

**MINUTES OF THE
SENATE COMMITTEE ON TRANSPORTATION**

**Seventy-ninth Session
March 9, 2017**

The Senate Committee on Transportation was called to order by Chair Mark A. Manendo at 8:03 a.m. on Thursday, March 9, 2017, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 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 Mark A. Manendo, Chair
Senator Kelvin Atkinson, Vice Chair
Senator Don Gustavson
Senator Scott Hammond
Senator Patricia Farley

GUEST LEGISLATORS PRESENT:

Senator Joyce Woodhouse, Senatorial District No. 5

STAFF MEMBERS PRESENT:

Michelle Van Geel, Policy Analyst
Darcy Johnson, Counsel
Tammy Lubich, Committee Secretary

OTHERS PRESENT:

Erin Breen, Director, Vulnerable Road Users Project, Transportation Research Center, University of Nevada, Las Vegas
Jeanne Marsala, Executive Director, Safe Kids Clark County
Deborah Kuhls, M.D., F.A.C.S., Professor of Surgery; Chief, Critical Care; Associate Dean, Academic Affairs; Program Director, Surgical Critical Care Fellowship; Principal Investigator, Center for Traffic Safety Research, School of Medicine, University of Nevada, Reno
Heather Watson, Safe Kids Clark County

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Robert Mayer, Police Department, Clark County School District
John Moreno, AAA, Northern California, Nevada and Utah
Amy E. Davey, Administrator, Office of Traffic Safety, Department of Public Safety
Laura Gryder, M.A., Project Director, Center for Traffic Safety, School of Medicine, University of Nevada, Reno
Lisa Foster, Allstate Insurance; American Family Insurance
Lea Cartwright, Property Casualty Insurers Association of America; Liberty Mutual Insurance Group
Kevin M. Moore, Program Manager, Zero Teen Fatalities, Office of Traffic Safety, Department of Public Safety
Ron Smith, Chair, Regional Transportation Commission of Washoe County; Member, City Council, City of Sparks
Lee Gibson, CEO, Regional Transportation Commission of Washoe County
Peter D. Krueger, Capitol Partners
Charlene Albee, Director, Air Quality Management Division, Washoe County Health District
Scott E. Gilles, City of Reno
Al Leskys, Senior Air Quality Specialist, Department of Air Quality, Clark County
Sean P. McDonald, Administrator, Division of Central Services and Records, Department of Motor Vehicles
Ivie Hatt, Program Officer, Emission Control Program, Department of Motor Vehicles

CHAIR MANENDO:
We will begin with Senate Bill (S.B.) 156.

SENATE BILL 156: Revises provisions relating to the safe transportation of children. (BDR 43-349)

SENATOR JOYCE WOODHOUSE (Senatorial District No. 5):
I will read from my written testimony ([Exhibit C](#)) regarding enhancing child safety requirements in motor vehicles.

ERIN BREEN (Director, Vulnerable Road Users Project, Transportation Research Center, University of Nevada, Las Vegas):
I testified about the state of traffic safety in Nevada last week. We had only 6 of the 15 traffic safety laws identified as important by the Advocates for

Highway Safety. The bill you are hearing today is for a law Nevada does not have.

JEANNE MARSALA (Executive Director, Safe Kids Clark County):

Safe Kids Clark County is part of the Safe Kids Worldwide Campaign and is a nonprofit organization dedicated to the prevention of accidental death and injury to children. This is the first and only international organization for this cause.

Safe Kids World Wide is the certifying body for over 600,000 nationally certified child passenger safety technicians. We are the experts in communities across the Nation to help parents learn how to buckle up their children correctly.

To set the standards for children during transportation, Safe Kids works with the National Highway Traffic Safety Administration, the American Academy of Pediatrics and the National Child Passenger Safety Board. Safe Kids Clark County has been housed at Sunrise Children's Hospital in the Trauma Services Department since 1993. I am the first child passenger safety instructor in the State and the forty-ninth in the Nation. I have been educating families in child passenger safety for 20 years. I am also a certified trauma nurse, a certified pediatric Intensive Care Unit (ICU) nurse and a certified neonatal ICU nurse.

I am here today to explain the importance of upgrading our law to meet the national recommendations, which 23 states already have in place. All national recommendations indicate the child between the ages of six and eight needs to be placed in a booster seat. Safe Kids calls this a loophole in the State of Nevada's law. When talking about a child dying between the ages of six and eight years old, it is because there is a loophole in the law. Every national recommendation is children should be in booster seats between those ages.

Seat belts in cars are designed for adult passengers and not for children. The booster seat will lift the child up so the seat belt can fit properly and lock when required.

I want to remind the Committee that parents are not cited for not having their child buckled up. It is the driver's responsibility to buckle up the child. If the child is not buckled up, the driver is cited. Safe Kids Clark County runs family vehicle safety vehicle programs in the community. This program is taught once

a week for offenders who have received tickets when their children are not buckled up.

Safe Kids Clark County supports S.B. 156. It is important that Nevada meet the national standards.

DEBORAH KUHL M.D., F.A.C.S. (Professor of Surgery; Chief, Critical Care; Associate Dean, Academic Affairs; Program Director, Surgical Critical Care Fellowship; Principal Investigator, Center for Traffic Safety Research, School of Medicine, University of Nevada, Reno):

I work for the University of Nevada, Reno (UNR) School of Medicine, and I am a trauma surgeon at the University Medical Center (UMC) in Las Vegas. I am here to talk about data that should help you in your decision with S.B. 56. I have been at UMC for over 17 years, and I have treated thousands of injured children at the trauma center. The presentation from Safe Kids is in line with what many trauma surgeons and trauma organizations believe to be true.

There is a grant that supports us in collecting a Statewide database of both crash and trauma center data from all four trauma centers in Nevada, identified on Slide 1 of our presentation ([Exhibit D](#)).

Child safety seats decrease the risk of injury and death. Slide 3, [Exhibit D](#), shows the types and severity of crash-related injury to children ages 4 to 7 categorized by the severity of the injuries. Children who are not restrained have a higher proportion of moderate to serious and critical injuries. This is very significant when translated to human suffering. Many injured children do not go home; they require rehabilitation, and many will not return to normal lives after a crash.

Slide 5, [Exhibit D](#), shows the difference in hospital charges for children ages 4 to 7 with and without the child restraint system (CRS) from the 4 trauma centers. The hospital average fee for children aged 4 to 7 without CRS is \$19,000. Slide 6, [Exhibit D](#), shows injured children ages 6 to 7 without CRS accrued higher hospital charges than those with CRS.

Over the 10 years, charges for children who are injured seriously and go to a trauma center are nearly \$3 million more than the charges for children who were properly restrained. This has a huge impact upon injury and human

suffering, but it also has a huge economic impact. This data does not include the children who die at the scene and never make it to a hospital.

Slide 7, [Exhibit D](#), talks about children under 13 and whether they should ride in the front or back of a vehicle. It is recommended they ride in the rear of vehicles. Injuries are more severe in the cases of children riding in the front seat than in the back seat.

Slide 9, [Exhibit D](#), shows the economic impact of children 0 to 12 years of age who rode in the front seat versus the back seat. The economic impact is \$7,000 per person difference.

In conclusion, this data clearly supports strong consideration of [S.B. 156](#). [Exhibit E](#) is a fact sheet that compiles both national and Nevada data.

Eighty percent of injured children, aged 6 to 7 in Nevada, were not in a CRS at the time of a crash. These are children who were seriously injured and had to be triaged to a trauma center.

CHAIR MANENDO:
Would you please repeat the data?

DR. KUHLS:
Yes. Eighty percent of children, aged 6 to 7 in Nevada, were not in a CRS at the time of a crash.

