

**MINUTES OF THE
SENATE COMMITTEE ON TRANSPORTATION**

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

The Senate Committee on Transportation was called to order by Chair Scott Hammond at 8:33 a.m. on Tuesday, March 24, 2015, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Scott Hammond, Chair
Senator Don Gustavson, Vice Chair
Senator Mark A. Manendo
Senator Moises (Mo) Denis

COMMITTEE MEMBERS ABSENT:

Senator Patricia Farley (Excused)

GUEST LEGISLATORS PRESENT:

Senator David R. Parks, Senatorial District No. 7
Senator Joyce Woodhouse, Senatorial District No. 5

STAFF MEMBERS PRESENT:

Megan Comlossy, Policy Analyst
Darcy Johnson, Counsel
Tammy Lubich, Committee Secretary

OTHERS PRESENT:

Alfredo Alonso, Alliance of Automobile Manufacturers
John Sande III, Nevada Franchised Auto Dealers Association
Erin B. Breen, Director, Safe Community Partnership Program, Transportation
Research Center, University of Nevada, Las Vegas

Senate Committee on Transportation
March 24, 2015
Page 2

Dorothy Pewitt, Program Manager, Office of Traffic Safety, Department of Public Safety
Jeanne Marsala, R.N., Executive Director, Safe Kids Clark County
Brian O'Callaghan, Las Vegas Metropolitan Police Department
Brian Sanchez, Assistant Chief, Nevada Highway Patrol, Department of Public Safety
Nadia Fulkerson, M.P.H., Project Director, Center for Traffic Safety Research, University of Nevada School of Medicine
Julie A. Keller, Strieter Corporation
Jessica Swedelius

Chair Hammond:

We will begin with the hearing on Senate Bill (S.B.) 218.

SENATE BILL 218: Revises provisions relating to certain communication systems installed in motor vehicles. (BDR 43-861)

Senator David R. Parks (Senatorial District No. 7):

I am here this morning to present S.B. 218.

Did you know that your current car or your next car will likely spy on you and report your driving behavior to a third party? The information, which is called "digital telematics," can transmit your driving behavior to your insurance company or it could be other information to a third party you have never heard of. Your car will keep track of unsafe movements and tell the police if you are to blame for an accident.

Digital telematics is a method of monitoring a vehicle by combining a Global Positioning Satellite (GPS) system with onboard diagnostics. The digital telematics makes it possible to record exactly where a car is, how fast it travels and cross-reference that information with how a car is behaving internally. When communication over a 3G network is added, telematics can be used to send both data and communications back and forth between a vehicle and a central management system.

The law must change as technology changes. Location information reveals a wealth of sensitive information. This information can be where you live, work, shop and recreate. Under the Electronic Communications Privacy Act of 1986,

the companies that gather data are free to give or sell it to anyone. This loophole is misused by many well-known companies.

It has been reported that automobile manufacturers have disclosed their users' movements to third parties without consent or announced plans to collect data without consent. One auto executive recently stated, "We know everyone who breaks the law; we know when you are doing it. We have GPS in your car, so we know what you are doing." The manufacturer subsequently retracted the comment.

The Government Accountability Office (GAO) investigation on consumers' location data found that in-car navigation companies gave purchasers and users too little information about how their driving behavior and location information was used or shared.

Senate Bill 218 requires the manufacturer of a new motor vehicle sold in Nevada, that has telematics technology installed in the vehicle to provide a disclosure to the lessee or purchaser on or after January 1, 2017. In addition, S. B. 218 requires the manufacturer of a new vehicle to provide the purchaser with the ability to opt out of the generation, recordation, collection and transmission of information by the vehicle telematics technology, other than information necessarily required for the operation, repair or maintenance of the motor vehicle or for motor vehicle safety purposes.

Senate Bill 218 also requires auto manufacturers to get the lessee or purchaser's permission before collecting location data from the in-car navigation device before sharing it with others. Thank you for your time in considering S. B. 218.

Senator Gustavson:

I understand your concerns with privacy. Is not most or all of this information already being used with the cell phones that have GPS?

Senator Parks:

Yes, you are correct. When you have a smartphone device and you do not have your GPS disabled, they can tell where you are at any moment.

Chair Hammond:

It appears that any information that is captured in the “black box” is personal property. I have a three-part question; is there any legislation in other states regarding this, any legislation on the federal level, and is there anything prohibiting reselling of information once it is captured by the manufacturers?

Senator Parks:

I am unaware of other states having any proposed legislation. At the federal level, attempts have been made to regulate the dispersal of this type of information. This is similar to what S.B. 218 is trying to do. Could you please repeat your third question?

