

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

**Seventy-Eighth Session
April 23, 2015**

The Committee on Transportation was called to order by Chair Jim Wheeler at 3:23 p.m. on Thursday, April 23, 2015, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4404B 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:

Assemblyman Jim Wheeler, Chair
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
Assemblywoman Marilyn K. Kirkpatrick
Assemblyman P.K. O'Neill
Assemblyman Stephen H. Silberkraus
Assemblywoman Ellen B. Spiegel
Assemblyman Michael C. Sprinkle
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

None



GUEST LEGISLATORS PRESENT:

Senator Donald G. Gustavson, Senate District No. 14

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:

Vernon Brooks, Private Citizen, Las Vegas, Nevada
Trebion Wilson, Private Citizen, Las Vegas, Nevada
Janine Hansen, President, Nevada Families for Freedom
John Wagner, State Chairman, Independent American Party
Chad Dornsife, Executive Director, Best Highway Safety Practices
Institute; and representing National Motorists Association
Lynn Chapman, Vice President, Nevada Eagle Forum
Rudy Malfabon, P.E., Director, Department of Transportation
Susan Arding, Private Citizen, Battle Mountain, Nevada
Dennis S. Osborn, Chief, Nevada Highway Patrol, Department of Public
Safety
Eric Spratley, Lieutenant, Legislative Services, Washoe County Sheriff's
Office
Paul J. Enos, Chief Executive Officer, Nevada Trucking Association
Megan Bedera, representing Nevada Firearms Coalition
John Fudenberg, D-ABMDI, Coroner, Government Affairs, Office of the
Coroner/Medical Examiner, Clark County
Terri L. Albertson, C.P.M., Administrator, Division of Management
Services and Programs, Department of Motor Vehicles
Chuck Callaway, Police Director, Office of Intergovernmental Services,
Las Vegas Metropolitan Police Department

Chair Wheeler:

[Roll was taken. Protocol and procedures were explained.] We will begin with
Senate Bill 2 (1st Reprint). Senator Gustavson, welcome to the people's house.

Senate Bill 2 (1st Reprint): Increases the maximum speed at which a person may drive or operate a vehicle. (BDR 43-13)

Senator Donald G. Gustavson, Senate District No. 14:

Senate Bill 2 (1st Reprint) would change the current statute that frames the maximum speed limit allowed on Nevada highways. The Nevada Department of Transportation (NDOT) is in charge of determining safety specifications on our highways. Upon passage, this legislation would give NDOT the additional flexibility to increase the maximum highway speeds, now set in statute at 75 miles per hour, to 80 miles per hour on traffic corridors it deems safe. Limits of 80 or 85 miles per hour are already allowed in Utah, Texas, Wyoming, and as of July of last year, Idaho. The chart titled "USA Highway Speed Increase Trends" ([Exhibit C](#)) shows that as speeds continue to increase on highways throughout the country, the fatality rates continue to drop as reported by the National Highway Traffic Safety Administration. Flexibility to enhance speeds would help ease fatigue and reduce travel time for motorists and truckers/commercial drivers. Findings have shown lower accident rates in areas where speed limits were legally amplified.

Safety is NDOT's primary concern. Passage of this law does not mean NDOT is going to be posting 80-mile-per-hour speed zones on the Spaghetti Bowls in Reno or Las Vegas or through congested urban areas. Certain requirements will need to be in place when considering advanced speed limits such as locating rural areas that have low population density, acknowledging roadways that have acceptable roadway geometry, and other factors such as being a divided highway with multiple lanes and limited access points.

All this legislation does upon passage is enable NDOT to have additional autonomy to decide what roadways can be made safer in our near future. Passage of this legislation would also provide additional structure that would allow our traffic engineers to design Nevada's future highways, such as Interstate 11, for elevated speeds should we as lawmakers allocate them some clemency to do so.

Can a speed limit be too low? Traffic studies have shown that there are disadvantages to setting limits unreasonably low. If reasonable drivers see an unreasonably low speed limit without the need to drive that slow, drivers tend to ignore the sign and over time will begin to develop disrespect for speed limit signs in general.

Higher speeds are not the major causes of crashes or deaths. The chart titled "Posted Speed Limit at Injury Crash Location, 2008-2011" ([Exhibit D](#)) provided by NDOT shows that you are most apt to be injured while traveling through

a 45-mile-per-hour posted speed zone, and ten times as likely to be injured traveling through a 25-mile-per-hour posted zone than when traveling through a 75-mile-per-hour posted zone.

Another chart provided by NDOT, titled "Posted Speed Limit at Fatal Crash Location, 2008-2011" ([Exhibit E](#)) shows that during 2011, you were more than twice as likely to be killed in a crash when traveling through speed zones posted at 45, 35, or even 25 miles per hour than if you were traveling through a 75-mile-per-hour speed zone, so this judgment that "speed kills" has not shown to be the case.

Why then would somebody oppose this bill? Often it is because there is a preponderant perception by the uninformed that "lower and slower" is inherently better. This is a predisposed statement made without regard to the many other dynamics that are factored in by experts when affirming road safety standards. Legitimate traffic studies are proving that those worries are unfounded, and the actuality is that injuries and deaths will be minimized if you properly set speeds that apportion the stream of traffic to flow at rates that reduce conflicts between the majority of vehicles traveling the road.

Some might fear that if speeds are posted at 80 miles per hour, then everybody will drive at 90 miles per hour; however, a three-year traffic study conducted by government agencies in Utah concluded that average speeds increased just 2 miles per hour, while accidents decreased 11 percent in one corridor and 20 percent in another. Overall, the study concluded that drivers tend to comply more with higher speed limits, making for a safer road for everybody.

Unfounded statements by those who are uninformed regarding traffic studies are to be expected. More troubling are those who may claim to represent the entire trucking industry, but in reality they represent only a few motor carriers whose workforce is made up broadly of inexperienced student drivers. They argue against higher speed limits anywhere in the country under the guise of promoting safety or even the economy or ecology when all they are really trying to do is selfishly level their playing field by eliminating competition. I am referring to the motor carriers who unsuccessfully pushed for a federal mandate that would require speed limiters on all commercial trucks because they know that experienced professional truckers who are paid by the mile would rather drive for a carrier that believes in uniform speeds for their professional drivers. Carriers who install speed limiters on their trucks know that every time a speed limit is increased in another state, it becomes more difficult to retain professional truckers who refuse to be disadvantaged by irrational work practices that burn up precious service hours and harm their ability to earn money.

The same carriers also know that when commerce lanes become more efficient to travel for everybody, that puts them in a deteriorating position that makes it difficult to compete with shippers who advertise and provide on-time service. They lose precious time trolling down rural highways at reduced speeds, and then try to make up time by "lead footing" it through congested areas. Perhaps this would explain why even though there was an actual 1.9 percent reduction in motor vehicle fatalities from 2010 through 2011, there was a whopping 20 percent increase in truck occupant fatalities for the trucking industry as reported by the National Highway Traffic Safety Administration. See the backside of exhibit titled "2011 Motor Vehicle Crashes: Overview" ([Exhibit F](#)).

The exhibit titled "Imposing Speed Limiting Technology on America's Trucks," ([Exhibit G](#)) which I will be referencing again in the next minute, also reiterates what the Federal Motor Carrier Safety Administration and the U.S. Department of Transportation have confirmed—the majority of large truck fatalities occur on non-interstate highways where posted speed limits are set lower.

Those who argue for lower speeds are the ones who create the safety hazards. Their specious arguments for saving fuel or improving the economy or protecting the environment are easily dispelled. For example, they will claim that they are saving fuel and keeping the air cleaner by running their fleets at lower speeds, but the reality is these slower-moving trucks produce increased traffic congestion, which causes the surrounding vehicles and commercial trucks to decelerate and accelerate when maneuvering around them, actions that create more emissions and waste more fuel overall for everybody. The inability for long-haul truckers to drive from point A to point B within allotted service hours also requires more "rest-overs," which requires more idling periods for refrigerated trailers and fuel that is burned to cool or warm the cab for the sleeping driver, causing a furtherance of emissions released. If you want to learn more about their disingenuous practices and the harm that is caused by these certain carriers who "cut" their trucks, then I invite you to read the front and back sides of the exhibit I showed you a minute ago ([Exhibit G](#)) entitled "Imposing Speed Limiting Technology on America's Trucks" when you get a chance.

