Martinez announced the term accident would no longer be used by NHTSA. As a DUI crash victim and advocate, I can tell you I was thrilled to finally hear an official distinction between accident and crash. Accident in most of these contexts is deeply offensive.

We agree with the *Journal of Traumatic Stress* that the terminology of motor vehicle crash encompasses a wider range of potential causes for vehicular collisions than does the term accident. Most importantly, characterizing a crash as an accident when the driver was under the influence of alcohol and/or other drugs or in other cases that involve speeding, texting, talking on a cell phone, road rage, or reckless driving may potentially impede the recovery of the innocent victim as he or she tries to work through the trauma of the event. I have seen the negative impact of that numerous times.

Missouri, Kansas, Illinois, New Jersey, Ohio, Florida, Tennessee, Louisiana and Raleigh, North Carolina have all implemented crash or collision in some form of the local or state traffic-related reports. Arizona has not had an accident report since 2009. All are called crash reports.

In March 2013, New York Police Commissioner Ray Kelly, while responding to some new New York Police Department policies, included the following remarks regarding traffic crashes. He said, "In the past the term accident has sometimes given the inaccurate impression or connotation that there is no fault or liability associated with a specific event." Commissioner Kelly went on to say, "The New York Police Department will begin using the term collision instead of accident to describe crashes. The accident investigation squad is to be renamed the collision investigation squad." You can see that this is a positive trend that is occurring across our country. Nevada has been the leader in many areas of traffic safety but falls short on this one as our current accident terminology diminishes the behavior and inadvertently deflects blame. The innocent victims in these situations deserve better. STOP DUI respectfully requests your favorable support for Senate Bill 188.

Vice Chair Dickman:

We appreciate your comments. Is there anyone in Las Vegas who would like to now speak in opposition to the bill? [There was no one.] Is there anyone in Carson City in opposition? [There was no one.] Is there anyone wishing to testify as neutral in Las Vegas?

Erin Breen, Director, Vulnerable Road Users Project, Transportation Research Project, University of Nevada, Las Vegas:

I am here today speaking in the neutral position since I receive federal funding. Most of what I was going to present today has already been said, so I will not reiterate past comment. I would just like to point out to each and every one of you to think about anytime you have tried to change a person's mindset. The success of the Zero Fatalities program really lies in our ability to get people to understand their own responsibility in a crash. By allowing them to continue to call it an accident we are saying that it was unavoidable, it was unpreventable, and there was really nothing you could have done about it. In reality, every single crash is completely preventable and avoidable. We had a terrible tragedy yesterday just outside of Seattle where a family of three was crushed by a concrete slab. Most people would call that an accident when, in fact, someone screwed up on their job. It was a crash. Please, we are asking for your thoughtful consideration today on S.B. 188 to help us further our education goals, especially regarding teenage drivers and their responsibilities. We spend a lot of time doing that. We go over this whole concept with them that accidents do not exist, crashes do. They are completely responsible.

Vice Chair Dickman:

Is there anyone here in Carson City who would like to speak in the neutral position? Seeing no one, Senator Manendo, do you have any closing remarks? Assemblywoman Fiore has a question for you.

Assemblywoman Fiore:

What or who inspired this bill?

Senator Manendo:

I have worked for over two decades in the public safety field. Discussions with Sandy Heverly, Erin Breen, law enforcement, educators, parents, clergy, and folks that I have been talking to for a number of years inspired this bill. I was going to do this many sessions ago but did not have bill draft request room to bring it forward. I thought it was the appropriate time considering that we also have the hit-and-run bill this session. In the Nevada Insurance Code, the term crash includes the term accident; I think that is the intent. Legal will take care of that.

[An exhibit not mentioned previously was a letter from Christian John Rataj of the National Association of Mutual Insurance Companies ([Exhibit D](#)).]

Vice Chair Dickman:

We will now open the meeting to public comment. Seeing none, this meeting is adjourned [at 4:39 p.m.].

RESPECTFULLY SUBMITTED:

Henri Stone
Committee Secretary

Joan Waldock
Transcribing Secretary

APPROVED BY:

Assemblyman Jim Wheeler, Chair

DATE: _____

EXHIBITS

Committee Name: Assembly Committee on Transportation

Date: April 14, 2015

Time of Meeting: 3:37p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 188	C	Robert Compan, Farmers Insurance	Proposed Amendment
S.B. 188	D	Christian John Rataj, National Association of Mutual Insurance Companies, State Affairs, Western Region	Letter