SENATOR FARLEY:
Is the existing law for children 6 years of age?

DR. KUHLS:
My understanding is that it is less than 6 years of age.

SENATOR FARLEY:
Why has this not been adopted sooner?

DR. KUHLS:
I do not know. This is not the first time I have testified in this regard.

SENATOR WOODHOUSE:

I had a similar bill in front of the 2015 Legislative Session, and it failed.

SENATOR GUSTAVSON:

Senator Woodhouse, you mentioned there was bill in 2015 that did not pass. What are the differences between the two bills, if any?

SENATOR WOODHOUSE:

Yes, it was S.B. No. 267 of the 78th Session. The only difference between the two bills is one of the requirements of the national standard is being eliminated because of the size of the child.

Ms. BREEN:

The change was the weight. In the past, it was requested the child be 80 pounds. Some kids were over the height requirement by the time they were 80 pounds, so this has been removed.

SENATOR GUSTAVSON:

Will this affect the manufacturing and the design of the child seats due to increase in size and weight?

SENATOR WOODHOUSE:

Yes. When Ms. Marsala testified, she spoke about where the belts are to be worn. If the belts are not worn in the proper location, the child will receive greater injuries in a crash.

SENATOR HAMMOND:

Senator Woodhouse, does this bill allow police officers the authority to pull over a car where they suspect the person in the front seat is not old enough?

SENATOR WOODHOUSE:

Yes, that is my understanding.

Ms. BREEN:

The current child passenger law does allow for primary enforcement of the law. Senate Bill 156 will be primary enforcement, and an officer can pull a vehicle over if the child is not properly restrained. There is a law enforcement officer here to testify. It is not difficult for an officer to ascertain that children are not restrained when the officers can see them in the window.

SENATOR HAMMOND:

Does a police officer who sees a person in the front seat, possibly of the age of 13 or 14 who might look a little thin, have the authority to pull the vehicle over and ascertain if the child is the proper age, height and weight to be in the front seat? Is the citation being increased, or will it stay the same?

MS. BREEN:

Officer Robert Mayer will testify how officers ascertain how and when they pull someone over. It is my understanding the officer will have the authority to pull someone over if the officer thinks the child is under the required age, height or weight. The citation is for a seat belt violation for improper restraint of a child between the ages of 8 and 13. The penalty is currently an administrative fine of \$25; it is not a moving violation.

SENATOR FARLEY:

Would I get a ticket if my child is not restrained and another person is driving?

MS. BREEN:

The ticket is only given to the parent if he or she is in the vehicle.

HEATHER WATSON (President, Safe Kids Clark County):

I have been a child passenger safety technician for 16 years and an instructor for 10 years. I am in support of S.B. 156 and can speak to the booster seat products.

I would like to address the size of children going into the boosters, especially the kids older than age 6. At this size, they are the in-between kids. They do not fit into harness seats or adult seat belts, so they need to go into a booster seat. Seat belts are designed to fit adults, so when the kids sit in the vehicle, the lap belts sit very high on their bellies instead of fitting low on their hip bones. The boosters will raise them up so that the lap belts can sit low on their hips and across their shoulders.

There are several booster seat products on the market. Some are cutesy for the younger children and some are mature-looking for older children. Younger children have problems fitting on the vehicle seat because their legs are too short to bend.

A common issue is the cost of booster seats, but they do not have to be expensive. Many parents tend to feel they are done with car seats having paid hundreds of dollars trying to get kids from infant stage through toddler stage. Booster seats cost \$13 to \$20 at Walmart. There are more mature-looking booster seats such as the Incognito, which is designed to look like the vehicle seat at a cost of \$20.

This is a very important bill for the safety of Nevada's children. The forgotten in-between children need to be in a CRS. These children come after the kids who are technically harnessed, in their parent's minds, and before the seat belt fits the children as they fit an adult.

ROBERT MAYER (Police Department, Clark County School District):
To echo what Heather Watson stated, it is important to use the belt positioner boosters to bring the in-between children up to the right height.

The Clark County School District Police, in partnership with other local law enforcement and Safe Kids, do safety checks in and around schools, primarily elementary schools. Unfortunately, 80 percent of the children are in the front seat by the air bag. Many of the kids are not the right size and have the belts in incorrect positions. This is not a violation at this point. We are educating the parents about the seat belts and especially the shoulder belts. The shoulder belt on a child can be positioned around the neck area, and in an accident could cause injury to the larynx, spine and head. Most parents are unaware of the proper positioning of seat belts and believe they are complying with the law. These parents are not focusing on the safest positioning for their children.

JOHN MORENO (AAA Northern California, Nevada and Utah):
AAA Northern California, Nevada and Utah supports, S.B. 156, and AAA actively encourages safe driving by offering free car seat inspections, not only to our members, but also to the public. This is in an effort to ensure our children are safe and that car seats are properly installed.

CHAIR MANENDO:
A letter from AAA will be submitted for the record ([Exhibit F](#)).

MS. MARSALA:
I want to assure the Committee that if a parent who cannot afford the fines is cited, the State has the Family Vehicle Safety Program. This program has been

in effect throughout the State for approximately 10 to 15 years. This is an optional program for offenders to participate in to have the citation reduced or waived.

The protocol for Emergency Medical Services is that any child who is unrestrained in a crash goes to a trauma center to be checked out. An average trauma bill for a family on a treat and release is approximately \$25,000. The fines for a citation are less than the trauma bill.

DR. KUHLS:

There is a statewide database for all vehicular crashes. We would be happy to entertain any questions and analyze the data as you contemplate your decision on S.B. 156 and any other bill which may relate to vehicular crashes.

AMY E. DAVEY (Administrator, Office of Traffic Safety, Department of Public Safety):

There was a question concerning law enforcement's ability to pull over a vehicle when a young person is not seat-belted. The language in S.B. 156 states a citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense.

CHAIR MANENDO:

This is on page 5, section 3.

SENATOR HAMMOND:

My concern is the bill moves to an area where it gives police officers the right to visually see something and pull a vehicle over. Instead of being a secondary, it is a primary.

MS. DAVEY:

This language is already in statute. I wish I had a better answer, but I think it needs to be looked into because it states a citation may be issued only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense.

DARCY JOHNSON (Counsel):

At the bottom of page 5, the new blue language that was inserted into subsection 3 has to do with any adult passenger. The new language that makes

it a secondary offense applies only to this subsection 3, adult passengers. The new subsection 4 separates out a seat belt violation involving a child. On the top of page 6, the secondary violation language was crossed out of that subsection. An adult passenger is similar to an adult driver, it is not a primary offense; however, if it is a child, then it is a primary offense.

SENATOR HAMMOND:

My concern is how many more tools police officers have to pull people over and ask questions. The officer can just look and use it as a reason to pull someone over. Most of the people in my district have access to the Internet and understand the new laws that are coming out. They have access to information about child safety and the best way to make sure they are protected. I appreciate that this bill removed the weight limit. I thought that was too much. I had several children say, I am going to be in a booster seat until I am 13 or 14. A lot of them do not like the stigma of getting out of a minivan in the car pool. I am worried about the ability of police officers to keep pulling people over because they think that someone is not restrained or might be 13 or 14 in the front seat.

MS. DAVEY:

Another element of the bill that I want to comment on is the language that has been added with respect to child passenger safety technicians, who in good faith provide inspection, adjustment or educational services relating to a child restraint system. This is an important piece of the bill. The Office of Traffic Safety has federal grant funding that can be provided to support child safety seat technician programs and train child safety seat technicians throughout the State. Questions come up about who is liable if a safety seat technician installs a car seat and then the parent moves it or puts it in another vehicle. Is that technician liable for anything that happens to the car seat after it has been properly installed? This is a key feature of this language as well.

