

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

**Seventy-Ninth Session  
March 7, 2017**

The Committee on Transportation was called to order by Chairman Richard Carrillo at 3:20 p.m. on Tuesday, March 7, 2017, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/79th2017](http://www.leg.state.nv.us/App/NELIS/REL/79th2017).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Richard Carrillo, Chairman  
Assemblywoman Ellen B. Spiegel, Vice Chair  
Assemblywoman Shannon Bilbray-Axelrod  
Assemblyman John Ellison  
Assemblyman Ozzie Fumo  
Assemblyman Richard McArthur  
Assemblywoman Daniele Monroe-Moreno  
Assemblyman Michael C. Sprinkle  
Assemblyman Jim Wheeler  
Assemblywoman Melissa Woodbury

**COMMITTEE MEMBERS ABSENT:**

Assemblyman Justin Watkins (excused)

**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Jann Stinnesbeck, Committee Policy Analyst  
Darcy Johnson, Committee Counsel  
Joan Waldock, Committee Secretary  
Trinity Thom, Committee Assistant



**OTHERS PRESENT:**

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

Teri Baltisberger, DMV Services Manager III, Business Programs, Division of Management Services and Programs, Department of Motor Vehicles

**Chairman Carrillo:**

[Roll was called. Committee protocols and rules were explained.]

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

I come before you today with a presentation that Senator Manendo asked me to give to the Senate Committee on Transportation. I am calling it a helicopter view of transportation safety in the state of Nevada. There are people far better versed than I who will be coming in front of you this session. What I am here to do today is to talk about the overall state of traffic safety in Nevada as we compare to the national picture for transportation safety. This presentation is titled, "The Road to Green," because it is based on a particular publication that rates states as red, yellow, or green—in line with traffic light colors [slide 1, ([Exhibit C](#))]. You will notice that on the bottom of each slide is the Zero Fatalities logo. I chose to put that on the slides because it is something that everyone involved in traffic safety in the state is working toward. We are all part of the Nevada Strategic Highway Safety Plan, which has been very successful. There are currently seven areas that have been identified as being the most critical for the state. You will be hearing about laws that the Advocates for Highway and Auto Safety feel are the most successful in promoting roadway safety and driving those numbers down.

On the next slide (slide 2), you will see a copy of the cover of the "2017 Roadmap of State Highway Safety Laws," which is a publication put out annually by the Advocates for Highway Safety, a group of professionals in the transportation safety field—insurance agents, trauma doctors, engineers, planners—those trying to help us reach zero fatalities. This is a national project. This year's publication is called, "Have We Forgotten What Saves Lives?" I will send you a copy of this report. The most recent data available to compare state to state is from 2015. In 2015, no new traffic safety laws were passed in the nation. I will also send to all of you the 30-second video about the state of transportation safety from the National Safety Council (slide 3). If you look at the next slide, you will see that the state of transportation safety has definitely gone in the wrong direction (slide 4). In 2015, there was the largest increase in motor vehicle crash fatalities in almost 50 years of keeping records. You can see that every one of these issues was up nationally: alcohol, speed, unbelted vehicle occupants, children under the age of 16, motorcyclists, distraction, teen driving crashes, pedestrians, bicyclists, and vehicle-miles traveled—the rate of fatalities for 100,000 vehicle-miles traveled went from 1.08 to 1.13 people.

The next slide shows what Nevada's numbers looked like in 2015 [slide 5, ([Exhibit C](#))]. We had a sharp increase in fatalities as well. We had 326 fatalities, compared to 291 in 2014. That is actually a higher increase than the national increase. Except for unbelted vehicle occupants and motorcyclists, everything in the state was also up. Our rate of vehicle-miles traveled, which was already higher than the national rate in 2015, went up to 1.25 fatalities per 100,000 miles traveled. We are definitely going in the wrong direction.

The next slide shows preliminary numbers for 2016 (slide 6). We had a very slight increase in the number of people killed—there were 330 fatalities. That number could change because the Fatality Analysis Reporting System (FARS) can receive reports of fatalities for months after the year closes. All of our fatal numbers are based on FARS. The chart on the same slide estimated 40,000 deaths nationally in 2016. It, too, is a preliminary report. Our one-year Nevada increase from 2014 to 2015 equaled the national two-year increase. The category of vehicle occupants, which had done so well the year before, remained down in 2016. Motorcycle fatalities took a huge (48 percent) increase.