Senator Hammond:

I am not convinced that all of the information goes back to the manufacturer, and the information recorded is the owner’s property. If there is information that gets back to the manufacturer or when you get your car serviced, it relates to how the car is performing. Once it gets into the hands of others, is there any law prohibiting reselling the information.

Senator Parks:

I believe the Electronic Communications Privacy Act of 1986 has been an attempt at the national level to pursue a possible avenue to limit the distribution of information by computer.

As I indicated, in the GAO study there were certain weaknesses in the collection of data and many possessors of the information are passing it to third parties. I would presume they are doing this by selling the information and generating a profit.

If people want their insurance companies to have their data in the hopes it will lower rates, it is a great idea.

Having the equivalent of a black box in a car is especially helpful for public safety and organizations that reconstruct auto accident scenes. My major concern is there is no limitation on how a third party can receive and use the telematics technology data. If you own a high-end automobile, there could be a treasure trove of information that someone could use.

Senator Manendo:

Can you tell me why you support S.B. 218?

Senator Parks:

I heard and read about this issue, and I felt that a dialogue needed to take place relative to the potential for people to be vulnerable. I constantly get solicitations and ask where did this originate? If there were a strong federal regulation that covered everyone, it would be better than having individual state-by-state regulation.

Senator Gustavson:

Can the telematics technology be disabled, and would it be possible to add language to prohibit a manufacturer from selling the information of people who register their vehicles in the State of Nevada?

Senator Parks:

I would support such language. As far as disabling, I am sure there are numerous ways to disable the telematics technology devices. I was told, even if the services are disabled, the data is still accessible without a paid subscription.

Chair Hammond:

I asked earlier if there are any other laws in any other states; there are 15 states: Arkansas; California; Colorado; Connecticut; Delaware; Maine; Nevada; New Hampshire; New York; North Dakota; Oregon; Texas; Utah; Virginia and Washington. They have all enacted statutes relating to event data recorders and privacy. Whatever data is stored belongs to the person and permission has to be granted to send it out unless a warrant is issued. If there is a warrant to retrieve information due to a crash or other public safety concerns, the vehicle can be searched. There is some legislation already on the books. I am particularly interested in the notice to potential buyers that information is being collected by the car and if the buyer wants to disable the system, then they would be able to ask to have it disabled. I am not sure you can disable the systems without affecting other functions. Was there a reason for putting this in S.B. 218?

Senator Parks:

My request was to have notification made, not necessarily all the other features included in S.B. 218. I do think it is worthy of discussion.

Alfredo Alonso (Alliance of Automobile Manufacturers):

The Alliance of Automobile Manufacturers (Auto Alliance) includes the big three automakers and other brands. The Auto Alliance is opposed S.B. 218.

As technology continues to refine, many of the vehicles today include crash avoidance, self-parking capabilities, and there are automated vehicles being tested on the road. The arena is extensive and there are concerns over privacy. As Senator Parks indicated, this discussion has reached the federal level and those discussions essentially turned into a set of Consumer Privacy Protection Principles ([Exhibit C](#)) that were codified with the Federal Data Center (FDC) in November 2014. I will send a copy of the principles to the Committee. These principles do what Senator Parks is discussing and covers the 50 states. The principles have been filed with the FDC and every signatory, which includes the Auto Alliance plus the Association of Global Automakers (Global Automakers) which includes every automobile maker in the world, are signatories to the principles. In section 5 of [Exhibit C](#), the FDC has authority to penalize and enforce any automaker who is selling information for profit. The covered information is driver behavior information, geographical information, identification of the driver, owners, personal subscription information and registered users of any subscription. The FDC has covered any identifiable personal information.

Senate Bill 218 calls for the option to “opt out” of these types of technologies. I am not sure the manufacturers can do this without creating a specific car for Nevada.

Certain information is required by law. Federal law actually requires the black box to continuously record certain data such as emission controls, sensors in vehicles and many more. As the information is being recorded, it is also being erased. The recording only stops when there is a crash. This information belongs to the owner of the vehicle unless there is a warrant or a legal action taken to access the information.

The industry has taken very strong steps to make certain that in all 50 states the information is being kept as private as possible. Your smart phone is worse; you are not in your car 24 hours a day, where as your phone is with you all the time.

There are various ways a new owner can access the information and find out what is being used and what data is being transmitted from the vehicle. Usually the information is diagnostic data, and again, this is all private information. This information is in the car manual, through the dealership or on-line to notify the owner.

Senator Manendo:

Concerning the disclosure portion, why would it be a burden for a sales person to review a piece of paper with a customer at the time of purchase and to sign off on it?

