



**Nevada Advisory Committee on Traffic Safety  
MEETING MINUTES (DRAFT)**

*Thursday, April 14, 2022, 2:00-4:00PM*

1. Call to Order/Roll Call

Chair Andrew Bennett (Nevada Association of Counties) called the meeting of the Nevada Advisory Committee on Traffic Safety (NVACTS) to order at 2:03 pm on Thursday, April 14, 2022. Mike Colety (Kimley-Horn) took roll and determined a quorum was present.

Committee Members Present

Kristina Swallow, Nevada Department of Transportation (Northern Nevada (NNV))  
Sondra Rosenberg, Nevada Department of Transportation (Phone)  
Amy Davey, Department of Public Safety, Office of Traffic Safety (Phone)  
Julia Peek, Department of Health & Human Services (Phone)  
Sean Sever (Vice Chair), Department of Motor Vehicles (Phone)  
Christy McGill, Department of Education (Phone)  
C.H. Miller, Nevada State Assembly (Southern Nevada (SNV))  
David Gordon, Administrative Office of the Courts (Phone)  
Jason Walker, Nevada Sheriffs and Chiefs Association/Washoe Co Sheriff's Office (Phone)  
Andrew Bennett (Chair), Nevada Association of Counties/Clark County (SNV)  
Shashi Nambisan, University of Nevada Las Vegas Transportation Research Center (Phone)  
Daniel Doenges, Regional Transportation Commission of Washoe County (NNV)  
Nick Haven, Tahoe Regional Planning Agency (Phone)  
Kelly Norman, Carson Area Metropolitan Planning Organization (NNV)

Members Absent

Vacant, DPS-OTS  
Scott Hammond, Nevada State Senate (Phone)  
Cliff Banuelos, Inter-Tribal Council of Nevada (Phone)  
Deborah Kuhls, Kirk Kerkorian School of Medicine at University of Nevada Las Vegas (Phone)  
John Penuelas, Regional Transportation Commission of Southern Nevada (Phone)  
Joey Paskey, Nevada League of Cities/City of Las Vegas (Phone)

2. Public Comment

Mike Chapman offered his services to assist with future safety-related matters, particularly on future Wrong Way Driving legislative efforts.

Tiffany May, a survivor of the recent multiple fatal crash in North Las Vegas at Commerce and Cheyenne, was in attendance.

3. February 1, 2022 Meeting Minutes (Action Item - Approved)

Two edits were made to the draft meeting minutes. Final minutes attached.

Action: Approve February 1, 2022 Meeting Minutes with edits.

Motion: Dr. Nambisan.

2<sup>nd</sup>: Jason Walker.

Passed unanimously.

#### 4. Zero Fatalities Update

Lacey Tisler, Nevada Department of Transportation (NDOT) Traffic Safety Engineering, presented the Statewide Monthly Fatal Report, which included the preliminary total fatalities for 2022 through March 31. The first quarter of 2022 is showing an overall decrease in fatalities compared to 2021, however, 2021 was a 10-year high. The report is included as an attachment.

Traffic crash data information for Nevada is provided at [www.zerofatalitiesnv.com/nevadacrashdata](http://www.zerofatalitiesnv.com/nevadacrashdata).

#### 5. Traffic Safety Policy Priorities (Action Item – Approved)

Vice Chair Sean Sever presented the recommendations from the Legislative Task Force Working Group for traffic safety policy priorities for NVACTS discussion and action to be included in the NVACTS Annual Report as Committee Recommendations. It was clarified throughout the discussion that the following recommendations are for traffic safety policy priorities and are not proposed Bill Draft Requests (BDRs). Traffic safety policy priorities may or may not be for specific legislative changes, and any that are considered for BDRs will need additional research, development, support and sponsorship. By NVACTS approving the following policy priorities, they will be presented in the NVACTS Annual Report as recommended policy priorities that can make a difference in traffic safety in Nevada.

The Legislative Task Force Working Group met twice (February 23 and March 23) since the last NVACTS meeting on February 1. The second meeting was a public meeting, as the Working Group voted on final recommendations to bring to NVACTS. Volunteers for the Legislative Task Force Working Group contributed to the development of justification and support for the policy priorities, which included white papers comprised of references to current Nevada Revised Statutes (NRS) language, data summaries and other states' traffic laws.

The following Legislative Priorities were presented and discussed:

##### *Road Safety Cameras (Automated Traffic Enforcement)*

The existing NRS prohibiting road safety cameras (RSC) is from 1999. In 2019, Senate Bill 43 (SB43) was proposed to change NRS to allow agencies to use RSCs, however, there was a strong negative response due to ongoing concerns of personal privacy. The policy priority presented is the same, to eliminate the current NRS that limits local agencies' ability to use RSCs. There is continued work to be done to understand the concerns of those who have opposed this policy in previous sessions.

Regional Transportation Commission of Washoe County (RTC Washoe) is considering a BDR for use of RSCs specifically in School Zones. There could be an opportunity to combine these proposals. Another consideration is to install RSCs specifically on school bus mast arms.

Sean Sever, DMV, shared that the DMV favors the use of RSCs specifically in School Zones.

Motion to approve RSCs as a traffic safety policy priority.

Yes: 11, No: 1, Abstain: 1

Motion Passed.

##### *Higher Fines in School Zones*

While "higher fines in school zones" may be posted in some jurisdictions, there is no specific language in NRS for higher fines in school zones (NRS 484B.363) and has been dismissed in court due to lack of specific NRS language.



This policy priority recommends strengthening NRS to specify higher fines and/or points in school zones, similar to Work Zones (NRS 484B.130) and Pedestrian Safety Zones (NRS 484B.135).

Sgt. Walker (Washoe County Sheriff's Office/Nevada Sheriffs and Chiefs Association) indicated that law enforcement officers issue citations for higher fines for speeding in school zones or work zones based on NRS 484B.600 Basic Rule for speed, and then select the School Zone or Work Zone check box to trigger an increased fine.

Motion to recommend higher fines and/or points for speeding in school zones as a policy priority, with clarification.

Yes:11, No: 0, Abstain: 3

Motion Passed.

#### *Primary Seat Belt*

A primary seat belt law (PBL) allows law enforcement to stop and ticket a driver or passenger for not wearing their seat belt. Currently, it is a secondary offense in Nevada. Currently, 37 states have a primary seat belt law in place (only 13 do not, including Nevada). A recent awareness survey showed that there is the perception that there is a PBL in Nevada.

Dan Doenges, RTC Washoe, asked if we are missing out on federal funding with no PBL in place. Amy Davey clarified that funding from the National Highway Traffic Safety Administration (NHTSA) is not impacted, and Sondra Rosenberg (NDOT) clarified that funding through NDOT is not impacted.

Dr. Nambisan (UNLV TRC) suggested including statistics on the reduction in severity of injuries due to having a PBL in place.

Motion to recommend PBL as a traffic safety policy priority.

Yes: 9, No: 2, Abstain: 3

Motion Passed.

#### *Graduated Driver License Additions*

Changes to the Graduated Driver License (GDL) to extend GDL age through 20, or for all new drivers; and install a three-stage intermediate GDL, 6-12 months; require additional training after permit is earned.

It was discussed that the current requirement for 50 hours of training is not closely tracked. Defensive driving courses (NRS 483.727) approved by the DMV may provide a more structured curriculum for driver training than logging hours with parents. Consider establishing a statewide drivers education program in the future.

Motion to recommend GDL Additions as a traffic safety policy priority.

Yes: 10, No: 2, Abstain: 2

Motion Passed.

#### *Roadside Drug Impairment Testing*

Requires an oral fluid sample as the standard for roadside screening. An oral fluid test screens for opioids and other types of drugs, not a specific drug, but allows for screening for substances beyond alcohol. The test results in more initial information that leads to more informed decisions for arrest, adjudication and treatment.



Julia Peek, Department of Health and Human Services (DHHS) shared a link for a Needs Assessment Survey from to identify funding needs (survey period closed 4/15/2022). She indicated that DHHS is in support of a toxicology lab to run out of the state lab.

Motion to recommend Roadside Drug Impairment Testing as a traffic safety policy priority.

Yes: 9, No: 1, Abstain: 4

Motion Passed.

#### 6. NVACTS Annual Report

NVACTS is required to submit an annual report to the Governor and Director of the Legislative Counsel Bureau (LCB) for review by the Legislature. NVACTS discussed the elements to include in the annual report, including a summary of current data, recommended traffic safety policy priorities, best practices from other states, and purpose and function of the committee (bylaws). The report will also include any issue reviewed or studied, and any recommendations made by NVACTS. The development of the annual report will be led by NDOT and OTS. A draft will be distributed to the NVACTS prior to the next meeting on June 9<sup>th</sup> for review and comment. Comments can be submitted to [lindsay.saner@kimley-horn.com](mailto:lindsay.saner@kimley-horn.com) or shared in person at the June 9<sup>th</sup> meeting. The final annual report is due June 30, 2022.

