

**MINUTES OF THE
SENATE COMMITTEE ON TRANSPORTATION**

**Seventy-ninth Session
March 23, 2017**

The Senate Committee on Transportation was called to order by Chair Mark A. Manendo at 8:34 a.m. on Thursday, March 23, 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 Patricia Farley

COMMITTEE MEMBERS ABSENT:

Senator Scott Hammond (Excused)

GUEST LEGISLATORS PRESENT:

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

STAFF MEMBERS PRESENT:

Michelle Van Geel, Policy Analyst
Darcy Johnson, Counsel
Debbie Shope, Committee Secretary

OTHERS PRESENT:

Erin Breen, Director, Vulnerable Road Users Project, Transportation Research Center, University of Nevada, Las Vegas
Douglas Fraser, M.D., Trauma Center, University Medical Center of Southern Nevada

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Laura Gryder, Center for Traffic Safety Research, School of Medicine, University of Nevada, Reno
Abigail LaVoie, Hillary LaVoie Effort
Tina LaVoie, Hillary LaVoie Effort
Brian LaVoie, Hillary LaVoie Effort
Brian O'Callaghan, Las Vegas Metropolitan Police Department
Eric Spratley, Washoe County Sheriff's Office
Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association
Lynn Chapman, Vice President, Nevada Eagle Forum
Janine Hansen, President, Nevada Families for Freedom
John J. Piro, Deputy Public Defender, Public Defender's Office, Clark County
Sean B. Sullivan, Deputy Public Defender, Public Defender's Office, Washoe County
Elizabeth Brickfield
Brooke Maylath, President, Transgender Allies Group
Jude Hurin, Administrator, Division of Management Services and Programs, Department of Motor Vehicles
Lawrence Meeker

CHAIR MANENDO:

We are going to take things out of order. We will begin with Committee bill draft requests (BDR) that need to be introduced: BDR 43-1011, BDR 58-1014 and BDR 43-1015.

BILL DRAFT REQUEST 43-1011: Revises provision relating to mopeds. (Later introduced as [Senate Bill 426](#).)

SENATOR ATKINSON MOVED TO INTRODUCE BDR 43-1011.

SENATOR FARLEY SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR GUSTAVSON VOTED NO.)

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BILL DRAFT REQUEST 58-1014: Revises provisions governing freight trains. (Later introduced as [Senate Bill 427](#).)

SENATOR ATKINSON MOVED TO INTRODUCE BDR 58-1014.

SENATOR FARLEY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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BILL DRAFT REQUEST 43-1015: Revises provisions relating to license plates.
(Later introduced as [Senate Bill 428](#).)

SENATOR FARLEY MOVED TO INTRODUCE BDR 43-1015.

SENATOR GUSTAVSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR MANENDO:

We are going to remove Senate Bill (S.B.) 283 from the agenda. It will be rescheduled for March 30.

[SENATE BILL 283](#): Provides for the issuance of special license plates indicating support for the Vegas Golden Knights hockey team. (BDR 43-924)

We are going to open the hearing on S.B. 288.

[SENATE BILL 288](#): Revises provisions governing the issuance of a citation to a driver or passenger in a vehicle for failure to wear safety belts. (BDR 43-968)

SENATOR DAVID R. PARKS (Senatorial District No. 7):

I am here to present S.B. 288 for your consideration. Before I make opening remarks, I would like to ask Erin Breen of the Vulnerable Road Users Project at the University of Nevada, Las Vegas (UNLV), to join me from southern Nevada. She will take you through much of the presentation. I will now read from my testimony ([Exhibit C](#)).

ERIN BREEN (Director, Vulnerable Road Users Project, Transportation Research Center, University of Nevada, Las Vegas):

I appeared in front of the Senate Transportation Committee on March 2, with a presentation from the advocates for road safety with a discussion of 15 laws that would save lives. The first and the second laws on their list of the top 15 were primary enforcement of vehicle seat belt laws, one law for the front seat occupants and one law for the rear seat occupants. Since 1989, Nevada has had a secondary safety belt law, which means an officer must stop you for something else before issuing a citation for not wearing a seat belt. Our current law does cover all occupants, all seating positions. We only need to upgrade this to a primary law.

There has been some form of upgrade introduced to this law in most Sessions since 1993. I have been in front of the Transportation Committees for every attempt since 1997. To someone like me, the defeat time after time is frustrating. Senator Parks gave an example of 3 young lives being lost in Clark County within 48 hours of this bill being introduced. There were two other crashes that have happened in Clark County this year. Young children were put in seat belts, but the parents did not see the need to wear seat belts themselves. Young children, properly restrained, were left without fathers both times. There were three children both times. Within a short period, we had six children who had lost a parent because that parent chose not to wear a seat belt. People who think this bill does not affect anyone but the person who dies are wrong.

National safety belt usage shows a steady climb over the years, but in Nevada, it is heading in the opposite direction. Four years ago, our usage rate was far higher than other states, even those with primary enforcement laws; in fact, our usage was 95 percent. It was easy then when we came in front of you to say we did not need a primary enforcement bill. However, if you remember one of the slides from my presentation on March 2 showing seat belt usage, with the national usage going up and Nevada's usage going down. Now the national usage is above 90 percent; Nevada usage is below 90 percent.