Mr. Alonso:

The dealers would be better able to respond to the question.

John Sande III (Nevada Franchised Auto Dealers Association):

Senate Bill 218 does not state it applies to dealers; it states it applies to the manufacturer, and the manufacturer has the responsibility to make the disclosures. This is a constantly changing environment with new types of systems in every car. If the dealers were acting on behalf of the manufacturers they would have to be constantly updating the information on each model and it would put a burden on the dealers.

Any changes to be made should be done at the federal level and not at the state level. If a person were to disable the information system in a car and the car was traded then resold and the new owner wanted to make sure it was available, would there be an obligation to check out the car and make sure it had been disclosed that the device was disabled?

Senator Gustavson:

As technology changes, I am sure the manufacturers can develop a system that can activate or deactivate the information systems. If they cannot do it today, possibly they will in the very near future. I believe this should be done at the federal level, but for now this is a concern and S.B. 218 is a good start. Would it be possible to add language to S.B. 218, as the technology becomes available or by a certain date, to turn off the information system?

Mr. Alonso:

As technology continues to be a concern with respect to privacy, there will be continued discussions at the federal level. The members I represent are taking it

very seriously with filing and being signatories to [Exhibit C](#). This is a huge step forward in terms of the privacy side. With respect to disabling the system, we are being told that some portions can be disabled. When disabling the information systems, there is the potential to disable the crash avoidance systems or diagnostic systems. The Auto Alliance believes the best way to start is with [Exhibit C](#) and move forward as technology evolves.

Senator Gustavson:

I do not believe it is impossible to disable the data collection now. As a state, Nevada could put a minimum form of security following other states by setting a date as to when this needs to be completed. If nothing is done on the state level, then there is the possibility of nothing being done. This is why I can see merit in S.B. 218.

Senator Denis:

Where is the data stored?

Mr. Alonso:

It depends on the unit. Senate Bill 218 covers everything from the entertainment system, diagnostics, brakes and includes everything.

You are correct that the data collector is essentially a computer in each of the vehicles and each technology is different. Most of the data is not stored. Diagnostic information is being sent to the dealer so the dealer knows if there is a problem with the vehicle. Much of the data that is being sent through the system enable the vehicles operations systems to correct themselves. This can be for braking or how the vehicle idles. It is almost self-tuning and that information goes nowhere. The biggest problem is with the navigation system, and people could choose not to have navigation systems in their vehicles.

Senator Denis:

Does the navigation system store where you have gone?

Mr. Alonso:

Yes, it does. The data is stored by parameters set by the driver. Most of the information in the vehicle is not being saved. It is there for the vehicle safety. The only place there would be a signal sent is to 911 using the OnStar system when you have a crash. That signal is sent to a first responder.

Senator Denis:

Is there a two-way communication between the computer and the dealer for diagnostic data?

Mr. Alonso:

Yes, there can be. For instance, with a General Motors vehicle, an owner can opt into the system, create an account, and that information goes to the dealer. That way the dealer knows when it is time for an oil change. The owner must opt in to the system.

Senator Denis:

Is there a way to delete all of the personal information when you sell the vehicle?

Mr. Alonso:

Yes, there are ways to remove the information. A dealer can wipe the system clean. I believe that for a private party sale, the vehicle could be taken to a dealer and have the entertainment center cleaned.

Senator Denis:

In the case of a crash, can the police request to see the data from the vehicle?

Mr. Alonso:

The information belongs to the owner of the vehicle. Therefore, the owner can choose whether to give or not to give the information to the authorities. There are methods through the court system where the information can be accessed in certain cases. I do not believe this is any different from any other procedure for evidence. There is a disclosure mechanism when a car is purchased.

Senator Parks:

I appreciate you hearing S. B. 218. Senate Bill 218 gives a fundamental right for an owner to have control over who can track the data as to their location and activities. We hope this will stimulate a discussion. One comment made was that insurance companies could not just take the information. My understanding is that they do, and they do it every day for auto crash adjustments.

I will find additional information to provide to the Committee and hope the Committee will further consider S.B. 218.

Chair Hammond:

Mr. Alonso gave some information regarding what is currently being done at the federal level to address this problem throughout all the states. What I have read about the law, it does not seem like anyone would have access to this information being generated by whatever system a vehicle has unless permission has been given by the owner. I am curious about what you discover in regard to insurance companies. I would appreciate if you bring that back to the Committee's attention.

Senator Parks:

Thank you, I will provide more information and research the FDC documentation Mr. Alonso is going to provide.

