

**MINUTES OF THE  
SENATE COMMITTEE ON TRANSPORTATION AND HOMELAND SECURITY**

**Seventy-third Session  
March 22, 2005**

The Senate Committee on Transportation and Homeland Security was called to order by Chair Dennis Nolan at 1:36 p.m. on Tuesday, March 22, 2005, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 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 at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Dennis Nolan, Chair  
Senator Joe Heck, Vice Chair  
Senator Maurice E. Washington  
Senator Mark E. Amodei  
Senator Maggie Carlton  
Senator Steven Horsford

**COMMITTEE MEMBERS ABSENT:**

Senator Michael Schneider (Excused)

**GUEST LEGISLATORS PRESENT:**

Senator Dina Titus, Clark County Senatorial District No. 7  
Senator Bob Beers, Clark County Senatorial District No. 6

**STAFF MEMBERS PRESENT:**

Patrick Guinan, Committee Policy Analyst  
James Puffer, Committee Intern  
Sherry Rodriguez, Committee Secretary  
Joshua Selleck, Committee Intern  
Lee-Ann Kever, Committee Secretary

**OTHERS PRESENT:**

Robert Compan, Farmers Insurance  
Michelle Youngs, Nevada Sheriffs' and Chiefs' Association; Washoe County Sheriff's Office  
Robert Roshak, Las Vegas Metropolitan Police Department  
Michael D. Geeser, American Automobile Association, Nevada  
Jeanette Belz, Property and Casualty Insurance Association of America  
Joseph Guild, State Farm Insurance Company  
James R. Jinks, United Services Automobile Association  
Scott M. Craigie, Farmers Insurance; Nevada State Medical Association  
Dale Andrus, American Brotherhood Aimed Towards Education of Northern Nevada  
Donald F. Boyer, Jr., Motorcyclists for Nevada  
Fredrick W. Harrell, Motorcyclists for Nevada  
Arthur Von Bulin  
Rick Eckhardt, Northern Nevada Coalition of Motorcyclists  
O.Q. Chris Johnson, Nevada Committee for Full Statehood  
Paul Purtle  
John Ellison, Board of Commissioners, Elko County  
David Gissen, M.D.  
John Ricker, Marines Motorcycle Club  
Janna Colaizzi  
Sindy Scarce, The S Curve Motorcycle Publication  
Fedelina (Dusty) Haggard, Corre Caminos  
Mikey Dee Jones, NAC, LLC  
Lorrie Smith, Rights Advocate, Nevada Disability and Advocacy Law Center  
Connie Brown  
Randy Howell, Captain, Fire Department, City of Henderson  
Glenn Singley  
Robert A. Desruisseaux, Chairman, Strategic Plan Accountability Committee  
Frank Adams, Nevada Sheriffs' and Chiefs' Association  
Steven M. Guderian, Regional Program Manager, Traffic Injury Control, Injury Control Operations and Resources, National Highway Traffic Safety Administration, U.S. Department of Transportation  
Julian Jenulis, Southwest Ambulance

Chair Nolan explained any individual presenting testimony at the hearing needed to sign in. He requested 15 copies of all written testimony be given to the

Committee secretary who would distribute the copies to the Committee members and staff. The Chair reminded those present who while testifying, would be considered to be under oath and the testimony had to be true and factual.

Chair Nolan added he could not permit members of the audience to photograph the hearing unless they had received prior permission from the Chief Clerk of the Assembly or the President of the Senate. The reason for this being only accredited members of the Legislative Press Corps were allowed to photograph Committee hearings.

Chair Nolan opened the hearing on Senate Bill (S.B.) 175.

**SENATE BILL 175**: Revises provisions governing motor vehicles. (BDR 43-700)

Senator Dina Titus, Clark County Senatorial District No. 7, said S.B. 175 was a pro-consumer bill which would benefit Nevada's consumers. The Senator said an individual involved in a traffic accident faced additional stress when dealing with the paperwork after the accident.

The bill set a fixed time in which law enforcement officials had to complete the reports associated with an accident. The bill would reduce the tow and storage charges for vehicles involved in accidents. For the first 14 days after an accident, tow companies would not be allowed to charge an administrative or processing fee. Liens placed on vehicles involved in accidents could not include administrative or processing fees for the first 14 days of storage.

When a vehicle had been involved in an accident and the tow company wanted to sell it, the tow company would have to provide advanced public notice including an advertisement to the owner of the vehicle before it could be sold. Senator Titus said past practice had been to sell those vehicles involved in accidents without the owners' knowledge.

Senator Titus stated the bill required the secured parties to produce vehicle titles in a timely manner. A punitive fee would be imposed when the deadline was not met.

Senator Titus told the Committee many other individuals and organizations, including law enforcement and tow companies, worked with her on the bill. The group's work resulted in a consensus amendment ([Exhibit C](#)).

Senator Titus reiterated that S.B. 175 was a pro-consumer bill which provided those people involved in accidents with the knowledge they needed to protect themselves and would ensure their vehicles were returned to them.

Robert Compan, Farmers Insurance, said his company had been working on the bill for the past six months with other individuals and organizations.

Mr. Compan referred to an amendment imposing a \$25 fee on those parties who violated the provisions of S.B. 175 ([Exhibit D](#)). He noted the bill originally contained four components but, had been changed after several meetings.

Mr. Compan directed the Committee's attention to sections 1, 6, 7, 8, 9 and 10 of [Exhibit C](#). Those sections outlined the responsibilities of law enforcement officials and the rights of those individuals who had been involved in traffic accidents. Under section 1, police reports would be available within seven days after a written request from an individual involved in a traffic accident. Law enforcement officers throughout Nevada agreed the bill was a good one and workable for all parties.

Mr. Compan said [Exhibit C](#), section 2, changed the time from 15 days to 10 days. It imposed fines on those individuals who failed to provide a certificate of title in a timely fashion and who failed to comply with the statute. Presently, there were no punitive measures for those individuals who failed to comply with existing statute. Mr. Compan noted in some instances titles would not be issued for 30 to 90 days after being requested.

