TRANSPORTATION COMMITTEE MEETING - Minutes APRIL 5, 1977

3:20 P.M.

MEMBERS PRESENT: Chairman Hayes Mr. May

Mr. Demers Mr. Jacobsen Mr. Glover Mrs. Westall

MEMBERS ABSENT: Mr. Harmon

GUESTS PRESENT: John Polish, Assemblyman

John Borda, Office of Traffic Safety Jim Costa, Department of Education

Howard Hill, Department of Motor Vehicles John Ciardella, Department of Motor Vehicles

AB 550

John Polish, Assemblyman, sponsor of AB 550, speaking in its favor said the school busses traveling at 50 m.p.h. impeded traffic and busses are now constructed to travel safely at greater speeds. In the rural areas where long distances to and from schols have to be traversed twice daily, it took a lot of time at the slower speed. Mr. Polish would especially like to see the speed limit for activity busses increased. They travel on the major arteries for distances of two to three hundred miles and it is more efficient for them to travel at the rate of speed of other vehicles on the highway.

Mr. Glover asked the maximum limit of the bus routes in the rural areas and was told from 50 to 60 miles.

Mr. Polish added that all the counties, for their competitive events, were traveling on the major arteries.

Mr. John Borda, Director of the Office of Traffic Safety. stated his office was not opposing this bill but he personally wished the speed would remain at 50 m.p.h. This is based on his many vears as an activity bus driver. There has not been a school bus fatality in Nevada in the history of the state. There was a Nevada student killed in another state and the cause of that accident was attributed to excess speed. Mr. Borda said he was not in opposition to raising the limit from 50 to 55 miles per hour but would request that the speed limit not be more than 55 miles per hour for busses.

Mr. Jim Costa, Department of Education, read a prepared statement, and discussed a chart depicting the accident breakdown of school bus accidents from 1963 through 1976. (See EXHIBIT A)

Mr. Costa said they were asking the Committee to consider the factors of safety and protection of the students.

Chairman Hayes asked the speed limit for school busses in the past.

Mr. Costa replied that before the 55 mile national speed limit, the limit for school busses varied according to the construction of the bus, up to 65 m.p.h. Speed limit for all busses is now p.h.

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### AB 550

Mr. Jacobsen moved to amend AB 550 by adding language, beginning on line 4, following the last word, "or any school activity."; and to delete Section 2 in its entirety.

Mrs. Westall seconded the motion; motion carried unanimously.

Mr. Jacobsen moved to do pass AB 550 as amended; Mrs. Westall seconded the motion; motion carried unanimously.

#### AB 509

Mr. Glover moved to indefinitely postpone AB 509; Mr. Jacobsen seconded the motion; Chairman Hayes, Mr. Glover, Mr. May and Mr. Jacobsen voted "yes"; Mrs. Westall voted "no"; motion carried.

### AB 499 and AB 453

Mr. May, who had been assigned as a subcommittee of one to work with Mr. Howard Hill. Department of Motor Vehicles, stated the bill drafter had not vet drawn up the amendment for the changes that had been recommended by the Committee; therefore, he suggested Mr. Hill's amendment that was already prepared be adopted.

Mr. Howard Hill, Department of Motor Vehicles, submitted copies of the proposed amendment to AB 499 to the Committee. He explained this amendment incorporated a part of AB 453; it would allow all anatomical parts a donor wished to donate be specified on a card attached to the back of the driver license, with space for signatures. (See EXHIBIT B)

Mr. May moved to amend and do pass AB 499; Mr. Jacobsen seconded the motion; motion carried unanimously.

Mr. May will handle AB 499 on the floor.

#### AB 484

Mr. Glover stated Mr. Harmon has a bill coming out on the same subject.

Chairman Haves suggested the Committee hold the bill because there was also a bill coming from the Senate on the subject. The Committee concurred.

### SB 57

Mr. Demers moved to reconsider SB 57: Mr. Mav seconded the motion; Chairman Hayes, Mr. Demers. Mr. Mav, Mr. Jacobsen and Mrs. Westall voted "ves"; Mr. Glover voted "no"; motion carried.

Mr. Demers said he thought this was an age discrimination of older persons; he received a great many unfavorable comments from his constituents on this type legislation.

Mr. Glover said he still felt it was good legislation to require

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driver proficiency testing every two years for persons over 70 years of age as a protection to the older people and other drivers.