Chair Hammond:

The hearing on S.B. 218 is closed. The hearing on S.B. 267 is now open.

SENATE BILL 267: Revises provisions relating to the safe transportation of children. (BDR 43-686)

Senator Joyce Woodhouse (Senatorial District No. 5):

I am here today to present S.B. 267 for your consideration. Motor vehicle injuries are the leading cause in death among children in the United States. Across the nation, 4 children die and 500 are injured in motor vehicle crashes every day. Many of these deaths can be prevented by simply using appropriate child restraint systems.

In an effort to prevent unnecessary injury and death among the children of Nevada, S.B. 267 enhances safety requirements for child restraint systems in motor vehicles. Specifically, S.B. 267 requires a child in a motor vehicle to be secured in a child restraint system if he or she is less than 8 years old, less than 57 inches tall and weighs 80 pounds or less.

Section 2 of the bill requires a child who is less than 13 years old to wear a safety belt and sit in the back seat of the motor vehicle unless the airbag on the passenger side of the front seat is deactivated, unless the child has special health care needs which require the him or her to ride in the front seat, if all back seats are occupied or the vehicle does not have back seats. This section also provides immunity from liability for certified child passenger safety

technicians, who in good faith, provides inspections, adjustments or educational services relating to child restraint systems.

Section 3 requires a child who is not subject to child restraint requirements to wear a safety belt. In addition, the failure of a child to wear a safety belt as required is a primary offense for which the driver of the vehicle must be cited. If the child's parent or guardian is present during such a violation, he or she may be cited as well.

In the interest of improving child safety in Nevada and protecting our children, I urge your support on S.B. 267.

Erin B. Breen (Director, Safe Community Partnership Program, Transportation Research Center, University of Nevada, Las Vegas):

I requested S.B. 267 when Senator Woodhouse asked me about the gaps in Nevada's safety laws. Parts of S.B. 267 were first requested in the 72nd Legislative Session and resulted in the current law protecting children until they turn 6 years of age and weigh 60 pounds.

If you have children in Nevada and thought our law was a guide for safe travel, I am here to tell you it is not. Children from 6 to 10 years old, who weigh less than 80 pounds and are less than 57 inches tall are not protected riding in a vehicle without the benefit of a booster seat, and the adult seat belt can literally do them harm. Older children riding in the front seat where air bags can deploy can be seriously injured and far too many children are riding completely unrestrained.

In 2003, the original request was for booster seats to be required for children until they were 9 years old and weighed 80 pounds. This was amended to age 6 and 60 pounds. When this request was made, only eight other states had laws as strong. Today, 40 states have stronger laws than the State of Nevada, 10 are equal to Nevada and 1 lowly state has a law that is less protective. Booster seat laws are a shining example of "good laws make good sense" and lead to good news. Fatality rates today for children younger than 13 are one-quarter of what they were when seat belts became a mandatory safety device.

While this news is positive, the sad reality in Nevada is that in the last 3 years, 16 families have buried children under the age of 13 who were killed in car crashes and another 11 children have suffered life-altering, critical injuries. Five toddlers under the age of 6, protected by the booster seat law, were killed. All of them were riding in booster seats they were too small for or using seat belts too early. Eleven children who are not covered by the booster seat law were also killed. Five of them were unrestrained, two had unknown restraint use, three were in lap belts and shoulder harnesses and one was only in a lap belt.

There is more Nevada can do to close the huge gaps in the law that leaves children at risk due to using seat belts that are designed for adults. Seat belts that cut injury or mortality rates for adults easily injure a child not large enough to use them. Belt position seats, which is what a booster seat should be called, are designed to give a small body a longer torso so the belt fits them properly hitting a child's strong shoulder and hip bones. Shoulder belts that contact children in the neck often cause serious injuries in a crash, or worse, the children put the seat belts behind them, which totally negates the seat belt system and can potentially cause greater injuries from the latches of the belts which rest over critical vital organs.

Every major safety group, the American Academy of Pediatrics (AAP), the severe trauma surgeons associations and safety advocates across the United States urge that children under the age of 13 ride in the back seat of a car. The "back is best" mantra has been used for as long as I can remember. When practicable, S.B. 267 would make placing children in the back seat of the vehicle a requirement and would be a great tool for parents whose children beg to "ride shotgun."

Once a child is old enough to be in just a seat belt, it is important for them to wear the belt. Too often, that is not the case. Allowing for primary enforcement for children in vehicles could be the enticement parents need to assure their children are buckled up and in the back seat.