Mr. Compan said [Exhibit C](#), section 4, subsection 5, changed the time limit required to process a vehicle lien. Mr. Compan said he discussed this provision with Troy Dillard, Administrator, Compliance Enforcement Division, Department of Motor Vehicles (DMV). Mr. Compan stated Mr. Dillard did not have a problem with the amendment.

The provision allowed consumers who had been involved in traffic accidents time to locate his or her vehicle before the lien-processing fee was imposed.

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Senator Washington said the Senate Committee on Judiciary had processed a similar measure, S.B. 41.

The Senator wanted to know whether the time frame presented in S.B. 175 addressed the concerns of the financial institutions regarding liens and tow companies. He asked how the two bills compared to one another.

SENATE BILL 41: Revises provisions governing priority of certain liens.  
(BDR 9-133)

Mr. Compan said S.B. 41 dealt with mechanics' liens not vehicle liens, and he was not very familiar with the bill. Chair Nolan directed Patrick Guinan, Committee Policy Analyst, to review S.B. 41 and answer Senator Washington's question.

Senator Carlton referred to Exhibit C, section 1, subsection 1, which contained the phrase, "... or his legal representative or insurer." She wanted to know why the insurer was being allowed copies of accident reports. The Senator said she thought an individual involved in an accident was responsible for providing his or her insurance company with copies of the accident report.

Mr. Compan said when a person was represented by legal counsel, the legal counsel would be responsible for obtaining all necessary accident reports. He stated he could not address that provision of Exhibit C. The provision for the insurers gave insurance companies the opportunity to obtain police reports in a timely manner on behalf of their clients. The paperwork then allowed an insurance company to investigate accidents and to litigate future damages.

Senator Carlton stated she knew insurance agents and attorneys were provided with a separate line at a police or sheriff's department to use when obtaining copies of police reports. She asked what the provision clarified. Mr. Compan said the provision addressed the time limit law enforcement agencies had to meet when providing written accident reports. Mr. Compan noted Senator Carlton was correct when she stated there was a separate line for attorneys and insurance representatives to use when obtaining copies of accident reports. Mr. Compan said a law enforcement representative might be able to provide the Senator with a better answer to her question.

Michelle Youngs, Nevada Sheriffs' and Chiefs' Association (NSCA); Washoe County Sheriff's Office, said she was not sure what the Senator was asking. She said the bill's main point was the timeline which law enforcement had to follow when providing written copies of accident reports. Ms. Youngs said both the Nevada Sheriffs' and Chiefs' Association and the Washoe County Sheriff's Office were in agreement with the timeline contained in [Exhibit C](#).

Mr. Compan said the bill clarified which parties were entitled to receive copies of police reports for accidents.

Ms. Youngs said the bill provided for the distribution of public records and protected those public records from being distributed to unauthorized persons.

Robert Roshak, Las Vegas Metropolitan Police Department (Metro) and Nevada Sheriffs' and Chiefs' Association, said both the Metro and the NSCA fully supported those provisions of the bill which affected law enforcement. The timetable contained in the bill was workable.

Michael D. Geeser, American Automobile Association (AAA), Nevada, said he supported [S.B. 175](#) as the legislation was good for the AAA membership. The reason for that being the savings realized as a result of the bill would be substantial. Mr. Geeser addressed lien sales. He said many times accident victims remained hospitalized for lengthy periods of time and were unable to retrieve their vehicles in a timely fashion. The bill gave AAA members an opportunity to recover both physically and financially from an accident. Mr. Geeser said his company would be able to quickly process a vehicle with a salvage title and meet the time frame contained in the bill. The time frame in the bill helped the insurance industry. Mr. Geeser urged the Committee to pass [S.B. 175](#).

Jeanette Belz, Property and Casualty Insurance Association of America (PCIAA), said the 268 members of the PCIAA were doing business in Nevada and represented approximately 41 percent of the property casualty premiums issued in the state. She said the PCIAA felt the bill would provide for greater efficiencies in processing vehicles which had been involved in accidents, while reducing unnecessary consumer and insurance fees. Ms. Belz urged the Committee to support [S.B. 175](#).

Joseph Guild, State Farm Insurance Company, urged the Committee to support S.B. 175.

James R. Jinks, United Services Automobile Association, said he supported S.B. 175.

Scott M. Craigie, Farmers Insurance, referred to [Exhibit D](#) and said he had not previously seen the amendment. He said DMV officials would have the bill's amendments processed by the Assembly. Mr. Craigie said he had no objections to the Committee processing the bill due to the fact the amendments would be considered by the Assembly.

Chair Nolan reported the Committee would review S.B. 175 to see how it conformed to S.B. 41. The bill would be held until considered by the Committee at a work session. He said he did not want the Assembly to rework any piece of legislation when the Committee could propose the amendments. The Chair told Mr. Craigie any amendments to the bill would be considered at a work session. Chair Nolan said the Committee would have the amendments drafted, and he directed Mr. Craigie to discuss his amendments with Senator Titus before submitting them to the Committee. The Chair noted the amendments contained in [Exhibit C](#) and [Exhibit D](#) had been approved by Senator Titus.

For the record, Mr. Craigie said "Senator Titus has agreed to sit down and go through the amendments."

Chair Nolan closed the hearing on S.B. 175 and opened the hearing on S.B. 151.

**[SENATE BILL 151](#)**: Revises provisions governing wearing of protective headgear on motorcycles. (BDR 43-180)

Chair Nolan stated the opponents and proponents of S.B. 151 would each be given an equal amount of time in which to testify. He told all parties to treat each other with respect and dignity.

The Chair said the bill's primary sponsor, Senator Bob Beers and his witnesses would testify first. Other witnesses would be allowed to testify after Senator Beers and his witnesses. Chair Nolan said the proponents and

opponents to the bill would each be given 45 minutes for testimony. The Chair asked that testimony not be repeated.

Senator Bob Beers, Clark County Senatorial District No. 6, said he believed S.B. 151 differed from previous measures repealing the mandatory use of helmets by motorcycle riders. The current version of the bill said a motorcyclist did not have to wear a helmet if: 1) he or she were 21 years of age or older, 2) had attended Nevada's Motorcycle Safety Training Course and 3) he or she had at least a year's experience operating a motorcycle.