MR. MAYER:

There are many laws in which officers can stop vehicles. Obstructed vision is one with items hanging from mirrors and such that have a safety concern. This is not as important as a child being improperly restrained or unrestrained. This is a situation where the safety of the child must be weighed.

CHAIR MANENDO:

Senator Woodhouse, do you have any closing remarks on S.B. 156?

SENATOR WOODHOUSE:

I would like to share a personal story to let you know how important this piece of legislation is. Last summer, Safe Kids Coalition in southern Nevada invited me to attend an infant car seat event at Gene Ward Elementary School. Ms. Marsala, Ms. Breen, law enforcement, fire prevention and paramedic services personnel attended. Most heartrending that morning was that over 100 parents and their children stood in 100 degree weather in front of the school to get infant seats. They also had other children who needed booster seats. I have to say thank you to Safe Kids and the fire, paramedics and police officers who were there and gave the parents an opportunity to come to their various facilities to get the seats they needed for their children. The parents in our communities want to get the right equipment to keep their children safe. We need to make sure that they know how to properly install the equipment they have to keep their children safe. Bottom line, S.B. 156 makes sure our children are safe when in a moving vehicle and that Nevada is up to the national standards.

CHAIR MANENDO:

I will close the hearing on S.B. 156 and open the hearing on S.B. 216.

SENATE BILL 216: Makes various changes governing the use of a cellular telephone or other handheld or mounted wireless communications device while operating a motor vehicle. (BDR 43-757)

SENATOR JOYCE WOODHOUSE (Senatorial District No. 5):

According to AAA, more than 50 percent of teenage drivers admit to reading email or texting while driving, and 70 percent admit to talking on cell phones while driving. This is important because six out of ten teen crashes were related to driver distraction. I will read from my written testimony ([Exhibit G](#)).

SENATOR HAMMOND:

Senator Woodhouse, concerning the fines, why do you believe the fines need to be increased, and is there data to support that the current fines are not enough of a deterrent?

SENATOR WOODHOUSE:

Additional speakers will address the exact data. My position is that teenagers are not paying attention to the law. Fifty dollars for the first offense is not strong enough. I looked at the original bill from 2011, and it was four times

what is being requested now. I am doubling the fine in hopes it will encourage young people to pay attention to the law and not use the devices.

SENATOR HAMMOND:

You are stating kids have a lot more pocket change than they used to and that the current fees are not incentive enough. I would be interested to hear the data as well.

SENATOR FARLEY:

Do these tickets affect car insurance?

CHAIR MANENDO:

I do not believe it affects the points, and the first violation would not make a difference, but subsequent violations would.

LAURA GRYDER, M.A. (Project Director, Center for Traffic Safety Research, School of Medicine, University of Nevada, Reno):

Along with Dr. Kuhls, I manage the crash trauma database. Distracted driving is an issue that cannot be assessed at this time. Officers can assess suspected drug or alcohol use, but there are very few instances in the database that say distracted driving. Officers can only state it was distracted driving if drivers state they were on their cell phones. It is hard to assess the impact on injury and death when there is no access to the data.

MS. BREEN:

I am here to provide further information concerning teen drivers in Nevada. Senate Bill 216 is requesting to upgrade our current graduated driver licensing law to include a total cell phone ban for teen drivers. Prior to gaining full graduated driver licensing in 2005, it was painstakingly difficult to get such a bill passed in the Nevada Legislative Sessions because it was new. An average of 80 young people between the ages of 16 and 20 lost their lives annually on Nevada roads in the years prior to passage in 2005.

After passage in 2005, the number fell steadily to a low of 23 fatal crashes involving drivers between the ages of 16 and 20 in 2010, and for several of those years, the number of fatal crashes for 16- to 17-year-old drivers was zero. Graduated driver licensing has been held up as an example of a good law saving lives. Hundreds of lives in the State of Nevada have been saved by graduated driver licensing. The low in 2010 was 23, but it has been on the rise since. This

is similar to fatal motor vehicle crashes throughout the Nation and in the State. Motor vehicle fatalities have been on the rise for this particular age group as well. In 2010, the number was 23, and now the fatalities in 2015 are back to 39 lives being lost in crashes involving to 16- to 20-year-old drivers. This is a 39 percent increase over 2014. Known cell phone use has a lot to do with distracted driving as a major contributor to these crashes.

Senator Hammond, in answer to your question, the only true way to know if a cell phone was involved is to subpoena cell phone records after a fatal crash. It is difficult to prove because no one would actually say to a police officer, yes, sir, I was on my cell phone when I crashed my car.

There are a lot of pedestrian safety enforcement operations in Clark County and around the State where spotters stand on street corners to see which drivers violate pedestrians' rights-of-way. During enforcement waves, a third of the tickets are given to people who are driving and talking on their cell phones. This because it is easy for an officer to spot a driver on the cell phone and for another officer to then pull the driver over while he or she is still on the cell phone. When stopped at a signal, look to the right and left, and chances are in one of those directions a driver will be on a cell phone. This law is universally ignored because drivers do not think \$50 will inconvenience them.

The AAA teen driving program did a project by installing video cameras in the cars of parents and teenagers willing to have their driving habits assessed. If a car braked too hard, was in a crash or made a severe turn, the video was captured and sent back to the researchers. This was a way to see what was happening at the time the young drivers almost or did get in a crash. Fifteen percent of the time the greatest distraction was the driver talking to at least one teenage passenger in the car, possibly more, but at least one. Twelve percent of the time the drivers were recorded being distracted by looking at the cell phone to talk, text or review the screen. The driver's eyes were off the road an average of 4.1 seconds. One-half of teen drivers on the phone failed to react prior to the impact of the crash. Drivers who have driven several more years than a novice driver fool themselves into thinking their attention can be split. The reality is drivers cannot multitask, and crashes are happening due to distracted driving. Attention to driving for a novice teenage driver is critical. Most experienced drivers know what it is like to drive without a cell phone because cell phones were not in existence. Teenagers are wired into their cell phones and think of them as their lifelines.

Senate Bill 216 will give teenagers two years of experience of driving without their cell phones to make them better drivers. When using a cell phone, there are three types of impairments. First is visual impairment due to the driver's eyes being off the road an average of 4.6 seconds. Per the AAA study for teenagers, it is 4.1 seconds. Second is manual impairment, when the phone is in the driver's hand and he or she has only one hand on the wheel. Third and the most important is cognitive impairment. Cognitive impairment is not focusing on driving, and it is true for all drivers. A novice driver not paying full attention to the road can cause a crash causing a child to lose his or her life, or the vehicle may run into someone.

Senator Woodhouse also stated 37 other states have a total cell phone ban under their graduated driver licensing laws prohibiting drivers under the age of 18 from using their cell phones. There is a study showing a 44 percent reduction in crashes in the states with the total cell phone ban for ages 16 to 20. Senate Bill 216 only affects children under the age of 18.

SENATOR HAMMOND:

We are not at odds with each other, and I completely agree in keeping people safe, especially on the roads and in vehicles that go at tremendous speeds. Previously in a presentation, you were unapologetically supportive of more of a nanny state, and I can see that now. I am not saying this derogatorily; it was just your position. Therefore, I figured my position is to push back a little bit to find out what is necessary and how far to go.

I say this because with the two bills before us today, there seems to be a certain threshold where it may go too far and push drivers to do bad things. As an example, in economics there is a term that states if you go too far, you create a situation that people believe that with all the laws on the books they are relatively safe. This was done in football with the safety gear. The injuries went up because football players felt they were invincible with the safety gear and would throw their bodies around and get more injuries. The same concept happens with cars. More devices in a car creating a sense of safety for the driver, such as air bags, side air bags and safety belts, cause drivers to feel safer and to speed and cause more crashes.