In Senator Parks' opening remarks, he told you 22 percent of motor vehicle-related fatalities in our State were unbelted fatalities. When we take out the motorcyclists, the pedestrians, the bicyclists and the people who did not have the benefit of a seat belt, our actual unbelted fatality rate is closer to 50 percent. For the vast majority of the fatalities, their lives would have been

drastically different had they simply worn a seat belt. All of our fatality numbers continued to rise over the last several years after many years of decline. We are seeing a rise of motor vehicle fatalities nationally. That does not address the people whose lives are forever changed because they survived a crash, but did not survive it well. The last time we requested the primary enforcement law, half of the states in the United States had primary enforcement. Today we are 1 of 16 states, including Washington, D.C., that does have a safety belt law, but does not have primary enforcement of their safety belt law. I have pointed out that an officer can pull you over for a cracked taillight, something hanging from your rearview mirror, and not having a front license plate if there is a bolt that signifies you are supposed to have a front license plate. None of those things can save your life in a crash.

Beginning last summer and talking to Legislators about this law, I was told that racial profiling would make it difficult to pass. I was shocked. I remember when the cell phone law was passed; I thought we had finally gotten past the issue of racial profiling and saving people's lives in motor vehicles.

Both these laws allow an officer to pull you over when you choose not to obey a law, that can save your life or prevent a crash. The cell phone law is so universally ignored, that we came back to you this Session to ask to upgrade the fines to get people to comply with that law.

I have asked several agencies if they have had complaints about people being unfairly stopped. I want to open the door to this discussion; I do not want it to be the elephant in the room today. This needs to be discussed and people should be allowed to ask questions to see if we can come up with an agreement about addressing fears regarding racial profiling. When I appeared in front of this Committee in the past, I promised I would bring people who are better experts than I on the issues that can save lives. Today I have brought several people. I have Douglas Fraser, a trauma surgeon at the University Medical Center, Trauma Center, our only Level I trauma center. His colleague, Laura Gryder from the Center for Traffic Safety Research, will provide data from the linked crash and trauma center data for our State.

Douglas Fraser, M.D. (Trauma Center, University Medical Center of Southern Nevada):

I want to share our fact sheet ([Exhibit D](#)) that was prepared by our Center for Traffic Safety Research by Doctor Deborah Kuhls and Laura Gryder. Ms. Gryder will be speaking in more detail about the numbers and statistics.

I want to share some practical stories and what I see every day. It may add some reality to the numbers. We talk about restrained versus unrestrained drivers. I cannot fathom getting into my vehicle and driving without placing a seat belt on. It is such a simple thing to do, and it has such a huge impact not only for me but also for my family.

Looking at some of the charges for medical care, if you are an unrestrained driver in a crash, you are looking at over \$32,000 compared to \$20,000 for being restrained in a vehicle. Even if you are restrained in a crash, you could still have a tremendous amount of injuries, and we see this very often. I know that people sometimes have a misnomer thinking, "Oh well, if I do not wear my belt, I can be thrown clear of the accident and walk away." That is for Hollywood and is not true. I have rarely seen that, if ever, in my ten years of doing trauma. People hear how wearing a seat belt can injure their stomach, but it saves their life. After a crash, you may have a mark from your seat belt, but at least you are alive and talking to me. We can talk about fixing smaller injuries versus the conversations I have had with families explaining why daddy is not going to come home tonight.

Looking at the second page of [Exhibit D](#) referencing restraint usage, I appreciate all the efforts people make to comply with simple things such as to not drink alcohol and drive, do not use their cell phones and text, and keep their eyes on the road. We have so many things right now we are fighting for in 2017 with technology, but having something as simple as mandating safety belt usage will at least head us in the right direction and give people a chance to survive. When looking at people who use alcohol, almost three-fourths of them are not putting on a seat belt. Even those people who are not consuming, it is a fifty-fifty shot whether they are wearing their seat belts or not. Right now, we have over 20 people in the trauma Intensive Care Unit. The majority of them are from motor vehicle crashes, and I can think of three specific, recent patients with devastating injuries. Sometimes, you do not die after being ejected from the crash; sometimes you survive. I have one of those cases now, where a man's face is permanently disfigured for life. He did not have his seat belt on, he

smashed his face into the windshield, and his face is now distorted because he did not want to wear his seat belt. It astounds me that a person would not do something so simple that could make a difference in their outcome if they are unfortunate enough to get into a motor vehicle crash. If we could get people to think twice and put on a seat belt, it would give them a chance to survive, or possibly not be permanently disabled or disfigured for the rest of their lives. As it is, officers have a tough job. Obviously, no one wants a ticket, but they are there to save lives, to slow people down and give them a fighting chance. It is not about punishment, it is about saving lives.

LAURA GRYDER (Center for Traffic Safety Research, School of Medicine, University of Nevada, Reno):

I have a presentation, "Nevada Seat Belt Law" ([Exhibit E](#)) from the Center for Traffic Safety Research. The research is about injury, fatality injury and cost outcomes of not wearing seat belts. This project was funded by a grant from the Nevada Office of Traffic Safety.