Senator Beers referred to detailed motorcycle laws across the country ([Exhibit E](#)). The helmet requirements were age-based. Senator Beers noted the Michigan Senate recently passed legislation similar to S.B. 151. Additionally, three of the states surrounding Nevada permitted riders who were 18 or older to ride motorcycles without wearing a helmet.

Senator Beers directed the Committee's attention to a resolution passed by the Elko County Board of Commissioners ([Exhibit F](#)). The resolution urged passage of S.B. 151. Senator Beers said the bill had received the most public comment on the Legislature's Web site ([Exhibit G](#)) with 163 votes registered; 152 of those votes were in favor of S.B. 151.

Senator Beers said the Department of Public Safety (DPS) was neutral on the bill due to the additional educational requirements contained in the measure. In past Legislative Sessions, the DPS opposed similar bills.

Senator Beers told Committee members if they opposed the bill, it was out of concern that society would bear the medical costs of those motorcyclists who did not wear helmets and who were involved in accidents. The Senator said he talked with a senior law enforcement official who told him attending the motorcycle-safety training course would save more lives than would wearing helmets.

Senator Beers stated those supporting the bill would stand with him and strike a blow for personal responsibility and liberty. He told the Committee he was not a motorcycle rider and had never owned a motorcycle. The Senator said the issue was personal freedom and liberty. He was concerned that when government mandated riders wear helmets, it was propagating the myth that government could be the riders' parents. Senator Beers said government's role was not to



make the citizens happy, but rather to make the playing field even for all citizens so they could pursue happiness.

Senator Horsford asked why the age of 21 had been decided upon. He noted several other states permitted motorcyclists under the age of 21 to ride without wearing helmets. Senator Beers stated he would not object if the age provision in the bill were lowered. He noted similar legislation in the past failed and he wanted to reach a compromise which would allow the motorcyclists to ride with or without helmets. In the spirit of compromise, the highest of the ages used by other states was selected.

Vice Chair Heck asked how law enforcement officers would know when a motorcyclist met the requirements contained in S.B. 151 and had the right to legally ride without a helmet. Senator Beers said it had been his intention for the *Nevada Administrative Code* to provide guidance to law enforcement officials on that subject.

Senator Beers detailed the manner in which Texas handled the situation. A special sticker was issued to all motorcycle riders who met the provisions of Texas law and were entitled to ride without a helmet. The sticker was then placed on the license plates of those riders. The sticker notified law enforcement officials that the motorcyclist was in compliance with the law. The sticker was difficult to obtain and could only be obtained after a rider demonstrated that he or she met all the legal requirements.

Senator Beers asked the Chair to determine the order of appearance for the witnesses. The Senator said he thought there would be many people providing identical testimony. The Senator asked those in the audience not to testify if a previous witness made the point they were going to make in their testimony. Those individuals could hold up their hands and say, "Me too," when a witness made a point with which they agreed.

Dale Andrus, American Brotherhood Aimed Towards Education (A.B.A.T.E.) of Northern Nevada, said he was testifying in favor of S.B. 151 as written. He referred to a handout detailing the financial benefits Nevada would realize if motorcyclists were permitted to ride without wearing helmets ([Exhibit H](#)). The handout included a copy of [Exhibit F](#) and [Exhibit G](#) in addition to information on the financial benefits the State could expect to receive if the bill were passed.

Mr. Andrus said 30 states changed their helmet laws. One of those states, Florida, struck down its mandatory helmet law three years ago and benefited financially from the repeal. Mr. Andrus said [Exhibit H](#) contained a chart indicating how much Nevada could realize financially from the repeal of its mandatory helmet law. The chart was based on Florida's increase in retail sales since it repealed its mandatory helmet law. The chart had been modified to reflect Nevada's population and sales-tax rates.

Based on Florida's figures and taking into account Nevada's sales tax, registration fees, title fees and the fee charged for the Rider Safety Program, Mr. Andrus estimated Nevada could realize a revenue increase of approximately \$20,853,180. The figure did not include the fuel sales tax.

Senator Carlton wanted to know whether any of the states which currently permitted adult freedom of choice for helmet usage ever had helmet laws. Mr. Andrus said in the late 1960s or early 1970s, there had been a federal mandate which required all states to impose helmet laws for motorcyclists. The federal government would not release federal road funds to those states which did not have a mandatory helmet law. The federal mandate meant at one time, all 50 of the states had helmet laws. Most states amended their helmet laws within the past 30 years. An average of one state per year repealed or modified its mandatory helmet laws.

Senator Carlton wanted to know how many of those states had incorporated a provision into their new legislation that a rider must carry medical liability insurance if he or she chose to ride without a helmet. Mr. Andrus said he knew some states required such insurance, but did not have the exact figure for the Senator.

Donald F. Boyer, Jr., Motorcyclists for Nevada (MFN), said Texas included a medical insurance liability provision in its legislation and required a \$10,000 medical insurance liability waiver. The waiver was not required when a rider took the Motorcycle Safety Foundation course. Chair Nolan said it appeared as though Florida had the same requirements for medical insurance.

Mr. Boyer stated the MFN worked hard to develop a workable bill which would provide compromise for both sides of the issue and permit freedom of choice for adult motorcyclists. Mr. Boyer wanted [S.B. 151](#) passed as written and did not want it amended.

Mr. Boyer presented three exhibits for the Committee's review: a study by ABATE of Maryland ([Exhibit I](#), original is on file at the Research Library), the rider handbook for the Motorcycle Safety Foundation's basic rider course ([Exhibit J](#), original is on file at the Research Library)) and a copy of Governor Guinn's proclamation declaring May 2005 as Motorcycle Safety Awareness Month and other documents relative to the bill ([Exhibit K](#)).