#### 7. 2022 Nevada Traffic Safety Summit

The Nevada Traffic Safety Summit will be held in person in Reno on Wednesday, October 19 and Thursday, October 20, 2022. Input, participation, attendance and volunteers from the NVACTS members and their organizations is highly encouraged. If you are interested in joining the planning committee for the Safety Summit, please contact Lindsay Saner ([lindsay.saner@kimley-horn.com](mailto:lindsay.saner@kimley-horn.com)).

#### 8. Open Discussion / Next Meeting Date

Next Meeting:

- June Meeting – Thursday, June 9, 2:00-4:00 pm
- September Meeting – Thursday, September 8, 2:00-4:00 pm (to be confirmed)

#### 9. Public Comment

Mike Chapman requested that Wrong Way Driving be added to a future NVACTS meeting agenda for discussion.

#### 10. Adjourn Meeting

The meeting was adjourned at 3:45 pm.

Respectfully submitted,

Mike Colety, Kimley-Horn  
SHSP Facilitator

#### Attachments

NVACTS Meeting Minutes from February 1, 2022  
Statewide Monthly Fatality Report  
Policy Priority Recommendation White Papers



**Nevada Advisory Committee on Traffic Safety (NVACTS)  
MEETING MINUTES (FINAL)**

*Tuesday, February 1, 2022, 1:30-3:30PM*

1. Call to Order/Roll Call

Chair Andrew Bennett (Nevada Association of Counties) called the meeting of NVACTS to order at 1:31 pm on Tuesday, February 1, 2022. Mike Colety (Kimley-Horn) took roll and determined a quorum was present.

Committee Members Present

Kristina Swallow, Nevada Department of Transportation (NNV)  
Sondra Rosenberg, Nevada Department of Transportation (Phone)  
Amy Davey, Department of Public Safety, Office of Traffic Safety (Phone)  
Julia Peek, Department of Health & Human Services (Phone)  
Sean Sever (Vice Chair), Department of Motor Vehicles (Phone)  
Christy McGill, Department of Education (Phone)  
Scott Hammond, Nevada State Senate (Phone)  
C.H. Miller, Nevada State Assembly (SNV)  
David Gordon, Administrative Office of the Courts (Phone)  
Cliff Banuelos, Inter-Tribal Council of Nevada (Phone)  
Andrew Bennett (Chair), Nevada Association of Counties/Clark County (SNV)  
Shashi Nambisan, UNLV Transportation Research Center (Phone)  
Deborah Kuhls, Kirk Kerkorian School of Medicine at UNLV (Phone)  
Daniel Doenges, RTC Washoe (Phone)  
John Penuelas, RTC Southern Nevada (Phone)  
Nick Haven, Tahoe Regional Planning Agency (Phone)  
Kelly Norman, Carson Area MPO (Phone)  
Joey Paskey, Nevada League of Cities/City of Las Vegas (Phone)

Members Absent

Vacant, DPS-OTS  
Jason Walker, Nevada Sheriffs and Chiefs Association/Washoe Co Sheriff's Office

Others Present (see attached)

2. Public Comment

No public comments.

3. November 30, 2021 Meeting Minutes (Action Item - Approved)

The Committee did not have any comments on the November 30, 2021 meeting minutes.

Motion: Sean Sever.

2<sup>nd</sup>: Amy Davey.

Action: Approve November 30, 2021 Meeting Minutes.

Passed 18/0.

4. NVACTS Bylaws (Action Item - Approved)



Agenda Item #4 to approve the draft NVACTS Bylaws (see attachment). The Committee did not have any comments on the Bylaws.

Motion: Shashi Nambisan.

2<sup>nd</sup>: Assemblyman Miller.

Action: Approve NVACTS Bylaws.

Passed 18/0.

#### 5. Zero Fatalities Update

Lacey Tisler, NDOT Traffic Safety Engineering, presented the Statewide Monthly Fatal Report, which included the preliminary total fatalities for 2021. As of January 6, 2022, the total fatalities in Nevada for 2021 was 382, a 17.9% increase over 2020 and the highest number of fatalities in the last 10 years. The report is included as an attachment.

There was discussion about the fatality rates for vehicle miles traveled (VMT) and population. Generally, rates were on the decline from 2016 to 2019, even with an increase in VMT and population. Both rates will be analyzed with 2020 and 2021 data.

Traffic crash data information for Nevada is provided at [www.zerofatalitiesnv.com/nevadacrashdata](http://www.zerofatalitiesnv.com/nevadacrashdata).

#### 6. State Highway Road Safety Laws 2022

Amy Davey, Office of Traffic Safety, presented the [2022 Roadmap of State Highway Safety Laws](#), published at the end of 2021 by the Advocates for Highway and Auto Safety (full report included as attachment). The report gauges the policies and traffic laws and grades each state based on a number of core measures.

The report indicated that Nevada improved from a "Red" state in 2020 to a "Yellow" state in 2021 with the passage of child passenger safety (CPS) (rear facing until 2 years old) and booster seat (57" before transitioning to seat belt) requirements. To achieve a grade as a "Green" state, Nevada needs a Primary Seat Belt Law (front and rear), a Booster Seat Law, and a number of laws related to Graduated Drivers Licensing (GDL).

It was shared that incremental changes make a difference, and policy-making is an on-going process. For example, the CPS bill took a lot of effort to pass (in 2021), and while it was an incremental change, NRS now reflects best practices for CPS. Need to celebrate the incremental changes.

#### 7. NVACTS Annual Report

According to AB 54, NVACTS is required to submit an annual report to the Governor and Director of the Legislative Counsel Bureau (LCB) for review by the Legislature. NVACTS discussed the elements to include in the annual report, including latest data, recommended legislative priorities, best practices from other states, purpose and function of the committee (bylaws). The report will also include any issue reviewed or studied, and any recommendations made by NVACTS. The development of the annual report will be led by NDOT and OTS.

Julia Peek, Department of Health and Human Services, supports a new public health policy that encourages Nevada to invest in public health injury prevention (was formerly covered with a grant). Supports tying public health and injury prevention to traffic safety.

- Amy Davey announced that the OTS Grant Proposal period is open now. She will follow up with Julia on her request.



Kelly Norman, Carson Area MPO, requested that when we look at state compiled data, look to tie the state data to local level and specify actionable items from the emphasis areas at the local level.

Dr. Kuhls, Kerkorian School of Medicine at UNLV, shared that as a new member to committee, she is fascinated by the data. She reflected on the previous discussion of incremental change, with the challenges faced when traffic safety efforts have been defeated in legislation, it is important that we take a fresh look and keep pursuing. The numbers are real people, lives lost and lives disabled.

#### 8. 2023 Legislative Session Priorities

The preliminary recommendations for traffic safety legislation for NVACTS discussion was presented by representatives from each Key Area Task Force: Safer Roads, Vulnerable Road Users, Safe Drivers and Passengers and Impaired Driving.

Historically, the former Nevada Executive Committee on Traffic Safety approved a set of "Legislative Advisory Opinions" from the task forces. Chair Bennett indicated that he anticipates this will be the first time there will not be unanimous consent.

Chair Bennett has formed a Legislative Task Force Working Group, which will be led by NVACTS Vice Chair Sean Sever (DMV). The Working Group will meet three times between February 1 and April, and then present recommendations to NVACTS at a special meeting in April (date TBD) and for final action/approval at the June NVACTS meeting. It was noted that the final (3<sup>rd</sup>) meeting of the Working Group will be a public meeting as the group will be making a final recommendation to bring to NVACTS.

Volunteers for the Legislative Task Force Working Group will contribute to the development of justification and support for the recommended legislative priorities, which can include data summaries, white papers, fact sheets, other states' traffic laws, etc.

The following Legislative Priorities were presented and discussed:

##### *Automated Traffic Enforcement*

In 2019, SB43 was framed to allow agencies to make their own initiative. The existing prohibition for automated traffic enforcement (ATE) is from 1999. There was a strong negative response to the bill in the last hearing from the 2019 session, ongoing concerns of personal privacy. Need to change the position and focus on the technology, gain public support, how improved technologies can be used to respond to public concerns.

Director Swallow highlighted this is something to pursue, and she is planning to have discussions to learn from those that have opposed it in the past. Recent reports show inequitable outcomes.

Senator Hammond inquired about the cost of ATE. If the cost is prohibitive, consider ATE on school bus stop arms and school zones. Compare to the cost of cameras in schools. (For further discussion)

Shashi Nambisan shared that we need tools like ATE to change behavior. The goal is to not cite/ticket drivers, but to deter bad behavior. Cost of equipment and installation for ATE is much less today. Justification in the cost/benefit and the cost of doing nothing.

Sean Sever, DMV, shared that ATE is supported in the USDOT National Roadway Safety Strategy and by the Secretary of Transportation.