Page 3 of [Exhibit E](#) describes a sport utility vehicle crash with one fatality. Page 4 describes a fatality crash on U.S. Highway 95 near Boulder City. The last case, on page 5, describes a crash on Interstate 80 near Wells where there were two fatalities.

Primary seat belt laws as we have talked about, allow police officers to enforce a violation of a seat belt law after observing a belt use infraction by itself. There is no other factor for the stop, such as a taillight being out.

Page 7 of [Exhibit E](#) shows research with this information that is a little outdated. More states have moved from secondary to primary seat belt laws.

According to the National Highway Traffic Safety Administration (NHTSA) data from 2016, there were 34 states with primary seat belt laws; I believe it is up to 35 states now. There were 16 states with other laws, either a secondary seat belt law or no seat belt law. You can see the difference in average seat belt use rates on page 8. Those that are primary law are at 92 percent; those that are secondary law are at 83 percent. In Nevada, we use our unique crash trauma database in which we receive crash reports from the Nevada Department of Transportation and trauma records from Nevada's four trauma centers, and then we link persons. We use identifying information to link them, and then we can see what the outcomes are from not wearing seat belts in

terms of injury, severity, hospital charges and fatalities. According to that particular database, 76 percent of Nevadans admitted to a trauma center were wearing seat belts at the time of crash. You can see the numbers were lower than the 83 percent estimated compliance of NHTSA. When you continue with the uninsured group of the crash trauma patients, the compliance is about 60 percent that were wearing seat belts.

Page 9 describes how Minnesota's numbers decreased when that state passed a primary seat belt law.

We found that seat belt use is the highest predictor of increased injury severity involved in motor vehicle crashes. In Nevada, if you are unrestrained, you are 3.2 times more likely to die in a motor vehicle crash as compared to those who use a restraint.

Page 12 of [Exhibit E](#) shows NHTSA data from 2016 ranging from 2000 to 2016. The blue data points at the bottom of the chart are the daytime percentages of unrestrained occupant fatalities. You can see over the years, it is going down as the seat belt use rate goes up as estimated by NHTSA. Page 13 is a study that was done in 2012 and shows as seat belt use goes up from the years 1998 to 2010, you see the fatality and injury rates go down.

There are a number of studies supported by the Centers for Disease Control and Prevention (CDC); one is called the Behavioral Risk Factor Surveillance System (BRFSS). It was a nationally representative sampling of adults in the U.S. and is a random digit dialing survey. The CDC estimates in Nevada, the self-reported compliance of always wearing your seat belt is approximately 89.3 percent. It is below the 90 percent national mark. The Youth Risk Behavior Surveillance Survey, which is similar to the BRFSS, is administered to high school students every other year. We looked at Nevada, and there was one question about when teens are driving in a vehicle with their friends asking how often they wear their seat belts. The replies are: "always wear, sometimes, rarely and never." There were 6.2 percent of Nevada teens reporting that they never or rarely wear their seat belts when riding in a car driven by someone else.

Page 15 of [Exhibit E](#) shows the restraint use of all crash trauma patients that are in my database. These numbers do not include people that died at the scene; it does not include people that may have had a terrible injury that did not

kill them within 30 days. These rates only represent those who were in a crash and made it to a trauma hospital. Of those, 24 percent were unrestrained.

Page 16 of [Exhibit E](#) shows restraint use broken out by race and ethnicity. You can see within each ethnicity the amount of restraint use. I do want to point out there is not the same number of people in each group. On page 17, when you look at gender, you find that males are not using seat belts as much as females.

Page 18 shows fatalities between genders. This report is for years 2005 to 2014; these are the fatalities that made it to the trauma centers. The restrained fatalities between male and female are almost equal, but when you look at unrestrained fatalities, males are dying about two times as often as females.

The next page breaks it down by involvement of alcohol. When you look at the number of fatalities who are suspected of alcohol use, 76 percent of them are unrestrained versus no alcohol at 43 percent. The numbers are pulled from the database where we had suspected use of alcohol. It does not include missing cases, so that is why it may be a little different from the overall restraint use I referred to earlier.

Page 20 of [Exhibit E](#) shows the hospital outcomes for Nevadans by seat belt use. It compares unrestrained persons with restrained persons.

Page 21 is the charges to the State showing the average hospital charges, Medicaid charges and uninsured charges.

Page 22 is the median hospital charges for a restrained or unrestrained person. Restrained is approximately \$12,000 less than unrestrained. It was \$32,304 compared to \$20,194, which is a significant difference. For the uninsured suspected of drugs or alcohol who were restrained, the median hospital cost was \$34,593. For the uninsured suspected of drugs or alcohol but unrestrained, \$46,193 was the median hospital cost.

Page 24 shows the median hospital charges by primary payer, with the differences between restrained versus unrestrained.

When we look at the injuries to persons who are restrained and unrestrained, we compared the new injury severity score. This shows restrained persons on

the left and unrestrained persons on the right as shown on page 25. There is a significant difference in severity scores between the two groups.