The next chart shows two maps of the state of Nevada (slide 7). The map on the left shows where people died in 2015. It is not surprising that the highest number of fatalities was in Clark County, the most populous county in the state. Clark and Washoe Counties are the two greatest population centers for fatalities in Nevada. I thought that it was important to also show you the state by fatality rate. We do not plan well for the rural areas since they have fewer fatalities, but they occur in rural areas at a much higher rate based on vehicle-miles traveled than they do in Clark and Washoe Counties. This is a little food for thought when you are thinking about bills this year—the problem does not only exist in Clark and Washoe Counties. It exists everywhere in the state.

I thought the next slide was important because, for the Zero Fatalities program under the Strategic Highway Safety Plan, we do not look only at fatal crashes [slide 8, ([Exhibit C](#))]. We also look at what we call "A" crashes, based on the KABCO injury code; "K" is for those who were killed; "A" stands for incapacitating injuries, injuries that cost the state of Nevada a lot of dollars—they cause people lifelong injuries. We had a total of almost 41,000 nonfatal crashes. We had 326 (K) fatal crashes. We had 982 incapacitating injuries (A) in 2015. Looking at those A crashes more closely, 149 of them were caused by impaired drivers, 60 were attributed to distracted drivers, 22 involved excessive speed, and an additional 204 incapacitating injuries were to those on motorcycles. That completes my long introduction to the Advocates' report.

We will now get back to how Nevada compares on 15 traffic safety laws. The Advocates for Highway and Auto Safety, in their annual report, look at the laws that they think will drive fatalities down the most (slide 9). They break them into 15 [lifesaving] laws and rate each state—green for good, yellow for caution, and red for "we have a problem." I have been doing my job for over 20 years, and they have been doing their report for 14 years. This is the first time Nevada has ever received a red rating. In years past, we were rated yellow, mostly because we did not have a primary seat belt law. The Advocates do not give a green rating to a state that does not have a primary seat belt law. They also do not give

a green rating to a state that does not have or has repealed its motorcycle helmet law within the last 10 years. It is startling to see Nevada receive a red rating. When Senator Manendo asked if I would like to speak to his committee, that fact prompted me to use this report, breaking it down into the 15 laws the Advocates say that we need.

On the slide describing the 15 laws designed to save lives, the 6 in green print are the ones Nevada already has [slide 10, ([Exhibit C](#))]. The ones highlighted in purple are laws we have, but we need to make the Advocates aware of our compliance.

The good news is, if you look at those 15 laws, there are very few of them printed in black, indicating laws still needed. Two such laws involve primary seat belt law enforcement. We have had a seat belt law in Nevada since 1989. The law says that every vehicle occupant traveling in a car in the state of Nevada, no matter their position in the vehicle, shall wear a seat belt. However, you cannot be stopped for that infraction alone—you have to be stopped for another reason in order for an officer to give you a citation for not wearing your seat belt. That officer can stop you if you have something hanging from your rearview mirror. He can stop you if you have a cracked taillight. He can stop you if you have a bolt for a license plate on the front of your vehicle, but there is not a license plate there. None of those things will cost you your life in a crash, but not wearing your seat belt will.

You will notice that in 2016, unbelted fatalities rose almost 9 percent in Nevada (slide 11). What you do not know is that our observed seat belt usage rate slipped to under 90 percent. Observation of seat belt usage is done on an annual basis by the Office of Traffic Safety by accord through the National Highway Transportation Administration (NHTA). The observed seat belt use rate nationally is going up, but in Nevada it is going down. The preliminary estimates are that in 2015, if everyone who was in a fatal crash in Nevada had been wearing a seat belt, at least 18 people would still be alive today. If you are someone who loved one of those 18 people, that is a huge number.

The next slide (slide 12) is a map of the United States that shows which states have primary enforcement for their seat belt laws and which states do not. Currently 35 states, along with Washington, D.C., have primary enforcement of their seat belt law, and 15 states do not.