Director Swallow mentioned Safety cameras as a Federal Highway Administration (FHWA) Proven Safety Countermeasure.

Mike Colety highlighted that there have been some negative applications of traffic safety enforcement in the past, but this can be addressed in how ATE legislation is setup that is focused on traffic safety.

Assemblyman Miller inquired about existing cameras at intersections. It was discussed that some intersections have cameras that are linked to the Traffic Management Center (TMC) at NHP Southern Command. They are for traffic incident management and are not recorded. Another type of camera used at intersections could be for video detection of vehicles stopped at the signal. (For further discussion)

#### *Higher Fines in School Zones*

While it may be posted in some areas, there is no existing legislation for higher fines in school zones. There is data to show the public is in favor.

#### *Change "Yield to Pedestrians" to "Stop for Pedestrians"*

Currently, 10 states have a "Stop for Pedestrians" policy in place. Changing the verbiage makes the law clear: vehicles must stop for pedestrians when they are legally crossing on their half of the street. This law would require changes to signage and pavement markings, which could be done in phases (depending on cost).

John Penuelas, RTC Southern Nevada, shared that the cost of going from "Stop" to "Yield" is less of an issue today than 10 years ago; indicating that agencies have funding for traffic safety projects. There is concern with the level of impact/effectiveness of this initiative. A data source to track effectiveness is Near Miss data. RTCSNV is looking at ITS data analytics for near miss data, tracking pedestrians and vehicles through intersections

Assemblyman Miller shared that there is confusion for the driver about when to yield and when to go, so there is value in changing the law to make it very clear for the public. For example, it is clear in California that this was the law and is enforced.

#### *Primary Seat Belt*

A primary seat belt law (PBL) authorizes law enforcement to pull a driver over for not wearing their seat belt. Currently, it is a secondary offense in Nevada. A recent awareness survey showed that a large population of Nevadans that think we already have a PBL. Nevada is one of 14 states that does not have a PBL.

It was discussed for the group to consider pursuing as a public health issue.

Assemblyman Miller suggested obtaining data from other states with a PBL, and what is the cost/benefit.

Dr. Kuhls's team has prepared the data of human cost and dollars related to unrestrained people in crashes. There is good data to support a PBL. Suggested listening to testimony from 2019 to understand and overcome the objections.

#### *Graduated Driver License Additions*

Changes to the Graduated Drivers License (GDL) would add the following:

- Extend GDL through 20 years old. Would be ideal to change to certain time limit for all new drivers, but can go back to 20 years old.
- Require an intermediate GDL, 6-12 months, additional training after permit is earned. NHTSA recommends three stage model. Learners permit, intermediate license then unrestricted license. To progress, must be crash and violation free.





- States that do this have reduced teen fatalities 10 to 30 percent

#### *Roadside Drug Impairment Testing*

Requires an oral sample be standard for the initial roadside screening. This tests for opioid and other types of drugs, not a specific drug (illegal or prescription). The test results in more initial information that leads to more informed decisions for arrest, adjudication and treatment.

#### *Standardize Toxicology for Impaired Driving*

Toxicology testing for all substances. Currently, if the BAC is 0.08 or higher, there is no testing for other substances. A full toxicology screening would provide better data on types of impairment and how to treat.

#### NVACTS Legislative Process

Sean Sever is leading the Legislative Task Force Working Group. The purpose of the working group is to prioritize and recommend those to move forward. The group will hold three meetings between February 1 and April. The final meeting will be a public meeting, as recommendations will be finalized. Task force members will develop fact sheets, white papers and other documentation to present to NVACTS.

Information to be provided two weeks before NVACTS in April to allow members time to present the recommendations to their agencies. NVACTS members are to represent their agency/organization in their vote for approving the recommendations from the Task Force Working Group.

Sondra Rosenberg, NDOT, clarified that NVACTS does not have bill draft requests (BDRs), but instead this group is making recommendations and will need partners to take them on. Chair Bennett proposed consideration for future BDRs for NVACTS.

#### 9. 2022 Nevada Traffic Safety Summit

The Nevada Traffic Safety Summit will be held IN PERSON in Reno on Wednesday, October 19 and Thursday, October 20, 2022. Input, participation, attendance and volunteers from the NVACTS members and their organizations is highly encouraged. If you are interested in joining the planning committee for the Safety Summit, please contact Lindsay Saner ([lindsay.saner@kimley-horn.com](mailto:lindsay.saner@kimley-horn.com)).

#### 10. Open Discussion / Next Meeting Date

The committee discussed the recent multiple fatal crash in North Las Vegas at Commerce and Cheyenne. It is under investigation by the National Transportation Safety Board (NTSB). It was discussed that there is interest on social media and other platforms that people want to get involved and how can “we” make our roadways safer.

Kristina Swallow, NDOT Director, shared that NDOT is focusing on the role they play in design of Nevada’s roadways. While we cannot fully remove the blame from road users who make bad decisions regarding traffic safety, NDOT is focused on the responsibility of design for safer roads (Safe Systems Approach).

It was suggested that the Coroner’s Report of traffic fatalities not report the cause of death as an “Accident.”

The committee discussed increasing public involvement in statewide safety efforts. It was suggested that the NVACTS meetings are posted in additional locations to alert the public. Dr. Nambisan suggested sharing the agenda and meeting date/time with professional organizations.

Next Meeting:



- Special Mid-April Meeting, date TBD – special meeting to present the recommendations for 2023 Legislative Priorities (for possible action) (Doodle Poll to follow for meeting date/time)
- June Meeting – Wednesday June 8, 1:30-3:30 pm
- September Meeting – Wednesday, September 7, 1:30-3:30 pm

#### 11. Public Comment

This public comment period is for any matter that is within the jurisdiction of the public body. No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item. The Chair of the Committee will impose a time limit of three (3) minutes.

No public comment.

#### 12. Adjourn Meeting

The meeting was adjourned at 3:35 pm.

Respectfully submitted,

Mike Colety, Kimley-Horn  
SHSP Facilitator

#### Attachments

Attendee List

NVACTS Bylaws

Roadmap of State Highway Safety Laws (link here: <https://saferoads.org/wp-content/uploads/2022/01/FINAL-2022-Roadmap-of-State-Highway-Safety-Laws.pdf>)

NVACTS Meeting 2/1/2022 Non-Member Attendees		
First Name	Last Name	Organization
Juan	Balbuena	FHWA Nevada
Valerie	Balen	FHWA Nevada
Mary Jane	Belleza	8 News Now
Amanda	Brandenburg	DPS OTS
Erin	Breen	UNLV Transportation Research Center
Sherry	Bruggeman	DPS OTS
Shannon	Bryant	Nevada TSRP
Lori	Campbell	NDOT
Daysha	Catchings	R&R Partners
Shane	Chesney	Nevada District Attorney's Office
Mike	Colety	Kimley-Horn
Michelle	Farmer	DPS-OTS
Laura	Gryder-Culver	KSOM at UNLV
Danielle	Hafeman	DPS-OTS
Todd	Hartline	DPS-OTS
Kevin	Honea	NHP Southern Command
Robert	Honea	DPS-OTS
Carrie	Krupp	DPS-OTS
Judith	Mata	DPS-OTS
Johnean	Morrison	DPS-OTS
Nick	Nordyke	DPS-OTS Zero Teen Fatalities
Shawn	Paterson	NDOT
Judge Scott	Pearson	Judicial Outreach Liaison
Sean	Robinson	City of Las Vegas
Lindsay	Saner	Kimley-Horn
Fred	Shakal	NDOT
Casey	Smith	NDOT
Kim	Smith	DPS
Emily	Strickler	KSOM at UNLV
Kevin	Tice	OTS
Lacey	Tisler	NDOT
Pete	Vander Aa	DPS-OTS
KLAS		KLAS

# **NEVADA ADVISORY COMMITTEE ON TRAFFIC SAFETY (NVACTS) BYLAWS**

## **ARTICLE 1 – NAME**

- 1.1 This organization shall be called the Nevada Advisory Committee on Traffic Safety (NVACTS) hereinafter referred to as the NVACTS.

## **ARTICLE 2- AUTHORITY**

- 2.1 The authority for establishing NVACTS is found in the State of Nevada Revised Statutes (NRS) Chapter 408, which creates the Advisory Committee on Traffic Safety within the Department of Transportation.
- 2.2 The Advisory Committee shall review, study and make recommendations regarding:
  - 2.2.1 Evidence-based best practices for reducing or preventing deaths and injuries related to motor vehicle crashes on roadways in this State;
  - 2.2.2 Data on motor vehicle crashes resulting in death or serious bodily injury in this State, including, without limitation, factors that cause such crashes and measures known to prevent such crashes;
  - 2.2.3 Policies intended to reduce or prevent deaths and injuries related to motor vehicle crashes on roadways in this State; and
  - 2.2.4 Any other matter submitted by the Chair.
- 2.3 NVACTS shall prepare and submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature an annual report concerning the activities of the Advisory Committee that addresses, without limitation, any issue reviewed or studied, and any recommendations made by the Advisory Committee.