The average comprehensive charge estimates on page 26 are from 2008 from NHTSA. It shows what Nevada could have saved in injuries alone in 2009 from the introduction of a primary seat belt law.

The potential cost savings to individual Nevadans for hospital charges for restrained and unrestrained crashes is \$12,110, as shown on page 27.

We conducted some analyses to figure out how many people in the database would be saved had they been wearing a seat belt at the time of crash. The proportion of deaths at Nevada trauma centers that are attributable to not wearing a restraint is approximately 28 percent. Looking at all the fatalities between 2005 and 2014 at trauma centers, if every single person had been wearing seat belts, it could have saved 114 lives.

MS. BREEN:

Laura Gryder ended her remarks talking about 114 lives that could have been saved in Nevada in that time frame. In years past, we have brought people to these hearings to talk about their loved ones. Today, I brought you one family. Their child was one of those 114.

ABIGAIL LAVOIE (Hillary LaVoie Effort):

I will read my testimony about my sister, Hillary LaVoie, who died from a crash where she was not wearing her seat belt ([Exhibit F](#)).

TINA LAVOIE (Hillary LaVoie Effort):

I will read my testimony about my daughter, Hillary LaVoie, who died from a crash in which she was not wearing her seat belt ([Exhibit G](#)).

BRIAN LAVOIE (Hillary LaVoie Effort):

In order to not be redundant, I will keep my remarks short. My baby was killed 2,388 days ago because she was unbelted. She knew the facts, she knew the law, she knew that the driver of the car she was in could not be pulled over simply because she took her seat belt off. She knew Nevada had weak, almost unenforceable seat belt laws. Please consider S.B. 288. Please think of this as a vaccine. We have a vaccine for the biggest killer of Americans ages 2 to 30, and we do not want to use it.

BRIAN O'CALLAGHAN (Las Vegas Metropolitan Police Department):

I cannot follow up with what has been said. Seat belts do save lives. Las Vegas Metropolitan Police Department supports S.B. 288. I do want to follow up with what was said earlier about cell phone usage and other things that can get you stopped by officers. It is still rampant; we still get complaints from citizens that we as officers are not following through. There is a lot going on in the community. So to say that we will stop everybody, or see someone not using a seat belt, I think there is a little falsehood in that.

ERIC SPRATLEY (Washoe County Sheriff's Office):

We thank Senator Parks for bringing S.B. 288 and the Washoe County Sheriff's Office certainly supports it.

ROBERT ROSHAK (Executive Director, Nevada Sheriffs' and Chiefs' Association):

The Nevada Sheriffs' and Chiefs' Association also stands in support of S.B. 288. It is very simple: seat belts save lives. It is somewhat ironic that right now we have statutes that say you can stop someone for a moving violation, and then if they are not wearing their seat belt, write them a ticket. Half the things we stop people for, they could get into an accident and be harmed because they are not wearing a seat belt. I think this is very important legislation.

CHAIR MANENDO:

Is there an added cost to your Department when you have to investigate a fatality as opposed to another type of crash?

MR. SPRATLEY:

Absolutely, on any fatal crash, major injury crash or protocol crashes, we bring out our major accident investigation team. The team consists of approximately 15 members, but usually between 7 and 10 will go out to a crash scene. The roads are shut down, traffic is diverted, and inch by inch, they diagram the whole scene and what happened at that scene. Sometimes the scene is very large, especially with unbelted people being ejected. It will extend out beyond the roadway, and it just takes a lot of time to diagram and come up with the causal factors, conclusions and everything related to the investigation. So yes, it costs a lot of money and extra time to perform that.

CHAIR MANENDO:

Do you happen to know how much that costs?

MR. SPRATLEY:

I do not, but I can pull the figures for 2016 for Washoe County and get them to this Committee.

LYNN CHAPMAN (Vice President, Nevada Eagle Forum):

Do my husband and I use our seat belts, absolutely. Did we train our daughter to put on a seat belt every time she got into a car, absolutely. We have always done that, but some people choose not to. When we talk about teenagers and buckling up, the one thing teenagers do not have, they do not have common sense. You cannot legislate common sense. This is the problem. We try to teach our children the things that will save their lives or make their lives better, but sometimes it does not work. That is the choice they make, and it is a bad choice. You can change it through education and we need to keep educating our children.

My brother was killed, and he was wearing his seat belt. It was not an accident, it was on purpose. The man wanted my brother dead. My brother was wearing a seat belt and it did him no good. Sometimes the type of crash that happens determines whether you live or not. The compliance for seat belt use in Nevada is quite high; in fact, it is higher than many places around the United States. Our secondary seat belt law is higher in compliance than in some areas that have a primary seat belt law. I called three different insurance companies, Farmers Insurance Group, State Farm Insurance and Allstate Insurance Company, to see if it would make a difference in premiums if we wore seat belts. All three of them said it would not make a difference in premiums. I was reading some of the seat belt laws and there was a comment made that there is no record of any insurance company ever reducing their rates because a seat belt law was passed or a seat belt was used.