Mr. Demers moved to do pass  $\underline{SB}$  57; Mrs. We stall seconded the motion; Chairman Haves. Mr. Demers,  $\underline{Mr}$ . May and Mrs. We stall voted "yes"; Mr. Glover and Mr. Jacobsen voted "no"; motion carried.

### AB 21

Chairman Hayes announced there were some amendments to AB 21. The metric system is going to have to be incorporated into the highway information signs and the Highway Department now approves this measure.

Mr. Demers moved to adopt the amendment and do pass; Mr. Glover seconded the motion; motion carried unanimously.

### AB 260

The Committee agreed to hold AB 260 for further developments.

#### SB 345

Mr. John Ciardelli, department of Motor Vehicles. stated the reason for requesting that the small motorcycles described in the bill be exempted from turn signal requirement was that the Federal Government mandated the exemption. These bikes travel at a slow rate of speed and their power supply is inadequate to operate the signals. Even if this bill is not adopted the Department still could not require the signals but would be in an awkward legal position should an officer cite someone for lack of the signals. Mr. Ciardelli submitted copies of two letters, one from the Department of Transportation and one from the Attorney General's office in support of his argument. (See EXHIBIT C and EXHIBIT D)

Chairman Hayes suggested holding SB 345 and the Committee concurred.

Meeting adjourned at 4:05 P.M.

Respectfully submitted:

M. Robertson, Secretary

M Robertson

### STATEMENT OF

### THE DEPARTMENT OF EDUCATION

TO THE

## ASSEMBLY COMMITTEE ON TRANSPORTATION

Tuesday, April 5, 1977 Room 240, 3:00 P.M.

A. B. 550 -- Increases speed limit for school buses while transporting pupils.

The Department of Education does not have a position pro or con on A. B. 550. As the state agency involved in development of regulations for pupil transportation, however, the Department has concern for the safety of the pupils being transported. In that interest, the Department respectfully requests of the Committee on Transportation that serious consideration be given to the statements related to speed and safety.

- 1. Because of the seating arrangements and the construction of present day school buses and because children of varied ages and sizes are transported on those buses, not all children are afforded the same degree of safety from injury in the event of a sudden stop or collision or roll-over.
- 2. As speed increases, the momentum remaining within the occupants after a sudden stop increases and impact force increases commensurately.
- 3. As speed increases, the protection within the body shell of the bus diminishes.
- 4. As speed increases, the consequences of misjudgment become more critical.
- 5. As speed increases, the stopping distances, because of driver reaction time and braking efficiency, lengthen and the chances of collision or upset increase.

# NEVADA DEPARTMENT OF EDUCATION SUMMARY OF SCHOOL BUS ACCIDENTS FOR 1963 TO PRESENT

			ES	S INJURED FATALITIES					ITIES			
SCHOOL YEAR	TOTAL NUMBER OF BUS ACCIDENTS	PEDESTRIAN ACCIDENTS	BUS ACCIDENTS WITHOUT INJURIES	BUS ACCIDENTS WITH INJURIES	PEDESTRIANS	STUDENTS ON BUS	ADULTS ON BUS	OTHERS	PEDESTRIANS	STUDENTS ON BUS	ADULTS ON BUS	OTHERS
1963-64	21	0	19	2	0	0	1	11	0	0	0	0
1964-65	31	0	27	4	0	4	0_	]	0	0	0	0
1965-66	30	0	24	6	0	11	1	5	0	0	0	1
1 <b>9</b> 66-67	28	0	19	9	0	2	0	6	0	0	0	0
1967-68	32	1	29	2	2	2	0	11	0	. 0	0	0
1968-69	30	2	22	6	2	3	0	5	0	0	0	0
1969-70	26	2	21	3	2	97	4	0	0	0	0	0
1970-71	36	1	32	3	1	1	1	1	0	0	0	0
1971-72	42	2	34	6	2	3	2	0	0	0	0	0
1972-73	60	0	58	2	0	3	. 0	2	0	0	0	0
1973-74	24	0	20	4	0	0	0	4	0	0	0	0
1974-75	59	6	45	14	7	6	0	8	0	0	0	0
1975-76	53	2	46	7	2	17	3	3	0	0	0	0

Section 1. NRS 451.565 is hereby amended to read as follows:
451.565 l. A gift of all or part of the body under subsection l of
NRS 451.555 may be made by will. The gift becomes effective upon
the death of the testator without waiting for probate. If the will
is not probated, or if it is declared invalid for testamentary
purposes, the gift, to the extent that it has been acted upon in
good faith, is nevertheless valid and effective.