Regardless of their unsuccessful endeavors to make the nation drive slower, we know that these select carriers were encased in the same three-year government studies that proved successful regarding higher speed limits and better safety records. Thus, I would render their arguments as insincere and ask them to pick up the pace and choose safety over self-centeredness by providing better comprehensive training programs for their own student drivers. They purport to represent the interests of the entire trucking industry, but the exhibit that I showed you a moment ago dispels this claim and points out that

the overwhelming majority of small carriers who make up 96 percent of the United States trucking industry do not employ these speed limiters because they know better.

The Owner-Operator Independent Drivers Association, whose membership reaches over 150,000 and who collectively own and/or operate more than 240,000 individual heavy-duty trucks and truck fleets, join the majority of professional truckers like myself stating that the safest policy is one that provides uniformity in speeds. The Owner-Operator Independent Drivers Association adamantly opposes the unfounded and anticompetitive measures that are falsely promoted as safety initiatives, such as the mandatory speed limiting devices for commercial motor vehicles.

The ability to lessen fatigue and travel time will benefit all motorists. For the trucking industry, this will help preserve service hours that facilitate commerce more efficiently among our trading routes, which helps keep the cost of goods more consumer-friendly. The opening of Texas State Highway 130, which is an 89-mile corridor with 41 miles designed for a speed limit of 85 miles per hour for commercial trucks and motorists, was inspired by studies that showed traffic congestion along Interstate 35 was draining the economy of more than \$194 million a year in higher operating costs and lost productivity. I believe that we need to do the same here in Nevada. This concludes my presentation.

Chair Wheeler:

Thank you, Senator.

Assemblyman Sprinkle:

I will not argue these statistics. I am just wondering what this bill is fixing. Why is there a need to increase the speed limit another 5 miles per hour?

Senator Gustavson:

That is a good question. I believe that this will allow people to drive at the speeds they do right now and do so legally. It will also help the economy. The majority of traffic now is moving along between 75 and 85 miles per hour. This will allow them to do it legally.

Assemblyman Sprinkle:

Do you have statistics to show that or is that just anecdotal?

Senator Gustavson:

That is a personal observation. I also hear that from other drivers.

Assemblywoman Spiegel:

The biggest concern I have is what could happen with the disparity in the flow of traffic between lanes. It does not seem like we have a minimum speed limit on our highways. You could have people driving 50 miles per hour in the right lane and 80 miles per hour in the left lane. It could become quite hazardous for people who need to change lanes. Have you looked at that? You talked about the importance of the uniformity of speed. Did you look at the disparity between lanes? What would the effects be? Do you think we should have a corresponding minimum speed limit?

Senator Gustavson:

I would like to see it, but am not requiring that. Other states have tried that, but it has not really taken off. From what I have seen out on the highways, most of your traffic is driving at a minimum of 65 miles per hour or between 75 and 80 miles per hour. That might be a good question to ask NDOT.

Assemblyman Araujo:

I was just curious if there had been an analysis done as to how many states have a current maximum speed set at 85 miles per hour or higher.

Senator Gustavson:

Four states now have 80 miles per hour—Wyoming, Idaho, Utah, and Texas. Texas also has a 41-mile strip of highway with a speed limit of 85 miles per hour. They do studies prior to raising the speed limit, and they do them after raising the speed limit to see what the differences in speeds are. They have found that average speeds do not increase by more than 2 or 3 miles per hour, generally.

Assemblyman Araujo:

My biggest concern is how folks who have adapted to going 75 miles per hour are now going to adapt to 80 miles per hour. We have a diverse constituency, some of whom may not be comfortable driving 80 to 85 miles per hour. Some may barely be comfortable driving 75 miles per hour. How will we transition?

Senator Gustavson:

The majority of drivers are going to drive at the speed they drive right now. They are not going to change their habits, although some may increase their speed because they will not be ticketed for driving at the higher speed. Generally, people drive the speed they are comfortable driving. This is only designed for interstate highway systems that have at least two lanes on each side of a divided highway and the rural areas. The majority of people are generally driving in the number-two lane.

Assemblyman Jones:

I like a higher speed limit so I can get where I want to go faster without breaking the law. I would rather drive 80 miles per hour than 55 miles per hour, like it used to be in the 1970s. This bill does not mention trucking, except to say that truck speeds may be posted lower. Usually the truck speed limit is 55 miles per hour. Are we planning on raising the truck speed limit, or is that up to NDOT? How are we going to figure that out?

Senator Gustavson:

The only place I know of where there is a maximum for trucks is California. I did drive a truck, and have driven over there quite often. Most of the trucks there are doing about 55 to 65 miles per hour anyway. It helps the traffic flow as long as the traffic is all going at the same speed. Truckers know that it is safer for them to be going a little bit faster so that cars do not have to weave in and out between them. I am not sure there any states around here that have a minimum speed limit, but NDOT might have that information. I am not requiring that trucks stay at 55 miles per hour because we are not like California. California is heavily congested throughout the state. Nevada is totally wide open between Reno and Elko, Las Vegas, and Mesquite, but not so much to Los Angeles, there is so much traffic on there now. There have probably been traffic studies, so NDOT could consider increasing the speed on Interstate 15.

Assemblywoman Kirkpatrick:

Can you explain the process and when NDOT would actually be able to do this? I thought the Board of Directors of NDOT played a role in how these speed limits are set. It does not look like enabling language so I wanted to understand what the process is. Will there be public discussion?

Senator Gustavson:

This is enabling legislation.

Assemblywoman Kirkpatrick:

Section 2 says you are changing it so that it is not more than 80 miles per hour, but I wondered what the process is. When would the Board of Directors or NDOT actually consider that?

Senator Gustavson:

The Nevada Department of Transportation and the Department of Public Safety would partner on this. The traffic studies are done by NDOT. They use inconspicuous radar units to check speeds. In order to increase speed limits on the highway, they also check the curvature of the road, the geometry of

the road, and the shoulders. There are many different factors they take into consideration. They identify locations on the road where it would be safe to increase the speed limit.

Assemblywoman Kirkpatrick:

Would people driving too slow—15 miles per hour below the speed limit, at 65 miles per hour—be ticketed? You can get ticketed for driving too slow.

Senator Gustavson:

That would be a good question to ask law enforcement. I am sure they are here to testify on the bill. If you are definitely impeding traffic, I believe that you can be cited. There is very little traffic out there at times, so that would be a judgment call law enforcement would make.

Chair Wheeler:

Are there any further questions? Seeing none, I want to thank you, Senator, for letting the speed limit catch up with my car. We will take testimony from those in favor of S.B. 2 (R1).

Vernon Brooks, Private Citizen, Las Vegas, Nevada:

I am in support of this bill. It is a good improvement. I have traveled throughout the state in the last 20 years, and have been on just about every back road here. I definitely appreciate what it would mean to increase the speed limits on some of those long, lonely stretches of highway that would get me to my destination a little bit faster. I welcome this bill, and I hope to see it pass.

Trebion Wilson, Private Citizen, Las Vegas, Nevada:

I concur with what Mr. Brooks said.

Janine Hansen, President, Nevada Families for Freedom:

I am pleased to support this bill. I live 10 miles outside of Elko. I drive home every week on Interstate 80 (I-80), 325 miles, then drive back. There really are not any problems with people going too slow. I just pass by them in the other lane. This is really important in the rural communities. For instance, if I want to go to Costco, I have to drive to Twin Falls, Reno, or Salt Lake City. Last week I did go to Salt Lake City and saw the 80-mile-per-hour speed limit in Utah. I did not notice any problems with the traffic. When I have driven from Las Vegas to Salt Lake City with my brother, I also drove on those highways. There is really not a lot of change from when you are going 75 miles per hour. Most people are driving almost as fast with the speed limit of 75 as they are driving at 80. That has been my experience on those highways. I think that this is a good bill, especially for rural communities. In Elko, the only place you

can go if you want to get on a plane is to Salt Lake City. You have to drive everywhere else, which takes a lot of time. I appreciate Senator Gustavson for bringing this bill, and we support it.

John Wagner, State Chairman, Independent American Party:

When you drive from Reno to the Nevada-Utah state line, it seems like there is only a town every hour. There is a whole lot of open space with nothing in between, and there is little traffic on that highway. The side benefit to passing this is making Ms. Hansen legal.