On the way home the last time this came up at a hearing, I had to pull off on a side road and write down what I heard on the radio. There were people from Missouri on a talk radio show discussing seat belt laws. In the state of Missouri, there is money that is sent to Washington, D.C. in the form of a gas tax, and Washington, D.C. agreed to give them \$17 million for road improvements if they passed a seat belt law. I am somewhat suspicious when it comes to government, etc. I do believe Senator Parks is worried about lives being saved and I understand that. Some people are probably never going to wear a seat belt; that is just the way they run their lives.

JANINE HANSEN (President, Nevada Families for Freedom):

We do believe that a primary seat belt law can be used to target individuals and for racial profiling. I think some of the statistics we heard today indicate that. It is a higher percentage of young people, those who are African Americans and males who were the ones that were not using their seat belts in many instances; however, they are not the only ones who can be targeted. I have had some issues with the police and have some concerns about being targeted in different ways. I am concerned that police have another reason to stop people just because they may not have a seat belt on or to see if they have a seat belt on, and that bothers me. I think we are becoming more and more of a police state. I believe in wearing a seat belt; I always wear mine. I taught my children and my grandchildren to always buckle in. I believe it is very important. My brother was killed in 2002 in an automobile accident on Golconda Summit; he was not wearing his seat belt, he was thrown out and killed. He made a conscious decision because he did not want the government to be telling him what to do, that he was not going wear his seat belt. I did not agree with that, and I did not think it was very smart. I know that my brother would want me here today to tell you that he does not want any more government interference in individual lives. The people that decide not to wear their seat belts know that seat belts are important.

Many drivers are drinking, so they are already breaking the law if they are driving a car. They choose to break the law. Unfortunately, that is just the way it is because it is their choice. Are we going to force everybody to do everything we want them to do? I am concerned about that kind of approach that we want to force everyone, no matter what their opinions may be. Passing another law is not going to make people, already acting irresponsibly by not wearing their seat belts, wear them.

I have the same question that was broached by Ms. Chapman. When we pass this mandatory seat belt law as a primary offense, are we going to receive more federal grants, is that the motivation? I know in the past this has often been the case. I do not know if it is this time, I do not have any evidence that it is, but I question the issue to see if we can find an answer.

I had nine grandchildren living with me, and when we used my son's car, we were all buckled up, even the littlest ones who needed boosters. That vehicle had enough room for everyone. It is not that I do not believe it is important; perhaps, it is an issue of education. I do not think a primary safety belt law is

necessary. People that choose not to obey the law are not going to obey the law if you pass the law.

JOHN J. PIRO (Deputy Public Defender, Public Defender's Office, Clark County):
I think it is understood that seat belts do indeed save lives. Our concern with this bill deals with the other pretextual issues that follow making a seat belt infraction a primary offense. It is difficult to cite what other states are doing, as some have done today during their testimony without stating some of the specifics. Many primary states have other protections in place that deal with racial profiling issues. In Nevada, we did one study for one year. That study was done by UNLV, which did show that there were racial profiling issues here in the Nevada, especially in the south. In fact, Blacks and Hispanics were stopped and arrested more frequently. That study was conducted in 2003. We did speak with Senator Parks about the study.

Some of the things other states do in the event that these laws pass, which this bill does not do, is they attempt to mitigate profiling concerns. One would be that no further searches are allowed after the seat belt stop occurs. They are precluded from using the seat belt stop as probable cause to find another violation, or once the State achieves an 80 percent compliance rate, then the bill would sunset. We also looked at some of the numbers from NHTSA. There was a 2014 study that showed Nevada had 94 percent compliance, which was higher than the 87 percent in 2014, and up to 90.1 percent that is current data given in 2016. The West, in general, has higher compliance rates. In the 2016 study, I looked at the reference points they used, and it cited the 2014 study that shows Nevada had a 94 percent compliance rate. We believe this is a solution looking for a problem—most people already believe it is against the law to not wear their seat belts. We are already above the national average in that respect.

We are operating on the assumption that making Nevada a primary State will change seat belt use; however, it is our experience as public defenders that oftentimes a change in the law does not necessarily change behavior. I do not know many people who choose not to wear a seat belt, possibly because this is a secondary State. While I understand the concerns and the safety measures regarding this bill, I believe as it stands now, the dangers of the pretextual stops and racial profiling are not necessarily mitigated, as we do not live in a post-racial America. I believe that we do not need to make this a primary seat belt State.

SEAN B. SULLIVAN (Deputy Public Defender, Public Defender's Office, Washoe County):

We are in opposition to S.B. 288. Mr. Piro, my colleague to the south, did an excellent job in presenting all of our concerns. We did reach out to Senator Parks yesterday, prior to today's proceedings, to address our concerns, and he was gracious to listen to us and address our concerns. I will not go over the NHTSA standards data again because those were important and highlighted by Mr. Piro. However, looking at 2016, it appeared that the West, in general, which included Nevada, was at the very least 93.4 percent compliant with seat belt usage. We all understand that seat belts do save lives. Mr. Piro and I represent the offenders in many of these horrific traffic accidents, so these points are not lost on us and our hearts ache for the proponents that came before us and had to share their stories, but we do think that racial profiling is a real concern if this law is passed.