- 2. A gift of all or part of the body under subsection 1 of NRS 451.555 may also be made by document other than a will. The gift becomes effective upon the death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor in the presence of two witnesses, who must sign the document in his presence. If the donor cannot sign, the document may be signed for him at his direction and in his presence in the presence of two witnesses, who must sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.
- 3, The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by the attending physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death, the attending physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee. The physician who becomes a donee under this subsection shall not participate in the procedures for removing or transplanting a part.
- 4. Notwithstanding subsection 3 of this section and subsection 2 of NRS 451.580, the donor may designate in his will, card or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician for the purpose.

- 5. Any gift by a person designated in subsection 2 of NRS 451.555 shall be made by a document signed by him or made by his telegraphic, recorded telephonic, or other recorded message.
- 6. For the purpose of the donation of all or part of a body, a driver's license or an identification card issued by the department of motor vehicles which carries on its back an authorization by the licensee or cardholder constitutes written permission pursuant to the Anatomical Gift Act.
  - SEC. 2 NRS 483.340 is hereby amended to read as follows:
- 483.340 1. The department shall (upon payment of the required fee) issue to every applicant qualifying therefor a driver's license indicating the type or class of vehicles the licensee may drive, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address, and a brief description of the licensee, and a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.
- 2. The department may issue a driver's license for identification purposes only for use by officers of local police and sheriffs' departments and agents of the investigation and narcotics division of the department of law enforcement assistance while engaged in special undercover narcotics or prostitution investigations. No such license may be issued for use by any federal agent or investigator under any circumstances. An application for such a license shall be made through the head of the police or sheriff's department or the chief of the investigation and narcotics division. Such a license shall be exempt from the fees required by NRS 483.410. The department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.
- 3. Information pertaining to the issuance of a driver's license under subsection 2 is confidential.

- \*4. It is unlawful for any person to use a driver's license issued under subsection 2 for any purpose other than the special investigation for which it was issued.
- 5. The department may permit attachment to the back of a driver's license the licensee's authorization for the donation of all or part of a body pursuant to NRS 451.500 to 451.585, inclusive.

  No public entity or employee shall be liable for any loss, detriment, or injury resulting directly or indirectly from false or inaccurate information contained in the attachment pursuant to this section.
  - SEC. 3 NRS 483.840 is hereby amended to read as follows:
- 483.840 1. The form of the identification cards shall be similar to that of drivers' licenses but distinguishable in color or otherwise.
- 2. Identification cards do not authorize the operation of any motor vehicle.
- 3. Identification cards shall include the following information concerning the holder:
  - (a) Name and sample signature of holder.
  - (b) Social security number or serial number of holder's card.
  - (c) Personal description.
  - (d) Date of birth.
  - (e) Current address.
- (f) A photograph of the type required by NRS 483.347 for drivers' licenses.
- 4. The department may permit attachment to the back of an identification card the holder's authorization for the donation of all or part of a body pursuant to NRS 451.500 to 451.585, inclusive. No public entity or employee shall be liable for any loss, detriment, or injury resulting directly or indirectly from false or inaccurate information contained in the attachment pursuant to this section.

This act shall become effective on or after September 1, 1977.



## U.S. DEPARTMENT OF TRANSPORTATION H NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION WASHINGTON, D.C. 20590

JAN 7 1976

IN REPLY REFER TO:

N40-30

Mr. Melvin R. Stahl
Vice President
Government Regulations
Motorcycle Industry Council, Inc.
1001 Connecticut Ave., N.W.
Washington, D.C. 20036

Dear Mr. Stahl:

This is in reply to your letter of December 30, 1975, asking whether Federal Motor Vehicle Safety Standard No. 108, which permits the manufacture of motor-driven cycles whose top speed is 30 mph, without turn signal lamps, preempts a State requirement that all motor vehicles be equipped with such lamps.

The answer to your question is yes. Even though a State as in your hypothetical may not have defined "motor vehicle," or its definition of a vehicle category differs from a definition in 49 CFR 571.3(b) (e.g. where a State defines a motor-driven cycle as a "bicycle"), it is preempted by Section 103(d) from establishing or maintaining in effect a safety standard that differs from a Federal standard covering the same aspect of performance. Accordingly, since § 4.1.1.26 of 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices, and Associated Equipment excuses low speed motor-driven cycles from the requirement that they be equipped with turn signal lamps, a State cannot require them on identical vehicles.