Chad Dornsife, Executive Director, Best Highway Safety Practices Institute; and representing National Motorists Association:

I am a researcher in speed limits and how they are set. I have been watching in-roadway data for almost 40 years. I do know what the before and after speeds were in Idaho, Utah, and Nevada. I have been watching the Nevada roadway loops since the mid-1980s. We used to monitor the speeds in Nevada and we quit a few years ago, completely eliminating the program. Back when there was compliance with the 55-mile-per-hour speed limit, we had statewide monitoring sites that have been discontinued. They no longer know what the travel speeds are in this state.

More importantly, when you look at the relative risk curve of being involved in an accident ([Exhibit H](#)), you will see that zero on the chart is the typical speed limit here in Nevada. When you hear safety people talk about speed limits you have two sides, engineering and enforcement. On the engineering side, the relative risk curve is a bell curve. When you are talking to enforcement, it is a hockey stick—it just goes straight up. One mile an hour is unsafe. When you look at the actual speeds that we had in Nevada when we had the monitoring, such as on the section from Stateline into Las Vegas, when NDOT posted that at 70 miles per hour, the 85th percentile at that time was greater than 80 miles per hour. They underposted that road in 1995 almost 15 miles per hour under the prevailing speed of traffic. It has been a speed trap since, primarily writing tickets to people otherwise driving safely. [The witness submitted prepared text that included additional testimony ([Exhibit I](#)).]

On the topic of raising the speed limit in Utah from 75 to 80, when it was 75, the 85th percentile or the safest speed as determined by the people that use the road was 82, 83, 84 miles per hour. When they changed the speed limit to 85, that average speed went to 83, 84, 85 miles per hour, or 1 to 2 miles per hour more. There was no appreciable change. What did change is overall accidents dropped. The 80-mile-per-hour speed limit has been in Utah for four or five years, not just one. On those sections, it continued to drop over time.

In the last year, they have expanded it to more roadways and there has been no detriment whatsoever. With the expectation of higher speeds, people still drive in their comfort zone but lane management improves, slower traffic keeps right, and the chaos and friction from slow-moving vehicles is reduced. Slow-moving vehicles are the highest risk point. If you want to know how Nevada law is written and how it came to be on speed limits, I am also an expert on that area and how it originally was.

Chair Wheeler:

I am going to open it for questions.

Assemblyman Sprinkle:

I would like to pose the same question to you that I asked of the bill's sponsor. What significant benefits are we going to see from raising the speed limit 5 miles per hour?

Chad Dornsife:

You will see an incremental decrease in all accidents because flow management will improve, which has been the case everywhere it has been adopted. The actual speed of the traffic will not change more than 1 to 2 miles per hour. I did a seven-year study in Montana, where they took the speed limits away for four and a half years. I found that even after the removal of the speed limits altogether in the daytime, did the speed change in no location greater than 2 miles per hour. People drive at their comfort zone, and they will go back to that comfort zone when they are clear of the city limits or other obstructions. They do not change their habits.

Assemblyman Sprinkle:

Are there significant flow problems at the rate of 75 miles per hour in our rural areas, which is what we are talking about?

Chad Dornsife:

The flow problem is lane courtesy. I call it passive-aggressive behavior—people will get out and park in the fast lane because they are doing the speed limit and they are trying to save everybody else. Then you create a chaos zone, people trying to pass on the right and the left and whatever. The bottom line is that, as when we went to no speed limits in Montana, multiple vehicle accidents were reduced because lane courtesy improved. People did not hang out in the fast lane; they moved over. It is the same effect that was seen in Colorado when they passed "slower traffic keep right." If you hang out in the left lane now, you can get a ticket even if you are going the speed limit. Flow management is the best safety plan, not necessarily the posted limit.

Assemblyman Jones:

It seems like all of the statistical data is pretty overwhelming that it is better to drive faster or within the flow of the traffic, which most people want to do. What is the major objection that people have of not wanting to raise the speed limits?

Chad Dornsife:

You have stakeholders, the courts that have a financial interest, the highway patrol that gets extra money for writing tickets, the insurance companies that get insurance premium surcharges, the trucking companies that are going against the private people. You even have the railroads involved because they want to decrease the efficiency of trucking as they are competing for freight. Stakeholders have a financial interest in this. Even the Office of Traffic Safety, Department of Public Safety, which gets enforcement grants, uses the word "related." That means that the underlying comment does not support the facts. When we looked at the accident rates in Oregon accident by accident, we found that the actual accident rates from speed as the cause of the accident were less than 1 percent. They were citing 50 percent in their statewide office of traffic statistics. In Nevada, when we went from the 55-mile-an-hour speed limit to the 65 back in 1988, I looked at the data. At that time on I-80 about 1.5 percent of the accidents were speed-related and 14 to 15 percent were animal hits. When you actually start breaking out the cause of the accidents, speed was negligible once you are outside of the cities. [The witness presented additional information ([Exhibit J](#)).]

Lynn Chapman, Vice President, Nevada Eagle Forum:

We are in support of this bill. I probably will not be driving 80 miles per hour myself because I drive in the slow lane like a little old lady because I am a little old lady. My husband drives faster than I do. I think this is a good idea. I have lived in Nevada for 30 years. I drive to see my dad in California, 250 miles away. I drive on Interstate 80, Interstate 205, and Interstate 5. I am around truckers who I can guarantee do not drive at 55 miles per hour. They pass me all the time. I think this is needed for Nevada. A few years ago, Ms. Hansen and I were getting petitions filled out in different counties. I was nagging her constantly to please slow down. She got tired, so we pulled over and switched drivers. I was driving along listening to the music; she was sleeping. I looked down at the speedometer and almost had a heart attack. I was driving at 85 miles per hour. She has a newer car than I do which drives so smoothly. That is why people drive faster and do not even realize it. I have a 22-year-old car that probably will not go 80 miles an hour. I will have to stick to 65 miles per hour.

Chair Wheeler:

Is there anyone else in favor of S.B. 2 (R1) who would like to speak? [There was no one.] Is there anyone opposed?

Rudy Malfabon, P.E., Director, Department of Transportation:

We are opposed to Senate Bill 2 (R1) primarily for safety reasons. As you know, our safety goal is zero fatalities, and we feel that the negatives outweigh the positives when motorists are traveling at faster speeds on our highways. Our Zero Fatalities program is all about a vision for eliminating fatalities on our roadways. We aim for zero fatalities because everyone's life matters. That is the primary reason we are opposed to this bill—safety.

To give you some background, we had 78 run-off-the-road deaths in Nevada during 2013. With increased speeds, the likelihood of fatalities, serious injuries, and crashes increases as well. We also have some concerns with speed differentials between cars and commercial vehicles. While increasing the speed limit may save some time, our concern is that an increase in severe injuries and fatalities will result. The NDOT Board of Directors considered this issue at the February 9, 2015, board meeting. The direction to the Department was clear: in order to move our state in the direction of safer roads, NDOT opposes Senate Bill 2 (R1).

Assemblyman Jones:

We have overwhelming evidence that speed does not cause more fatalities, but you are saying that you think the roads will be safer if we stay with slower speeds. Do you have evidence showing the opposite or do you believe the evidence as presented was false?

Rudy Malfabon:

What I would make the case for is that we can look at other states, but Nevada is distinctive. You would see drivers driving differently up here in northern Nevada compared to Las Vegas, for instance. I lived in Las Vegas for years and the driving is much more aggressive there. We would want to study our own distinctive data in Nevada. I am aware that other states have done their studies, but I would want to do the same in order to have a more informed response.

Assemblyman Jones:

So, you do not have any statistics. You are basing your opinion on opinion, not on facts. There are no Nevada studies, yet you say slower speeds are safer. There is overwhelming evidence from other states that have done studies that show there is no adverse effect to raising the speed limit. What are you basing your viewpoint on?

Rudy Malfabon:

It is based on the fact that increased speeds will have increased serious injuries and fatalities. That is just a point of logic.

Assemblyman Jones:

You said that it is based on the fact that increased speed does this, but you said there have been no Nevada studies. All the evidence that we have been presented says that increased speeds show reduced fatalities, as most fatalities occur at 45 miles per hour, not at 70 or 80 miles per hour. If you say that your opinion is based on fact, what is it based on? Are you just guessing that you think it is a fact or do you have something that says it is a fact?

