

**MINUTES OF THE  
SENATE COMMITTEE ON JUDICIARY**

**Seventy-Eighth Session  
March 24, 2015**

The Senate Committee on Judiciary was called to order by Chair Greg Brower at 1:08 p.m. on Tuesday, March 24, 2015, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4404B of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Greg Brower, Chair  
Senator Becky Harris, Vice Chair  
Senator Michael Roberson  
Senator Ruben J. Kihuen  
Senator Aaron D. Ford

**COMMITTEE MEMBERS ABSENT:**

Senator Scott Hammond (Excused)  
Senator Tick Segerblom (Excused)

**STAFF MEMBERS PRESENT:**

Patrick Guinan, Policy Analyst  
Nick Anthony, Counsel  
Lynette Jones, Committee Secretary

**OTHERS PRESENT:**

Robert Herr, Assistant Director, Public Works and Parks and Recreation, City of Henderson  
Wes Henderson, Executive Director, Nevada League of Cities and Municipalities  
Chuck Callaway, Las Vegas Metropolitan Police Department  
John Fudenberg, Clark County  
Lorne Malkiewich, Expedia

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Mark Trafton  
Sarah Suter, Las Vegas Defense Lawyers  
Michael Sullivan, Whittlesea-Bell Transportation  
Graham Galloway, Nevada Justice Association

**Chair Brower:**

I will open the hearing on Senate Bill (S.B.) 348.

**SENATE BILL 348**: Revises provisions governing unclaimed property. (BDR 10-770)

**Senator Michael Roberson (Senatorial District No. 20):**

I will present S.B. 348. This bill excludes public infrastructure proceeds from the provisions of the law regulating the disposition of unclaimed property. Specifically, the bill provides that unclaimed property provisions do not apply to amounts held that were paid to the State for the purpose of providing security or funding for construction of public infrastructure.

The City of Henderson came to me with this issue a few months ago regarding traffic signal participation fees. These fees are collected from developers based on a pro rata share of the cost of conducting intersection and traffic improvements at specific locations. These funds are held in a separate account until conditions warrant and sufficient funds are collected to construct the necessary improvements. The City typically acknowledges acceptance of these funds by letter and commits to returning any unexpended funds within 5 years.

There are many factors that limit the expenditure of funds. These factors include: planned traffic signal locations not meeting nationally prescribed warrants for installation; developments not progressing within the 5-year time frame; insufficient pro rata funds to complete a capacity improvement; and city-imposed restrictions that require funds be utilized only for capacity improvements and not regular maintenance.

Due to these issues, the City has also given notice to developers remitting new traffic participation funds that a 10-year window is a more reasonable estimate for the expenditure of funds. As a result of the restrictions, many of the funds held by the City have expired. The City refunded expired funds upon request and proactively attempted to contact owners. A significant amount of expired funds remain in the City's account, and many of the developers and legal

entities that paid such funds have gone bankrupt, dissolved or no longer exist. Normally, such proceeds would be remitted to the Office of the State Treasurer as unclaimed property; however, this would deny the City of Henderson and similarly situated cities in Nevada significant funds at a time when local governments are emerging from the Great Recession and beginning to reinvest in public safety and infrastructure improvements.

Senate Bill 348 exempts public infrastructure proceeds from the provisions of existing law governing unclaimed property. This bill will allow funds to be used as intended for intersections, traffic signals, traffic safety improvements and the construction of public infrastructures within the City.

**Robert Herr (Assistant Director, Public Works and Parks and Recreation, City of Henderson):**

I support S.B. 348, and I will read from my written testimony ([Exhibit C](#)).

**Senator Ford:**

As I understand the intent of the bill, the desire is to allow funds retained by the City of Henderson for the purpose of traffic lights to be exempt from the provisions that require the funds to revert to the State General Fund after a specific period.

**Mr. Herr:**

Yes, that is correct. We also identified intersection improvements, which may include turn lanes, and other capacity improvements.