## **ARTICLE 3 - PURPOSE AND FUNCTION**

- 3.1 The NVACTS shall review, study and make recommendations regarding:
  - 3.1.1 Evidence-based best practices for reducing or preventing deaths and injuries related to motor vehicle crashes on roadways in this State;
  - 3.1.2 Data on motor vehicle crashes resulting in death or serious bodily injury in this State, including, without limitation, factors that cause such crashes and measures known to prevent such crashes;
  - 3.1.3 Policies intended to reduce or prevent deaths and injuries related to motor vehicle crashes on roadways in this State; and
  - 3.1.4 Any other matter submitted by the Chair.

- 3.1.5 NVACTS will provide guidance to state, county, all local agencies, and tribal communities that incorporate a commitment to traffic safety in their mission and/or organization.
- 3.1.6 NVACTS will review and approve a strategic plan that will impact the present and predicted statistics on vehicle-related deaths and injuries, focusing on key emphasis areas and containing strategies designed to improve major problem areas or to advance effective practices by means that are both cost-effective and acceptable to the majority of Nevada's citizens.
- 3.1.7 NVACTS will establish and publish statewide highway safety goals and objectives.
- 3.1.8 NVACTS will create the mechanisms to foster multidisciplinary efforts to resolve statewide traffic safety problems and issues through communication and cooperative agreements.
- 3.1.9 NVACTS will serve as the Traffic Records Executive Committee (TREC) for the State of Nevada and oversee the activities of the Traffic Records Coordinating Committee (TRCC). Each NVACTS member agency is eligible to have one responsible representative designated by their agency on the TRCC.

#### **ARTICLE 4 – MEMBERSHIP**

- 4.1 The members of the Advisory Committee shall elect from their voting membership a Chair and a Vice Chair. The Chair shall preside at the meetings of the NVACTS. If the Chair is unable to attend, then the Vice Chair shall assume the duties of the Chair.
- 4.2 The term of office of the Chair and the Vice Chair is 2 years. If a vacancy occurs in the office of Chair or Vice Chair, the members of the Advisory Committee shall elect a Chair or Vice Chair, as applicable, from among its voting members to serve for the remainder of the unexpired term.
- 4.3 NVACTS shall consist of:
  - Director (or designee), Department of Transportation (NDOT)
  - Representative (appointed by NDOT Director) of NDOT
  - Director (or designee), Department of Health and Human Services (DHHS)
  - Director (or designee), Department of Motor Vehicles (DMV)
  - Director (or designee), Department of Public Safety (DPS)

Representative (appointed by DPS Director) of DPS

Superintendent (or designee), Department of Education (DED)

Member, Nevada State Assembly Standing Committee on Growth and Infrastructure  
(appointed by Speaker of the Assembly)

Member, Nevada State Senate Standing Committee on Growth and Infrastructure  
(appointed by Majority Leader of the Senate)

Representative (appointed by the Chief Justice of the Supreme Court of Nevada),  
Administrative Office of the Courts (AOC)

Representative (appointed by Inter-Tribal Council of Nevada (ITCN)), Tribal  
Governments

Representative (appointed by NDOT Director), Nevada System of Higher Education

Representative (appointed by NDOT Director), Nevada System of Higher Education

Representative, Regional Transportation Commission of Southern Nevada (RTCSNV)

Representative, Regional Transportation Commission of Washoe County (RTC)

Representative, Carson Area Metropolitan Planning Organization (CAMPO)

Representative, Tahoe Regional Planning Agency (TRPA)

Representative, Nevada Association of Counties (NACO)

Representative, Nevada League of Cities

Representative, Nevada Sheriffs' and Chiefs' Association (NSCA)

The Director of the Department of Transportation may appoint as nonvoting members of NVACTS such other persons as the Director deems appropriate.

4.3.1 The term of office of each member appointed to the Advisory Committee is 2 years. Such members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the appointed voting membership of the Advisory Committee must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

4.3.2 Member organizations may designate a proxy to serve on the committee when the member identified in 4.3 is unable to attend. This notice shall be in writing and directed to the Chair.

## **ARTICLE 5 - VOTING**

- 5.1 A majority of the voting members of the Advisory Committee constitutes a quorum for the transaction of business. If a quorum is present, the affirmative vote of a majority of the voting members of the Advisory Committee present is sufficient for any official action taken by the Advisory Committee.

## **ARTICLE 6 - COMPENSATION**

- 6.1 Each member of the Advisory Committee serves without compensation and is not entitled to receive a per diem allowance or travel expenses.

## **ARTICLE 7 – MEETINGS**

- 7.1 The Advisory Committee shall meet at least once each calendar quarter and may meet at such further times as deemed necessary by the Chair.
- 7.2 NVACTS members may submit agenda items no later than 12 working days before a scheduled meeting, to the Nevada Department of Transportation Traffic Safety Engineering Division. These agenda items will be approved by the Chair and will be distributed to the NVACTS members seven days prior to the scheduled NVACTS meeting date.
- 7.3 Meetings will comply with the Nevada Open Meeting Law (NRS 241).
- 7.4 The deliberations at NVACTS meetings shall be in accord with Robert's Rules of Order-Newly Revised.

## **ARTICLE 8 - TASK FORCE WORKING GROUPS**

- 8.1 The Advisory Committee may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.
- 8.2 Each Task Force Working Group will be required to analyze the issue assigned, determine cause and develop solutions and strategies for addressing the contributing factors of the subject matter assigned.
- 8.2.1 A member of NVACTS shall chair each Task Force Working Group.
- 8.2.2 The size and composition of a Task Force Working Group will be determined by the appointed chair.
- 8.2.3 Task Force membership should not be limited to members of the NVACTS, and when possible, they will be composed of a diverse selection of representatives



from state, federal, county, local, and tribal agencies in an effort to ensure all aspects of the topic are identified and addressed.

- 8.2.4 Task Force Working Groups should meet as frequently as needed.
- 8.2.5 Meetings/discussions may be conducted by video teleconference, conference call and/or e-mail.
- 8.2.6 The Task Force Working Group members shall receive no compensation other than that received from their own agency/organization. The Task Force Working Group shall not reach a decision by a vote or consensus. No motions or resolutions are to be presented. No decisions for or recommendations to the board are to be made. The Task Force Working Groups shall not speak to or be recognized by the board as a single voice on any issue.
- 8.2.7 Task Force Working Groups will be considered working groups and therefore not subject to the provisions of Nevada Open Meeting laws, rules, and regulations.

Note: If a Task Force Working Group engages in deliberation or decision making, is assigned by NVACTS to formulate policy or carry out planning functions, is delegated the task of making decisions for or recommendations to NVACTS, or is recognized by NVACTS as speaking with one voice, it shall be subject to the Nevada Open Meeting Law.

- 8.3 Task Force Working Groups will report to the NVACTS as directed.

## **ARTICLE 9 - TECHNICAL SUPPORT STAFF**

- 9.1 The Department of Transportation shall provide administrative support to NVACTS. The Staff shall:
  - 9.1.1 Coordinate the activities of NVACTS to include making all logistical arrangements required for meetings.
  - 9.1.2 Provide a note taker and staff person to comply with the Nevada Open Meeting Law.
  - 9.1.3 Provide research assistance and statistical data to the NVACTS.
  - 9.1.4 Prepare and publish plans and documents at the direction of NVACTS.
  - 9.1.5 Establish and maintain a website for NVACTS designed to further the sharing of crash data, organizational safety planning, research, and other relevant information pertinent to the Committee.

## **ARTICLE 10 - ADOPTION and AMENDMENTS**

- 10.1 These bylaws shall be initially adopted by a majority vote of the members present at the second meeting.
- 10.2 These bylaws may be amended at any regular meeting of NVACTS by a majority vote of the voting members present.

Approved by action of the Committee at the meeting on Tuesday, February 1, 2022

DATE OF REPORT: 04/04/2022  
 DATA AS OF: 03/31/2022

TO: PUBLIC SAFETY, DIRECTOR NDOT, HIGHWAY SAFETY COORDINATOR, NDOT TRAFFIC ENGINEERING, FHWA, LAW ENFORCEMENT AGENCIES  
 FROM: THE OFFICE OF TRAFFIC SAFETY, STATE FATAL DATA  
 PREPARED BY: AMANDA BRANDENBURG FARS ANALYST  
 SUBJECT: FATALITIES BY COUNTY, PERSON TYPE, DAY, MONTH, YEAR AND PERCENT CHANGE.