What are you going to hear this session? Senator David Parks is cosponsoring a bill [[Senate Bill 288](#)] that would require primary enforcement for seat belts. As I was putting this presentation together, we had two fatality crashes—one was last Sunday night, one was on Tuesday night. Both of them involved people not wearing their seat belts. The crash in the slide was on Durango Street and Rainbow Boulevard (slide 13). It involved four teenagers. Two were ejected from the backseat of the car. One was killed at the scene; one is still in critical condition.

Nevada's observed seat belt usage rate is moving in the wrong direction (slide 14). The national number is in blue; Nevada's is in red. If we extrapolated further to 2016, you see that the national number went over 90 percent. Nevada's number went under 90 percent. We have a problem with unbelted drivers in our state.

The Government Accountability Office says that laws that require motorcycle helmets "are the only strategy proved to be effective in reducing motorcycle fatalities" [slide 15, ([Exhibit C](#))]. In Nevada in 2015, motorcycle fatalities were predominantly males. Males between the ages of 20 and 29 were 40 percent of our overall fatalities. Combined with children younger than 20 years of age, the total brought us to over half of our motorcycle fatalities being under the age of 30. You saw that in 2016 we had a huge increase in motorcycle fatalities. We do not know yet if statistics will still represent mostly young drivers, but looking at fatalities as they happen, it appears that trend will continue. We expect to see young motorcycle drivers, with several crashes involving alcohol. Five or six years ago when we looked at motorcycle fatalities, we saw a predominance of very young drivers and middle-aged drivers. The crashes for very young drivers mostly were speed-related. That is still the case. Crashes among middle-aged drivers mostly involved drivers who thought they knew how to ride motorcycles. Most of these crashes involved alcohol use and drivers who did not know as much as they thought. Crash numbers are decreasing among older riders.

Nationally, motorcycles number 3 percent of registered vehicles, but motorcycle riders represent 14 percent of vehicular fatalities (slide 17). In Nevada, motorcycles number 6 percent of registered vehicles, but accounted for 17 percent of our fatalities in 2015. Preliminary data for 2016 indicates motorcycle crashes will account for 22 percent of overall fatalities. In Clark and Washoe Counties, we have a big pedestrian problem. In 2016, motorcycle fatalities were even with pedestrian fatalities. This is the first time I have ever seen that happen.

The next slide shows another move in the wrong direction (slide 18). I thought it was important to show you the fatality rates for registered motorcyclists. In 2011, approximately 60 out of 100,000 registered motorcyclists were killed in crashes. By 2014, that number was 87.65 out of 100,000. There are many reasons for this change. Distracted driving—not just on the part of motorcyclists, but also on the part of automobile drivers—has contributed. I have seen a big increase in motorcyclists killed by drivers making permissive left-hand turns. Drivers are looking for a gap in traffic, but they are looking for vehicles. It is almost as if the motorcyclists are not visible. About half of the motorcycle fatalities seem to be the motorcyclists' fault; half are the fault of drivers who pull in front of the motorcyclists or physically hit them. There is shared responsibility on our roads.

In this session there will be a bill in front of you to require helmets for those who ride scooters (slide 19). Trauma centers all over the state have seen a dramatic increase in injuries of people on scooters and people losing their lives or being critically injured by riding without helmets on motor scooters. When we look at a snapshot of scooter riders, we see 80 percent of them are male, 73 percent white, and 54 percent uninsured. That makes this a problem to the state of Nevada because we are picking up the tab for those people who are critically injured in scooter crashes. Very often, the scooter driver has had his driver's license revoked, usually for impaired driving. Riders do not seem to understand that you still are required to have a driver's license to operate a scooter in Nevada. When this bill is brought forward, you will receive more information.