Mr. Boyer said in Nevada during 2003, 65 pedestrians had been killed by automobiles while only 26 motorcyclists had been killed. The 65 pedestrians represented two-thirds of all motor vehicle deaths in Nevada during that time frame. Mr. Boyer said he had not seen pedestrians wearing helmets, yet more pedestrians than motorcyclists were killed per year. The National Highway Traffic Safety Administration (NHTSA) conducted studies which corroborated Mr. Boyer's statements on the number of pedestrians killed versus the number of motorcyclists.

Mr. Boyer noted there were numerous everyday activities which were dangerous and required education or instruction. Those activities included driving a car, riding a bicycle or motorcycle, horseback riding and rock climbing to name a few. When proper education and instruction were not provided for those activities, injury or death could result. Mr. Boyer said even if all the motorcyclists were taken off the road, none of Nevada's hospitals would be able to close.

Mr. Boyer reiterated that riding a motorcycle could be dangerous, but almost any other everyday activity was just as dangerous. Mr. Boyer said education was the key to motorcycle safety, not insurance and helmets. He mentioned education was necessary for people to learn how to properly scuba dive, sky dive or sail; without education, those activities would be dangerous to the participants. Mr. Boyer stated insurance would not prevent injury or death.

Mr. Boyer said it was an undeniable fact that motorcycle riding had the potential for injury or death. However, motorcycle accidents accounted only for a small section of the population being hospitalized or ending up in a morgue. Mr. Boyer said adult education would prevent accidents. He reminded the Committee of an accident which recently occurred in Las Vegas. In that accident, the driver of a sports utility vehicle lost control of the vehicle and ran into a bus stop and killed four people. Mr. Boyer said insurance had not changed the outcome of the accident.

Frederick W. Harrell, Motorcyclists for Nevada, thanked the Committee for permitting him to testify in favor of S.B. 151. He said he had been riding motorcycles since 1967 and had made numerous cross-country trips on motorcycles, both with and without wearing a motorcycle helmet. Mr. Harrell had been involved in two life-threatening accidents. In both of those accidents, the injuries he received had not extended above his shoulders. In one accident, he was not wearing a helmet; in the other accident, his helmet was not damaged.

Mr. Harrell said he paid approximately \$400 for his helmet, which was a full-face helmet. He wore it as an adult and made adult decisions on whether or not to wear it in those states which permitted freedom of choice for helmet usage. Mr. Harrell said he had taken advanced motorcycle rider training and was the primary drafter for the legislation which created Nevada's motorcycle-rider-training program.

Mr. Harrell stated that he had been involved in motorcyclists' rights since the early 1970s. At that time, the issue had been under the control of the federal government. Motorcyclists traveled to Washington, D.C., to lobby Congress to rescind the federal mandates which dictated the withholding of 10 percent of the states' highway funds. Nevada had capitulated to the federal government's demands. The resulting Nevada's mandatory helmet law was implemented in the early 1970s.

Mr. Harrell said when he first became involved in the issue of helmet usage, he believed it was a freedom-of-choice issue. He still believed in freedom of choice, but now felt responsibility was an important component for freedom of choice. He said he believed S.B. 151 demonstrated both freedom of choice and responsibility for adult motorcyclists. Mr. Harrell stressed S.B. 151 was responsible legislation which addressed freedom of choice for adults over the age of 21 and did not repeal *Nevada Revised Statute* (NRS) 486.231. The bill also addressed the educational aspects of riding without a motorcycle helmet.

Mr. Harrell stated motorcyclists were responsible and supported legislation which created Nevada's motorcycle-rider-training program. He added \$6 out of each motorcycle registration fee was channeled towards the fund for the motorcycle-rider-training program; plus, the participants paid to take the course.

Mr. Harrell said motorcyclists believed in freedom of choice and supported training. The issue before the Committee was freedom of choice. He noted the Committee might hear testimony indicating Nevada's health care costs would rise if S.B. 151 were enacted. Such testimony would not be true. Motorcyclists, whether helmeted or not helmeted, accounted for less than one-tenth of one percent of the national health care costs.

Mr. Harrell said the Committee might hear testimony indicating there would be a need to increase the insurance carried by motorcyclists who rode without helmets. He stated no amount of money would replace the lives lost through injury or death. The Committee might also hear how the bill would present an enforcement problem for law enforcement officials. Mr. Harrell said traffic stops involved probable cause. He noted when pulling a car over for a traffic stop, a traffic officer did not know whether or not the driver was licensed. The same held true for motorcyclists who were pulled over during a traffic stop. All information relating to a motorcyclist would be on his or her motorcycle driver's license.

Mr. Harrell said motorcyclists demonstrated their support for motorcycle training and freedom of choice through S.B. 151. Since 1993, motorcyclists in Nevada contributed \$2.5 million to the motorcycle rider training program through tuition and registration fees. Additionally, operators of other motor vehicles were not required to take the rigorous training which the motorcyclists took in order to obtain licensing or to demonstrate responsibility. Further, operators of other motor vehicles had not demonstrated their commitment to financial responsibility by funding programs such as the motorcycle-rider-training program.

Mr. Harrell stressed adult motorcyclists were responsible and deserved to have freedom of choice. He said S.B. 151 was good legislation which he supported. Mr. Harrell urged the Committee to pass the bill.

Arthur Von Bulin read from prepared text ([Exhibit L](#)).

Rick Eckhardt, Northern Nevada Coalition of Motorcyclists, said he had lived in the Reno-Sparks area for the past 23 years. He owned a small motorcycle-parts manufacturing company. Mr. Eckhardt said he was representing the Northern Nevada Coalition of Motorcyclists, Aid to Injured Motorcyclists, MFN and Soldiers for Jesus International Motorcycle Club.

Mr. Eckhardt stated he hoped S.B. 151 would pass. The real issue before the Committee was freedom of choice. Currently, there was a double standard for safety in Nevada. Mr. Eckhardt said if safety was the real reason for the helmet law in Nevada, then other sports and activities should be required to wear helmets as well. Mr. Eckhardt mentioned horseback riding, snow skiing and snowboarders as some of the sports in which participants should be required to wear helmets. He noted snowboarders could exceed many posted speed limits when snowboarding and unlike snowboarders, motorcyclists did not have to dodge trees in the middle of the road.