Month	2021 Crashes	2022 Crashes	% Change	Month	2021 Fatals	2022 Fatals	% Change
JAN	29	16	-44.83%	JAN	33	25	-24.24%
FEB	17	22	29.41%	FEB	21	23	9.52%
MAR	24	22	-8.33%	MAR	27	22	-18.52%
APR	0	0	0.00%	APR	0	0	0.00%
MAY	0	0	0.00%	MAY	0	0	0.00%
JUN	0	0	0.00%	JUN	0	0	0.00%
JUL	0	0	0.00%	JUL	0	0	0.00%
AUG	0	0	0.00%	AUG	0	0	0.00%
SEP	0	0	0.00%	SEP	0	0	0.00%
OCT	0	0	0.00%	OCT	0	0	0.00%
NOV	0	0	0.00%	NOV	0	0	0.00%
DEC	0	0	0.00%	DEC	0	0	0.00%
<b>Reporting Period Total</b>	<b>70</b>	<b>60</b>	<b>-14.29%</b>	<b>Reporting Period Total</b>	<b>81</b>	<b>70</b>	<b>-13.58%</b>
<b>Total</b>	<b>361</b>			<b>Total</b>	<b>386</b>		

KNOWN FATAL COMPARISON BETWEEN 2020 AND 2021.

COUNTY	2021 Crashes	2022 Crashes	% Change	2021 Fatalities	2022 Fatalities	% Change	2021 Occupants	2022 Occupants	% Change	2021 Unrestrained	2022 Unrestrained	% Change
CARSON	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
CHURCHILL	1	2	100.00%	2	2	0.00%	2	1	-50.00%	2	1	-50.00%
CLARK	45	50	11.11%	48	59	22.92%	17	24	41.18%	5	9	80.00%
DOUGLAS	2	0	-100.00%	2	0	-100.00%	2	0	-100.00%	0	0	0.00%
ELKO	1	1	0.00%	3	2	-33.33%	3	2	-33.33%	2	2	0.00%
ESMERALDA	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
EUREKA	1	0	-100.00%	1	0	-100.00%	1	0	-100.00%	1	0	-100.00%
HUMBOLDT	1	0	-100.00%	2	0	-100.00%	2	0	-100.00%	2	0	-100.00%
LANDER	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
LINCOLN	1	0	-100.00%	1	0	-100.00%	0	0	0.00%	0	0	0.00%
LYON	3	0	-100.00%	3	0	-100.00%	3	0	-100.00%	1	0	-100.00%
MINERAL	1	0	-100.00%	1	0	-100.00%	1	0	-100.00%	1	0	-100.00%
NYE	6	2	-66.67%	10	2	-80.00%	9	1	-88.89%	5	1	-80.00%
PERSHING	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
STOREY	1	0	-100.00%	1	0	-100.00%	0	0	0.00%	0	0	0.00%
WASHOE	6	5	-16.67%	6	5	-16.67%	3	3	0.00%	3	3	0.00%
WHITE PINE	1	0	-100.00%	1	0	-100.00%	1	0	-100.00%	1	0	-100.00%
<b>Reporting Period Total</b>	<b>70</b>	<b>60</b>	<b>-14.29%</b>	<b>81</b>	<b>70</b>	<b>-13.58%</b>	<b>44</b>	<b>31</b>	<b>-29.55%</b>	<b>23</b>	<b>16</b>	<b>-30.43%</b>
<b>Total</b>	<b>361</b>			<b>386</b>			<b>207</b>			<b>74</b>		

KNOWN COMPARISON OF FATALITIES BY PERSON TYPE BETWEEN 2020 AND 2021.

COUNTY	2021 Pedestrian	2022 Pedestrian	% Change	2021 Motorcyclist	2022 Motorcyclist	% Change	2021 Bicyclist	2022 Bicyclist	% Change	2021 Other Scooter, Moped, ATV	2022 Other Scooter, Moped, ATV	% Change
CARSON	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
CHURCHILL	0	1	100.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
CLARK	18	21	16.67%	11	11	0.00%	2	3	50.00%	0	0	0.00%
DOUGLAS	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
ELKO	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
ESMERALDA	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
EUREKA	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
HUMBOLDT	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
LANDER	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
LINCOLN	0	0	0.00%	1	0	-100.00%	0	0	0.00%	0	0	0.00%
LYON	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
MINERAL	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
NYE	1	0	-100.00%	0	1	100.00%	0	0	0.00%	0	0	0.00%
PERSHING	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
STOREY	0	0	0.00%	1	0	-100.00%	0	0	0.00%	0	0	0.00%
WASHOE	1	2	100.00%	2	0	-100.00%	0	0	0.00%	0	0	0.00%
WHITE PINE	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%
<b>Reporting Period Total</b>	<b>20</b>	<b>24</b>	<b>20.00%</b>	<b>15</b>	<b>12</b>	<b>-20.00%</b>	<b>2</b>	<b>3</b>	<b>50.00%</b>	<b>0</b>	<b>0</b>	<b>0.00%</b>
<b>Total</b>	<b>87</b>			<b>80</b>			<b>7</b>			<b>5</b>		

THIS REPORT IS A POINT IN TIME COMPARISON  
 THIS DATA DOES NOT INCLUDE DATA FIELDS MARKED BY THE OFFICER AS UNKNOWN  
 2022 DATA IS PRELIMINARY AND DOES NOT NECESSARILY INCLUDE FINAL REPORTS (FORM 5, CORONER, AND/OR TOXICOLOGY).  
 2021 DATA IS NOT FINAL UNTIL THE END OF DECEMBER 2022.  
 NOTE: The monthly report will be distributed by the 7th of each month.

**Key:** Fatalities= Total number of reported fatals (vehicle occupants, pedestrian, motorcyclist, bicyclist, and other).  
 Vehicle Occupants = Driver and occupant fatalities in a motor vehicle.  
 Vehicle Unrestrained = Driver and occupant fatalities in a motor vehicle unrestrained.  
 Pedestrian = Any person on foot, on a personal conveyance, or in a building.  
 Motorcyclist= A person riding any motor vehicle that has a seat or saddle for the use of its operator and is designed to travel on not more than three wheels in contact with the ground.  
 Bicyclist= A person on an other road vehicle that can be propelled by pedaling (bicycle, tricycle, unicycle, pedalcar, electric bike).

# Nevada Advisory Committee on Traffic Safety (NVACTS) 2023 Legislative/Policy Recommendations: Road Safety Cameras

## Nevada Law:

NRS 484A.600 Use by governmental entity or agent of photographic, video or digital equipment to gather evidence for issuance of traffic citation. A governmental entity and any agent thereof shall not use photographic, video or digital equipment for gathering evidence to be used for the issuance of a traffic citation for a violation of [chapters 484A to 484E](#), inclusive, of NRS unless the equipment is held in the hand or installed temporarily or permanently within a vehicle or facility of a law enforcement agency.

## Link to Legislative History: 1999 Nevada State Legislature, Senate Bill 381:

<https://www.leg.state.nv.us/Division/Research/Library/LegHistory/LHs/1999/SB381,1999.pdf>

## Background:

Road safety cameras are primarily used in two ways: to reduce speeding, or to reduce instances of red light or stop signal running.

In 2017 the National Transportation Safety Board issued a Speed Safety Study Report that identified Nevada as one of 15 states that limits use of safety cameras and made the following recommendation: *Finally, the NTSB recommends that the 15 states with ASE restrictions amend current laws to remove operational and location restrictions on the use of ASE, except where such restrictions are necessary to align with best practices.*

In 2020 the National Transportation Safety Board issued an Accident Report regarding a vehicle collision with student pedestrians crossing to board a school bus that made the following recommendation to Nevada: *Enact legislation to permit stop arm cameras on school buses to capture images and allow citations to be issued for illegal school bus passings based on the camera-obtained information.*

In 2019 the Department of Public Safety/Office of Traffic Safety sponsored SB43 at the request of Governor Sandoval's office to permit local government jurisdictions to determine use of safety cameras (automated traffic enforcement). The bill, SB43, was heard not passed out of committee. This was the most recent of legislative attempts to modify NRS 484A.600.

Speed related crashes comprise 1/3 of Nevada fatal crashes; intersection crash data was not pulled for this report but can be evaluated.

Per [NRS 484B.353](#) it is illegal to proceed past a school bus displaying flashing red signals, however, the only means by which a motorist is cited for an infraction require a law enforcement officer to observe the violation or for a school bus driver to observe the license plate of the vehicle and prepare a report of violation. If a report of violation is filed, a notice is mailed to the vehicle owner notifying them they are receiving a warning. According to the Nevada Department of Education an average of 1,770 passing violations occur each school year.

**Data for crashes and citations in School zones is as follows:**

Nevada	2017	2018	2019	2020	2021
Total Statewide Crashes in Active School Zone	153	152	170	92	133
Total Statewide Citations in Active School Zone	7137	6201	8059	3282	6965

**Research & Data:**

The benefits of safety cameras in reducing serious and fatal crashes are well studied and well documented.