The next ideal law is designed to protect our youngest children riding in vehicles [slide 20, [\(Exhibit C\)](#)]. The booster seat law in Nevada currently requires that children, until they are 6 years of age and weigh at least 60 pounds, ride in car seats that are properly installed, correct for size and weight, and approved by the National Highway Traffic Safety Administration. Coming before you this session is a bill to protect every child in the state. No children under the age of four were killed in motor vehicle crashes in 2015 in the state of Nevada (slide 21). In 2016, there were two deaths that I am aware of. In 2015, six children between the ages of five and nine were killed in vehicle crashes. You can see on the chart the effectiveness percentages of car seats for infants and toddlers, and also booster seats for children between the ages of five and eight. The optimal law asks that children be rear-facing until age two, as recommended by the American Medical Association. Babies' heads are proportionately larger than their bodies, making it difficult for the ligaments to hold their heads properly in the event of a crash. A rear-facing seat holds babies' heads in place. The optimal law also requires that toddlers be in a harness until at least the age of four or until they have reached the height and weight appropriate for the seat. It also requires that children be in booster seats until they are 4 feet 9 inches tall, which is about the size of an average 8-year-old. We should have called booster seats "belt-positioning seats," because they make children's torsos long enough for a seat belt to cross their bodies at the strong points of their bodies—shoulder blade, sternum, and hip. When children are too small, the seat belt does not fit them properly and can actually do damage to them in a crash. What is even worse is when a seat belt positions across a child's neck and the child moves the strap behind him or under his arm. That puts all the crash force on the buckle, which sits right over the liver. Not being properly positioned in a seat belt that is meant for an adult can kill a child in a crash. The ideal law also asks that children under the age of 13, when practicable, ride in the backseat of a car, where it is safest to ride.

Senate Bill 156, sponsored by Senator Joyce Woodhouse, will be heard on Thursday [March 9, 2017] in the Senate Committee on Transportation (slide 22). We are hoping that the "Transporting Children Safely Bill" will find its way to your Committee. If passed, it will require that children in the state of Nevada be in a booster seat appropriate for their age and weight until they are 4 feet 9 inches tall; that children under the age of 13 ride in the backseat of a car when there is a seat belt available; and that a citation go to both the driver and the parent, if the parent is in the vehicle, if the car is stopped and a child is not properly restrained. The child safety seat law is a primary enforcement law.

The next several ideal laws are already in statute in Nevada. They concern teen driving (slide 23). Teen drivers have the highest crash rates and poor, but not the worst, seat belt usage, especially passengers in cars driven by teenagers—who are usually their friends. They have trouble ignoring their cell phones, and the decision-making part of their brains does not fully develop until they are about 25 years old. The next slide shows several additional ideal laws (slide 24). Thankfully, we already have enacted all but two of them, which deal with teen drivers. Those laws propose that a teenager not get a learner's permit until age 16; that it be held for at least 6 months; that a teen have 50 hours of supervised driving, 10 of which are at night; that there be a passenger restriction—ideally until the driver is 21 years old, although no state does that; that there be a nighttime curfew between midnight and 6 a.m.; that there be a cell phone ban, meaning no hands-free phones under graduated driver's licensing, which is until age 18. That law is what we call provisional until age 18. All of those laws listed in green are currently in statute.

We even have a couple extra, as you will see on the next slide (slide 25). We have a requirement for a 30-hour class before a teen can get a driver's license. We allow teens to get learners' permits at age 15.5. There is no plan currently to pursue changing the minimum age to 16.

**Chairman Carrillo:**

We are going to need to take a short break from your presentation. We have Committee members coming in from another meeting. We need to move to our work session before one of our members needs to leave shortly. We will continue with your presentation at the conclusion of our work session.

I want to remind Committee members of some general points about work sessions. Anybody that has concerns with a bill, please work with the bill sponsor prior to the bill hearing. Please note that I plan to hold work sessions on a weekly basis; therefore, it is important to get an amendment to us within 24 hours of the bill hearing so that it can be considered during the work session. Remember that a work session is not a rehearing of the bill—I will not take testimony. If a member of the Committee has a question and someone is present in the audience who could answer that question, I may invite that person to the witness table to clarify a point. Mr. Stinnesbeck will walk us through the work session document for Assembly Bill 60 ([Exhibit D](#)).

**Assembly Bill 60: Revises provisions governing the initial issuance and reinstatement of certain licenses relating to vehicles. (BDR 43-221)**

**Jann Stinnesbeck, Committee Policy Analyst:**

Legislative Counsel Bureau staff can neither advocate nor oppose any measures that come before this body. The work session documents are available online. Members of the Committee should have copies before them.