My experience with teenagers is they are crafty when it comes to their cell phones. As you mentioned in your testimony, teenagers are connected to their cell phones; it is their life. I am worried, and as I mentioned, in 2011 it was a

good bill, but are we forcing teenagers to do what they do best and that is to hide the cell phones while driving so they cannot be spotted? I imagine most of the drivers that the pedestrians spot are the older folks, not smart enough to put the phone under the steering wheel and text without looking down. Some kids have the ability to text without even looking. Teenagers do not care about correct spelling because they understand each other whether it is spelled correctly or not. As I read through these bills, my concern and worry is how far and how much do we need to go, and will this impact the drivers. For some, the citation fees of \$100 is chump change. I do not know if I want to go further. These are just my concerns, and Ms. Breen, I want to put on the record that you are highly regarded and do a lot of good work for the safety of drivers.

SENATOR FARLEY:

I want to go back to car insurance. As a parent, if I have a teenager driving, \$100 is not going to seem like a lot for me to pay to keep them driving. I do not want my children using the cell phone while driving, and I do not want my insurance rates to go up.

Do we have the right thinking, but the wrong fine? As a guess, in more than half the cases, the parents are going to print out a check, pay the ticket and yell at the child; then everyone will go back to driving the same. If I am covering my child and my insurance bill goes up, I will do something different. I would ground my child and probably put a device in the car that deletes the phone because now there is serious money involved when the insurance rates go up. I believe S.B. 216 has the right issue, but the fine will not make a difference.

CHAIR MANENDO:

In different parts of the State, in my district and maybe some other districts, \$100 is a lot of money and is still a lot of money to most. Yes, there are people out there that think it is chump change.

SENATOR FARLEY:

In the majority of the cases, where the child is driving and has a cell phone, then \$100 does not mean much. If \$100 is a big deal, then you have a child who is paying more attention to driving and not wanting to lose the privilege and/or pay a \$100 citation.

MR. MAYER:

I agree with Senator Farley 100 percent about parents worrying about insurance costs increasing. This goes along with our education prevention and enforcement. The parent is going to take action to discipline the child.

Senator Hammond, I would also indicate that with the children in the car and the cell phones, police officers try doing the triple prong approach: we educate, prevent and enforce. One of the great things is the Office of Traffic Safety (OTS) has a simulator and partners with law enforcement to simulate the distracted driving with the cell phone. I think many of the children do not realize how quick an accident can happen. This exemplifies it for them, and if this law were to pass, and with more education plus the increase in fines, the children in the areas that Senator Manendo was speaking about how are they going to be aware of the higher fine. The parents also will be educated through the parent groups. Before the simulator, officers would have the children get on their cell phones and try to walk a straight line. This also exemplified the use of cell phones, but not as well as the new OTS project.

SENATOR HAMMOND:

I keep thinking that technology is creating more problems, but I also think technology can solve the problem. There should be or already is a product that turns the cell phone off as soon as you enter the car. In 2011, this discussion came up, but there were very few vehicles with Bluetooth enabling technology. Now, the Bluetooth technology is in most new cars. We have handled the problem with hands-free. Now, you do not want texting while driving, and I am concerned about the enforcement. I am grateful for more education because this is a very necessary part. Children do not understand what can happen in two seconds or one second and a half. I will keep listening and see what else can be done.

SENATOR GUSTAVSON:

What about using the Scared Straight programs? Children can be educated by showing videos of what happens in actual accidents. This will have more of an influence on the children than increasing the fines.

CHAIR MANENDO:

Education is a key component, and it will continue to be, but it is a combination of different things.

SENATOR ATKINSON:

Who decides if the driver is under 18? Is this done visually? How often will children who look younger than 18 be pulled over and be in fear of being profiled because they look a certain age? I am not trying to kill the bill, but I would not be serving my constituents if I did not speak up and ask the question. The \$100 fine is a big deal to the children I represent who are on very limited incomes and whose parents do not have the resources or money to pay constant fines.

CHAIR MANENDO:

Is \$50 a big deal to your constituents?

SENATOR ATKINSON:

Yes, it is. The constituents in my district are not wealthy, and \$50 would be a lot for them. Teenagers have a way of outsmarting adults, and if we change things, they will just find a different way to use their phones. Senator Woodhouse is my colleague and I am trying to support her, but I have to ask the questions for the children in the district I represent.

CHAIR MANENDO:

Fifty dollars to some of the kids in my district is a big deal. I think increasing the fines would get their attention because they know it is against the law to use a cell phone while driving. Some children take the risk, and some do not. I may have some additional thoughts on this piece of legislation.

SENATOR FARLEY:

I want to clarify my comment earlier. My comment was not about rich or poor. It was that the \$50 fine would not prevent children from driving and texting. That is not the problem; there are parents who will just write a check because it is not a big deal to them. As a parent, the big deal would be if my insurance rates went up due to my child getting citations for texting and driving. If that happens, my child is not driving again with a phone or getting back in the car. I am trying to say people are dying because kids are immature, distracted drivers. I wonder how we get the parents involved and make them just as invested every time the child gets behind the wheel with a cell phone.

SENATOR ATKINSON:

Mr. Chair, I was not trying to get into a debate on whose children are wealthier. I am not sure where the insurance part comes in. If I thought my daughter was

constantly doing something to make her insurance cost increase, she would not have a car. A parent has to take responsibility, too. I agree with what Senator Gustavson stated concerning a program, but I do not know what will get their attention. My point goes back to age and who is responsible. Parents definitely have to take responsibility for their children. I will disclose for the record that when my daughter was 18, she rear-ended another vehicle. She did not tell me she was on the phone, but I figured out that was the case. Luckily, for her it was a minor situation, but it could have been major. My point is trying to figure out who texts while driving and how often it happens. I do not want these children to be burdened with constantly being pulled over.

SENATOR HAMMOND:

I appreciate the dialogue and the Committee being candid with our positions. I appreciate Senator Atkinson mentioning the age portion of the bill. My concern is when an age is injected and the law allows somebody to make the determination. I worry about how many more interactions there are between police officers and anybody they may be pulling over for whatever reason. This is kind of a broad brush. We are letting these police officers determine who might be 12, 13, 14 or 18 and who might be older. There may not even be a case; it might be somebody who is passing a black box to somebody in the car and it had nothing to do with electronics, just passing something. Now, the police officer has the ability to pull them over or make that determination. Of course, you then have an interaction. These are all legitimate concerns.

SENATOR GUSTAVSON:

This is a good bill and a good discussion, which is why we are here. We need to understand that there are many lives lost and we have to do what we can. Our job is to decide the best way to go.

If this is put into law and a program is developed to help the kids, the parents should be included in the program to help them understand what could happen to their children.

LISA FOSTER (Allstate Insurance; American Family Insurance):

Both Allstate Insurance and American Family Insurance believe that tightening the handheld communications laws does improve safety for teens. Of course, that improves safety for other drivers when we reduce the crash rate.

CHAIR MANENDO:

You did not testify on S.B. 156. Did you have position on this bill?

Ms. FOSTER:

No, they did not give me a position on S.B. 156.

LEA CARTWRIGHT (Property Casualty Insurers Association of America; Liberty Mutual Insurance Group):

We agree with Ms. Foster.

MR. MORENO:

AAA supports banning the use of cell phones and mobile technology while driving for people under the age of 18. Furthermore, when driving privileges are gradually introduced, the driver ultimately becomes more responsible and a better steward on the road.