Mr. Eckhardt said skiers and Nevada ski resorts would resist legislation mandating the use of helmets by skiers. Mr. Eckhardt wanted to know why helmets were good for motorcyclists, but not skiers.

Mr. Eckhardt said the age provision contained in the bill was acceptable to him. However, the age provision was an example of a double standard as 18-year-olds had the right to join the military. The federal government believed people of that age were trainable and could make critical, life-or-death decisions after training.

Mr. Eckhardt said his helmet of choice was a top-of-the-line, full-face helmet which retailed for approximately \$450. He would still wear his helmet 95 percent of the time if S.B. 151 passed. Mr. Eckhardt said he wanted the option of not wearing a helmet when the temperature reached 114 degrees or higher during the summer. For the Committee's benefit, Mr. Eckhardt detailed a motorcycle run in the summer of 2004. During the run through southern Nevada and Arizona continuing into Colorado, one rider was overcome with heat stroke while other riders were forced to make frequent stops to pour cool water over their heads. Once the group reached the Colorado border, all the riders removed their helmets.

Mr. Eckhardt thanked the Committee for considering S.B. 151 and urged the members to pass the bill.

O.Q. Chris Johnson, Nevada Committee for Full Statehood, read from prepared text ([Exhibit M](#)). He said he was not a motorcyclist, but wanted to reiterate personal freedom of choice came with being an independent American.

Mr. Johnson repeated Mr. Eckhardt's testimony regarding the participants of other sports being forced to wear helmets. He stressed motorcyclists should be given freedom of choice on whether or not to wear helmets.

Paul Purtle said he knew Chair Nolan had strong opinions about the bill, but had been cooperative. He thanked Chair Nolan and his staff for the cooperation. Mr. Purtle said he had lived in Nevada for the past ten years. He was a licensed and insured motorcyclist. Mr. Purtle had ridden two-wheeled vehicles for a number of years in both helmet-free and helmet-required states. He said the only time he wore a helmet was when riding motorcycles in Nevada. Mr. Purtle did not require his children to wear helmets. Neither he nor his children had been involved in a motorcycle accident and Mr. Purtle's driving record was perfect.

Mr. Purtle referred to written statistics which also included a photograph published in the Reno Gazette-Journal on October 6, 2004 ([Exhibit N](#), original is on file at the Research Library). The photograph showed a fatal motorcycle accident. He noted the majority of motorcyclists were killed while wearing helmets, but their injuries were not to the head area. Mr. Purtle said he conducted a five-year study for the Alaska Legislature. At the time, Alaska did not have a helmet law and when one was proposed, Mr. Purtle conducted the study of all motorcycle accidents in Alaska. The study included the cause of death, contributing factors, which riders wore helmets and which riders did not wear helmets. The study found that the majority of Alaskan motorcyclists who died in motorcycle accidents had been wearing helmets.

When Mr. Purtle presented his study to the Alaska Legislature, he had been told he was the only person who presented relevant facts to the legislators. The Alaska Legislature defeated a measure similar to [S.B. 151](#).

Mr. Purtle said [Exhibit N](#) also contained statistics on the number of people who, over the past nine years, died in motorcycle accidents while wearing helmets.

Mr. Purtle said people in Alaska rode their motorcycles daily even in the winter; while in Nevada, people tended to ride only during spring and summer. Most motorcyclists in Nevada were killed on weekends between 6 p.m. and 9 p.m. He stated statistics indicated the majority of riders killed were inexperienced riders. Mr. Purtle noted one-third of the motorcyclists killed in Nevada did not have a valid driver's license. Mr. Purtle reported he discussed the matter with a Nevada Highway Patrol trooper. The trooper told Mr. Purtle in the motorcycle

accidents he investigated, none of the motorcyclists had been licensed. In both Nevada and Alaska, alcohol was a contributing factor for motorcycle accidents.

Mr. Purtle referred to past legislative hearings on the subject of mandatory helmet laws and challenged some of the statements during those hearings. At one hearing, an emergency medical technician told a legislative panel that when he arrived on an accident scene, the victim would still be alive if he or she was wearing a helmet. Mr. Purtle said the picture in [Exhibit N](#) disputed that statement. Mr. Purtle noted in accident situations, riders would lose their helmets due to the impact of the collision.

Mr. Purtle said he could not be an advocate of helmet wearing. He said a friend of his had been wearing a helmet when involved in a fatal motorcycle accident. The friend repeatedly urged Mr. Purtle to wear a helmet when riding motorcycles. At one point, Mr. Purtle became so irritated with his friend's request, that he told the friend wearing a helmet would not save him. The next time Mr. Purtle saw his friend was at the friend's funeral. Mr. Purtle said education would be a better safety measure than wearing a helmet.

Mr. Purtle continued by referring to past legislative testimony in which an employee of the University Medical Center (UMC) in Las Vegas said the UMC was glad to be located close to the Arizona border as Arizona was helmet-free. Based on that fact, Arizona would provide the UMC with organ donations from those riders who did not wear helmets and who were killed in motorcycle accidents. Mr. Purtle said there had been a combined total of 352 helmeted riders from Arizona and California whose organs were donated versus 121 helmet-free riders whose organs were donated.

Mr. Purtle discussed people ejected from motor vehicles during accidents. He said a helmet law had not been proposed for people who rode in motor vehicles, even though there were 100,000 motor vehicle deaths annually. Further, the pedestrian death rate was higher than the motor vehicle death rate and again, no helmet laws had been proposed for pedestrians.

Mr. Purtle said the penalty for riding without a proper motorcycle driver's license was \$85. He said the penalty should be \$500. Mr. Purtle stated the riders who made the responsible riders such as himself look bad were the ones who rode while under the influence of alcohol or who were not licensed. No



amount of education or training would change those factors; only increased financial penalties would.

John Ellison, Board of Commissioners, Elko County, spoke from prepared text ([Exhibit O](#)). Mr. Ellison noted he was involved in a variety of pursuits ranging from bull riding at rodeos to scuba diving. He had been injured when participating in those activities, but not when riding a motorcycle.