Assembly Bill 60 was heard in this Committee on February 21, 2017. It establishes a late fee of \$25 for the reinstatement of certain licenses relating to vehicles which are not timely renewed. The bill requires a vehicle transporter who electronically submits the statement required for licensure regarding child support to retain the original version of such statement for three years after submission. The measure also requires a person applying for initial licensure to operate as an automobile wrecker, a salvage pool, or a body shop to submit a complete set of fingerprints for submission to the Federal Bureau of Investigation. Lastly, the bill repeals the requirement for payment of a fee for the issuance of temporary placards issued by a seller or long-term lessor of a vehicle.

There is one amendment to this bill. The amendment was proposed by the Department of Motor Vehicles (DMV). It clarifies the fingerprinting requirements for large companies with multiple levels of operations. As such, fingerprinting is required for persons responsible for the operation of businesses in the state of Nevada.

**Chairman Carrillo:**

Are there any questions from the members?

**Assemblyman Wheeler:**

I want to look into this bill further. I will vote it out of Committee, but I reserve the right to change my vote on the floor of the Assembly.

**Assemblyman Ellison:**

I have a question about when there is a renewal for a license that was suspended because of problems with child support. Often a person is trying to get the records, particularly from other states, and the license is revoked. It has become a problem for our workforce, as people cannot work to support the family or make child support payments when they do not hold a current driver's license. I had hoped to meet with the bill sponsor to see if there was a way to address that situation. Is there someone here who could address my concern?

**Chairman Carrillo:**

We have a representative from DMV here.

**Teri Baltisberger, DMV Services Manager III, Business Programs, Division of Management Services and Programs, Department of Motor Vehicles:**

The requirements for suspension of a license are statutory. They have been in statute quite a while. I know that we have another bill that would also suspend the registrations on vehicles owned by parties behind on child support in addition to suspending their driver's licenses. I can meet with you to discuss this later, but I would have to do research to discover why it was put in statute. It is a federal law originating in statutes from the U.S. Department of Health and Human Services.

**Assemblyman Ellison:**

I do not disagree with that, but I do disagree with suspending vehicle registration. I would like to discuss with you some of the issues people are facing in trying to prove that they have paid bills in other states but have licenses suspended in Nevada. I have one case that I am working on now that involves bills paid in Oregon, but in the meantime, my constituent lost his job. I would like to discuss if we could do something temporary, such as a work permit, for someone who can prove he is trying to get paperwork back from another state.

I will not hold up the bill. I will reserve my right to change my vote on the floor of the Assembly until this issue has been addressed.

**Chairman Carrillo:**

Are there any other questions?

**Assemblywoman Monroe-Moreno:**

I have a question about the amendment. I believe that when we heard the bill, all companies designated in the bill would have their employees fingerprinted. The amendment clarifies requirements for large companies. What would determine the size of a large company? Why are we not fingerprinting everyone who will be carrying on this type of business?

**Teri Baltisberger:**

We have not gone as far as defining what large corporations are. We took similar language from *Nevada Revised Statutes* (NRS) 482.325. Basically, we will require fingerprinting of whoever's name is on the application, the one responsible for the business. If the application has one person's name on it, that person will be fingerprinted. If it has five names on it, we will request fingerprints from all five. We will request fingerprints of the licensee handling the business in Nevada.

**Assemblywoman Monroe-Moreno:**

I will vote for this bill to leave Committee, but I reserve my right to change my vote on the floor of the Assembly.

**Chairman Carrillo:**

I would suggest that those members reserving the right to change their votes meet with the bill's sponsor to have their questions answered.

Seeing no other questions, I will entertain a motion to amend and do pass A.B. 60.

ASSEMBLYMAN SPRINKLE MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 60.

ASSEMBLYWOMAN SPIEGEL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN WATKINS WAS ABSENT  
FOR THE VOTE.)

I will assign the floor statement to Assemblyman Sprinkle. I will now close the work session on A.B. 60.

Ms. Breen, please continue your presentation.

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

Nevada's graduated driver licensing law (GDL) is one I hold up as an example of good laws saving lives [slide 25, ([Exhibit C](#))]. Numerous teenagers are still alive today because they had to jump through what they think are hoops required to get their driver's licenses. We looked at statistics of when children died and how they died. Graduated driver's licensing was developed to address the ways and times that children most often die. It has had a dramatic effect. Since the inception of our GDL, the biggest thing we are lacking in our current law is the total ban on cell phones. We require that 30-hour class. Senate Bill 269 of the 77th Session required that a habitually truant student under the age of 18 have approval from the attendance officer at high school in order to get a driver's license. We restrict when teens can drive. They must have 50 hours of supervised

driving, 10 hours of which must be at night, because that is most often when teens die in car crashes—at night with other teens in the car. The Department of Motor Vehicles (DMV) has rolled out an app for a cell phone that will track those 50 hours.