I want to give you one more snapshot if I could. I looked at other studies in other states, and one in particular was in Durham, North Carolina. It indicated that blacks were more than twice as likely as whites to be searched after a speeding stop, and the difference was even higher when they were stopped for a seat belt violation. In fact, researchers in North Carolina found that blacks were three times as likely to be arrested after a stop for a seat belt violation. It is deeply troubling to us at the Public Defender's Office because we believe it is unnecessary to pass this law as Nevada is at the forefront of wearing seat belts, based on NHTSA standards, and is ahead of the national average; and because of racial profiling concerns. For these reasons, we are in staunch opposition to S.B. 288.

CHAIR MANENDO:

Is it the position for both offices, with the current cell phone law on the books, that people are racially profiled when they are stopped for using a cell phone?

MR. SULLIVAN:

In preparation for today's hearing, we did not look at cell phone data and usage, so I cannot give you an accurate answer, I cannot even give you anecdotal testimony but I would be happy to look at that and get back to you.

CHAIR MANENDO:

Yes, that would be good to see because I have not heard that, but it does not mean it does not happen. I just have not talked to people who said they were

pulled over and thought they were racially profiled for using their cell phone. I think they were just pulled over because they were using their cell phones. I was wondering what your position was on cell phone use because you said your position was people were racially profiled that were pulled over and not wearing their seat belts.

SENATOR PARKS:

Since this is a bill that the traffic committee at UNLV had requested, they may have a final comment if you are inclined to hear it. I would like to talk about the study done in 2003 that came out of A.B. No. 500 of the 71st Session with the text I provided to Assemblyman Wendell Williams, as he was the author of that bill. A lot has happened in the years since, and I cannot disagree with the people in the Public Defender's Office. They obviously see things every day firsthand, but a lot has changed since that study. I think if you were to engage the local police agencies, they would be able to tell you what they have done to mitigate the instances of racial profiling that were asserted back in 2001. I am open to taking further efforts to put something in the bill to mitigate, as was indicated by the public defenders. Finally, there is a tremendous cost to the public for whether it is a fatal detail responding to a crash or just a lot of other costs related to public safety. They are costs that should be considered.

CHAIR MANENDO:

The data shows there is a cost factor to the community, to law enforcement, to hospitals, and to our pocketbooks when people are not belting up.

MS. BREEN:

I would like to go back to the data that has been used throughout the day and point out the most recent data the Public Defender's Office cited was, in fact, not the most current. In fact, we are part of the western region, most states have primary seat belt laws, and our usage rate currently in Nevada is 89.1 percent. We have been as high as 95 percent. As other states are moving their numbers higher, Nevada is moving its numbers lower, and our fatalities due to people being unrestrained in vehicles are rising. We, too, are committed to work towards whatever could potentially be a solution to see if Nevada, like all the other states, would drive its numbers down, but put safeguards in place for any concerns people may have about racial profiling. The state of Utah passed a primary seat belt bill with a sunset clause. We would certainly entertain that notion. Were it to pass, and say in two years, we come back with research done on the stops and anecdotal information collected throughout the two

years, we can, in fact, see if our fatality rate does decline. If it does not do everything that we say that it will do, or if, in fact, there are issues where people feel they are unfairly treated, in the next Session, it could go away. We are willing to do whatever it takes to try to see how many lives Nevada can save by passing a primary seat belt law.

SENATOR GUSTAVSON:

I have been listening as I have for several Sessions, about primary seat belt laws. I have concerns. There have been many good points brought up on both sides of the issue. I share the concerns with Ms. Hansen losing her brother. I knew him well. When I lived in California many years ago, I had a friend and for the same reason; he would not wear a seat belt just because the government was telling him he had to wear one. He was just the type that, regardless, he was not going to wear a seat belt. I personally have always worn a seat belt. I believe strongly in seat belt usage but I do not believe it should be a mandatory law. Many of us here remember when there was no seat belt law. The first vehicle I bought did not have seat belts but I installed seat belts in it myself because of my beliefs. I never felt it should be a law. I rolled my pickup once. The pickup was on its side on the driver's side, right where the gas tank spout was located. I was lying there and could not get my seat belt off to get out of the vehicle. I could smell gas fumes.

I have heard stories for many years of people that would have been saved, that were not saved, on both sides of the issue. It is a tough one to come up with a decision. There are good arguments on both sides, just like the helmet bills. For that reason, I just needed to bring those points out.

CHAIR MANENDO:

We will close the hearing on S.B. 288. We will open the hearing on S.B. 215.

SENATE BILL 215: Revises the circumstances under which the holder of a driver's license or identification card must report a name change to the Department of Motor Vehicles. (BDR 43-673)

SENATOR JOYCE WOODHOUSE (Senatorial District No. 5):

I am here to present S.B. 215 for your consideration. A constituent, Elizabeth Brickfield, brought me the need for this piece of legislation. She is at the table in the Sawyer Building. I will read from my testimony ([Exhibit H](#)).

I would like to draw your attention to the written testimony submitted by Pearl Gallagher Driscoll wherein she shares her personal story and why S.B. 215 is important for so many others. At this time, because she is unable to testify here today, I would like to read her statement into the record ([Exhibit I](#)).