Rudy Malfabon:

There are several factors that would work together to result in a fatality or a serious injury, including driver inattention—there are long stretches in Nevada where someone might be distracted. We had a worker from NDOT killed a few weeks ago on I-80 by Battle Mountain. We can attribute various causes to that fatality—driver inattention or speed in that work zone—but to pinpoint it to say it is only related to one factor, I do not have that study done right now. I believe that increasing the speed limit, when you have the Nevada law that only has a \$25 fine for 5 miles over the posted speed limit, creates a situation where people might drive faster than the posted speed limit, which would be unsafe, in my opinion.

Assemblywoman Spiegel:

In your testimony, you spoke about the speed differential between different lanes of traffic. Could you expand on that, as it plays into my concern that you could have traffic in the right lane doing 50 and traffic in the left lane doing 80 or 85, knowing how people drive. If someone driving in the left lane needs to get into the right lane, they would have to brake a lot, which could be dangerous. Could you speak to your experience with that?

Rudy Malfabon:

The speed differential issue is really about commercial vehicles, especially in Nevada where we have a lot of mountain passes. The trucks will be going slower uphill. In some areas, we do not always have truck passing lanes. We do have multiple lanes on the interstate, but the fact is that people driving faster might come up on a vehicle going much slower uphill and that is the differential that is of concern to NDOT.

Assemblywoman Spiegel:

So if we have the little old ladies driving at 50 miles per hour, that is not a concern?

Rudy Malfabon:

We are concerned with any driver who is driving slow, but are particularly concerned about commercial vehicles going up those grades.

Assemblyman Carrillo:

You mentioned at the beginning of your testimony that there were 78 run-offs. Are those accidents where the people just ran off the road? Did they lose control of their cars?

Rudy Malfabon:

Run-off-the-road or lane departure deaths are typically caused by someone overcorrecting the vehicle, running off the road, and rolling. A lot of those fatalities occur because people are ejected from their vehicles.

Assemblyman Carrillo:

I worked at the Nevada National Security Site (NNSS) for a time. Working late hours results in lack of sleep. Sometimes people fall asleep at the wheel and run off the road. Did these 78 people that you talked about run off the road at specific times, during daylight hours? There was a head-on collision recently in the area of the NNSS on a divided highway. There must be times of day when accidents increase or decrease, and there must be areas in the state that have higher accident rates.

Rudy Malfabon:

It is definitely true that location, time of day, or fatigued drivers at night are factors in those types of crashes. We have this data, but we would have to investigate and stratify it based on the actual events and look at crash reports to answer that definitively.

Assemblyman Carrillo:

Could we get that data to break it down into daylight time or factors like sunshine in their eyes? I would like to look at that.

Rudy Malfabon:

We will do our best to get that data very quickly to the Committee.

Chair Wheeler:

Please send it to the whole Committee.

Assemblywoman Kirkpatrick:

Can you give me the process as to how this comes about? Regardless of whether we pass this bill, it still has to go through a process.

Rudy Malfabon:

The process is that typically speed limits are established looking at the 85th percentile. If 85 percent of the drivers are driving at that speed, it is normally deemed that is the speed a reasonable person is going to drive. What our concerns are, if you look at that 85th percentile, you have to consider other factors such as the steepness of the terrain, the recovery distance, or the possibility of crossing over and hitting oncoming traffic. Typically we do a speed study. We put cables on the road that are able to collect the speed data; how fast the cars pass over those cables is collected by the data device. The speed limit is based on that. We look at the 85th percentile and, in some cases, we take other factors into consideration in order to set a speed limit.

Assemblywoman Kirkpatrick:

When I am at home, I travel from Mesquite to Laughlin to North Las Vegas. I am all over a 600-mile area. People would think the road to Laughlin would be an easy place for 80 miles per hour, but there are actually some grades where it is difficult to get back to speed. I have not seen any studies. Currently with all of the construction between Mesquite and Moapa Valley, I could not even imagine us looking at some of those factors. Once you look at it at NDOT, it probably goes to the Board of Directors for their approval. I am trying to understand how you get from somebody asking about it to the sign that goes up. I would think that it is about a year-long process.

Rudy Malfabon:

Typically our traffic operations staff would work with the district and collect the information. It usually takes a few months to crunch those numbers and then come up with a recommendation looking at other factors. They write up a recommendation that goes to the Director. In the past, the Director had the authority to establish the speed limits. Currently the Board has weighed in on this issue of concern on looking at the fatality statistics for Nevada. We typically would take that to the Board now, but in the past it was the Director's responsibility—the Director had the authority to change the speed limit according to the speed study recommendation.

Chair Wheeler:

Are there any further questions? Seeing none, is there more testimony?

Susan Arding, Private Citizen, Battle Mountain, Nevada:

I am the mother of Ronald Paul Raiche, former NDOT highway maintenance worker. [Ms. Arding showed a framed photograph of her son.] My son was a permanent employee, an excellent employee, a fastidious employee, who

was wonderful at patching roads. He was experienced; he knew what he was doing. He was up for promotion. Now instead of my dear son in this picture, you substitute your most loved person—your child, your spouse, your partner. You put them there. My heart is pounding, and I am not sure that it is because I am addressing this esteemed group with a great deal of power over the lives of the constituents of the state of Nevada. My mother taught in Yerington for 35 years. I care for her in my home. She is 101 years old. She loved this person. You love your people. This is a real statistic.

Senate Bill 2 (R1), to increase the speed limit to 80 miles per hour will be paid for by the blood of innocent workers and travelers on the highways. It makes you and me more vulnerable to injury and death. Drivers of semitrucks need a slower speed to provide as much reaction time as needed to avoid accidents. The many semitrucks at some hours of the day on the highways of Nevada outnumber the personal vehicles. Do the math. Multiply the enormous weight and thrust of semitrucks by the velocity of this increase in speed. [Read from prepared testimony ([Exhibit K](#)).]

My NDOT highway maintenance worker son, Ronald Paul Raiche, was killed on Interstate 80 around 8:30 a.m. at mile marker 227 just outside of Battle Mountain on flat highway. He maintained our roads. A semitruck drifted off the roadway onto the shoulder. My son was fully off the shoulder. He did it right, according to the safety rules. The driver killed our dedicated public servant instantly, mutilating his body. Speed kills. Stop this increase in the legal speed limit. Save lives, save your family's lives. Think of one person dead in your family, your most beloved, and then think about your decision. Experience that death, experience that grief that swells. Grief does not go away. You adjust. Thank you for your attention.

Chair Wheeler:

Are there any questions?

Assemblyman Jones:

First of all, I offer my condolences. It is unfortunate that your son passed away. I have a sister who was 18 years old when she passed away in an automobile accident, but she was going 35 miles per hour. It was not that she was going 80 miles per hour. I understand your grief. My first question is, what caused the accident? Was the truck driver who ran into him going too fast?

Susan Arding:

He swerved over the white edge line onto the shoulder. My son and his partner had pulled their flatbed truck completely off the road. The truck driver swerved off the road by inches, killing my son with the mirror of the semitruck. His speed at this time is unknown. I have not been given the police report, although I have requested it. His flatbed truck filled with gravel was pulled off the road. He was filling cracks. He was meticulous about safety rules, but perhaps they need to be improved. Perhaps there should have been flagmen there, but that takes money and funding safety more thoroughly.

Chair Wheeler:

Thank you, Ms. Arding. I want to offer you the sincere condolences of this entire Committee on what has to be the greatest loss anyone could ever have.

Dennis S. Osborn, Chief, Nevada Highway Patrol, Department of Public Safety:

We are opposing S.B. 2 (R1). The biggest concern is the increase in kinetic energy that comes with increased speed limits. We are not here to represent that we will see an increase in crashes because of an increased speed limit. With kinetic energy, per the laws of physics, when you have an increase in speed and there is a crash, your chances of surviving decrease. An increase in velocity from 70 miles per hour to 85 miles per hour for an average car results in a 47 percent increase in kinetic energy. The energy increase is equivalent to a 3,000-pound car hitting a stationary object at 48 miles per hour.