The chart (slide 25) is from the Governors Highway Safety Association. It is both good news and bad news to me. It says that GDL has driven the fatality rate down by 56 percent for teenagers under the age of 18. Older teen drivers are not faring as well. That is something that will be looked at in coming sessions. Maybe we need to take a hard look at raising the age for graduated driver licensing. We are not pursuing changing the age for getting learner's permits to age 16, but we are asking that you consider a law that says no cell phone can be used by a novice driver under the age of 18 [slide 26, ([Exhibit C](#))]. The business of driving is difficult. Multi-tasking when you are learning how to drive has proved to be exceptionally dangerous for teenagers. I personally think that it is exceptionally dangerous for everybody, but under graduated driver licensing, maybe teenagers who think that they cannot survive without their telephones can learn that they can get from point A to point B without using their phones and, in fact, devote 100 percent of their attention to the business of driving.

You can see charts from AAA's teen driver safety program that tell you how often teens are on their phones or are distracted while driving (slides 27-28). I love that teen drivers do not believe that distracted driving puts them at risk because they believe that they are better-than-average drivers, as I think every driver does. If we were all better-than-average drivers, I do not think we would have some of the problems that we have.

This brings us to three more ideal laws, two of which we already have (slide 29). The child endangerment law charges drivers with child endangerment if there is a child in the vehicle when they are arrested for impaired driving. We also have an open container law that says it is against the law for you to have open containers of alcohol in a vehicle while it is moving. What we do not have is the ideal law requiring ignition interlock devices for all driving under the influence (DUI) drivers.

The next slide shows a national statistic—there are 300,000 incidents of drinking and driving every day [slide 30, ([Exhibit C](#))]. On the next slide is a map I will need to explain to you (slide 31). Based on 2015 numbers from a Centers for Disease Control and Prevention survey in which 1,000 respondents in every state participated—except the regions in white on the map, where there were not enough respondents to complete the survey. The chart indicates average responses of 1,000 people in each state. In Nevada, 486 of those 1,000 people responded that they had driven impaired in the previous 30 days. That was shocking to me. I understand that Nevada has an impaired driving problem, but that put it into perspective for me.

Twenty years ago when we started working with teenagers, the Every 15 Minutes program was developed [slide 30, ([Exhibit C](#))]. Every 15 minutes in the 1990s, someone died in an alcohol-related crash in the United States. In 2013, the interval was every 58 minutes. We are sliding backwards, however, as in 2015, that number fell to every 51 minutes. That gives you some perspective as to how much ground has been gained, how many lives have

been saved. I base that on the 20 years that I have been working on this. I came into this job right as the Every 15 Minutes program began. I love to tell teens what the truth is now as we continue the Every 15 Minutes program. The number had gotten so much better. It is disheartening that the number is now going in the wrong direction nationwide and in the state of Nevada.

Pertaining to impaired driving, Senate Bill 259 will be introduced by Senator Mark Manendo [slide 32, ([Exhibit C](#))]. It will allow drivers arrested for DUI to opt for using an ignition interlock device. Within seven days of their arrest, DUI drivers could go to the DMV to get specialized licenses and have an ignition interlock installed in their vehicles. This would eliminate the 90-day administrative revocation of their licenses—they would not lose their licenses. They would be able to continue to drive as long as they drove vehicles with ignition interlock devices. Judicial discretion would be enhanced. The criminal case would still stand, the only difference is the administrative revocation would be waived. By the time a driver appears before a judge, the judge would have a report of how many times the driver was prevented from starting the car because of alcohol impairment. This will give a judge a better idea of the driver to be sentenced. The sentence given could be to continue use of the interlock device. We are asking that the device be in the vehicle for six months, at the driver's expense of roughly \$2.50 a day. There would be a program for people who could not afford it. This would prevent subsequent crashes that drivers who have already been arrested for DUI are involved in. Far too many times drivers continue to drive while drunk, using their revoked or suspended licenses. We would avoid tragedies like the one last November in which two boys were killed by a driver waiting for his court date after being arrested for DUI. I hope you will take some time to research this bill before it comes in front of you.