Ms. DAVEY:

There was a lot of discussion about education programs, and Senator Hammond had a question about technology being available to disable cell phones for young people. Senator Woodhouse asked us to provide some information to enlighten your decision. Kevin Moore will also give additional information.

Zero Teen Fatalities is Nevada's teen safe driving program. In 2015, OTS spoke to over 10,000 teenagers in the north and south. This was done through a very active education program in the school districts and school programs as well as extracurricular programs, leadership programs, and the Boys and Girls Club of Southern Nevada.

As part of the graduated driver licensing programs, some states have included a window sticker that indicates that the individual is in the graduated driver licensing program. The window sticker is removed when they are no longer in the program. This option may address the concern of identifying young drivers.

KEVIN M. MOORE (Program Manager, Zero Teen Facilities, Office of Traffic Safety, Department of Public Safety):

I have been working with the Zero Teen Fatalities program for two years. The program has continued to grow, and OTS believes in the educational component. There are subprograms such as the Driving Responsibility Includes Vehicle Education (DRIVE) program the Nevada Highway Patrol (NHP) facilitates.

Senator Gustavson talked about providing a Scared Straight program. The NHP provides the DRIVE program that is a court-ordered program for juveniles involved in a traffic collisions that were their fault or who received moving violations. This is a second chance wakeup call to let the juveniles know they are drivers on the roads, something went wrong and now they are in the court system. The State troopers talk and show their experiences working traffic every day to show the consequences of bad decisions. There are the visuals and stories that go along with them, detailing why and what went wrong with the vehicle collisions. The OTS also partners with the Boys and Girls Club to reach out to juveniles who may be on the fence about starting to drive.

Cost is a factor for families to consider before their juveniles start driving. The OTS wants to start early to develop good driving habits and then build on those foundations.

The simulator Ms. Breen and Mr. Mayer in Las Vegas mentioned was deployed at the Grand Sierra Resort on March 8 for a conference for young teenagers called the Family Career and Community Leaders of America. The OTS was invited to talk to 250 registered teens and adults. The simulator is a sophisticated tool and not a game.

I gave the teen driver a cell phone that is connected to the computer. I then stood off to the side and sent the teen text messages the teen had to respond to while driving around in a city or county scenario. During the simulations, the teens simply did not react at all to hitting a pedestrian or another car when they were trying to answer a text. The teens could not believe that would happen. Our response to the teens was this is a simulator, can you imagine doing this in real life? The simulator really helps them understand. The simulator is a valuable tool.

There has been some pushback on how to know how old a driver is. I completely understand, and I take a neutral position. As a retired State trooper, I completely understand that situation. The technology is coming around fast enough. There are devices that will disable your phone when you get in the car. The newest cutting edge technology is positional sensitive, where it will only disable the driver's phone and not the phones of passengers.

In New Jersey, a sticker is placed on the back of the car driven by a graduating driver licensed teen, so the officer or trooper can identify the driver as a young driver.

MS. BREEN:

There was a lot of great discussion today and many things I would love to respond to. That being said, I agree wholeheartedly about parental involvement. Graduated driver licensing is a tool in the parental tool box, and if parents choose to use it, there would be safer teenagers. For the record, the current cell phone law is primarily enforced, and law enforcement has the ability to pull a driver over for being on a cell phone. I understand the issues and the concerns and am not here to sway your vote. I am here to provide education and want to add for the record that graduating driver licensing works because parents become involved. We urge every parent to have a contract with his or her child and to add cell phone usage.

CHAIR MANENDO:

I am closing the hearing on S.B. 216, and we will go to the presentation by the Regional Transportation Commission.

RON SMITH (Chair, Regional Transportation Commission of Washoe County; Member, City Council, City of Sparks):

I will read from my written testimony ([Exhibit H](#)).

LEE GIBSON (CEO, Regional Transportation Commission of Washoe County):

I would like to put on the record our thanks for the support given to the Regional Transportation Commission (RTC). The RTC cannot do its job without your support.

The RTC is the metropolitan planning organization, the street and highway funding and construction entity as well as the public transit operator of Washoe County.

Slide 2 of our presentation ([Exhibit I](#)), shows Washoe County RTC Commission: Chair Ron Smith, Vice Chair Bob Lucey, and Commissioners, Neoma Jardon, Paul McKenzie and Marsha Berkgigler. Also shown is Rudy Malfabon, the Director of the Nevada Department of Transportation (NDOT), who serves as an ex officio member. I am the executive director.

The RTC is focused on making sure there is a deep connection between our planning and regional planning functions to delivering projects. The RTC administers projects derived from the plan and is focused on leveraging and using the most of all of the funding mechanisms from the federal government, the Legislature and public-private partnerships through our Regional Road Impact Fee Program.

The RTC is striving to complete a new update to the Regional Transportation Plan (RTP) by June. This is a community and multimodal plan that is fiscally constrained. The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) require the plan to show explicitly how the funds are being spent and what the priorities are over the next 20 years.

Guiding principles are needed to have a good plan. The RTC's four guiding principles are safe and healthy communities, economic development and diversification, sustainability, and increased travel choices for Washoe County citizens.

Slide 6 of [Exhibit I](#) shows the recently approved series of draft projects for the RTC 2040 Plan with the first being pedestrian safety. The Virginia Street Repair Assessment Procedure and Integrated Design (RAPID) extension is the next vehicle registration tax project, which will remake the sidewalks, roadway and bus service on Virginia Street. This project will help connect midtown to UNR. The construction of the 4th Street and Prater Way Bus RAPID Transit project is moving forward and is the State's first FTA Small Starts Project. The NDOT has helped move the critical Spaghetti Bowl design forward to help with commuting challenges and the movement of freight. The U.S. Route 395 north corridor is another project in which NDOT is partnering with the RTC. It is moving forward with the design and some expedited improvements on the North Valleys roads.

Advanced mobility planning is not only rubber meeting the road, but is electricity meeting the circuits. The RTC is working with UNR on the autonomous bus research project by devoting our electric buses to help develop the database statistics necessary to read the environment and develop protocols and implementation of the autonomous bus.

The RTC is also involved in creating an electric vehicle infrastructure for the transit system along with focusing and leveraging on shared mobility. This will

help those in need of public transportation where the services are not as intense as in the core.

Last but not least, the RTC Washoe County is working with the RTC of Southern Nevada in looking at autonomous vehicle road design needs to accommodate autonomous vehicles in the future.

Slide 8 of [Exhibit I](#) shows the accomplishments since the last RTP along with quick facts on regional road usage, funding and financing of roads in Washoe County.

Slide 10 of [Exhibit I](#) shows the regional roads that are planned and funded by the RTC. This is the centerpiece of our partnership with NDOT. The RTC is able to make improvements to the roads through your legislation. Within our regional road system in Washoe County, most of the lane mileage is on local residential roads, and 30 percent is on the regional roads. When looking at what roads are used the most, 50 percent of vehicle miles traveled (VMT) are on the interstate.

The regional roads shown on Slide 11 of [Exhibit I](#) carry 42 percent of the total VMT or 84 percent of the VMT that are related to off-the-interstate travel. These are the roads the RTC constantly looks at to rehabilitate, do pavement preservation and add capacity increases as needed.

Slide 13, [Exhibit I](#), shows information on the RTC's 2017 budget. The RTC has total revenue of \$188.6 million. This revenue is driven by the Fuel Revenue Indexing (FRI) that has been in place since 2010, substantial funding from the federal government and sales tax. Sales tax not only helps fund public transportation but 0.0625 percent of the sales tax goes toward regional road maintenance.

The NDOT helps provide funding from the Nevada Division of Health, Medicaid and federal funding for intelligent transportation system improvements (ITS). The total funding from NDOT for Washoe County is approximately \$26 million as documented in the State Transportation Improvement Program. The work includes projects on Glendale Avenue, freeway ITS, in Sun Valley, and on Kietzke Lane, along with safety, seismic and freeway motor assistance services.