**Senator Ford:**

I want to know why the bill goes quite a bit further than the public infrastructure definition. The bill refers to more than traffic control systems, which seems to be intent. In addition to traffic control systems, it also talks about communication facilities, facilities for the transmission of electricity, natural gas, water systems, sanitary systems, storm sewer systems, streets and roads, sidewalks, parks and trails, recreation facilities, fire, police and flood protection. If your intent is to address traffic control systems, why are other items listed under the definition of infrastructures in section 1, subsection 2, paragraph (c)?

**Mr. Herr:**

As part of our development agreement and things we do as specific projects within Henderson, like the Inspirada neighborhood development, there is sometimes a need to address areas such as fire stations. We work through our utilities department when there is participation or refunding agreements on those facilities. The intention is to address all items within City of Henderson development.

**Senator Ford:**

I am not against including the other items in the bill. I just noted that you are asking for more in the bill than what you stated as the purpose.

**Wes Henderson (Executive Director, Nevada League of Cities and Municipalities):**

We support S.B. 348. The funds should be used for what they were intended, funding infrastructure improvements.

**Senator Ford:**

I am interested in understanding the general practice. I understand that not everyone requires the up-front monies that must be asked for upon the completion of projects. How do other cities and municipalities throughout the State operate? Does the bill only apply to the City of Henderson?

**Mr. Henderson:**

I do not know all the specifics, but I will poll our members and find out. There are many development agreements that require some kind of fee or assessment to help recover the cost of providing the infrastructure needed by a development. The bill will apply to all other cities in Nevada, not just the City of Henderson. I will try to find information regarding the practices of other cities.

**Chuck Callaway (Las Vegas Metropolitan Police Department):**

We support the bill. Many development agreements have an impact on public safety. My agency works with the City of Las Vegas and Clark County to determine the impact of new projects on law enforcement. It is important the revenue from these development agreements be used as intended.

**John Fudenberg (Clark County):**

We support S.B. 348. I do not have data regarding the funds we have available.

**Lorne Malkiewich (Expedia):**

We spoke with the bill sponsor because we have been working with other businesses concerning issues regarding the Uniform Unclaimed Property Act. We would like to come back to the Committee with a proposed amendment. We have three areas of concern.

The first concern is business-to-business transactions. The drafting committee from the National Conference of Commissioners on Uniform State Laws is reviewing S.B. 348 and the Uniform Unclaimed Property Act for possible changes. If we can come up with an amendment that is palatable and would not have an adverse fiscal consequence, we will bring it back to the Committee. The sponsor indicated he would be willing to work with us.

Our second concern is the issue of contingent audits, similar to contingent fees for hiring attorneys, as it relates to unclaimed property.

The third issue is the statute of limitations. I know this is unrelated to the bill, but we have asked the Chair if we can work with him and the State Treasurer to come up with a proposed amendment.

**Chair Brower:**

I will close the hearing on S.B. 348 and open the hearing on S.B. 304.

**SENATE BILL 304:** Revises provisions relating to the use of safety belts in taxicabs. (BDR 43-774)

**Senator Michael Roberson (Senatorial District No. 20):**

I will present S.B. 304. This bill revises provisions related to the use of seat belts in taxicabs. In 2003, the Legislature passed a bill requiring an adult passenger riding in a taxicab to wear a safety belt. Under this law, if a passenger chooses not to wear a seat belt, this may not be considered as negligence or as causation in any civil action or as negligent or reckless driving. In addition, no evidence of a passenger's failure to wear a seat belt is allowed concerning his or her negligence or causation of injury. Senate Bill 304 removes these legal limitations. The bill allows a violation of the requirement to wear a seat belt while riding in a taxicab to be considered in civil actions involving taxicabs.