There is a chart showing that nationally our numbers for DUI are going in the wrong direction (slide 33). On the following slide (slide 34) you will see that the National Highway Traffic Safety Administration reported there was a 67 percent reduction in drunk driving offenses when ignition interlocks were installed. There is a picture of someone using the device. The map shows that currently 29 states offer this program for DUI drivers (slide 35). Similar bills are on the legislative dockets of other states as well.

The final ideal law is an all-driver text messaging ban (slide 36). Current law in Nevada bans hand-held electronic device use by drivers. This session, Senate Bill 216 would increase the fine for those who are cited for using a cell phone while driving. The next slide shows what most of us see when we drive down the road—many drivers are ignoring the current law (slide 37). The bill is being heard this week [on March 9, 2017] in the Senate Committee on Transportation. In addition to increasing the fine, it will make a second violation a moving violation.

We hope to see some additional bills come before you this session [slide 38, ([Exhibit C](#))]. One is the move-over law which says that if you are in a fender-bender crash and there are no injuries and the cars are able to be moved, you move them [Assembly Bill 17]. The bill also asks that

drivers pull as far away as possible, including to adjacent lanes, from tow trucks, emergency response vehicles, and REACT teams. We are also hoping to upgrade current motorcycle license requirements. There is a bill draft request in to upgrade language for the current vulnerable road user's law. The district attorney's office felt it needed to be tweaked so his office could more readily charge people under that law. I also included yield to stop for pedestrians, but that bill draft will not be introduced this session.

That concludes my Nevada version of the top 15 traffic laws and where we stand. I would be happy to answer any questions that you might have.

**Chairman Carrillo:**

I will open the meeting to questions from Committee members.

**Assemblyman Ellison:**

It looks as if the data in your report is from 2015. Is that correct?

**Erin Breen:**

The information is from 2015, except for where it is marked as being from 2016. My presentation is based on the Advocates for Highway and Auto Safety report which uses 2015 data because that is the most recent year for which we can take a microscopic look at what the problems are. The data that says it is from 2016 is preliminary, but I thought it was important that I share with you what I knew about 2016 as well.

**Assemblyman Ellison:**

The reason I asked is that, in looking at young people who text while driving, I also see these drivers drinking beverages or eating sandwiches at the same time. It seems as if texting is worse than using a cell phone for a conversation.

**Erin Breen:**

I could not agree with you more. There is an ordinance on the books in Clark County that was recently adopted in the City of Reno that is called "failure to pay full attention." It is a moving violation, unlike the cell phone law. It has been discussed in the Strategic Highway Safety Plan. It has recently been brought to my attention that there are police officers who would rather see a statewide failure to pay full attention law passed. Being from Clark County, I had not realized that it was a county ordinance. Law enforcement would love the opportunity to be able to cite people when they are not paying full attention to their driving. The cell phone law was born out of necessity. Research shows that the average person takes his eyes off the road for 4.6 seconds when he looks at his phone—whether texting, dialing, or checking to see who is calling. At average road speed in Clark County, that 4.6 seconds takes you close to the length of a football field with eyes off the road. As cell phones became popular, we saw crashes increase. Lawmakers across the country thought cell phone bills would solve the problem. Usage has dropped as the message has been sent that this behavior is unacceptable behind the wheel. At some point, we need to look at a statewide failure to pay full attention law.

**Assemblyman Ellison:**

Have there been studies looking at hands-free cell phone use? It seems to me that, if you are using a hands-free device while driving, talking on it is not different than talking to a passenger in the car. Have hands-free devices taken away the distraction?

**Erin Breen:**

Much research has been done on cognitive impairment. There are three types of impairment while using a phone. There is visual impairment when your eyes are off the road. There is manual impairment when the cell phone is in your hand and you have only one hand on the steering wheel. There is cognitive impairment when you are talking to a person who is not present in the vehicle. We allow hands-free cell phone use in Nevada and in most states in the country. I do not know that we are any safer talking hands-free because we are talking and our minds are on the conversation. Believe it or not, research has shown that while in conversation with a person not physically next to you, cognition is worse because you are more emphatic about trying to get your point across. When you have someone in the car with you, you have an extra set of eyes on the road. You can be distracted while driving down the street, but the person riding shotgun can alert you to what is in front of you. When you are talking to someone not in your car, you do not have that.