Mr. Ellison said he had a client who participated in a number of motorcycle rallies. The client told Mr. Ellison his motorcycle club would not attend a rally in any state with a mandatory helmet law. Mr. Ellison urged the Committee to pass S.B. 151

David Gissen, M.D., said he was a licensed physician in Nevada and rode two-wheeled vehicles almost daily. While Dr. Gissen always wore a helmet, he stated he was testifying in support of S.B. 151. Dr. Gissen said the issue was a financial, not a safety or personal-freedom issue.

Dr. Gissen said the question was if the repeal of the mandatory helmet law in Nevada would cost the taxpayers additional money. He proposed that those individuals who wanted to ride without wearing helmets would have to be financially responsible for their medical costs, especially if the State of Nevada might have to cover the medical costs. Such riders would need health insurance, disability insurance, long-term care insurance and a uniform donor card. When adult riders met all those requirements, they would have the right to be stupid and ride without helmets.

John Ricker, Marines Motorcycle Club, said he supported S.B. 151. Mr. Ricker said the issue was a freedom-of-choice issue. Riding without a helmet was a freedom his group wanted to retain.

Janna Colaizzi said she supported S.B. 151.

Sindy Scarce, The S Curve Motorcycle Publication, referred to a letter from Michael D. Geeser, AAA Nevada, opposing S.B. 151 ([Exhibit P](#)). She noted the first paragraph of the letter read, "... AAA Nevada, with more than 300,000 members opposes S.B. 151." She stated she was a member of AAA Nevada and had not been polled by that organization prior to the letter being

sent to the Committee. Therefore, she requested the Committee members ignore [Exhibit O](#) as it did not represent the views of all AAA members.

Fedelina (Dusty) Haggard, Corre Caminos, said she had been riding motorcycles for the past ten years. She told the Committee that motorcyclists in Reno held an annual toy parade every Christmas. Parade participants were given an opportunity to ride with or without helmets. Some of the parade participants rode with helmets while others did not. She said people made choices and if [S.B. 151](#) were passed, not all motorcycle riders in Nevada would choose to ride without helmets.

Mikey Dee Jones, NAC, LLC, said he had been riding motorcycles since he became a licensed driver, both for automobiles and motorcycles. During his riding career, he had been involved in one accident. At that time, he was not wearing a helmet and had been struck by a car which had run a red light. Mr. Jones said no amount of training would have changed the outcome of the accident. Mr. Jones stated if he had been wearing a helmet, the accident would have resulted in his death or in severe injury.

Mr. Jones said the small number of people who wore helmets and who survived a motorcycle accident often had medical problems later in life. He told the Committee that during an accident, the brain moved around the skull just like a Ping-Pong ball moved around in a glass when it was shaken. Additionally, helmets cut off the peripheral vision of the motorcyclists and interfered with their hearing.

Mr. Jones stated that after his accident he had been transported to a local hospital and was dead on arrival. The doctor who treated him told him he was alive only because he had not worn a helmet.

Mr. Jones said approximately 70 percent of all riders who wore helmets and were injured in accidents suffered severe brain injuries or became paraplegic. The reason for this being during an accident a whiplash effect was created by the helmet. Mr. Jones stated he carried insurance and when he had been injured, his insurance paid for his medical treatment. He added he did not think training would benefit riders, but if [S.B. 151](#) contained a training provision, he would support it.

Lorrie Smith, Rights Advocate, Nevada Disability and Advocacy Law Center, said she was a 12-year post-brain-injury survivor. She stated victims of brain injuries suffered from their injuries for the rest of their lives and people needed to realize that fact.

Ms. Smith said the life of a person who suffered a brain injury was never the same after the injury. Brain-injured people required intensive physical therapy and medication. Additionally, those individuals suffered from severe depression and seizures. Ms. Smith noted the medical costs associated with a brain injury were tremendous and a \$10,000 insurance policy would not be sufficient to cover those costs.

Ms. Smith stated she had held a motorcycle driver's license. She had been involved in an all-terrain-vehicle accident. At the time, she was wearing a helmet, which was the only thing that saved her life. Ms. Smith stressed that brain injuries were not fun and often resulted in disabilities. She pleaded with the Committee not to repeal Nevada's mandatory helmet law.

The Chair asked for testimony from Patricia and Todd Whittle. Ms. Smith told the Chair the Whittles left the hearing as Mr. Whittle had become very emotional when hearing others testify. Mr. Whittle suffered a brain injury. Chair Nolan said the record would show the Whittles were opposed to S.B. 151.

Connie Brown said she was a registered nurse in Nevada with 20 years of trauma experience in level 1 trauma centers throughout the country. She stated that she witnessed firsthand the benefits of wearing a helmet while riding a motorcycle while treating the victims of motorcycle accidents. Ms. Brown added she had seen the devastating effect on both the riders and their families when helmets were not worn.

Ms. Brown said a 2002 study conducted for NHTSA concluded helmets reduced motorcycle-related deaths by 40 percent and that unhelmeted riders were three times more likely to suffer traumatic brain injuries. The usage rate for helmets in states without mandatory helmet laws was between 28 to 40 percent, while the states with mandatory helmet laws had a usage rate close to 100 percent.

As an example of what happened when a state repealed or relaxed its mandatory helmet law, Ms. Brown cited a case in Texas. Texas legislators had

repealed the state's mandatory helmet law in 1977. Only riders under 18 years of age were required to wear helmets. After the Texas law was amended, there had been a 35-percent increase in motorcycle fatalities. In 1989, Texas reinstated its mandatory helmet law when motorcycle helmet usage was at 41 percent. In the first month after the mandatory helmet law became effective in Texas, usage climbed to 90 percent and serious injuries received in motorcycle accidents dropped by 10 percent.

Ms. Brown stated the 2002 NHTSA study reviewed helmet laws in approximately 25 states and found only half of the motorcycle-accident victims carried private health insurance. The report concluded consistent helmet use reduced fatality rates, probability and severity of head injuries, the cost of medical treatment, length of a hospital stay, the necessity for special medical treatments and the probability of long-term disability.