Slide 14 of [Exhibit I](#) shows 45 percent of the money is spent on capacity improvement projects and 15.6 percent to pavement preservation projects. The

RTC RIDE urban system is an approximate \$28 million operation, and the paratransit operation system is \$8.5 million. The total expenditures is \$240 million reflecting the difference between the revenues, and the expenditure reflects the drawdown of bond funds over the last year as the RTC has progressed through the southeast connector.

To summarize, 16.7 percent of funding goes to pavement preservation, 42 percent to capacity and 39.1 percent to multimodal to rehabilitate streets, and we are mindful always of our pedestrians, bicyclists and transit users. The RTC wants to make sure it is partnering with utility providers to dig up a street once and not have to go back into the street again for an installation of a utility when it could have been done once.

Slide 16 of [Exhibit I](#) shows the FRI since 2010. There is a direct correlation between the growth and employment. The FRI has allowed construction of needed infrastructure during the depths of the Recession and has helped keep workers with needed skills in the construction industry in our community.

The RTC provides a fixed-route system called RIDE, a commuter bus to Carson City called the Intercity and a shuttle service to downtown Reno called Sierra Spirit. These systems use our electric buses and the bus RAPID transit system. There are 26 routes, 72 buses and 1,000 bus stops. The service is privatized and operated by MV Transportation. Last year, there were 8.2 million passenger trips.

The RTC is trying to use biodiesel, hybrid electric and electric vehicles. When gas prices go back up, the RTC will be in a position to keep the services with no reductions. After labor costs, fuel cost is the second largest expense in our cost structure for public transit services. By making investments today, the next time there is the cycle of increase in fuel prices, the RTC will be prepared and be able to maintain services for the public.

In association with the fixed route service, RTC provides the paratransit service, Slide 19. This is a requirement of the Americans with Disabilities Act of 1990, and is operated by First Transit, Inc., a private operator making 221,000 trips per year. As the program is reconfigured, the goal this year is to look to shared mobility and to see what ways Uber, Lyft and others can partner with the RTC to help lower the marginal cost of providing transit to meet some of the needs of the senior and disabled communities.

The vanpooling program, Slide 20 is one of RTC's most successful programs, carrying 651 people a day. This is equivalent to what is carried on our paratransit system. This is a system where a private partner helps a group of people lease, operate and maintain a van. The vanpool helps move people to some of the outlying employment centers such as the Tahoe-Reno Industrial (TRI) Center in Storey County or to the federal facilities in the northwestern part of Washoe County and in California. The RTC is able to capture ridership and miles and that brings back a higher degree of federal funding through the FTA's formula programs with this program. In calendar year 2015, for every \$355 spent, the RTC was able to bring back \$939.

The RTC has been working on the electric bus program for several years, and it brings a 16 percent cost reduction per mile compared to diesel fuel. There are fewer parts for the mechanics and maintenance teams to maintain, and the RTC has eliminated over 50,000 gallons of fuel use. There are five more electric buses being funded by the FTA's Small Starts Grant on order to operate on the 4th Street and Prater Way corridor when that service is opened.

MR. GIBSON:

As technology has changed, so have the vehicle maintenance requirements of buses. The RTC is engaged in a \$12.8 million retrofit of the Villanova Maintenance Facility. Over time, buses were built taller. As a result, the design of garages from the late 1980s no longer fit the taller buses of today. With the project there will be taller maintenance bays in order to maintain the taller vehicles, especially the electric vehicles.

On Slide 24, [Exhibit I](#), are some of the projects the RTC is doing. The Virginia Street Bus Rapid Transit (BRT) Extension is the system to be extended to UNR, connecting midtown to downtown. This has been a partnership with UNR, the City of Reno and the RTC. The businesses, merchants and customers of midtown have worked together with a lot of grassroots interest and are coming to a design that will help facilitate walking, safety and the entire ambiance of the area. Slide 25 of [Exhibit I](#) shows a sample of what the streetscape will look like. This is a \$78 million project for 3 miles, and the RTC will be working with the other utility providers in a sound manner so it will not have to be revisited.

The 4th Street and Prater Way project is a 3.2-mile project where the RTC is reconstructing the street. To help with ADA accessibility, the RTC is undergrounding the utilities. This has been a very difficult process due to a

number of new federal requirements to extend out to utility providers. The contractors have to deal with these requirements, such as Buy America. The RTC is getting through it and anticipating staying on schedule and on budget. This project won a FHWA, U.S. Department of Transportation, planning award for not only the innovative design but for the community outreach.

The RTC has many transit assets in downtown Reno and Sparks. These are the older parts of our communities, and they are facing some significant social challenges, especially with the homeless. The RTC wants to improve the environment for the users of downtown and improve the delivery of social services to the homeless.

The RTC is in an emerging partnership with the City of Reno, Catholic Charities, Volunteers of America and a number of other social groups. The RTC wants to come to the table as the transportation provider and look at the federal opportunities in joint development, partnering with private sector interests. The RTC wants to look at investment, housing, ways to improve funding for transportation, as well as addressing the critical issues and improving transportation and transit to help the other social services deliver the needed services in mental health, medical support and job training.

The RTC will be partnering with NDOT to look at a commuter rail line to the TRI Center. There is sufficient right-of-way as shown on Slide 29, [Exhibit I](#), within the Truckee River Canyon. This could hold the potential, possibly not immediately, for commuter rail, but it could improve bus service and joint use of the right-of-way to create additional access. One of the challenges faced today is when there is an accident on Interstate 80, access is shut down.

Several years ago, the RTC engaged in a study to look at the potential of a streetcar on Virginia Street and other fixed guideway challenges. The finding focused on supportive land use, stable and reliable funding for capital and operating, value capture investment, and federal New Starts and Small Starts funding. The federal New Starts and Small Starts funding process is highly competitive and complex, using the three keys to success: funding, ridership and land use.

One of the road projects is the southeast connection. It is a 5.5-mile project costing \$300 million; it is locally funded and has a completion date of November. Chair Smith has been a champion for this project because it will be

named the Veterans Highway, and there will be the Nevada Veterans Memorial Plaza at the intersection of Sparks Boulevard and the southeast connector.

Shown on Slide 33, [Exhibit I](#), is the Pyramid Way/McCarran Boulevard Intersection Improvement Project. This is a \$72 million project with completion in the fall.

Another example of the RTC's partnership with NDOT is the southeast McCarran Improvement Project. This project widens southeast McCarran Boulevard and includes the installation of the pedestrian and bicycle bridge over the Truckee River shown on Slide 34, [Exhibit I](#). This project was completed in 2015.

Slide 35, [Exhibit I](#), is the Pyramid/McCarran intersection showing all the pedestrian pathways. This is a good example showing the connection between investment and transportation with the surrounding land uses.

The Regional Road Impact Fee Program is a public-private partnership that has existed in Washoe County over ten years. The RTC, local governments and developers have worked together to develop a supportive land use plan as well as a capital improvement program, setting the fees and working to have private investment build roads ready for development. The developers receive offsets for this, and it helps offset the impact fees that would have been paid. If the RTC is able to get infrastructure ahead of schedule, the developers are able to have their master planned communities better laid out and the infrastructure in place early so houses are completed in a timely manner. The RTC is continuing this partnership through the future. This example of connecting transportation and land use has helped us deliver the \$240 million in projects. If this process had not been used, the projects would have had to use taxpayer funds.

The major project priorities are the Spaghetti Bowl, continued safety improvements and moving through the multimodal projects.