**Chairman Carrillo:**

Are there any other questions?

**Assemblyman Fumo:**

Would you explain what you mean by yield to stop for pedestrians [slide38, ([Exhibit C](#))]?

**Erin Breen:**

As a pedestrian advocate, I have long pursued yield to stop. When you drive, you are required to yield to pedestrians when they are on the same side of the road as you. If they have already passed the lane in which you are traveling, you must slow down, but you can continue forward motion. What often happens is that drivers in adjacent lanes continue their forward motion, which can result in pedestrian injury. I tell pedestrians to stop in front of a car that you know has seen you until you know that the next lane of traffic has seen you. Being hit at road speed causes fatalities. At least 10 states currently require that drivers come to a complete stop and stay stopped while a pedestrian is in any of the lanes going the direction they are traveling. It would require that people making right and left turns make sure that they have at least one lane between the one they are turning into and the lane that the pedestrian is in.

**Assemblyman Fumo:**

Do you know of other states that require 16- to 18-year-olds to take extra classes, such as one presented by a coroner, in order to get their driver's licenses? We require a specified number of daytime and nighttime driving hours. When my daughter was 16, she received a ticket for driving at 45 miles per hour in a 25-miles-per-hour zone. I made her take a victim impact

panel class and the coroner's class. She did not speak to me for about a week, but she is 21 years old now and has not received another ticket. Do other states have those kinds of extra classes for students?

**Erin Breen:**

I do not know that any states require those classes, but I know that there are several judges in our community that require them. If you come before the court as a teenager for a particularly egregious offense, which driving 20 miles per hour over the speed limit would be, these judges will sentence the driver to the coroner's program. We have a program called Driver's Edge that is done out at the motor speedway. There has been talk about making a program like that mandatory for every teenage driver. Instead of reading about it in a book or seeing it in a movie, drivers actually experience using anti-lock brakes, doing evasive lane changes, and recovering from a spin. I encourage any of you with drivers under the age of 21 to consider having them take the class. It is available in Las Vegas and in Reno. If classes like these were made mandatory, you would have to be able to keep up with the demand, which is the biggest problem.

**Chairman Carrillo:**

Is the ignition interlock device required in 29 states, or is it opt-in?

**Erin Breen:**

Some states require it. The way the bill has been drafted in Nevada, an arrested driver can choose to opt in or to change his mind in seven days. We are not asking that this be required, we are asking that the driver can choose to use the device or go the route that now exists that requires a criminal hearing, an administrative revocation hearing, and having the license revoked for 90 days. I will make sure that when you hear that bill, the testifier has an absolute answer to your question.

**Chairman Carrillo:**

I did not see anything regarding rail safety in your presentation. I grew up in a small town with railroad crossings similar to those of some of our Committee members from rural areas. At one time in Las Vegas, you would go down Spring Mountain Road near Industrial Road and have to wait for trains to pass. You would often see cars surge through the crossing to avoid having to wait. Have you considered addressing the issue of safety at railroad crossings?

**Erin Breen:**

I, too, remember those days when we waited for trains. The Department of Transportation has an active program for rail education. It is something I could talk to them about through the Strategic Highway Safety Plan.

**Chairman Carrillo:**

I see no further questions. You have covered a lot of information. We look forward to seeing these bills come to our Committee.

Is there any public comment? [There was none.] This meeting is adjourned [at 4:28 p.m.].

RESPECTFULLY SUBMITTED:

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Joan Waldock  
Committee Secretary

APPROVED BY:

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Assemblyman Richard Carrillo, Chairman

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

## EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a copy of a PowerPoint presentation titled "The Road to Green: Nevada Crash Facts, Our Roadmap to Safer Roads," presented by Erin Breen, Director, Vulnerable Road Users Project, Transportation Research Center, University of Nevada, Las Vegas.

[Exhibit D](#) is the Work Session Document for Assembly Bill 60, dated March 7, 2017, presented by Jann Stinnesbeck, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.