Another concern is closing distance. We already have crashes on I-80 in the Golconda area because of heavy-laden mining vehicles and other vehicles that are traveling at 75 miles per hour, which is permissible by our law. We are already having rear-enders. Typically it is because drivers do not realize how slowly that heavy-laden vehicle in front of them is going. By the time they react to get out of that lane, they rear-end the slower moving vehicle and crash. My fear is that if we increase the speed limit to 80 miles per hour, the incidence of rear-end collisions would also increase.

The third concern that I have is that there is no adjustment for nighttime speeds. There are statistics that show that if you do not decrease the speed limit for nighttime, there are increased accidents. At night the accident involvement for a vehicle traveling at 78 miles per hour over one traveling at 60 miles per hour increases by an order of magnitude, by ten times. That is another issue I have with S.B. 2 (R1) as presented.

I would also like to address Assemblyman Sprinkle's questions. You asked how much time we are saving with the increased speed limit. Just say that we had a 200-mile stretch on I-80 that was all at 80 miles per hour. If you were going 200 miles at 80 miles per hour instead of at 75 miles per hour, the savings is 16 minutes.

I want to state for the record that the Nevada Highway Patrol receives zero funding for our budget from citations. I wanted to make that clear to the Committee. I would be glad to share our budget with the Committee. [The witness submitted prepared text that included additional testimony ([Exhibit L](#)).]

Chair Wheeler:

I had a ranch in North Texas. I used to travel some of the highways through Texas quite often. I remember someone saying that the speed limit was 85 miles per hour in daylight hours and 70 or 75 in the evening hours. I can understand what you are saying there.

I have traveled in Europe extensively as well. I have seen on the Autobahn where there is no speed limit in the left lane and 60 kilometers per hour in the right lane, which is about 48 miles per hour. You do not see these spectacular crashes that everyone seems to be talking about. I went through some little hills there as well—I think they were called the Alps—and the Dolomites in Italy. We did not see these types of crashes. What are we basing the idea on that we cannot have two different speeds, with people going fast in the left lane and slower in the right lane?

Dennis Osborn:

I want to comment first of all on what you said about Texas. In Nevada we do have a lot of animal strikes, typically horses, burros, and even birds. That is a concern of mine at nighttime when you might not see an animal in the roadway. That is why, if we do raise the speed limit, I would like to see a decrease in the speed limit at night. As far as the speeds in the fast lane as compared to the slow lane, a lot of people have been trained to use the number-one lane, which is the left lane, as a passing lane, and then they will move into the number-two or number-three lane if there are multiple lanes in one direction. A lot of times they will not return to the number-one lane until they are ready to pass again. Unfortunately with these reaction times when you have a slow-moving vehicle at 35 miles per hour, the closing distance with the reaction time is what is causing some crashes that we are now having.

Assemblyman Sprinkle:

You mentioned the formula for kinetic energy, half the mass times the velocity squared. So in essence, that 5 miles per hour has 25 times more energy. I want to take you to another principle of physics, the conservation of energy. Energy cannot be created or destroyed. What I learned as a paramedic was that in the kinematics of trauma when a crash occurred, that 5 miles per hour could be significant in the amount of trauma caused. The argument is not whether the higher speed will cause crashes, but rather it is that if a crash occurs, that 5-miles-per-hour rate of speed significantly increases the amount of trauma that is created. Would you agree with that?

Dennis Osborn:

I would. Thank you for that. I hope that the emergency room doctor that spoke at the Senate is here today. He talked about the golden hour, which is that critical one hour after the crash occurs to get someone treatment. The places we are talking about increasing the speed limit are in the rural areas. They do take longer to get to a trauma center than you would in urban Las Vegas or urban Reno areas.

Assemblyman O'Neill:

You talked about Golconda Summit. Does that have a pullout lane for the mining trucks?

Dennis Osborn:

Yes, sir.

Assemblyman O'Neill:

So we are still having rear-enders there even with that lane available for them?

Dennis Osborn:

Crashes are typically before that pullout lane; but even in a flat area, those semitrucks are heavily laden and not traveling very fast. They are pretty slow. Forty-five miles per hour is probably an average speed for them.

Assemblyman O'Neill:

On the interstate, would that not be impeding traffic?

Dennis Osborn:

Not if they are in the number-two lane.

Assemblyman O'Neill:

Did you say that if the speed limit was raised, you would be happy if we just lowered the speed limit in the evening hours?

Dennis Osborn:

I did not.

Assemblyman O'Neill:

As I recall your testimony said, if we do raise this, you would like to see a lower speed limit in the evening.

Dennis Osborn:

At nighttime. Correct, I did say that.

Assemblyman O'Neill:

What would you recommend? Even now we are at 75 miles per hour. I do not think that we lower it at night, do we?

Dennis Osborn:

No, we do not.

Chair Wheeler:

Any further questions for Colonel Osborn?

Assemblyman Silberkraus:

Just a brief clarification. It was said earlier that a majority of fatalities were actually due to passenger ejection from the vehicle. Would that be more related to not wearing seat belts than the speed of the vehicle? Do you have any information in that area?

Dennis Osborn:

I know that for the areas we are talking about on I-80, the number-one cause for fatalities is lane departure. That typically does involve a rollover accident. I do not have statistics in front of me, but I bet you are right on the seat belts.

Chair Wheeler:

Any further questions? Seeing none, is there any more testimony in opposition?

Eric Spratley, Lieutenant, Legislative Services, Washoe County Sheriff's Office:

I testified in opposition to this bill on the Senate side. I wanted to provide some additional information that is relevant to the discussion. I also had a brother killed in a crash that was not due to high speeds, but rather to perception and reaction. It generally takes 0.75 second to perceive that something has gone wrong and another 0.75 second to start to react to it. With perception and reaction at 1.5 seconds, when you consider the velocity and the feet per second of a vehicle traveling, which is speed times 1.466, a vehicle

traveling 65 miles per hour is going 95.29 feet per second. With the perception reaction, if you multiply that by 1.5 seconds, the vehicle travels 143 feet. From the time you see something is going on, your brain registers it, and you start to apply the brakes, you have gone 143 feet at 65 miles per hour. At 75 miles per hour, that is 109.95 feet per second velocity; perception reaction is 165 feet. At 80 miles per hour it goes up to 176 feet.

I agree with much of the data presented for the bill and against the bill, but I speak as a first responder. We are the ones who arrive on the scene to handle motor vehicle crashes. In Washoe County, we do not have a lot of high-speed surface roadways that we are responsible for, but as a cooperative agency with the Nevada Highway Patrol, we respond to help them with their crashes until they can get there and take over the investigation. The accidents for which we go out into the sagebrush to look for car seats are the high-speed accidents. It is basic physics that higher speeds equal higher velocity which equal more violent crashes when they occur and a higher probability of injury or death.

To put it into perspective, as you step out onto the crosswalk in front of the Legislative Building, imagine if someone southbound on U.S. 395 put on the brakes and had already perceived and started to react at Mom and Pop's Diner. A skid to stop with a perfect vehicle, and brakes on perfect asphalt on a perfect dry day, at 65 miles per hour would extend 201 feet. That means they would skid from Mom and Pop's to Comma Coffee. At 75 miles per hour, they are going to travel 267 feet, which is from Mom and Pop's to the other side of the crosswalk, the one that you would most likely be using just outside of the Legislative Building. For 85 miles per hour, which is what we were discussing in the original bill, they would skid 344 feet, having perceived and reacted, almost to Fifth Street. That is why the crashes are so bad. I am not going to talk about whether that speed will increase or decrease crashes. I just want you to realize that it is the perception and reaction—the driver realizes that the vehicle is starting to go off the road, overcorrects, and goes off the other side or into oncoming traffic.

Chair Wheeler:

Thank you.

Assemblyman Jones:

I remember paying attention to this because, as a young person, I was so frustrated with driving 55 miles per hour. Those same arguments were made over and over. There would be a huge number of deaths and mayhem on the freeway, yet the statistics that we were just presented show that in fact there

are fewer wrecks at the higher speed. All the evidence points to exactly the opposite. Why does this argument continue to be made? Why can we not follow what actually exists instead of making stuff up in our minds that does not exist? Those statistics prove the opposite of what you are promoting.