The Safe Community Partnership program is one of the locations where those cited for not having their children properly restrained can go to reduce their fine. Many people come to class and say they do not have children, they were just doing a friend a favor, or they are the grandparents, etc., and not the child's

parent. While it is good for them to be able to reduce the fine, it is a worry if parents do not understand the law.

Senate Bill 267 would allow an officer to cite the parents of unrestrained or improperly restrained children if they are also in the vehicles when stopped. This assures parents will get the much-needed education concerning safe travel for their children.

Finally, I have to tell you how hard child passenger safety technicians work. The technicians attend a 5-day class to be certified, and then donate enough time every year to maintain their certifications. It was believed that the "car seat geeks," as we call them, were covered under the Good Samaritan laws; S.B. 267 makes that very clear and they deserve the back up from a grateful State.

Dorothy Pewitt (Program Manager, Office of Traffic Safety, Department of Public Safety):

Page 2 of my presentation, ([Exhibit D](#)) shows how a child should not be restrained.

Children who have outgrown forward-facing seats, should use booster seats until the lap belts and shoulder harnesses fit properly. Generally, that occurs when children are between the ages of 8 and 12, and they are at least 4 feet 9 inches tall. The reason for this is car seat belts and airbags are made for adults and do not fit children properly.

Page 7 of [Exhibit D](#), shows trauma center data for children who did and did not have booster seats when crashes occurred. Page 8 of [Exhibit D](#), gives the injury severity of the children who were not in booster seats or child safety seats. Page 9 of [Exhibit D](#), shows the significant cost increases for injuries due to crashes for children not in safety seats versus those in safety seats.

Newer cars have airbag sensors for the front passenger seat to determine if the airbag should shut off. This is based on the weight of the child. Unfortunately, not all cars today have this technology. Therefore, children should ride in the back seat.

Page 12 of [Exhibit D](#), shows the statistics for 75 children, ages 0 to 12, who were sitting in the front seats when crashes occurred. Eleven children were in

car booster seats. However, 4 out of the 11 children were improperly restrained. Page 13 of [Exhibit D](#), indicates the severity of injuries sustained when children ages 0 to 12 rode in the front seat as opposed to riding in the back seat where it is safer. Page 14 of [Exhibit D](#), shows the average accrued higher hospital costs for children ages 0 to 12 who rode in the front seat compared to the back seat.

Page 15 of [Exhibit D](#), explains "Anton's Law," which is a federal law that was passed in December 2002. This law required crash testing for children over 50 pounds, typically children ages 4 to 8.

In conclusion, there is a gap in Nevada law that needs to be addressed. Booster seats do save lives and reduce injuries. Children between the ages of 6 to 8 years old should be restrained in accordance with the AAP recommendations. Also, there is no protection for children under the age of 13 in Nevada who ride in the back seats of vehicles.

Chair Hammond:

Am I correct that S.B. 267 will make it a primary offense if a police officer sees a child unbuckled in the back seat of a car?

Ms. Breen:

Yes, that is correct. The Nevada law states that if your child is under 6 years of age, it is a primary enforcement. Senate Bill 267 will extend the current primary enforcement for children up to age 13. At this time, only the driver receives the ticket. Under S.B. 267, you as the parent riding in the vehicle with an unrestrained child would also receive a ticket.

Senator Gustavson:

How are we going to get the information of age, height and weight requirements out to the public so they will know if they are breaking the law and how is this going to be enforced?

Ms. Breen:

The whole idea behind this law is to protect children while they need our help. At this time, the law does not provide that protection. If your child is currently riding in a booster seat, that booster seat is just put down and the vehicle seat belt system is used. The booster seat raises your child into position so they have a longer torso so the adult restraints fit them and give them the hips that

they do not have. The hips of a child are not completely formed, and the booster seat gives the child "false hips." Seat belts are designed to hit the strongest points of the body, which are the shoulder, sternum and hips.

As for getting the information out concerning the law, we want every child who needs the benefit of a booster seat in one; and then once the child is in a shoulder and lap restraint system, the child needs to ride in the back seat of the vehicle.

In an era where traffic crashes and fatalities are reducing, the child fatality rates are rising. A lot has changed in 12 years and where Nevada should have been far ahead of the curve in 2013, Nevada is now very behind the curve.

Senator Denis:

With the State of Nevada being a tourist destination, how would families visiting Nevada find out what the laws are concerning booster seats for 12-year-olds?

Ms. Breen:

If a family were to rent a car, the rental agency would tell them. It is incumbent on any traveler to know what the laws are in other states and to have the appropriate equipment.

The booster seat is not required up to age 13. The booster seat use requirement is related to the child's height and weight and not necessarily the age.

Chair Hammond:

How do the police prove the age of a child?