I hope this answers your question.

Yours truly,

Richard B. Dyson

Assistant Chief Counsel

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225 225 DEC 27 1975

#### STATE OF NEVADA

## OFFICE OF THE ATTORNEY GENERAL

MOTOR VEHICLE DIVISION
555 WRIGHT WAY
CARSON CITY 89711

ROBERT LIST ATTORNEY GENERAL

December 1, 1976

CATHY VALENTA-WEISE DEPUTY ATTORNEY GENERAL

Mr. John Ciardella, Chief Registration Division Department of Motor Vehicles 555 Wright Way Carson City, Nevada 89711

Re: American Honda Motor Co., Inc., - "Honda Express"

Dear Mr. Ciardella:

You have asked whether the "Honda Express" manufactured by American Honda Motor Co., Inc. may be registered as a motorcycle and as a motorcycle must be equipped with turn signals as required by NRS 484.557.

The "Honda Express" is not a moped as defined by NRS 482.069 for the reason that said vehicle is incapable of being propelled by motor and/or human power (pedals). In all respects, the "Honda Express" is a motorcycle and is required to be registered as a motorcycle pursuant to NRS 482.205.

The "Honda Express", however, is a motorcycle with a motor that provides a brake horsepower rating of 3.9 as indicated by the manufacturer's specification. 49 C.F.R. §571.3(b) defines a motor-driven cycle as a motorcycle with a motor that provides 5-brake horsepower or less, and thus the "Honda Express" falls within said definition. In addition, the "Honda Express" has a maximum attainable speed of 30 miles per hour attainable in one mile. Subsection 4.1.1.26 of 49 C.F.R. §571.108 exempts low-speed, motor-driven cycles from the requirement that they must be equipped with turn-signal lamps. Consequently, the "Honda Express" would be exempt under the Federal regulations.

<sup>&</sup>lt;sup>1</sup>Code of Federal Regulations.

December 1, 1976
Page Two

While the statutes of the State of Nevada do not provide a similar exemption, such an exemption must be provided for the reason that 15 U.S.C. §1392(d)<sup>2</sup>, the National Highway Safety Act, provides:

"Whenever a Federal motor vehicle safety standard established under this subchapter is in effect, no State or political subdivision of a State shall have any authority either to establish or continue in effect, with respect to any motor vehicle or item of motor vehicle equipment any safety standard applicable to the same aspect of performance of such vehicle or item of equipment which is not identical to the Federal standard..."

It is apparent that the State statute requiring turn-signal safety equipment on what is classified as a motor-driven cycle under Federal regulations is preempted by the Federal exemption.

The same conclusion was reached by Richard B. Dyson, Assistant Chief Counsel, U.S. Department of Transportation, National Highway Traffic Adminstration, in letter opinion N40-30 dated January 7, 1976, a copy of which is attached hereto for your reference.

Since the State statutes governing turn-signal equipment on a motorcycle classified by Federal regulations as a motor-driven cycle are outdated, they should be the subject of legislative amendment to conform with the Federal requirements.

Sincerely,

ROBERT\_LIST, Attorney General

Cathy Valenta-Weise

Deputy Attorney General

CV-W:lt Enclosure

cc: Robert List, Attorney General John Borda, Director, Office of Traffic Safety Howard Hill, Director, Department of Motor Vehicles w/enclosure

<sup>&</sup>lt;sup>2</sup>United States Code.

# TRANSPORTATION LEGISLATION ACTION

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SUBJECT /	18.21						
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Attached to Minutes

# TRANSPORTATION LEGISLATION ACTION

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Attached to Minutes

# TRANSPORTATION LEGISLATION ACTION

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# TRANSPORTATION LEGISLATION ACTION

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# TRANSPORTATION LEGISLATION ACTION

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Attached to Minutes

## GUEST LIST

GC /	JEST LIST	
4-5 NAME	REPRESENTING	IF YOU WISH TO SPEAK
(Please print)		Pro Con
Mr. Polish	desemblymon O. T. S.	48550
JOHN BOADA		A.B.550'
Sim Costa	Dept. of Education	AB550
John Crardelli	Dm. U	AB 499
John Crardelli	DMU	16345
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