Centers for Disease Control and Prevention – “The best-controlled studies suggest injury crash reductions are likely to be in the range of 20 to 25 percent at conspicuous, fixed camera sites.”

<https://www.cdc.gov/motorvehiclesafety/calculator/factsheet/speed.html>

Insurance Institute for Highway Safety – “In 2019, a total of 9,478 deaths, or 26 percent of all motor vehicle fatalities, occurred in speed-related crashes. The National Highway Traffic Safety Administration (NHTSA) estimates that the economic cost of speed-related crashes is about \$52 billion each year.”

<https://www.iihs.org/topics/speed>

National Conference of State Legislatures – “Red-light and speed cameras allow local law enforcement agencies to enforce these traffic laws remotely. [Nearly 350 U.S. communities](#) use red-light cameras and more than 150 communities use [cameras to enforce speed laws](#). State laws regarding automated enforcement generally establish guidelines for municipal governments. Some state laws limit the use of the cameras to certain cities, streets or specific areas, such as school or work zones, while other state laws allow their use statewide.”

<https://www.ncsl.org/research/transportation/enforcing-traffic-laws-with-red-light-and-speed-cameras.aspx>

**National trends:**

Per the National Conference of State Legislatures, at least 33 states and the District of Columbia have laws addressing a variety of issues related to automated enforcement, including to authorize or prohibit it. [State laws](#) generally establish guidelines for municipalities, such as limiting the use of cameras to certain cities or authorizing their use statewide.

Cameras are used in [highway work zones](#) in Illinois, Maryland, Oregon and Pennsylvania. Pennsylvania enacted legislation in 2018 that established a five-year pilot program for automated speed enforcement cameras in highway work zones, which began in March 2020. Drivers going 11 mph or more over the posted speed limit in work zones when highway workers are present will be given a warning after their first offense, fined \$75 after their second offense and \$150 after their third offense.

<https://www.ncsl.org/research/transportation/states-increase-use-of-traffic-cameras-to-counter-surge-in-unsafe-driving-magazine2021.aspx>

<https://www.ncsl.org/research/transportation/enforcing-traffic-laws-with-red-light-and-speed-cameras.aspx>

### **Special Uses: School Zones and Work Zones**

A growing number of states are allowing cameras to be placed on the outside of a school bus to record illegal passing. At least 24 states have school bus stop-arm camera laws.

Delaware and Michigan became the latest states to allow stop-arm cameras in 2020 and 2021 respectively. In 2019, Idaho, Indiana, Maine, New York, Oklahoma, Tennessee and West Virginia authorized localities or school districts to use school bus stop-arm cameras. Pennsylvania did so in 2018, and in the 2017 legislative session, Arkansas and Utah passed legislation to allow school bus stop-arm cameras. In 2016, Alabama enacted a law allowing for exterior school bus cameras, expanding a program initially created in 2015 in Mobile County. In the 2014 legislative session, South Carolina and Wyoming enacted such laws. In the 2011 and 2012 legislative sessions, Connecticut, Georgia, Maryland, Rhode Island, Virginia and Washington enacted such measures.

### **School Bus Safety Laws:**

<https://www.ncsl.org/research/transportation/school-bus-safety.aspx>

### **Comprehensive State List of Automated Enforcement Laws:**

<https://www.iihs.org/topics/red-light-running/automated-enforcement-laws>

The newly passed 2021 Infrastructure Investment and Jobs Act (IIJA, or Bipartisan Infrastructure Law) is signaling support for safety cameras by making the following changes:

- Allows states to use federal 402 grant funds to support automated safety cameras in school or work zones, subject to USDOT guidelines
- Directs USDOT to study illegal school bus passing, related state laws, effectiveness of various technologies to enhance school bus safety, and how drivers are trained on passing school buses.

### **Safety Camera Pros:**

Proven safety benefits, ability to provide additional data, remove law enforcement officer and eliminate concerns of disparate treatment, increase law enforcement agency's abilities to redirect crash and traffic enforcement efforts, safety camera system costs are typically self-sustaining when implemented properly, local government autonomy, widespread perception that recording cameras currently exist.

### **Safety Camera Cons:**

Public perception, concerns of possible unconstitutionality, potential system start-up costs, government use of funds.

### **Options:**

- Change existing statute to allow autonomy for local jurisdictions to determine use of safety cameras
- Authorize certain locations where safety cameras can be used, i.e. School Zones, Work Zones
- Do nothing

**Resources & Reference:**

2017 NTSB Speed Safety Study: <https://www.nts.gov/safety/safety-studies/documents/ss1701.pdf>

2020 NTSB School Bus Passing Study: <https://www.in.gov/doi/files/ntsb-full-final-report-rochester-fatalities-2018-april-2020.pdf>

2019 Nevada Legislature Senate Bill 43:  
<https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/5962/Text>



## **Nevada Advisory Committee on Traffic Safety (NVACTS) 2023 Legislative/Policy Recommendations: Higher Fines in School Zones and Crossing Zones**

### **Nevada Law:**

NRS 484B-363 School Zone or School Crossing Zone does not currently address increased fines.

### **Background:**

Most states impose higher fines in school zones if you look at their state laws. Doing a search by state of 25 laws, I only found New York to not have a law specifically to increase fines in school zones. That said, if you look up Nevada, every entry says that fines are increased for speeding in a school zone or school crossing zone, with most quoting double fines. While this could be true, it isn't in the statute quoted, NRS 484B-363, which covers school speed but not increased fines.

### **Research & Data:**

What I did not find was research that backs up increased fines, it seems that either I did a lousy search or it is a common-sense issue that people care about cost and will slow down, or that most states do this, so we will too. I am of the belief that people pay more attention to increased fines than the possibility of hitting a child; we know that most people don't allow themselves to think in terms of crash outcomes, but they do see themselves getting a ticket.

### **National Trends:**

To point out some of the state laws I found; most double or more the fine for speeding in a school zone, where there are differences is when the speed increases over 10 to 15 mph higher than the speed limit. I was shocked at how many states who spell out the fine by the increase in speed, most double 1 to 10 over the posted speed, but less than double for more. Several states make it 1 to 15 over.

As examples: Alabama, Arizona, Colorado Maryland, and Texas all double fines, but for several states who have added safety camera enforcement in school zones the fines are less, like in Maryland the top camera fine in a school zone is \$40. In Washington state, the fine is generally \$237, but is capped much lower if issued through a safety camera. We should be aware this if we pursue cameras in school zones.

There are many different ways states address the speeding in a school zone fine: in Missouri they add \$25 to the general speed by mph over, in Tennessee, speeding in a school zone earns the driver a reckless driving charge, but each entity is allowed to set specific fines and their speed limits, the law only says in every case \$1 fee is added to the ticket to go to the jurisdiction and that if the entity does not set the limit it is 15 for school zones and 25 for crossing zones.

In North Carolina, a standard speeding ticket is \$10 to \$50; but a school zone ticket runs \$250. In Arkansas, all fines are by scale, including school zones, which run \$25 to \$100 for the first offense, \$50 to \$250 for the second and \$250 to \$1,000 for the third. Even in neighboring California, the fines are far less, with 1-15 mph over a \$25 added fine and 16 to 25 over a \$50 fine, both on top of the standard speeding fine of \$50.

I found in many states speeding fines are cheap!

This would make a great research project; but as far as legislation goes, I believe we should pursue adding increased fines for speeding in school zones and school crossing zones to NRS 484B-363. In addition, we should raise the points added to the fine to be two-points higher than the standard speeding ticket for 1 to 10 and 11-20 over the limit and double any points higher than the points for the equal general speed citation.

**Options:**

- Approve recommendation to increase fines in school zones and school crossing zones.
- Do nothing

## **Nevada Advisory Committee on Traffic Safety (NVACTS) 2023 Legislative/Policy Recommendations: Occupant Protection/Seatbelt Laws**

### **Nevada Law:**

**NRS 484D.495 Safety belts and shoulder harness assembly; requirements for driver, child and other passenger; penalties; exemptions. [Effective until the date the Federal Government rescinds the requirement for the installation of automatic restraints in new private passenger motor vehicles, if that action is based upon the enactment or continued operation of certain amendatory and transitory provisions contained in chapter 480, Statutes of Nevada 1987.]**

1. It is unlawful to drive a passenger car manufactured after:

(a) January 1, 1968, on a highway unless it is equipped with at least two lap-type safety belt assemblies for use in the front seating positions.

(b) January 1, 1970, on a highway unless it is equipped with a lap-type safety belt assembly for each permanent seating position for passengers. This requirement does not apply to the rear seats of vehicles operated by a police department or sheriff's office.

(c) January 1, 1970, unless it is equipped with at least two shoulder-harness-type safety belt assemblies for use in the front seating positions.

2. Any person driving, and any passenger who:

(a) Is 6 years of age or older; or

(b) Weighs more than 60 pounds, regardless of age,

È who rides in the front or back seat of any vehicle described in subsection 1, having an unladen weight of less than 10,000 pounds, on any highway, road or street in this State shall wear a safety belt if one is available for the seating position of the person or passenger.