Nevada law is clear that a passenger must wear a safety belt. A taxicab driver cannot make the passenger wear one. A passenger who chooses not to wear a safety belt is responsible for his or her conduct, not the taxicab driver. Yet if a personal injury lawsuit goes to trial, the jury is not allowed to consider whether the passenger was wearing a safety belt.

This bill is not an attempt to avoid liability by a taxicab company. Senate Bill 304 requires that the jury know all the facts regarding an accident and the injury of an individual. Information should be available to the jury if the injured passenger did not wear a seat belt. Moreover, this change to the law does not take away from the conduct of a taxicab driver. At least ten states throughout the Country grant some level of admissibility regarding the use of safety belts in relation to either mitigating damage awards or pursuing liability claims. I urge your support of the bill.

**Senator Ford:**

Can you tell me why we have a law that disallows evidence of not using a seat belt in a lawsuit? I do not understand why that is.

**Senator Roberson:**

I do not know why the Legislature deemed that appropriate 12 years ago, but we want to rectify the law.

**Senator Ford:**

Maybe another testifier can provide the answer. Is it true that a passenger in a taxicab is required to wear a seat belt?

**Senator Roberson:**

Yes.

**Chair Brower:**

This same rule applies outside the taxicab context by virtue of another statutory section. The law states that a jury cannot hear about a passenger's failure to wear a seat belt in any car when making a claim.

**Senator Ford:**

What is the interplay between the other party in a crash and the injured passenger's ability to recover damages? I am trying to understand what it

means to show or not show the fact that a person was not wearing a seat belt. How does that interact with the entire trial in the first place?

**Senator Roberson:**

At this point, I defer to Mr. Trafton to explain. He lives with this on a regular basis through his association with the taxicab industry.

**Mark Trafton:**

I have represented taxicab companies throughout the State for over 15 years. I have tried personal injury cases on behalf of taxicab companies. The practical effect of the law typically occurs before the trial starts and before the jury is brought in the courtroom. The judge admonishes both attorneys, warning them that no mention will be made of seat belt usage in the taxicab. Excluding evidence of someone not wearing his or her seat belt can be handled through pretrial motion work. It has never made sense to me why this is the law. Law requires the complete prohibition against all evidence of a person's failure to wear a seat belt.

If S.B. 304 passes, it will not mean someone's failure to wear a seat belt will automatically be at the center of the trial. We have other evidence rules and only relevant evidence is admissible. If the effect of certain evidence outweighs the relevance, the judge can disallow that evidence to be heard. A judge has great discretion about evidence that gets before the jury, but with respect to the seat belt issue, the judge has no discretion. Seat belt facts cannot be used in court. I had cases in which a backseat passenger not wearing a seat belt is involved in an accident and is thrown into the front of the taxicab. During the trial, I cannot discuss the passenger's failure to wear a seat belt. The verdict comes in, and the jury awards damages based on the medical testimony. After the trial, the first question asked by the jurors is why there was no discussion about the seat belt and why the injured passenger was not wearing one. The law prevents me from discussing it.

In regard to the uniqueness of the bill with respect to taxicabs, the Chair pointed out a similar law regarding private passenger vehicles. Taxicabs are required by this same law to post signs in the taxicab notifying passengers that seat belts are required. Posting a sign is not required in a private car. In a private car, if children or friends get in and do not wear their seat belts, they can be told they cannot ride in the car. In a taxicab, my clients are forced to transport all passengers or they will be subject to citations by the

Taxicab Authority. The only exception is when a taxicab driver fears for his or her safety. If a passenger refuses to buckle up, the taxicab driver is still required to provide transportation.

**Senator Ford:**

At a trial for a negligence claim, you have duty and breach of the duty. I can see the reason why someone would argue seat belt usage does not speak to whether you had a duty and it was breached. I can see why it would be irrelevant at that juncture. Maybe the damages issue becomes more relevant to comparative negligence or the law. What about a limited admissibility of seat belt facts that can be introduced after liability has been determined? Is that something you would consider?