As I mentioned earlier in my testimony, Elizabeth Brickfield is prepared to address you from southern Nevada.

There are others in the audience that wish to address this issue and provide friendly amendments. There was one friendly amendment that I am aware of, and we will need to check the germaneness of the amendment with legal counsel. I wanted to be sure you heard everything that was brought forward to me regarding S.B. 215. The Department of Motor Vehicles (DMV) has been wonderful about reaching out to me, and we finally met. We will be meeting again to address the concerns which they will be bringing forward. This is something we will be working on together.

SENATOR GUSTAVSON:

I may have misunderstood this bill. Right now, does DMV just print first, middle and last name only on a driver's license? I know people that have several middle names; are they all printed on the driver's license now?

SENATOR WOODHOUSE:

We would need to ask DMV. I know on my driver's license, my first, middle and last names are there. When my husband and I got married, I was far into my career and, in fact, when I said to him, "I intend to keep my maiden name," he said, "I would never ask you to take mine, because you are known by your last name." I understand where these individuals are coming from and it is frustrating but we need to ask DMV about the additional middle names.

SENATOR GUSTAVSON:

I understand the bill as saying that if you had so many legal names, whether it is one or four middle names, they are all printed on your driver's license. I thought this might be taking away from that, and you would be only allowed to have one middle name on the driver's license. I understand where you are coming from and understand the issue. I want to make sure the person's full legal name is on the license, if it is not already.

ELIZABETH BRICKFIELD:

I am a 20-year resident of Henderson. I am testifying as an individual, although I am a lawyer. I am a member of the Southern Nevada Association of Women Attorneys, and am the Chair of the Probate and Trust Section of the State Bar of Nevada. I am testifying today in support of S.B. 215 which simplifies the process of a name change for a driver's license.

Under current DMV regulations, *Nevada Administrative Code* (NAC) 481.003 defines your full legal name as a first name, a middle name and a family or last name. Then NAC 483.055 in sections 3 and 4 states: upon request, the Department shall indicate the full legal name of the person requesting the change of his or her full name on a driver's license, identification card, etc., in a manner that combines the maiden and the married name of the person as a hyphenated last name. The maiden name of a person may not be used as a middle name on a driver's license, motorcycle driver's license or identification card unless documented by an original or certified copy of any document of proof of the change of the person's full legal name listed in subsection 1.

I looked up the definition for maiden name in the dictionary, and maiden name is defined as the woman's surname before it is legally changed by marriage. A regulation that forces a hyphenated last name falls disproportionately on women and on individuals who culturally use two last names. They are forced to choose between a driver's license that has a name that is not theirs, or not showing the full name on the driver's license. The regulations as they exist make no provisions for individuals whose marriages ended by death or divorce when they did not return to their maiden names. A woman or a man, or someone who has used a different last name, has to get a court order to put their given name back on their driver's license. The result of this is individuals who want to have their name accurately shown on their driver's licenses, are forced to obtain a court order, which is a great expense. In Pearl Gallagher's testimony, it cost her \$700. It is the court process; it is legal resources, and a \$270 court filing fee in Clark County. You have to publish three times in the newspapers, you have to personally appear in court, and you have to all of this in order to have a driver's license which accurately identifies your name. If you are not lucky enough to be able to go to the Legal Aid Center of Southern Nevada, because you do not qualify on an income basis, you will have to hire a lawyer to process the paperwork on your behalf. Alternatively, you prepare the documents and file them yourself.

I first heard about this problem from Pearl Gallagher, and then I began to meet with more and more women who had entered into a professional career and were experiencing the same situation, where they had a driver's license that did not match their name.

During this past year, I have worked with many Nevadans who are permanent residents seeking to become naturalized U.S. citizens. Their permanent residence card and other U.S. government documents have their full legal name without a hyphen. Only the women's driver's licenses hyphenate the last name. If you are a man and want your middle name on your driver's license, DMV will put it there, no questions asked; however, if you are a woman and you want those same two last names on your driver's license, they will make you hyphenate it.

We know that DMV can accommodate these changes because they do when they have a court order. Just take the court order down to DMV, and they will change the name on that driver's license. Our government-issued driver's licenses and DMV identification cards are what we use most frequently in our lives. If you think about it, you use it to travel, to open a bank account and you use it to work.

Individuals do not want to have to choose between their name and using an inaccurate or wrong name on their driver's licenses. They then have to explain when they go to work, when they travel, why their name is different. I have been stopped myself when I travel because I have an airline ticket that lacked the last two letters of Elizabeth. I had to explain to the Transportation Security Administration that Elizabeth Brickfield and the name on the airline ticket was one and the same person. Try explaining that when you have a ticket that shows you as Irene Bustamante Adams and a driver's license that shows Irene Bustamante-Adams. This bill goes a long way to simplifying this process for individuals. It eliminates the court process; it takes the drain out of our legal system by having judges schedule hearings for people to come in simply to put their correct names on driver's licenses. It is not a perfect bill. I am concerned that individuals who have hyphenated names on driver's licenses are going to have to go through a process to explain it to DMV at renewal time. I am sure DMV can accommodate them. However, this small change will make a great deal of difference in many people's lives.