Eric Spratley:

I am not going to engage you in an argument like that. I said that I agree with much of the data presented. I am just providing you with some real-life anecdotal examples of searching through sagebrush for a car seat. This is what I have done. I have seen that higher speeds equal more violent crashes. If that is something you want to deal with down the road, that is something you get to make the choice on.

Chair Wheeler:

Are there any further questions? [There were none.]

Paul Enos, Chief Executive Officer, Nevada Trucking Association:

We are opposing Senate Bill 2 (R1). It is not the speed that kills; it is the speed differential. I have members pulling those big loads up Golconda Summit and Emigrant Pass on I-80. When someone rear-ends them, there will be a fatality. We also worry about the stopping distance. That is why a lot of my members put limiters on their trucks—for safety. One of the reasons that we want to have those speeds limited is because at 80 or 85 miles per hour in a panic situation when a driver applies the brakes, the likelihood is that the drum brakes or super drum brakes will burn up. The truck will go into coast mode, and the driver will have lost control over the truck. That is one of the reasons for limiting those speeds.

Another concern is the tires. Most of the line-haul tires in North America have an "L" on them, which means a maximum continuous speed of 75 miles per hour for a truck. That is another reason for limiting the speed that our guys can go. We want to make sure that we do not have those tremendous speed differentials. Most of our trucks are limited to between 63 and 70 miles per hour. We are not an association that endorses speed limiters or wants a federal mandate. Our national association has done that. We made a board determination a number of years ago at the Nevada Trucking Association that we wanted our member companies to make those decisions for themselves, so we are not one of the organizations that Senator Gustavson spoke about. I would firmly disagree with a lot of his assertions about this industry and why we have speed limiters on our trucks. We have speed limiters on our trucks because of safety. That is the number-one reason. There are some other benefits as far as fuel economy and fewer emissions; however, the number-one reason is safety.

Chair Wheeler:

Are there any questions for Mr. Enos?

Assemblywoman Spiegel:

The whole concept of tires is something that is new and intriguing to me. Do you know if passenger car tires are also rated for speed and if they are likely to disintegrate?

Paul Enos:

I do know that passenger tires are rated differently. I know because when I was a 17-year-old dumb kid, my car was supposed to go 120 miles per hour, but would stop at 101 miles per hour. Why? Because that is what the tires were rated for. Passenger car tires are rated for different speeds here in North America. When our truck tires have that "L" on them, that refers to how they are rated for continuous speed, not top speed. It is 75 miles per hour if there is an "L" on it. It is 68 miles per hour if there is a "K" on it.

Assemblyman O'Neill:

When you say continuous, for how long is that?

Paul Enos:

That would be 11 hours, because our drivers cannot drive more than that. Actually they probably say 8.5 hours because our hours of service rules do limit the amount of time that a driver can be behind the wheel. It is not really the technical answer, but our guys are not allowed to be driving a truck more than 8.5 hours at a time or they are in violation of federal law.

Chair Wheeler:

Are there any further questions? Seeing none, is there any further testimony in opposition to S.B. 2 (R1)? Seeing none, is there any neutral testimony in either Las Vegas or Carson City? [There was none.] The presenter of the bill would like to return to make a statement.

Senator Gustavson:

There are a lot of statistics that have been thrown out by both me and the opposition. I agree with the kinetic energy theory, the skid distances, and everything presented. As far as the trucks go, the truck tires are 80 miles per hour, but I do not believe you are going to see trucks doing 80 miles per hour. They will be doing 70 to 75 miles per hour as they do now. As the statistics show, the majority of accidents and fatal injury accidents happen in urban areas at speeds less than 45 miles per hour. The statistics on interstates

are what they are. There are fewer accidents on interstates. The statistics from Utah and elsewhere show that increasing the speed limits has decreased accidents and fatality rates, and speeds have only gone up a couple of miles per hour.

Chair Wheeler:

Thank you, Senator. We will now close the hearing on S.B. 2 (R1). We will take things out of order. I see there are quite a few people here for Senate Bill 229 (1st Reprint). This is the Second Amendment license plate bill. Senator Gustavson, please come forward. [Assemblywoman Dickman assumed the Chair.]

Senate Bill 229 (1st Reprint): Provides for the issuance of special license plates indicating support for Second Amendment rights. (BDR 43-713)

Senator Donald G. Gustavson, representing Senate District No. 14:

Thank you for allowing me to present Senate Bill 229 (1st Reprint) to you today. I am bringing this bill to you due to the overwhelming response I have had from members of this body and Nevadans throughout the state for this new license plate. In a nation governed by the people themselves, possession of arms to defend the nation was deemed absolutely necessary. This right is protected by the Second Amendment to the *United States Constitution*. A firearm was an everyday implement in early American society, and without this amendment, all others become meaningless. An author of the *U.S. Constitution*, Thomas Jefferson, recommended its use. The right of the people to keep and bear arms is enshrined in the Bill of Rights on equal footing with the freedom of religion, freedom of speech, freedom of the press, and trial by jury.

The *Nevada Constitution*, Article 1, Section 11, states, "Every citizen has the right to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes." This license plate ([Exhibit M](#)) is being proposed not only to allow many sportsmen and sportswomen to show their support for the Second Amendment, but also more importantly, to raise money for the important safety training programs of the Nevada Firearms Coalition. With me today is Megan Bedera of the Nevada Firearms Coalition to answer any question about their organization and training programs.

Vice Chair Dickman:

Thank you, Senator Gustavson. Ms. Bedera, do you have any comments, or do you just want to answer questions?

Megan Bedera, representing Nevada Firearms Coalition:

I leave that entirely up to the Committee. I have some information about the Nevada Firearms Coalition.

Vice Chair Dickman:

Are there questions from the Committee?

Assemblyman Sprinkle:

Will this license plate get an exemption or will it go into the queue with all of the other plates?

Senator Gustavson:

It goes in line with the other 30 license plates that are out there now and allowed by law. We probably will not see this for a couple of years after it is approved.

Vice Chair Dickman:

Does anyone else have questions? [There was no one.]

Senator Gustavson:

Megan Bedera would like to say a few things about her organization.

Megan Bedera:

We want to thank Senator Gustavson for approaching us to have the Nevada Firearms Coalition be the partner organization for this license plate. As you are making these decisions, we want you to know that the Nevada Firearms Coalition is affiliated with the National Rifle Association, the National Shooting Sports Foundation, the Civilian Marksmanship Program, and USA Shooting, which is an organization chartered by the United States Olympic Committee. The primary purpose of the Nevada Firearms Coalition is to provide training, to provide safety programs, and to encourage and promote the shooting sports in the state of Nevada. The coalition expanded into legislative affairs under section 501(c)(4) [of the Internal Revenue Code] as requested by the membership, but it is not the group's primary purpose. I want to point out that this bill was amended in the Senate to make crystal clear that the funds that come in from the license plate are solely to be used for firearms education and safety training. They cannot be used for any other purpose.

In the documentation ([Exhibit N](#)) that we submitted to the Nevada Electronic Legislative Information System (NELIS), there are a few examples of the programs we have done for the Nevada Firearms Coalition. One of the programs we have been fortunate to partner with is Nevada Suicide Prevention ([Exhibit O](#)). We have worked with local ranges and dealers to develop

a program called Be Aware ([Exhibit P](#)), which has to do with the safe and secure storage of firearms to make sure the firearm is not accessed by unauthorized or at-risk persons. This program was actually launched on April 9 of this year at a free event in Las Vegas where volunteers were available to talk with citizens of Nevada about firearms and safe storage. To conclude, currently the Nevada Firearms Coalition is a 501(c)(4) organization; however, the funds from license plate sales would be strictly limited to the education and safety training programs.

Vice Chair Dickman:

Are there any questions from the Committee for Ms. Bedera? Seeing none, we will now move to testimony in support of the bill. Is there anyone in Las Vegas who would like to speak?

Vernon Brooks, Private Citizen, Las Vegas, Nevada:

I am in support of this bill. I will keep my comments brief. The Nevada Firearms Coalition has a track record of doing exactly what they say: educating and providing good information to the membership and all residents of Nevada. I cannot wait to get my Second Amendment license plates. I said "plates" plural because I am going to get them for all of my vehicles including my kids', who will probably be driving by the time the plate is actually issued.