Ms. Breen:

Usually, the children will tell the truth. I hope the law enforcement representatives here today will answer how they determine the age of a child and what they do if the child is not covered under primary enforcement.

Jeanne Marsala, R.N. (Executive Director, Safe Kids Clark County):

Thank you for giving me the opportunity to speak to you today about the importance of upgrading our law to meet the national standards.

Safe Kids Clark County is a nonprofit organization dedicated to the prevention of accidental death and injury to children. We are part of the Safe Kids Worldwide Campaign, the first and only international organization with this cause. Safe Kids Worldwide is the certifying body for the 600,000 nationally certified Child Passenger Safety technicians in the Country. Safe Kids works with the National Highway Traffic Safety Administration, the AAP and the National Child Passenger Safety Board to set the safety standards for children during transportation.

Safe Kids Clark County has been housed in the trauma services department at Sunrise Children's Hospital since 1993. My background includes being the first Child Passenger Safety instructor for the State of Nevada and the 49th Child Passenger Safety technician in the Nation.

I am one of the top experts in the Nation on child passenger safety, and I am a certified trauma nurse, certified pediatric nurse and a certified neonatal nurse. I am here today to educate the Committee on the importance of upgrading Nevada's law to meet the national recommendations that 23 other states have in place as law.

When a child is between the ages of 6 and 8 years old, national recommendations indicate the child needs to be placed in a booster seat. I have provided the AAP Policy Statement ([Exhibit E](#)), a copy of the Safe Kids report on Booster Seat Laws Save Lives ([Exhibit F](#)) and a map of the United States ([Exhibit G](#)) showing that we are one of ten substandard states with one of the weakest laws in the Nation. It is time that Nevada follows the other 40 states and brings our law up to the national standards and AAP recommendations.

As Ms. Breen indicated, the adult seat belt does not fit a child and she gave you the explanation of how the booster seats position seat belts correctly.

One of the things Ms. Breen did not discuss was what happens when a seat belt is not positioned correctly on a child and a crash occurs. The child can have a traumatic brain injury, spinal cord injury, abdominal injury and death. There is the possibility of ejection from a vehicle, and if the child is ejected he or she is four times more likely to be killed. There is a gap in the Nevada law for the 6- to 8-years-olds. Parents assume following the law in the State is the best protection for the child. The parents are not aware that Nevada is actually one of ten states in the Nation that has a substandard law.

Safe Kids Clark County received a grant and conducted a survey of over 25 elementary schools over a 3-year period. It was found that 90 percent of elementary school age children are riding in the front seat, in front of an air bag, on their way to school. On every vehicle, there are warning labels on the visor that indicate children 12 and under may be injured or killed by the air bag. In addition, the labels also indicate even with a "smart" or advanced model air bag, children 12 and under may be injured or killed, yet parents still allow their children to ride in the front seat on the way to the school. Elementary school goes up to age 11, and none of those children should be riding in the front seat. Yet, 90 percent are on their way to school in front of an air bag that could kill them.

I understand your concern about how to educate the community. With our close relationships with the media throughout the State, I am sure they would be happy to cover public service announcements to help educate the community. As another consideration, when the law was upgraded from age 5 to age 6, there was a window for an educational period before the law went into effect. Possibly, we could provide 6 months of education in the community prior to the law going into effect.

Brian O'Callaghan (Las Vegas Metropolitan Police Department):

The Las Vegas Metropolitan Police Department (LVMPD) supports S.B. 267.

An additional piece of information that was not covered is the potential for a child who is 13 years old or under the specific height and the weight to slide under the vehicle dashboard in a crash, which can cause a fatality.

Brian Sanchez (Assistant Chief, Nevada Highway Patrol, Department of Public Safety):

The Nevada Highway Patrol is in support of S.B. 267 and in support of our children.

Chair Hammond:

As an officer on the highway and seeing a child who may not be restrained properly, how do you prove the age and weight of a child?

Mr. Sanchez:

The officer would be in a judgement situation when a stop is made. In the given situation, if we cannot prove the age or weight of the child, we will not issue a

citation. We would hope to gather information from the riders in the vehicle and hope the information is accurate. We cannot carry scales with us to weigh children. In these situations, it is with the judgement of the officer and we hope there is cooperation. If a citation were needed, then a citation would be issued.

Senator Manendo:

Ms. Marsala mentioned delaying the issuance of citations for 6 months. Do you have any thoughts you would want to put on the record?

Mr. O'Callaghan:

The delay in issuance of citations has been done many times in other situations to educate the public. There are many avenues to get the information to the public, and the LVMPD would support that.