**Mr. Trafton:**

There are states throughout the Country with varying degrees of this law. Whether seat belt facts should be limited to mitigation of damages or negligence is one of the issues other states have grappled with. I would be open to amendments on the bill. We need to remove this prohibition of seat belt evidence and let the judge determine what is appropriate for the jury to hear. It is best to let the judge decide because there are varying circumstances in accidents and a passenger's failure to wear a seat belt could come into play. The accident could be a mild impact or a significant rollover. Expert testimony is provided for all types of accidents. It would be best to let the judge handle it based on a particular set of facts. The judge can determine what should be admissible. The judge would have the option to limit the evidence for the mitigation of damages in the case of how the accident occurred.

**Senator Ford:**

I understand your response. I would like to be involved in the discussion going forward on S.B. 304. We can find some middle ground.

**Senator Roberson:**

As the sponsor of the bill, I am willing to work with you on a possible amendment.

**Chair Brower:**

I am open to discussing potential amendments to the bill, especially in conjunction with the sponsor. The Committee hears testimony from certain interest groups about giving the jury the ability to hear everything during the



trial. Members of the jury should be educated, and they should not be in the dark on the facts. I cannot imagine the rationale behind keeping seat belt facts from the jury. We do not keep things like drunk driving and other forms of reckless conduct from the jury. We all profess to have confidence in the jury's ability to sort out what is relevant with limiting instructions from the judge on occasion. I am confused as to why this is in law. A testifier may have an explanation for the Committee.

**Sarah Suter (Las Vegas Defense Lawyers):**

We support S.B. 304. We believe this bill is fair and the jury should hear all evidence. We would be interested in expanding the bill to include all motor vehicles. I have done extensive research on the legislative history of the seat belt law, which came about in 1987 when seat belts were first required in motor vehicles. It is not clear in the legislative history why knowledge of seat belts was excluded from evidence at a trial. It has never been clear and is still in effect.

**Chair Brower:**

We have been discussing the hypothetical case of a taxicab passenger who sues the taxicab company. Statute also applies to the case in which the cab passenger sues a third-party driver. Is this correct?

**Ms. Suter:**

Yes. There is a second statute with the same language, *Nevada Revised Statute* (NRS) 484D.495.

**Chair Brower:**

I am looking at NRS 484D.495, which is the statute dealing with this issue outside the taxicab context. This section deals with the situation in which the plaintiff is a taxicab passenger and the defendant is not the taxicab company.

**Ms. Suter:**

You are correct. This statute addresses the seat belt outside of the taxicab context.

**Chair Brower:**

Seat belt evidence is not admissible during a personal injury suit for a passenger of a taxicab or a nontaxicab vehicle. That is the collective impact of NRS 484D.495 and NRS 284D.500.

**Ms. Suter:**

Yes.

**Senator Ford:**

I am not certain that these statutes are qualitatively the same. I am willing to have a discussion on amending this bill to address the taxicab issue. The nontaxicab passenger issue is separate and distinct from what we are talking about with S.B. 304. My preference is to limit our discussion to taxicabs and taxicab drivers who cannot deny a passenger a ride if the seat belt is not used. I am interested in having discussions on the bill as written.

**Chair Brower:**

I have a scenario that might point out a compelling reason to expand this bill beyond the taxicab context. A vehicle passenger is involved in a rollover accident, is not wearing a seat belt and sues the manufacturer of the vehicle. Let us say the manufacturer was General Motors. The passenger sues alleging a product defect caused the rollover. As I read NRS 484D.495, the jury would not be allowed to learn that the passenger was not wearing a seat belt. Is that true?

**Mr. Trafton:**

Yes, that is accurate.

**Chair Brower:**

Let me go beyond that question and ask if this makes sense to you as a defense litigator?

**Mr. Trafton:**

No.

**Chair Brower:**

Why not?