Vice Chair Dickman:

Is there anyone else in Las Vegas who would like to testify in support of the bill? [There was no one.] Is there anyone in Carson City who would like to testify in support? [There was no one.] Is there anyone wishing to testify in opposition to the bill? [There was no one.] Is there anyone wishing to testify as neutral to the bill? [There was no one.]

Senator Gustavson:

Thank you for allowing me to present this bill. This is a design that I came up with ([Exhibit M](#)). I appreciate your support.

Vice Chair Dickman:

We will close the hearing on S.B. 229 (R1). We will open the hearing on Senate Bill 3 (1st Reprint).

Senate Bill 3 (1st Reprint): Requires the Department of Motor Vehicles to establish a registry of emergency contact information for certain persons. (BDR 43-14)

Senator Donald G. Gustavson, Senate District No. 14:

Senate Bill 3 (1st Reprint) addresses the unfortunate situation when those involved in a vehicle accident cannot communicate with emergency responders, creating a lag time between helping and transporting the victims and finding and contacting relatives. In some cases, it may make the difference whether or not a family member reaches the hospital in time to say good-bye to a loved one. The Next-of-Kin Registry gives first responders the ability that they need to quickly contact a victim's loved ones.

Senate Bill 3 (R1) establishes a Next-of-Kin Registry in the Department of Motor Vehicles (DMV). The registry is essentially an Internet-based, emergency contact list that gives individuals with either a Nevada driver's license or identification card the ability to provide and maintain emergency contact information which is only accessible by law enforcement and/or a coroner or medical examiner. In the event a driver or passenger is involved in a motor vehicle crash or other emergency situation that renders the individual unable to communicate, law enforcement officials can access the registry and notify designated emergency contacts. The registry is strictly voluntary. It is not mandatory that anyone has to participate.

Currently, at least six other states provide a next-of-kin registry. Florida was the first state to do so and launched such a service in 2006. More than 4 million people have taken advantage of the registry in Florida. Florida created their registry in response to numerous fatal crashes in which contact information was not available and family members were not notified for hours following an incident.

Provisions of the law address the usage of the information from a privacy and security perspective. Under the law, only employees of the DMV, public safety officers, and/or a coroner or medical examiner are allowed to access the contact information in the database.

Individuals can add, change, or delete their personal contact information via the Internet for up to two next of kin through a secure website. For those under the age of 18 and not emancipated, one of the contacts must be for a parent or legal guardian. I have provided for you a sample of a next-of-kin registry form provided by the Delaware Division of Motor Vehicles ([Exhibit Q](#)). This program is strictly voluntary.

There was a friendly amendment to the original bill proposed and accepted by the DMV. This amendment would reduce or eliminate the original fiscal note from the DMV by allowing them more time to implement the program. I understand that today they have another friendly amendment they are going to be proposing and which we will be hearing about shortly ([Exhibit R](#)). They may be here to speak to their first amendment after I finish presenting my bill and answer any questions you may have. As indicated, they can absorb the cost of the new program, given ample time to implement the change.

Thank you for your time and attention. I encourage your support for this important and worthwhile legislation. I would be happy to answer any questions you may have.

[Assemblyman Wheeler reassumed the Chair.]

Chair Wheeler:

Thank you, Senator.

Assemblyman O'Neill:

We have tried to pass this bill for several years, have we not?

Senator Gustavson:

Last session we had a similar bill, but it somehow did not make it through.

Assemblyman O'Neill:

This just talks about being able to access the information in the case of motor vehicle accidents. How about law enforcement accessing the same information when a victim is subject to a gunshot at a bar and there is no person with them to identify them and contact next of kin? For the same reason, it may be so that someone can be with them during those last moments.

Senator Gustavson:

I believe there is nothing in the bill that prohibits that. As long as the victim has a driver's license or identification card on file with the DMV, law enforcement would be able to access that information. I was concerned about that, too, after I first introduced the bill.

Assemblyman O'Neill:

I appreciate that, since I was just seeing motor vehicle accidents.

Senator Gustavson:

That was the original intent of the bill, but I do believe that would be applicable and DMV could answer that.

Chair Wheeler:

Are there any further questions? Seeing none, we will take testimony in support of S.B. 3 (R1).

John Fudenberg, D-ABMDI, Coroner, Government Affairs, Office of the Coroner/Medical Examiner, Clark County

We support S.B. 3 (R1), and I appreciate Senator Gustavson bringing the bill forward, specifically section 10, subsections 3 and 4, which allow coroners and medical examiners to access the Next-of-Kin Registry. In the majority of the counties in state of Nevada, the coroner, medical examiner, or the sheriff as the ex-officio medical examiner is responsible for the notification of the next of kin if a death occurs. Obviously timeliness is an important factor during that notification process and this registry, if it is created, would allow us to make that notification much faster, which would be a big benefit for obvious reasons.

Chair Wheeler:

Are there any questions? [There were none.]

Eric Spratley, Lieutenant, Legislative Services, Washoe County Sheriff's Office:

We are in support of the bill and worked with Senator Gustavson on it earlier. It has been amended and presented to you today, and that is the version we do support.

Chair Wheeler:

Are there any questions for the lieutenant? Seeing none, is there any other testimony in support of S.B. 3 (R1)? [There was none.] Is there any testimony in opposition to S.B. 3 (R1)? [There was none.] Is there neutral testimony for S.B. 3 (R1)?

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

We worked with Senator Gustavson over on the Senate side with some friendly amendments ([Exhibit R](#)) to this bill that would make it more practical for us to implement the Next-of-Kin Registry. One of the items in section 9, subsection 3, requires the department to assign a separate registry record number and also provide them an access code. This provision is written in the bill and creates a registry within the registry. Since the person is going to be

required to have a MyDMV portal account, their identity is authenticated through that sign-in process so this would actually be redundant and would not be very user friendly. We will be presenting that amendment. This is the one that Senator Gustavson alluded to earlier. He is amenable to it.

Chair Wheeler:

I did not see a fiscal note on this. If you put that in, will there be a fiscal note on it?

Terri Albertson:

We were able to work that enabling language into the first amendment. With that provision that allows the DMV to develop the Next-of-Kin Registry in conjunction with our system modernization effort, we were able to eliminate the fiscal note. There is no fiscal note for the bill as amended.

Chair Wheeler:

Thank you. Is there any other testimony or questions for Ms. Albertson?

Assemblyman O'Neill:

I just want to make certain that the Department of Motor Vehicles understands that this could also be accessed by law enforcement for other situations. It talks about drivers and passengers injured. I just want to make it clear and would ask Legal how they interpret page 8, lines 39 to 41, in section 10.

Melissa N. Mundy, Committee Counsel:

I do believe, based on the language on line 35 on page 8, that as it is currently written, it is limited to a motor vehicle accident. If the Committee wanted it to apply it to other situations, we would probably need to amend that language.

Assemblyman O'Neill:

With your permission, Mr. Chair, I would like to get together with the sponsor and see if we could make a friendly amendment.

Senator Gustavson:

Assemblyman O'Neill, I am more than happy to make that change.

Chair Wheeler:

That would be a friendly amendment then?

Senator Gustavson:

Yes.

Assemblywoman Spiegel:

If there is notification of a family member for somebody who is in a car accident and is unable to communicate, would this bill run into any Health Insurance Portability and Accountability Act of 1996 (HIPAA) confidentiality problems? Or would the fact that they are submitting it include the consent and get around HIPAA issues?

Melissa Mundy:

I do not believe so, but I will look into it for you.

Chair Wheeler:

Are there any further questions?

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

I signed in as neutral and support the intent of the bill. I thought I would come to the table with regard to comments made by Assemblyman O'Neill of expanding this to situations beyond traffic accidents. My concern with that would be that, if the Next-of-Kin Registry is adopted, the language in the bill is mandatory for law enforcement. It says that a law enforcement officer must make an attempt to notify next of kin. It talks not only about death, but about serious bodily injury. Obviously in the case of death, the coroner's office would make the notification. We would coordinate with them.

My concern is the situation where we have a nightclub party and five people are shot as a result of that. They all go to different hospitals and an officer at the scene is trying to investigate that scenario. Now, based on this law, we must make an effort to notify next of kin of all of those people who were involved in this situation. How does the officer in the field determine the level of injury? Sometimes these people are transported to the hospital before the officer arrives on the scene. The officer may not know if the person is seriously injured or not. To mandate that the officer try to make notification of next of kin in those situations, while we would like to make an effort to notify people, it could be logistically problematic.