Senator Manendo:

What is an adequate time frame for the social media?

Mr. Sanchez:

Any availability can be looked at. The sooner the better. The agencies can also use the tools they have in the unified approaches to traffic safety to get the message out. This would be similar to what was done in the Las Vegas area when the cell phone issues were dealt with. A program was put together with the allied agencies with the support of the courts. The public was educated and for all the citations that were issued, if offenders participated in the program, the fines were waived.

Mr. O'Callaghan:

There were also warning citations given out until the law was enacted or enforced.

Ms. Marsala:

Ms. Breen mentioned the court diversion programs throughout the State for offenders that get tickets and are able to verify the correct age and weight of the child. There would be a reduction in the citation if the person goes to the court diversion program.

Senator Denis:

What type of training or education is given to officers to understand the child restraint laws?

Mr. Sanchez:

When this law or any traffic law changes, we are required to put together an education program for our agencies. Generally, you will find this being done in briefings where supervisors will meet with their officers and explain the changes to the statutes. We also adjust basic training programs.

Mr. O'Callaghan:

It would be the same for the LVMPD.

Senator Denis:

Do they periodically have retraining, or is training only done when a change is made?

Mr. O'Callaghan:

The new officers would receive the initial training, but once the officers are trained there is no update.

Senator Denis:

Is there a refresher or follow-up communication to the officers as a reminder?

Mr. O'Callaghan:

Yes; if there were an issue, we would do a refresher for the officers.

Ms. Marsala:

Safe Kids Clark County goes out to the traffic departments of all the police departments twice a year. We are a provider for the court diversion program and remind police officers concerning the laws.

Nadia Fulkerson M.P.H. (Project Director, Center for Traffic Safety Research, University of Nevada School of Medicine):

The Center for Traffic Safety Research is neutral on S.B. 267.

I am here to present the data on the Child Passenger Safety Fact Sheet ([Exhibit H](#)). This fact sheet is additional data produced for the Committee. The data is based on children 6 to 8 years of age. The information was received from crash data from police officers statewide. The data was then linked with the four Nevada Trauma Centers data. The data is for the patient from the crash scene to the hospital.

Trauma centers treat an average of 87.8 children annually from motor vehicle crashes. Fifty-four percent of children, age 6 to 8 years of age, were not in booster seats when the crashes occurred. This is according to the best practice of the AAP.

The average hospital stay for children 6 to 8 years of age injured in a crash who were not using a booster seat is 8.8 days; for those who used a child safety car or booster seat, the average hospital length of stay is reduced to 2.3 days.

The data also shows that children, aged 6 to 8 injured in a crash with no car or booster seat accrued significantly higher hospital charges. The average charge incurred is \$102,000 per child not using a booster seat, when children were in a booster seats, the charge averaged \$19,000. There is a higher percentage of in-hospital deaths and need for rehabilitation for children aged 0 to 12 years who rode in the front seat, and a lower percentage went home after the crash.

Senator Woodhouse:

I would like to note that section 4 of S.B. 267 states the act would become effective on January 1, 2016. If this bill passes, this would give adequate time to educate the public and the police. I urge your support to bring Nevada up to the national standard, but most importantly, to keep our children safe.

Chair Hammond:

I will close the hearing on S.B. 267. We will not be hearing S.B. 324.

SENATE BILL 324: Revises provisions concerning the Department of Transportation. (BDR 35-23)

I will now open the meeting up to public comment.

Julie Keller (Strieter Corporation):

I am representing the Strieter Corporation and the Strieter-Lite Wild Highway Warning Reflector Systems.

This reflector system keeps deer and other wild animals away from moving vehicles. The reflector system is designed for two-lane or multiple lane highways. The reflectors save lives, prevent costly vehicle damage and escalating insurance costs. Reflectors also save deer and other wildlife such as horses.

The reflectors have been in use by state and local highway departments across North America since 1979. The units are high quality, extremely durable and stand up to weather extremes. These units are manufactured in Austria by the world-renowned D. Swarovski & Company.

The reflectors are proven to be 78 percent to 90 percent effective in preventing car vehicle collisions with deer and other wild animals. They are a patented reflector design, aesthetically superior to fencing and other barriers. They are the most cost-effective collision prevention system available. The reflectors are easy to install and ideal for placement by civic organizations or conservation and outdoor groups. Each year an estimated 1.5 million deer/vehicle collisions occur throughout the United States and many more go unreported. The Strieter-Lite system helps reduce these collisions in the most dangerous dusk-to-dawn hours when deer are most active.