**Mr. Trafton:**

It goes to the heart of the issue. If a passenger is injured in an accident and there is clear evidence from a medical doctor or an engineer expert that injuries would have been avoided or greatly mitigated had the passenger been wearing a seat belt, the jury should be allowed to hear it.

A rollover accident may have been caused by a product defect. This is an example of a car accident with a wide spectrum of possibilities that should allow the judge to make a determination. In the case of a product defect, the judge should decide how the seat belt affected the outcome after hearing testimony from experts about what would have happened had the passenger been wearing a seat belt. Would wearing a seat belt have any impact on the outcome? The judge should have the discretion to limit the testimony one way or another. As it stands now, there is no discussion about the seat belt.

**Chair Brower:**

Ms. Suter, let us move away from the rollover scenario with the product defect and talk about a simple head-on collision that involves a claim of negligence by at least one occupant against the driver of the other vehicle. It would make sense to have the jury understand whether the plaintiff was wearing a seat belt.

**Ms. Suter:**

It makes sense. I agree with Mr. Trafton. You want to introduce the nonuse of a seat belt as evidence if it actually contributed to the plaintiff's injuries. If we could not produce medical evidence or expert testimony that the nonuse of the seat belt increased the plaintiff's injuries, the information would have no place in front of the jury.

**Chair Brower:**

That is a call the judge would make absent statute.

**Ms. Suter:**

Yes.

**Senator Ford:**

I am still not convinced these are qualitatively different. Even in the circumstance you described, it seems to me that it is still a bifurcated circumstance. Someone wearing a seat belt is irrelevant to whether you have a duty and breach it. It should not be considered at the stage in which you attempt to prove a company had a duty and breached it. I can see why you would want to introduce whether the use of a seat belt would mitigate the causation and damages component of the negligence claim. That is a conversation different from what is prompted under statute. I would encourage the Committee to stick with statute so that we can get something done.

**Chair Brower:**

We are trying to make good policy.

**Michael Sullivan (Whittlesea-Bell Transportation):**

I was here for the 2003 Legislative Session, and I am the one who put the bill forward regarding seat belts in taxicabs on behalf of my client. I can give the Committee history on the statute.

When we had the bill drafted for NRS 484D.500, it came back with the existing language. The bill was drafted using language from NRS 484D.495, the passenger statute. That is the best I can remember. We did not submit a draft. We had a bill sponsor and the bill was drafted by the Legal Division. At the time, we did not fully recognize the issues copying the statute would create. This is why NRS 484D.500 has language similar to NRS 484D.495.

**Chair Brower:**

Are you referring to NRS 484D.495?

**Mr. Sullivan:**

Yes. Language was taken from the passenger car statute and used for the taxicab law.

**Chair Brower:**

Does NRS 484D.495 predate NRS 484D.500, the taxicab statute?

**Mr. Sullivan:**

Yes.

**Chair Brower:**

I understand.

**Senator Ford:**

Did you say the taxicab company suggested this language?

**Mr. Sullivan:**

No. We came up with an idea to make seat belts mandatory in taxicabs. That was the goal. When this language came back, we supported it. It was not our intention to have statute read this way.

**Senator Ford:**

I am still confused.

**Mr. Sullivan:**

The language used for NRS 484D.500 was not what we wanted, but it did make seat belts mandatory in taxicabs.

**Senator Ford:**

You wanted to make seat belts mandatory in taxicabs, sponsored a bill that would accomplish this and what you got was this language.

**Mr. Sullivan:**

Yes. Rather than not have the bill, we wanted to get through it in order to have protection of people in taxicabs. That is the history of NRS 484D.500.

**Chair Brower:**

When you say "we," you are talking about the taxicab industry.

**Mr. Sullivan:**

Yes.