3. A citation must be issued to any driver or to any adult passenger who fails to wear a safety belt as required by subsection 2. If the passenger is a child who:

(a) Is 6 years of age or older but less than 18 years of age, regardless of weight; or

(b) Is less than 6 years of age but who weighs more than 60 pounds,

È a citation must be issued to the driver for failing to require that child to wear the safety belt, but if both the driver and that child are not wearing safety belts, only one citation may be issued to the driver for both violations. A citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. Any person who violates the provisions of subsection 2 shall be punished by a fine of not more than \$25 or by a sentence to perform a certain number of hours of community service.

4. A violation of subsection 2:

(a) Is not a moving traffic violation under [NRS 483.473](#).

(b) May not be considered as negligence or as causation in any civil action or as negligent or reckless driving under [NRS 484B.653](#).

(c) May not be considered as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product.

5. The Department shall exempt those types of motor vehicles or seating positions from the requirements of subsection 1 when compliance would be impractical.
6. The provisions of subsections 2 and 3 do not apply:
  - (a) To a driver or passenger who possesses a written statement by a physician or an advanced practice registered nurse certifying that the driver or passenger is unable to wear a safety belt for medical or physical reasons;
  - (b) If the vehicle is not required by federal law to be equipped with safety belts;
  - (c) To an employee of the United States Postal Service while delivering mail in the rural areas of this State;
  - (d) If the vehicle is stopping frequently, the speed of that vehicle does not exceed 15 miles per hour between stops and the driver or passenger is frequently leaving the vehicle or delivering property from the vehicle; or
  - (e) Except as otherwise provided in [NRS 484D.500](#), to a passenger riding in a means of public transportation, including a school bus or emergency vehicle.
7. It is unlawful for any person to distribute, have for sale, offer for sale or sell any safety belt or shoulder harness assembly for use in a motor vehicle unless it meets current minimum standards and specifications of the United States Department of Transportation.

## **Background:**

Primary seat belt laws allow police to stop and ticket a motorist if the driver or passengers are not buckled up. Secondary belt laws allow police to issue a citation only if the driver is first stopped for another infraction. Nevada has a Secondary seat belt law.

Research affirms that seat belt laws significantly increase seat belt use and that primary enforcement laws are more effective than secondary enforcement laws. According to NHTSA, 92% of front seat occupants in states with primary enforcement laws buckled up, in contrast to 86.2% of front-seat occupants in states with secondary enforcement or no laws in 2019. The effect of seat belt laws on rear-seat occupants is also noteworthy. In 2019, 84% of occupants in back seats used belts in states with seat belt laws for all seating positions, while 68% of occupants in rear seats used belts in states with front-seat-only belt laws.

### ***State adult seat belt laws can be grouped into the following categories:***

- Primary enforcement laws for all occupants: 20 states—Alaska, California, Delaware, Hawaii, Illinois, Indiana, Kentucky, Louisiana, Maine, Minnesota, Mississippi, New Mexico, New York, Oregon, Rhode Island, South Carolina, Texas, Utah, Washington and Wisconsin, plus the District of Columbia, Guam, the Northern Mariana Islands and Puerto Rico.
- Primary front seat belt law and secondary rear seat belt law: Five states—Alabama, Kansas, Maryland, New Jersey and North Carolina.
- Secondary laws for all occupants: Six states—Idaho, Massachusetts, Montana, **Nevada**, Vermont and Wyoming.
- Primary front-seat-only belt laws: Nine states—Arkansas, Connecticut, Florida, Georgia, Iowa, Michigan, Oklahoma, Tennessee and West Virginia—and the Virgin Islands.
- Secondary front-seat-only belt laws: Nine states—Arizona, Colorado, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota and Virginia.
- New Hampshire and American Samoa are the only state and territory without a seat belt law for adults.

**Nevada:**

- 5.8 percent of Nevadans—179,000 people—are still not buckling up.
- An estimated 78 lives were saved by seat belts in Nevada in 2017 and 14 additional lives could have been saved with 100 percent seat belt use.
- In 2019, 158 vehicle occupants died while riding in cars and light trucks in Nevada. Of these, 37 percent died while not wearing their seat belts. (2019 FARS Data)
- 37 percent (111/304) of the State's motor vehicle traffic fatalities occur in rural areas; however, the fatality rate per 100 million vehicle miles traveled in rural Nevada is more than two times higher than the rate in urban areas. (2019 FARS Data)
- In 2019, 49 percent of nighttime passenger vehicle occupant fatalities in Nevada were unrestrained compared to 27 percent of daytime passenger vehicle occupant fatalities. (2019 FARS Data)
- Current state law does not require use of child passenger safety seats in rideshare vehicles.
- 50-60% of Nevada vehicle occupant fatalities annually are unrestrained.

**Research & Data:**

Wearing a seat belt reduces the risk of fatal injury by nearly half for occupants of passenger cars and by more than half for occupants of light trucks and vans. The national seat belt use rate by adult front-seat passengers was 90.7% in 2019. According to CDC's Tribal Road Safety Fact Sheets, low seat belt use is among the major risk factors for traffic fatalities in tribal communities. Front seat belt use also varies between age and gender. Occupants ages 16 to 24 years continued to have the lowest rate among any age group at 87.6%, according to 2019 data. The seat belt use rate for male occupants was 89.1%, compared with 92.7% for female occupants. While the number of occupants who buckle up in the back seat has increased in recent years, it continues to be significantly lower than front seat belt users. Rear seat belt use among occupants eight years and older was 77.5% in 2019. Finally, a study suggests that rear seat belt use is higher in private vehicles than in taxis, and results are mixed regarding ride-hailing services such as Uber and Lyft.

<https://www.ncsl.org/research/transportation/traffic-safety-trends-state-legislative-action-2020.aspx>

Per NHTSA's Special Report: Examination of the Traffic Safety Environment During the Second Quarter of 2020: "...there is evidence of an increase in ejection rates among people who were in crashes, suggesting a decrease in the seat belt use rate of vehicle occupants. This increase was heavily tilted toward males, people 18 to 34 years old, and people in rural areas.

[https://rosap.ntl.bts.gov/pdfjs/web/viewer.html?file=https://rosap.ntl.bts.gov/view/dot/50940/dot\\_50940\\_D\\_S1.pdf](https://rosap.ntl.bts.gov/pdfjs/web/viewer.html?file=https://rosap.ntl.bts.gov/view/dot/50940/dot_50940_D_S1.pdf)

**National trends:**

During the 2020 legislative session, 17 states considered at least 55 bills related to seat belts. However, few were enacted. New York passed four bills in 2020 dealing with various aspects of seat belt law.

Every state and the District of Columbia have enacted child restraint laws that require children of certain ages and sizes to ride in appropriate, federally approved child restraints. Although each state has a law, some laws only cover children up to a certain size or age, while others allow the use of adult safety belts to restrain children.

### **Primary Seatbelt Law Pros:**

Proven safety benefits, reduction in road closures due to fatal crashes, perception that primary seatbelt laws currently exist.

### **Primary Seatbelt Law Cons:**

Concerns regarding disparate treatment, concerns regarding cost burden to ticketed drivers.

### **Options:**

- Primary Seatbelt Law, all drivers/passengers, optional pilot project/sunset provision
- Primary Seatbelt Law/Graduated Driver's License requirement
- Child Passenger Safety Seats- establish rideshare requirement
- Do nothing

### **Resources & Reference:**

UNLV School of Medicine Occupant Protection Research Library:

[https://drive.google.com/drive/folders/0B2qSfw7l8XYqX0ZjUllFWTlSbE0?resourcekey=0-S3GAnG2udzRSfMPfg\\_QgwA](https://drive.google.com/drive/folders/0B2qSfw7l8XYqX0ZjUllFWTlSbE0?resourcekey=0-S3GAnG2udzRSfMPfg_QgwA)

NHTSA Seat Belts: <https://www.nhtsa.gov/risky-driving/seat-belts>

NHTSA State Traffic Safety Information/Nevada: <https://cdan.nhtsa.gov/stsi.htm#>

Insurance Institute for Highway Safety: <https://www.iihs.org/topics/seat-belts>

# Nevada Advisory Committee on Traffic Safety (NVACTS) 2023 Legislative/Policy Recommendations: Graduated Drivers License

## Nevada Law:

### *NRS LOOPHOLE THAT ALLOWS YOUNG DRIVERS TO AVOID COMPLETING THE SUPERVISED DRIVING*

AN ACT relating to motor vehicles; authorizing completion of a hands-on defensive driving course in lieu of certain supervised driving experience for any applicant for a driver's license who is under 18 years of age; requiring the Department of Motor Vehicles to approve and maintain a list of such courses; making an appropriation; and providing other matters properly relating thereto.