I want to start with a story. It is somewhat unrelated but I promise to relate it. A pro bono experience I had was representing a paternal grandmother seeking a guardianship over her minor granddaughter she had raised from birth so that she could enroll the child in school. As part of the process, we changed that child's birth certificate to list her first name and her paternal last name because no one should have a birth certificate identifying you as "Baby Girl" with the last name of the mother who abandoned you at birth. No one should have to choose between a driver's license that has a long name on it, choose to have the wrong name on the driver's license, or a partial name on the driver's license or go through a court process to have their name listed correctly on their license. This is a very simple fix to an everyday problem, which confronts many people, and I urge you to adopt this bill.

BROOKE MAYLATH (President, Transgender Allies Group):

We simply have a concern over the time frame on mandating the change of the driver's license within 30 days. The reason is, for transgender people who are looking to change both name and gender on their driver's license, the time frame may not be sufficient. First, you need to get the name change process done; subsequently, you have to be able to change name and gender at the Social Security Administration. At the Social Security Administration, you can change them with a letter from a doctor. The DMV requires their form to change gender with a doctor's signature. Trying to line up all of those things within 30 days can be complicated for many individuals. We have been in discussions with Senator Woodhouse to be able to find a good fix for this so we can back this bill.

JUDE HURIN (Administrator, Division of Management Services and Programs, Department of Motor Vehicles):

The DMV is remaining neutral on S.B. 215 and has discussed some issues with Senator Woodhouse. I will read from my testimony ([Exhibit J](#)).

We believe this language will help bridge some of the issues we have had in the past and look forward to working with Senator Woodhouse and the Committee.

SENATOR GUSTAVSON:

You stated full legal name, is that the full legal name of the person that is put on the driver's license, or just one middle name and one last name?

MR. HURIN:

The full legal name as what Ms. Brickfield testified. Our statutes and regulations allow the maiden name to be on the driver's license. Whether it is a female or male, they can hyphenate the last name. If it is the middle name, we can use the multiple middle names. The problem we have is logistical. The fields in our computers will only go up to a certain number of characters. I think the bill right now allows us to have the authority to expand those things and to offer certain accommodations in situations of death, divorce, etc. We will be happy to look at that.

SENATOR GUSTAVSON:

I know persons that have a common first name and a common last name but have several uncommon middle names. In order to distinguish it and make sure that is the right person they are talking to, if they have a long legal name, I believe we should be able to have that displayed on the driver's license. So there are no questions or problems.

LAWRENCE MEEKER:

I am a 30-year Nevada resident and approached Senator Woodhouse in reference to drafting an amendment to this bill. I am neutral on the existing content of S.B. 215, but would like to suggest that S.B. 215 would be a good opportunity to amend a State law. A law that was changed in 2013 mandated the DMV to only display our residence or street address on our driver's license. I am fine with the State having our residence address in this database and have assumed they always have. However, to my family and me, printing it on the license is both a safety and privacy concern, as it exposes our residence location unnecessarily to both private vendors and potential criminals.

It was perhaps an unintended consequence of the State's efforts to comply with the federal REAL ID Act of 2005. The State offers two forms of driver's licenses, a standard driver's license and a REAL ID version, which is optional according to their Website. It appears the State will continue to issue both versions into the future. Other states also appear to be following this procedure. We wish that only our post office box numbers would be on our driver's license, just as it has for the past 30 years. I have offered a proposed amendment that would allow an individual to request a standard driver's license, not a REAL ID, and display only a post office box address without needing State or DMV approval for an alternate or fictitious address. The REAL ID Act of 2005 allows states to grant exceptions for high-ranking officials, those who do not have a

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fixed address or those who have already become crime victims. This process is selective and cumbersome and mirrors some of the concerns that our speaker from Las Vegas voiced. Why not take this opportunity to give us a bit more safety and privacy and help us reduce the number of future potential victims.

SENATOR WOODHOUSE:

I will work with all the individuals that brought forth concerns today; we will try to get them worked out. One of the issues is the one I need to check to see if it is germane to this bill. With that, I would also need to talk with DMV.

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CHAIR MANENDO:

We will close the bill on S.B. 215. Seeing no further business, the meeting is adjourned at 10:25 a.m.

RESPECTFULLY SUBMITTED:

Debbie Shope,
Committee Secretary

APPROVED BY:

Senator Mark A. Manendo, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	5		Attendance Roster
S.B. 288	C	2	Senator David R. Parks	Testimony
S.B. 288	D	2	Douglas Fraser / Trauma Center, University Medical Center	Primary Seat Belt Law Fact Sheet
S.B. 288	E	29	Laura Gryder / Center for Traffic Safety Research, School of Medicine, University of Nevada, Reno	Nevada Seat Belt Law
S.B. 288	F	1	Abigail LaVoie	Testimony
S.B. 288	G	1	Tina LaVoie	Testimony
S.B. 215	H	3	Senator Joyce Woodhouse	Testimony
S.B. 215	I	1	Senator Joyce Woodhouse	Testimony from Pearl Gallagher Driscoll
S.B. 215	J	2	Jude Hurin / Nevada Department of Motor Vehicles	Testimony