**Graham Galloway (Nevada Justice Association):**

We are advocates and champions of seat belt usage, but we oppose S.B. 304 because the problem identified is not solved by the proposed changes to the statute. It ends up creating more problems. The proposed changes will unfairly punish accident victims in the context of a situation where a taxicab driver or a taxicab company is responsible for an accident. It will unfairly and unnecessarily allow taxicab drivers or taxicab companies to escape responsibility for their actions. By allowing this evidence at a trial, you are going to expand litigation, create more problems and create extensive litigation in the typical run-of-the-mill case where it is not necessary.

I had the distinct impression there has been a movement afoot to decrease litigation. By doing what is proposed in S.B. 304, you are doing the exact opposite. If the goal is to increase seat belt usage and decrease injuries, this bill may get you there; however, it is taking on the issue from the back door and not taking it on from the front door.

If you really want to eliminate the problem in the taxicab context, you want to eliminate what I call enhanced injuries. These are secondary injuries or new injuries caused by failure to use a seat belt. The simple solution is to give the taxicab companies authority to say drivers will not leave the curb until passengers put on their seat belts. There was the question about why the jury should not have the information about the seat belt. The better question is why do taxicab companies not have the authority to say that they will not transport a passenger who does not wear a seat belt? I understand there are regulations that taxicab drivers must accept fares. If the passenger refuses the seat belt, the taxicab driver is not denying the fare. The driver is saying that the taxicab cannot leave the curb until the seat belt is used.

Taxicab companies are common carriers. Under the law, they have the highest duty, highest obligation and provide the highest standard of care to their passengers. This is not the case with the general public. The general public is only held to an ordinary standard of care. Under that common carrier obligation, taxicab drivers are the captains of their ships. They run the show and they should be able to tell passengers to put on seat belts. Seat belts are required and that ends the problem. This avoids litigation arguing if injuries are enhanced, if they are related to other injuries or if there are new injuries. That is going to generate a huge problem down the line.

I was not here for the 2003 Session, and I was not here in the 1980s when the seat belt statute was originally passed. The reason certain states disallow this testimony is due to a confusion of issues. This is one of the things the court looks at. If seat belt evidence is going to confuse the jury and confuse the issues, the judge has the right to exclude it. That is the reason why the language was put into NRS 484D.495, the passenger seat belt statute, and carried into NRS 484D.500, the taxicab statute.

If you allow this, what happens? When I represent someone injured in a taxicab, I go to the taxicab company and make an offer to settle the case. The taxicab company says it will not pay the amount of the offered settlement and will reduce the settlement amount by 50 percent because the passenger was not wearing a seat belt. I would ask the taxicab company for proof. The taxicab company responds that the passenger's injury would have been lessened if the seat belt was used.

I would then file a suit and litigation starts. Both sides hire experts to testify in court, and it becomes a battle of experts. A medical doctor or a biomechanical engineer is used in these situations. The Nevada Supreme Court has questioned the appropriateness of biomechanical engineering. Some people think it is an unreliable science, but if you do not use one, you would use a doctor.

The last two trials I had, doctors charged \$15,000 for 1 hour of testimony and \$10,000 for half an hour of testimony. The problem is taxicab companies are paying more for claims. You end up defeating the purpose of what taxicab companies are trying to do by adding to law. The simple solution is to require taxicab companies to inform their passengers that taxicabs cannot move until the seat belts are used. Senate Bill 304 does not do this. This bill does not solve the problem.

**Senator Harris:**

I appreciate simple solutions. Let us assume your course of action is the one the Committee takes for this bill. What happens when a taxicab company is transporting a passenger and the passenger removes the seat belt in the middle of transit?

**Mr. Galloway:**

In that limited context, the jury should be told about the seat belt. This would be a limited exception, and it would be appropriate given the facts you presented.

**Senator Harris:**

The statute says we cannot.

**Mr. Galloway:**

You are in the process of changing the statute. In that limited context, statute can be changed to state if someone disobeyed the command to keep a seat belt on, the jury can be informed the individual failed to comply with the directions of the taxicab driver.