Headlights from passing vehicles strike the reflectors sending flashes of light across the road in both directions. The unnatural moving light patterns deter deer from crossing the roadway in front of a vehicle. The Strieter-Lite System directs the light in wide bands both horizontally and vertically making it effective on flat and or sloping surfaces. The reflected light is not seen by passing motorists due to installation design to avoid potential mowing and plowing problems. These reflectors are eligible for the Federal Transportation Equity Act for the 21st Century and qualify for 80 percent to 90 percent federal funding under the Federal Highway Administration.

Between 2003 and 2013, Lyon County, Nevada reported 112 night time wild horse collisions, 134 night time deer collisions and 95 other. Nevada vehicles strike many deer, but horse strikes are often more deadly.

According to a research report dated January 2007, the Federal Highway Administration and the Montana Department of Transportation determined that while an 8.9-foot high fence was more effective than a 7.2-foot high fence, deer permeated both types of fences and overall deer-vehicle collisions were not reduced. With fencing, animals become trapped between the fences in the transportation corridor. This reports states that wildlife fencing may pose a direct or indirect mortality risk for certain species, additionally, coyotes, wolves, bears, and other predators have also occasionally been seen running prey into the wildlife fencing.

Underpasses and overpasses are factors that should be considered along with the species, surrounding landscape, vegetation in the direct vicinity and co-use by humans.

States such as Colorado, Michigan, New Jersey, New York, and Virginia have not only bought additional reflectors, but they have repeatedly replaced the existing reflectors when they became damaged. If one reflector becomes damaged or misaligned, it is like an open gate.

Chair Hammond:

Do you have a sample that you can show everyone?

Ms. Keller:

I was told I could not bring a sample, but I did bring one handout to show ([Exhibit I](#)). When you drive by these reflectors and you look back, you can see what looks like a bicycle reflector. When you are looking forward, you do not see the strobe light effect.

Senator Manendo:

I know you tried to give us some information early on at the beginning of Session. Thank you for your persistence and willingness to come before the Committee and educate us on the technology and different items there are to use.

Senator Denis:

Is it correct that these reflectors only work from dusk to dawn?

Ms. Keller:

Yes, they work from dusk to dawn. The company installs signage alerting drivers of vehicles entering the reflector zones to turn on their vehicles' headlights to activate the reflector system and deter the animals.

In the early 2000s the system was tested in Nevada on U.S. Highway 50 East to see if it would reduce the number of wild horse vehicle accidents. It was a huge success. As I recall there were eight animals hit during the reflector test, whereas in the last 6 months, there have been numerous wild horses struck on Highway 50 East. A motorcyclist who hit a wild horse was thrown into on-coming traffic and was run over three times. These are types of injuries I would like to prevent. I have sent our brochure to every Nevada Legislator.

Senate Committee on Transportation
March 24, 2015
Page 23

Senator Denis:

Does this work in the open range with cows?

Ms. Keller:

The system is less effective on cattle, because cattle meander with their heads down. However, I have observed that the reflectors work with dogs, cats and all kinds of animals, leading to less roadkill. The Nevada Department of Transportation (NDOT) took them down to widen the highway, and the reflectors were inadvertently destroyed. The NDOT purchased an additional 1,000 reflectors in 2006 for Elko for deer strike prevention.

Jessica Swedelius:

I support the reflectors. This would be a win for both humans and animals. I have also learned that this will help create jobs and will help State facilities.

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Senate Committee on Transportation
March 24, 2015
Page 24

Chair Hammond:

There being no further public comment. The meeting is adjourned at 10:11 AM.

RESPECTFULLY SUBMITTED:

Tammy Lubich,
Committee Secretary

APPROVED BY:

Senator Scott Hammond, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	1		Agenda
	B	5		Attendance Roster
S.B. 218	C	14	Alfredo Alonso, Alliance of Automobile Manufacturers	Consumer Privacy Protection Principles
S.B. 267	D	17	Dorothy Pewitt, Program Manager, Office of Traffic Safety, Department of Public Safety	Slide Presentation
S.B. 267	E	8	Jeanne Marsala, R.N., Executive Director, Safe Kids Clark County	Policy Statement
S.B. 267	F	1	Jeanne Marsala, R.N., Executive Director, Safe Kids Clark County	Safe Kids Policy Alert
S.B. 267	G	1	Jeanne Marsala, R.N., Executive Director, Safe Kids Clark County	Map
S.B. 267	H	1	Nadia Fulkerson, M.P.H., Project Director, Center for Traffic Safety Research, University of Nevada School of Medicine	Fact Sheet
	I	2	Julie A. Keller, Strieter Corporation	Handout