Chair Wheeler:

Thank you, Mr. Callaway. Is there not already a procedure in place to notify next of kin, usually after the extent of injuries is ascertained?

Chuck Callaway:

Yes, Mr. Chair. If a person dies, we coordinate that through the coroner's office in Clark County. If a person is seriously injured, when they are transported to a hospital, the hospital will usually notify family members.

The officer may assist in gathering information. Every situation is a little bit different. The officer may contact next of kin or may not. My concern with this is that it is mandatory in every case that an officer must do this if there is substantial injury.

Chair Wheeler:

Would this be acceptable if the amendment language made it enabling?

Chuck Calloway:

If it was enabling and officers could, based on the totality of the circumstances and at their discretion, notify next of kin, I would be good with that.

Chair Wheeler:

Are there any further questions? Seeing none, is there other testimony in the neutral position? [There was none.]

Senator Gustavson:

I agree with the proposed conceptual amendments, and I would like to thank the Committee as well as those who testified for bringing up good ideas. I appreciate making a good bill better.

Chair Wheeler:

I assume that you agree with the amendment as enabling for the police.

Senator Gustavson:

Yes, Mr. Chair.

Assemblyman O'Neill:

Would you be willing to take another friendly amendment, which would be to add Assemblyman Silberkraus and me as cosponsors to your bill?

Senator Gustavson:

Definitely.

Chair Wheeler:

We will close the hearing on S.B. 3 (R1). We will open the hearing on Senate Bill 142 (1st Reprint).

**Senate Bill 142 (1st Reprint): Revises provisions governing motor vehicles.
(BDR 43-718)**

Senator Donald G. Gustavson, Senate District No. 14:

Senate Bill 142 (1st Reprint) does two things. It combines all three-wheeled vehicles, including trimobiles and trikes, those vehicles with one wheel in the front and two wheels in the rear, and those with two wheels in the front and one wheel in the rear, into one category for the purpose of registration regulation.

Also, when all motorcycles are registered, there is currently a \$6 fee paid into the Account for the Program for the Education of Motorcycle Riders, a safety program. This bill removes the provision allowing money from the account to be used for any other purpose authorized by the Legislature. Basically that is all this bill does.

Assemblyman Jones:

What are the practical applications? Why was this required? What was happening in the real world with two wheels providing power versus one in the law?

Senator Gustavson:

There were different classifications for older vehicles and the new Can-Ams that are powered differently when they came out. Some of the three-wheeled vehicles were powered with one wheel; some are powered by two wheels. Now you have one wheel in the front and two wheels in the back or vice versa, and they are powered by one or two wheels. They were in separate categories. Now we are seeking to combine them into one for the purpose of registration and regulation.

Assemblyman Carrillo:

We know that there are some kits that have been added to motorcycles. I call them training wheels, but they look like a three-wheeled motorcycle. Would this fall under that as well? My concern is with people who are out riding these modified Harley-Davidson motorcycles. Would these fall under this regulation?

Senator Gustavson:

Yes, they would. There are many different kits and modifications they do on these trikes and trimobiles. If the vehicle is under 50cc, it falls into a different category. If it is 50cc or higher, it goes into this category whether it has three wheels or not.

Assemblyman Carrillo:

Maybe I am not explaining myself well enough on this one. For instance, I have a friend in his early 80s. He is still an avid rider. He likes to get out, but he has a hard time balancing his bike, so he installed a kit that makes his bike look like it has training wheels on it. My concern is that this exemption would not be included in the law, and he might get cited for not wearing a helmet. I need some clarification.

Senator Gustavson:

Are you talking about just a two-wheeled motorcycle that he has put these training wheels on? You are talking about a four-wheeled vehicle then.

Assemblyman Carrillo:

It is powered by one wheel. It is similar to the way the trimobile, the Can-Am Spyder or Polaris Slingshot, is powered. It still has three wheels; it is just reversed.

Assemblyman O'Neill:

If you do not mind, Senator Gustavson, can I assist on this question? I know what you are talking about. They will add a fixed two additional wheels to that rear wheel so they would be a trimobile by definition, but there would be four wheels. The bill says trimobile, so either way they would be exempt from the motorcycle. Those are also temporary, which may be what we need for qualification. I have always seen those adjustments as temporary where they can lock them in but they can also take them off and ride either way. There is another component that will come in at low speed. Those would not qualify at all. Those drop down at under 10 miles per hour.

Assemblyman Carrillo:

I will find time, Assemblyman O'Neill, to have another conversation with you.

Chair Wheeler:

I am going to suggest that the three of you get together, perhaps with someone from Nevada Highway Patrol as well. They will know what the current regulations are. I see Lieutenant Spratley volunteering right now. Thank you.

Are there further questions on S.B. 142 (R1) for the Senator? Seeing none, we will take testimony in favor of S.B. 142 (R1). [There was none.] Is anyone in opposition to S.B. 142 (R1)? Seeing none, is there anyone wanting to testify as neutral? [There was no one.]

Assemblywoman Kirkpatrick:

In section 4.5, at line 30, you talk about the money only being used for the instruction classes; where is the money going now? Do we have to backfill that somewhere?

Senator Gustavson:

That money right now goes into a fund and generally stays there to fund motorcycle safety programs; however, the past legislative session they have tried to sweep all of the funds. This is in there so they cannot sweep this particular fund.

Assemblywoman Kirkpatrick:

Even if we did this to say that is our legislative intent, as much as we would like to protect it and fence it off for this purpose, the Legislature has a way of taking it if they really want to. I support it going to where it is meant to go because that is why people pay the extra fees.

Senator Gustavson:

I appreciate that. We are doing the best we can to protect these funds. We try to the best we can whenever we can. Thank you, Assemblyman Carrillo, for the tough question that we will get together and work out.

Chair Wheeler:

We will close the hearing on S.B. 142 (R1). We will open the floor for public comment. [There was none.] The meeting is adjourned [at 5:20 p.m.].

RESPECTFULLY SUBMITTED:

Henri Stone
Committee Secretary

APPROVED BY:

Assemblyman Jim Wheeler, Chair

DATE: _____

EXHIBITS

Committee Name: Assembly Committee on Transportation

Date: April 23, 2015

Time of Meeting: 3:23 p.m.

| Bill | Exhibit | Witness / Agency | Description |
|------------------|----------------|--|---|
| | A | | Agenda |
| | B | | Attendance Roster |
| S.B. 2 (R1) | C | Senator Donald G. Gustavson | USA Highway Speed Increase Trends |
| S.B. 2 (R1) | D | Senator Donald G. Gustavson | Injury Crash Chart |
| S.B. 2 (R1) | E | Senator Donald G. Gustavson | Fatal Crash Chart |
| S.B. 2 (R1) | F | Senator Donald G. Gustavson | USDOT 2011 Motor Vehicle Crashes Overview |
| S.B. 2 (R1) | G | Senator Donald G. Gustavson | OOIDA Fact Sheet |
| S.B. 2 (R1) | H | Chad Dornsife/Best Highway Safety Practices Institute, National Motorist Association | Supporting Document |
| S.B. 2 (R1) | I | Chad Dornsife/Best Highway Safety Practices Institute, National Motorist Association | Supporting Document |
| S.B. 2 (R1) | J | Chad Dornsife/Best Highway Safety Practices Institute, National Motorist Association | Department of Public Safety Letter |
| S.B. 2 (R1) | K | Susan Arding / Private Citizen, Battle Mountain, Nevada | Written Testimony |
| S.B. 2 (R1) | L | Dennis Osborn / Nevada Highway Patrol | Executive Summary |
| S.B. 229 (R1) | M | Senator Donald G. Gustavson | Sample License Plate |
| S.B. 229 (R1) | N | Megan Bedera / Nevada Firearms Coalition | Information Sheet |

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|------------------|---|---|-------------------------------|
| S.B. 229 (R1) | O | Megan Badera / Nevada Firearms Coalition | Letter of Support |
| S.B. 229 (R1) | P | Megan Badera / Nevada Firearms Coalition | Be Aware Document |
| S.B. 3 (R1) | Q | Senator Donald G. Gustavson | Delaware Next of Kin Registry |
| S.B. 3 (R1) | R | Terri L. Albertson / DMV | Proposed Amendment |