Slide 37, [Exhibit I](#), shows some of the pedestrian safety improvements in the north valleys, where safety improvements were done first and the capacity improvements will be done later.

Every Session, the RTC is asked what the Committee on Transportation can do to help. The RTC would like to ask the Committee to continue its commitment

to the Spaghetti Bowl, develop a strong dialogue on the promotion of land use and transportation coordination, and support the role of public transportation. The State has come to a point where it needs to have the dialogue of linking transit with land use and to fund transit in land use. We hope for continued commitments to coordinate federal and State strategies to leverage funding and regulation and commitments to look at the transit-oriented development, affordable housing and how public-private partnerships can be brought to bear to help creatively solve problems at the least cost to the taxpayer.

Senator Gustavson:

Is there anything the Committee or RTC can do to get more federal funding?

MR. GIBSON:

The RTC has put \$240 million into the RTC roadway system thanks to the private sector. Working with the Nevada Congressional Delegation to make creative local uses of funds, whether these are private sector investments in mass transit in southern Nevada or private sector investment in Washoe County roadways, to make projects eligible for federal matches. In our community, \$240 million is a lot of money, and it is a shame that it is not recognized as a source for future federal match. The State also has the issue of how to bring to bear the role of transit-oriented development, joint development, the private sector, public and private partnerships, what the legal enablements are of RTC, and how to work in our communities.

SENATOR GUSTAVSON:

What will Prater Way look like between Pyramid Way and Kietzke Lane in August?

MR. GIBSON:

I will send you a written answer later.

CHAIR MANENDO:

I will now open the hearing on S.B. 152.

SENATE BILL 152: Revises provisions relating to motor vehicles. (BDR 40-802)

SENATOR SCOTT HAMMOND, SENATORIAL DISTRICT No. 18:

For the record, I would like to state my involvement and why I sponsored S.B. 152. We as a Legislature and those before us decided that to drive a vehicle on the road, there were certain procedures and several steps required.

At some point, groups of hobbyists came before the Legislature stating that they rebuild engines and hot rods and do not use the same miles or the same usage as other vehicles on the road. The Legislature agreed and made carveouts for these groups.

Over the years, this has changed. Sheet 1 ([Exhibit J](#)) shows the statistics of the number of vehicles registered by vehicle year. In 2005 almost through 2011, the number of cars registered as classic vehicles, classic rod vehicles or old-timer vehicles pretty much stayed the same. In 2011, something changed and allowed for an incredible spike. Some people do not want to have a few bad apples ruin what they have, but you have to define what the bad apples do. In 2005, there were just a little more than 3,000 people registered in one of the three categories. It did stay relatively flat until 2011. Then in 2012, 2013, 2014 and 2015, there is a huge spike. Therefore, in 2015, just 10 years after 2005 when statistics were just beginning to be collected, there were a shade under 30,000 vehicles now registered in one of the three categories. This is a significant breach of the integrity of the classic vehicle program and a serious concern to the environmentalists. This is what we are trying to explain here. You would be able to walk around either Washoe County or Las Vegas, every person here has been driving around and sees a vehicle, and you say that cannot be a classic vehicle. There was a driver delivering ice cream to kids and driving around with a classic vehicle license plate. My son Thomas took a picture of a beat-up old truck with a wheelbarrow and a ladder in the back and the name of a construction company on the side. This is not a classic vehicle the way we define it.

The intent of S.B. 152 is to find a way to maintain the integrity of the program and still be concerned about the environment. Some of the vehicles that are getting through with the classic vehicle designation are some of the most egregious violators of the emissions standards. They are the older vehicles from 1973, 1974, 1975 getting through because as soon as they are designated classic vehicles, emission tests are not required. These are a couple of reasons S.B. 152 was brought the bill before the Committee.

The details of the bill are as follows: emission testing is required in our two large counties, Clark and Washoe. Current law exempts certain older or classic vehicles from such emission control compliance if the owner certifies to the Department of Motor Vehicles (DMV) that the vehicle was not driven more than 5,000 miles in the preceding year. Senate Bill 152 requires the owner of a vehicle with a classic rod or classic car special license plate who seeks the emission control compliance exemption to also provide the DMV verification of the odometer reading of the vehicle completed by an approved inspector. Additionally, the vehicle owner must provide satisfactory proof to the DMV that the vehicle is covered by a motor vehicle liability policy that is designed specifically for a classic or antique vehicle.

The bill also revises provisions related to inspection stations. The DMV presently licenses stations that inspect, repair, adjust and install devices for emission control. Senate Bill 152 requires the DMV to license stations to inspect and verify the odometer reading.

Finally, S.B. 152 provides that falsification of an odometer reading by an emission compliance inspector or other person is a misdemeanor offense. Because a specific penalty is not provided in the bill, the general misdemeanor penalty will apply, which is imprisonment in the County jail for not more than 6 months, a fine of not more than \$1,000, or by both a fine and imprisonment pursuant to NRS 193.150.

In short, there are people who are going to come to the table and state that this is too onerous and there are too many requirements. My intent is to work with them, to clean up the program and get the worst violators who are polluting the air off the road. This was brought to me late, and we did not get a chance to work with many who have a stake in this. It is my intent to work with them and figure out how to clean up the program.

PETER D. KRUEGER (Capitol Partners):

Our interest is in clean air. Remember, A.B. No. 2 of the 76th Session was the beginning of changes. Prior to that time, many of the items that are in legislation, the age of the vehicle and the 5,000 miles, were existing legislation. Two changes that resulted from A.B. No. 2 of the 76th Session were official certification of the 5,000 miles and a provision that if the vehicle failed an emissions test after 90 days, you no longer had to have it tested. This is part of our concern when it comes to clean air. Senator Hammond pointed out the

chart, [Exhibit J](#), in front of you. Looking at that chart, the numbers are appalling.

I personally reached out to Hot August Nights and to Specialty Equipment Market Association (SEMA) in Las Vegas. I did not hear back from the staff or executive director of Hot August Nights, but I did have a number of communications and dialogues back and forth with SEMA. It is a concern that SEMA is opposed. I have offered an amendment ([Exhibit K](#)) with the language offered by Steve McDonald of SEMA, but this does not fit Nevada law. [Exhibit K](#) does attempt to try to prohibit the very example that Senator Hammond offered.

The classic car determination year is on a rolling scale. There could be an enforceable prohibition against certain vehicles used in commerce, but we have to be careful because saying commercial vehicles carries the connotation of vehicles of up to 26,000 pounds.

Assemblyman Richard Carrillo, Assembly District No. 18, had a bill, A.B. No. 326 of the 78th Session, that was vetoed by the Governor. The Committee should read the Governor's vetoed message because it addresses the current part of the concerns I just mentioned regarding SEMA. The one provision SEMA would accept is a provision concerning the vehicles used in commerce.

SENATOR HAMMOND:

There are people from the DMV who have concerns, and I will work with them to make sure we are not asking them to go beyond what they are capable of doing.

SENATOR GUSTAVSON:

I agree this is a problem, and I see the same vehicles all over. Mileage is also an issue. I have a classic vehicle and am a member of SEMA. The Committee needs to do something to get the other vehicles smog-tested again.

SENATOR HAMMOND:

There were members concerned that this was a money grabber and had several other points. I want them to know I am willing to work with them. I want them to feel pride in what they do but to be suspicious of those who are not there for

the classic car vehicle designation. We know there are passionate hobbyists, and others are taking advantage of a system.