Ms. Brown said there was no evidence that weak helmet-use laws, which applied only to young riders, reduced death or injuries. The states which mandated helmet usage by riders under 21 saw 8 percent of the motorcyclists killed in 2002. The figure was slightly higher than the percentage of motorcyclists killed in states with no helmet law. Ms. Brown added helmet use remained low in the states with restricted laws and the death rate from head injuries received in motorcycle accidents was twice as high as in those states with weak or nonexistent helmet laws.

Ms. Brown said the costs associated with those riders who wore helmets versus those riders who did not wear helmets were staggering. National studies showed the medical costs for unhelmeted motorcycle riders with brain injuries was two and a half times higher than the hospital costs for those riders hospitalized without brain injuries. The studies did not include the cost of long-term care.

Ms. Brown stated NHTSA estimated helmet usage saved \$19.5 billion in economic costs from 1984 through 2002. She said she thought the Committee would find the statistics consistent and staggering.

Randy Howell, Captain, Fire Department, City of Henderson, stated he had been a paramedic in Nevada for the past 20 years. He said he appreciated the statistical data provided by Ms. Brown. He added that he witnessed firsthand the results of motorcycle accidents. People who wore helmets while riding

motorcycles were not as severely injured as those who rode without helmets. Mr. Howell stated while people died when they rode wearing helmets, they were less likely to die than those who rode without wearing helmets. He added the severity of injuries received by those people who rode and did not wear helmets was significantly different than those who people who wore helmets.

Mr. Howell stated he opposed S.B. 151.

For the record, Chair Nolan told those present, "When I was a paramedic, about ten years ago, I use to run calls with Randy (Howell), who is now a chief with the Henderson Fire Department."

Glenn Singley said there was no scientific proof showing that motorcycle helmets reduced peripheral vision, caused injury or reduced a rider's hearing. He said he did not know of any study which proved wearing a helmet would cause injuries.

Mr. Singley said his main problem with the bill would be the manner in which law enforcement officials enforced it. A traffic officer would not be able to tell whether a rider without a helmet met all the provisions of the bill which allowed him or her to ride without a helmet.

Mr. Singley discounted previous testimony which stated a driver's license would tell a law enforcement official whether a person met all the provisions contained in S.B. 151. Mr. Singley said a driver's license only told the traffic officer that the operator was over 21 years of age, had a motorcycle endorsement and possibly was an organ donor. The license would not tell law enforcement whether or not the rider had taken the required motorcycle-safety course or how long the person had been riding a motorcycle.

Mr. Singley said it had been suggested special stickers be issued to those riders who met the statutory provisions. The sticker would be placed on the rear motorcycle license plate and inform law enforcement officers that the rider was compliant with the law. He wanted to know how close the officer would have to be to the motorcycle in order to see the sticker.

Mr. Singley stated he was in favor of free choice and wanted a way to enforce the provisions of S.B. 151 if it were enacted. Otherwise, there would be people riding without helmets who did not meet the statutory requirements to ride

without helmets and putting both themselves and others at risk as they thought they would not be caught.

Mr. Singley said he was in favor of high financial penalties for those people who illegally rode without helmets.

Mr. Singley referred to section 1, subsection 2, paragraph (a), subparagraph (3) of the bill: "Has completed a course of instruction on motorcycle safety that has been approved pursuant to NRS 486.372." He said he thought NRS 486.372 mandated the course of instruction to be approved by the State. Mr. Singley said proponents of the bill discussed the improved economic benefit to Nevada if S.B. 151 were passed. He noted under the provisions of the bill, tourists would have to wear helmets while riding motorcycles in Nevada.

Mr. Singley urged the Committee to not pass S.B. 151 due to the lack of enforcement provisions. He stated it would be a disservice to those people who supported the bill if it were passed as written.

Senator Horsford asked Mr. Singley what he thought about requiring those people who wore helmets to take a safety course. Mr. Singley said everybody who rode motorcycles should take an instructional course whether or not they wore helmets

Robert A. Desruisseaux, Chairman, Strategic Plan Accountability Committee, told the Committee the strategic plan had been endorsed by the members of the 72nd Legislative Session and specifically called for the mandatory helmet law to remain on the books as written.

Mr. Desruisseaux said the disability community would rather not have laws on the books which created additional disabled people. Mr. Desruisseaux said his goal was to put himself out of a job.

Mr. Desruisseaux acknowledged the issue was a difficult one as the Committee was being asked to balance the concern of public health with that of individual freedoms.

Mr. Desruisseaux said if he were going to vote on the bill, the first question he would ask is what would the bill cost Nevada in terms of providing medical

treatment to those motorcyclists who rode without wearing a helmet and who had been injured.

Mr. Desruisseaux referred to page 1 of the Traffic Safety Facts, published in April 2004, ([Exhibit Q](#)) which stated: "... A 1994 study by the National Public Services Research Institute concluded that wearing a motorcycle helmet does not restrict a rider's ability to hear auditory signals or see a vehicle in an adjacent lane."

Mr. Desruisseaux said he was not concerned with the number of deaths which would result if S.B. 151 were passed, but rather with the resulting number of brain injuries. Mr. Desruisseaux said he had been a lobbyist at the Legislature for the past four Legislative Sessions. During that time, he had become frustrated with the lack of services provided to those individuals with traumatic brain injuries. He said he was not happy to see legislation such as S.B. 151 which would increase the number of brain-injured people in Nevada, especially when the services needed by those individuals were not increased.

Mr. Desruisseaux encouraged the Committee to consider the unintended consequences which would result if S.B. 151 were passed. Mr. Desruisseaux said he had problems with the bill's lack of enforcement provisions. He stated he was not sure whether the bill was smart public policy. He noted a comparison of motorcycle helmet requirements on a state-by-state basis was included in [Exhibit E](#). Mr. Desruisseaux noted there were many variables in riding conditions from state to state including weather and road conditions. The information was valuable, but the Committee needed to focus on those conditions specific to Nevada.