**Senator Harris:**

You are suggesting the solution is to require the use of a seat belt and if a passenger later removes it, the taxicab company is no longer liable.

**Mr. Galloway:**

Yes. It is not so much that the taxicab company is no longer liable. One of the problems here is that just because you use a seat belt does not mean you cannot be injured. People sustain significant and serious injuries using seat belts and having air bags deployed. They end up having the same injuries whether or not the seat belt was used. The difficulty is sorting out the evidence if you allow this information to be heard in court. This is the point in which the panel of experts becomes important. Experts speak for both sides, and jury members are left scratching their heads.

The short answer to your question is yes. Give the taxicab companies authority to require seat belt usage before leaving the curb. It will solve the problem except in the limited situation raised regarding the removal of the seat belt during the course of transportation. We have this requirement in the airline context. The plane cannot leave the airport until the passengers are buckled up. Flight attendants check and instruct passengers to comply with the requirement or they will be removed from the plane.

**Chair Brower:**

I think the comparison is apples to oranges.

**Senator Ford:**

You will have an uphill battle on this one. Senator Harris mentioned the situation of a passenger taking off the seat belt during the course of transportation. Discrimination can occur at the onset of a taxicab drive. All you need is a pretext to say "I am not going to take you anywhere." The next thing you know, seat belt lawsuits are replaced with discrimination lawsuits. I am concerned about giving the authority to a taxicab driver to say, "I am not going to take you anywhere." I am not convinced it does not make good sense or good policy to say "put on your seat belt" to a passenger who refuses to follow State law in a taxicab. If a passenger does not wear a seat belt and an accident happens, the jury gets to hear it at the appropriate time.

What you have said to me so far does not persuade me that it is inappropriate for a jury to hear seat belt information when it comes to mitigation of damages, such as in the situation in which a passenger did not wear a seat belt and sustained a broken hip in a taxicab accident. If the seat belt was used, only a rib would have been broken. A jury is more than capable of determining whether a seat belt would have mitigated damages. I want to offer this to you for



response. In the taxicab situation, I am not convinced this should not be allowed to go to the jury at some point.

**Mr. Galloway:**

Why not give the taxicab driver the authority? I question why you raised the issue of discrimination.

**Senator Ford:**

It opens the door to a completely different issue that is well beyond what this bill is trying to accomplish. Letting a taxicab driver refuse a passenger a ride is an issue I do not want to address today. Even if we did, it would not change why a jury should not hear that it is State law and a passenger not wearing a seat belt may be the reason why damages were sustained.

**Mr. Galloway:**

The purpose of statute is to decrease injuries and encourage seat belt usage. The bill may lead to a decrease of injuries down the line. The direct way to eliminate secondary or enhanced injuries is to allow the taxicab companies to require passengers to wear seat belts.

**Senator Ford:**

According to Mr. Sullivan, you are right. The purpose of NRS 484D.500 was to decrease injuries by requiring the use of seat belts in taxicabs. Senate Bill 304 does not do that. The bill says if you violate the law, a jury can hear this information during the trial. I do not see how that language gets you to the ultimate goal of decreasing accidents.

**Mr. Galloway:**

Statute should be fixed the right way to make sure that we decrease injuries and not increase litigation. If you go down this road, litigation is going to increase. There will be many trials within a trial about whether the injury is enhanced.

**Senator Ford:**

I understand that trials and litigation are expensive. You and I may disagree on the correct remedy to amend the statute, but it is not persuasive to me because litigation is expensive.

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**Chair Brower:**

I will close the hearing on S.B. 304 and open the meeting for public comment.  
Seeing no public comment, I will adjourn the hearing at 2:04 p.m.

RESPECTFULLY SUBMITTED:

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Lynette Jones,  
Committee Secretary

APPROVED BY:

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Senator Greg Brower, Chair

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

EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	1		Agenda
	B	4		Attendance Roster
S.B. 348	C	2	Robert Herr	Written Testimony