CHARLENE ALBEE (Director, Air Quality Management Division, Washoe County Health District):

During the 2015 Legislative Session, A.B. No. 146 of the 78th Session was brought forward and ended up being an assignment for the State Advisory Committee on the Control of Emissions for Motor Vehicles, referred to as the Inspection and Maintenance (I/M) Committee. The I/M committee was tasked with reviewing all of the smog check programs in the State. Through the process, a subcommittee was convened made up of each of the three air agencies in the State. All of the meetings were done in a public forum, so there was input from the public and the interested stakeholders. A report was put together and included the regular daily users and the classic vehicle recommendations.

Air quality programs and smog check programs were looked at across the Country, and the I/M Committee pulled out recommendations that were seen as being successful in other states. This was done to eliminate and close the loophole that Nevada is experiencing. As the chair of the subcommittee, I was very pleased to see this language reflects recommendations from that report.

The certification of an annual 5,000 miles check has proven to be very effective as a compliance assurance measure in other states to keep other vehicles driven daily from exploiting the loophole.

The insurance portion is something that was seen from several other states. This allows the classic vehicles to get true classic car insurance, which is cheaper than the daily driver insurance.

As a car family, pictures of the car had to be taken to establish what it was, a picture of the garage where it was to be stored and a picture of the odometer for insurance. Insurance also has a limit on the miles driven. The potential of classic cars being on the road is less, and therefore, the insurance costs less. This is a balance the insurance companies have worked out and is very effective. These cars are a passion, and I do not want to judge who has a passion for what year of the car. The 25-year rolling average applies and is existing law along with the mileage. Looking at this from an air quality standpoint, each vehicle that is truly a gross polluter, that is a junker and has

exploited the loophole, represents ten regular daily driver cars. When looking at the extreme jump and translating that into regular cars on the road, these vehicles are making a significant impact on the air quality. There are new tougher standards coming every day. Nevada is going through an economic recovery, is growing, and it is going to get harder to meet the health-based standard. The language in S.B. 152 allows for closing the loophole; the people who really are investing the time, money and passion in the cars can still have the prestige that should be associated with the classic vehicle plates. For people with 1986 cars that were their first cars and they still want to drive them, this may promote the owners to spend the money and invest the time to return the cars to classic vehicle status. When that time and effort is put into the vehicles, the owners will realize the cars are too valuable to drive every day.

SCOTT E. GILLES, (City of Reno):

The City of Reno supports S.B. 152 primarily for the air quality benefits.

SENATOR HAMMOND:

The verification that a classic car owner has a daily driver vehicle was taken out. Now, I see that Mr. McDonald from SEMA and others have suggested that it is not a bad idea. The compromise might be that you must show one of the three things plus what is in there now. What are your thoughts on that?

MS. ALBEE:

I believe having a daily driver vehicle was one of the considerations included in the reports that other states require. This was discussed in length during the committee meetings and recognized that there may be a different mode of transportation, such as taking the RTC instead of driving the classic car.

The language now is leaps and bounds toward closing the gap, and if we have additional controls that the Committee would like to put in, then we would support that. All of them together have a cumulative impact that will correct this situation.

CHAIR MANENDO:

The Committee also has the email in opposition to S.B. 152 ([Exhibit L](#)) from Steve McDonald of SEMA, which will be put in as part of the record. Why are the emission standards not Statewide and only in the two largest counties?

MS. ALBEE:

The Environmental Protection Agency (EPA) sets National Ambient Air Quality Standards that are health-based standards. Air quality agencies are delegated the responsibility to run monitoring programs measuring the actual pollutant levels in our communities. Once a community exceeds the health-based standards, the federal requirements kick in and the agencies are tasked with reducing the emissions. In Washoe and Clark Counties, the carbon monoxide standards were exceeded and therefore, those counties were classified as nonattainment. This means they did not attain the health-based standards. The first of the federal control measures is the smog check program. Through the smog check program, the vehicle's fuels are cleaned up to start controlling the emissions. Because of the smog check program, both Counties have been reclassified and are back into attainment of the carbon monoxide standard. If air quality monitors from the Nevada Division of Environmental Protection triggers the carbon monoxide standard in Carson City, Elko or anywhere else, they too would be required to have smog check programs. The smog check program has evolved as the newer vehicles have evolved. When there are low concentrations of population, you tend not to risk jeopardizing meeting those standards.

SENATOR GUSTAVSON:

All new vehicles are getting compliant and do not require smog checks. It affects the federal funding if we are not in compliance. How many days were Clark and Washoe Counties out of compliance?

MS. ALBEE:

I can only speak for Washoe County. We have not exceeded the carbon monoxide standard in many years and are in our second ten-year period of the State implementation plan for monitoring carbon monoxide. Vehicles are the majority of our emissions in Washoe County, so we know the I/M programs have worked. As far as the new vehicles being tested, I would refer anyone who is interested to A.B. No. 146 of the 78th Session report which has recommendations for newer vehicles on smog checking.

AL LESKYS (Senior Air Quality Specialist, Department of Air Quality, Clark County):

I will read my testimony ([Exhibit M](#)).

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SEAN P. McDONALD (Administrator, Central Services and Records Division,
Department of Motor Vehicles):
I will read my testimony ([Exhibit N](#)).

There is also a small fiscal note of \$300 to handle the inspections.

SENATOR GUSTAVSON:
Would there be a fee for the inspection of the 5,000-mile odometer read?

MR. McDONALD:
I believe officers in the Compliance Enforcement Division would be the ones to ask. I do know there is already a position in place where miles are tracked, but the Division would be better equipped to speak to that side of the program.

SENATOR HAMMOND:
It was contemplated that if you go to a place to comply, there would be a minimal charge of \$5.

IVIE HATT (Program Officer, Emission Control Program, Department of Motor Vehicles):
It has been put into the fiscal note that regulations would need to be drawn up for the fee at the emission stations. When the I/M subcommittee members met, they requested that the fee be done the same way as the labor rate fee. This fee would be based on how much time is taken to perform an odometer inspection.

MS. ALBEE:
During the subcommittee meetings, the emission testers were present and participating. Before the final decision was made to put it in as a recommendation, the subcommittee did ask if the emission tester industry would be able to fill the duties. The testers thought that could be done for a nominal fee.

SENATOR HAMMOND:
I am willing to work with all parties on this bill and find some common ground. I want to make sure the DMV's concerns are addressed and incorporate the testifiers' input in the discussion.

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CHAIR MANENDO:

I am closing the hearing on S.B. 152. There being no further business before the Committee, it is adjourned at 10:46 a.m.

RESPECTFULLY SUBMITTED:

Tammy Lubich,
Committee Secretary

APPROVED BY:

Senator Mark A. Manendo, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	6		Attendance Roster
S.B. 156	C	2	Senator Joyce Woodhouse	Written Testimony
S.B. 156	D	11	Deborah A. Kuhls, M.D. / Center for Traffic Safety Research, UNR	Presentation
S.B. 156	E	1	Deborah A. Kuhls, M.D. / Center for Traffic Safety Research, UNR	Child Safety Fact Sheet
S.B. 156	F	1	Senator Mark A. Manendo	Support Letter from John Moreno / AAA
S.B. 216	G	2	Senator Joyce Woodhouse	Written Testimony
	H	1	Ron Smith / RTC of Washoe County	Written Testimony
	I	39	Lee G. Gibson / RTC Washoe County	Presentation
S.B. 152	J	1	Peter D. Krueger / Capitol Partners	DMV Registration Data, Statistics Chart
S.B. 152	K	1	Peter D. Krueger / Capitol Partners	Proposed Amendment from Steve McDonald of SEMA
S.B. 152	L	8	Senator Mark A. Manendo	Letter of Opposition from Steve McDonald of SEMA
S.B. 152	M	1	Al Leskys / Clark County Department of Air Quality	Written Testimony
S.B. 152	N	1	Sean P. McDonald / DMV	Written Testimony