Senator Horsford said he thought Mr. Desruisseaux was correct in his statements that the big issues of the bill were public health and personal rights. The Senator said testimony indicating that motorcycle safety training would be beneficial to both helmeted and non-helmeted riders had been received by the Committee. He asked what Mr. Desruisseaux's position was on the training provision of the bill. Mr. Desruisseaux said he reiterated Mr. Singley's position on training for motorcycle riders. He added motorcycle-safety training should be required for all motorcycle riders. However, no amount of training would eliminate traumatic brain injuries.

Frank Adams, Nevada Sheriffs' and Chiefs' Association, said he opposed S.B. 151. He said there were two problems with the bill, one was enforcement and the other was safety. There would be an increase in the number of major injuries if the bill were passed. A motorcycle helmet was a safety item which the Legislature deemed important. Mr. Adams asked the Committee to not repeal the mandatory wearing of helmets by motorcyclists in Nevada.

Chair Nolan told those present the Committee had lost its quorum and would continue as a subcommittee for the purpose of taking testimony. The Chair promised those who presented testimony that copies of the minutes would be made available to the Committee members. He asked those present not to take the absence of any Committee member as a sign of disrespect. Those Committee members had to present testimony before other legislative committees.

Steven M. Guderian, Regional Program Manager, Traffic Injury Control, Injury Control Operations and Resources, National Highway Traffic Safety Administration, U.S. Department of Transportation, said he served as a police officer for 23 years prior to working for NHTSA.

During his law enforcement career, he spent 15 years as a motorcycle officer and a traffic investigator. As a traffic investigator, his duties included collision reconstruction and the investigation of all fatal collisions. Mr. Guderian received specialized training for his duties as a traffic investigator. Mr. Guderian received a bachelor's degree in physics. He stated that he explained his professional and educational background to the Committee members so they would understand he was well versed in the operation of motorcycles and what transpired during a motorcycle accident.

Mr. Guderian said one of NHTSA's priorities for 2005 was to address federal Motor Vehicle Safety Standards and Regulations, Standard No. 218, the federal helmet law. This would make it easier to identify noncompliant motorcycle helmets. He did not know the time frame for the project's completion, but he stressed it was a priority for the agency.

Mr. Guderian said NHTSA agreed motorcycles were dangerous motor vehicles. He added 80 percent of all motorcycle accidents in the country resulted in either injury or death, while the figure was only 20 percent for motor vehicle accidents.



Mr. Guderian said the most recent study indicated motorcycle helmets were only 37-percent effective. From 1997 through 2003, Florida, Kentucky, Arkansas, Texas and Louisiana repealed their mandatory helmet laws. Those states saw an increase in the number of motorcycle fatalities, particularly in riders who were not wearing helmets. Mr. Guderian stated there had been an increase in the medical costs for injuries in those states after the repeal of mandatory helmet laws. The state of Louisiana recently reinstated its mandatory helmet law due to the increase in fatalities.

Mr. Guderian reported the median age of a motorcycle owner was 41 years old. Most motorcycle riders belonged to the baby-boomer generation. As baby boomers retired, they had money to purchase motorcycles and were becoming the fastest growing segment of motorcyclists.

Mr. Guderian reiterated previous testimony on the difficulty of enforcing the provisions of S.B. 151. He said a recent study by the Governors Highway Safety Association would be published and included a report on education. The report said 47 states had motorcycle-safety courses in effect. The course was usually the one sponsored by the Motorcycle Safety Foundation. A 1996 study indicated it was not possible to determine how effective education was in preventing motorcycle accidents.

Mr. Guderian noted S.B. 151 did not make motorcycle-safety training mandatory. Most safety training courses were three days in length which was better than no training.

Scott M. Craigie, Nevada State Medical Association said he opposed S.B. 151. Nevada's mandatory helmet law resulted in reduced traumatic injuries and deaths caused by motorcycle accidents. Mr. Craigie stated Nevada's physicians believed removing the mandatory-helmet provision would result in unnecessary traumatic injuries and deaths.

Mr. Geeser referred to [Exhibit P](#) and asked the Committee to remember Ms. Brown's testimony regarding the increase in motorcycle fatalities in Texas after the state repealed its mandatory-helmet law. Mr. Geeser urged the Committee members not to pass S.B. 151.

For the record, Julian Jenulis, Southwest Ambulance, said:

I'm here to oppose the bill. I apologize for not having statistics for you. What I bring to the table is 20 years' of EMS experience and based on my experience regarding helmets, it certainly does reduce the level of injury to the motorist. We have seen injuries that without a helmet have caused significant trauma and death. ... we do oppose the bill.

Chair Nolan said he had known Mr. Jenulis when he worked as a paramedic in Las Vegas.

Mr. Singley addressed the subject of repealing mandatory-helmet laws and noted in Texas, there had been a 12-percent increase in motorcycle registrations. He noted a portion of the increased fatality rates could be attributed to the increased number of motorcycles on the road. Mr. Singley said the increased motorcycle registrations did not account for the total number of fatalities which occurred when helmet laws were repealed.

Chair Nolan closed the hearing on S.B. 151. He told those present the bill would be scheduled for a future work session. The Chair said a work session allowed the Committee members to review testimony and amendments received on legislation. The Committee members would discuss and possibly debate the legislation, then take action on the bill.

Chair Nolan thanked those present for being respectful of other people's opinions when presenting testimony. The Chair said he served on the transportation committees in both houses of the Legislature for the past ten years, worked as a paramedic and worked as a coroner's investigator. From his past experiences, people knew his position on S.B. 151. Chair Nolan said the legislative process was bigger than him and the bill would be processed. Each Committee member had a vote and could vote on legislation as he or she felt best.

Elizabeth A. Payne could not attend the hearing and asked that her written testimony be made a part of the record ([Exhibit R](#)).

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There being no further business, the meeting of the Senate Committee on Transportation and Homeland Security adjourned at 3:34 p.m.

RESPECTFULLY SUBMITTED:

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Lee-Ann Keever,  
Committee Secretary

APPROVED BY:

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Senator Dennis Nolan, Chair

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