### Legislative Counsel's Digest:

Existing law authorizes the issuance of a driver's license to a person who is 16 or 17 years of age under certain circumstances, including, with certain exceptions, completion by the person of a course in automobile driver education or a course provided by a school for training drivers that is licensed in this State. Such a person must also provide proof of at least 50 hours of supervised driving experience. (NRS 483.2521) **Section 3** of this bill allows any person under the age of 18 years to complete an approved hands-on course in defensive driving in lieu of completing 50 hours of supervised driving experience to obtain a driver's license. **Section 2** of this bill requires the Department of Motor Vehicles to approve for the purposes of this provision any hands-on defensive driving course that: (1) includes both theory of defensive driving and practical experience in defensive driving skills and maneuvers; (2) is provided by a school for training drivers that is licensed in this State; and (3) is conducted by a person who is licensed in this State as an instructor for a school for training drivers. **Section 2** also requires the Department to place a list of approved courses on the Internet website of the Department. **Sections 6-10** of this bill make conforming changes. **Section 10.7** of this bill makes an appropriation to the Department for the personnel and operating costs to approve and audit the hands-on courses in defensive driving.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

### Section 1. (Deleted by amendment.)

**Sec. 2.** Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The Department shall approve a hands-on course in defensive driving for the purposes of NRS 483.2521 if the course:*

*(a) Includes instruction in the theory and practical applications of defensive driving;*

.....  
↓2019 Statutes of Nevada, Page 2971 ([CHAPTER 494, AB 338](#))↓

*(b) Requires a person taking the course to practice defensive driving skills and maneuvers, including, without limitation, emergency avoidance and response techniques;*

*(c) Is provided by a school for training drivers that meets the requirements of this section and NRS 483.700 to 483.780, inclusive; and*

*(d) Is conducted by a person who holds a license as an instructor for a school for training drivers and who meets the requirements of this section and NRS 483.700 to 483.780, inclusive.*

*2. The Department shall maintain on the Internet website of the Department a list of hands-on courses in defensive driving that are approved pursuant to this section. The list must identify those courses which are provided for free. In the event that no such free courses are available, the Internet website must provide notice of that fact.*

*3. The Department may adopt regulations to carry out the provisions of this section.*

**Sec. 3.** NRS 483.2521 is hereby amended to read as follows:

483.2521 1. Except as otherwise provided in subsection ~~3~~ 4, the Department may issue a driver's license to a person who is 16 or 17 years of age if the person:



- (a) Except as otherwise provided in subsection 2, has completed:
  - (1) A course in automobile driver education pursuant to NRS 389.090; or
  - (2) A course provided by a school for training drivers which is licensed pursuant to NRS 483.700 to 483.780, inclusive, *and section 2 of this act* and which complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the State Board
- (c) ~~Submits~~ *Except as otherwise provided in subsection 3, submits* to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of supervised experience required pursuant to this section and which is signed:
  - (1) By his or her parent or legal guardian; or
  - (2) If the person applying for the driver's license is an emancipated minor, by a licensed driver who is at least 21 years of age or by a licensed driving instructor,  
↳ who attests that the person applying for the driver's license has completed the training and experience required pursuant to paragraphs (a) and (b);
- (d) Submits to the Department:
  - (1) A written statement signed by the principal of the public school in which the person is enrolled or by a designee of the principal and which is provided to the person pursuant to NRS 392.123;
  - (2) A written statement signed by the parent or legal guardian of the person which states that the person is excused from compulsory attendance pursuant to NRS 392.070;
  - (3) A copy of the person's high school diploma or certificate of attendance; or  
ard of Education pursuant to NRS 389.090;
- (b) ~~Has~~ *Except as otherwise provided in subsection 3, has* at least 50 hours of supervised experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280, including, without limitation, at least 10 hours of experience in driving a motor vehicle during darkness;

## Background:

### Problem

Motor vehicle crashes are a leading killer of U.S. teenagers. Teen drivers are far more likely than other drivers to be involved in fatal crashes because they lack driving experience and tend to take greater risks. The crash rate for teen drivers (16-19 years) is three times that of drivers 20 and older.

### Solution

GDL programs allow teen drivers to learn to drive under lower risk conditions, and consist of a learner's stage, then an intermediate stage, before being granted an unrestricted license. The learner's stage requires teen drivers to complete a minimum amount of time of adult-supervised driving to move to the next phase and drive unsupervised. The intermediate stage restricts teens from driving in high-risk situations for a specified period before receiving an unrestricted license.

#### *Learner's Stage: Minimum Age 16 for Learner's Permit*

A beginning teen driver is prohibited from obtaining a learner's permit until the age of 16. A survey conducted by IIHS shows that parents even favor GDL laws that are as strict or even stricter than currently exist in any state. More than half think the minimum licensing age should be 17 or older.

#### *Learner's Stage: 6-Month Holding Period Provision*

A beginning teen driver must be always supervised by an adult licensed driver during the learner's stage. If the learner remains citation-free for six months and is not involved in any crashes, they may progress to the intermediate stage. Research has found that a minimum holding period of nine months to a year results in a 21% reduction in fatal crash rates.

*Intermediate Stage: Nighttime Driving Restriction Provision*

Unsupervised driving should be prohibited from at least 10 p.m. to 5 a.m. States with nighttime driving restrictions show crash reductions of up to 60% during restricted hours.

*Intermediate Stage: Cell phone restriction to the Nevada GDL system*

Studies have shown that using a cell phone, the legit way, reduces brain activity by up to 37%. In 2019, 39% of high school students reported texting or emailing while driving during the past month. Currently, there are 37 states that ban all cell phone use by novice drivers.

*Intermediate Stage: Require seatbelt use for drivers and passengers by making it a primary law during their GDL.*

In 2019, 45% of teen drivers who died were unbuckled. Even more troubling, when the teen driver in a fatal crash was unbuckled, 9 out of 10 of the passengers who died were also unbuckled.

*Intermediate Stage: Passenger Restriction Provision*

This provision limits the number of passengers who may legally ride with a teen driver without adult supervision. A study by AAA found that when a teen driver has only teen passengers in their vehicle (as opposed to older passengers), the fatality rate for all people involved in a crash increased 51%.

*Age 18 for Unrestricted License*

A teen driver is prohibited from obtaining an unrestricted license until the age of 18, and either the nighttime or the passenger restrictions, or both, must last until age 18 and meet the definition for an optimal law.

**Conclusion**

GDL programs have been effective in reducing teen crash deaths. In states that have adopted GDL programs, studies have found overall crash reductions among teen drivers of about 10 to 30%. The most effective, evidence-based countermeasure for young drivers involves a comprehensive system of GDL restrictions that allow new drivers to gain experience while restricting their exposure to dangerous driving situations.

**Research & Data:**

Studies show that graduated driver licensing significantly decreases the risk of fatal teen crashes among 16- to 17-year-old drivers. Research funded by the National Institutes of Health found that the most effective legislation had at least five of the following seven key elements:

- A minimum age of 16 for a learner's permit
- A mandatory waiting period of at least six months before a driver can apply for an intermediate license
- A requirement for 50 to 100 hours of supervised driving before testing for an intermediate license
- A minimum age of 17 for an intermediate license
- Restrictions on nighttime driving
- A limit on the number of teenaged passengers allowed in the car
- A minimum age of 18 for a full license

All 50 states and the District of Columbia have some form of GDL program. However, according to the Insurance Institute for Highway Safety, if every state adopted the strictest limitations related to five components, the nation would reduce the number of crashes each year by more than 9,500 and save more than 500 lives.

In 2019, 45% of teen drivers who died were unbuckled. Even more troubling, when the teen driver involved in the fatal crash was unbuckled, nine out of 10 of the passengers who died were also unbuckled. As teens start driving and gradually gain independence, they don't always make the smartest decisions regarding their safety. They may think they are invincible, that they don't need seat belts. They may have a false notion that they have the right to choose whether or not to buckle up.

### **National Trends:**

Motor vehicle crashes are the leading cause of death for teens in the United States (reported in WISQARS). Per mile driven teens, ages 16 to 19 are nearly three times more likely than older drivers to be in a fatal crash. Graduated driver licensing programs (GDL) have consistently proven to be effective at reducing the crash risk for beginning drivers, including teens. GDL addresses the high crash risks that new drivers face by allowing them to get their initial driving experience under low-risk conditions through restrictions that are enforceable by law. GDL has three stages, beginning with a fully supervised learning period, followed by an intermediate stage that allows independent driving with some restrictions on high-risk driving conditions, and concluding with unrestricted, full driving privileges.

Although GDL programs vary from state to state, they generally include seven main components:

- Minimum age to obtain a learner permit
- Mandatory holding period for the learner permit
- Minimum number of hours of supervised driving during the learner permit stage—both daytime and nighttime
- Minimum age to obtain an intermediate license
- Nighttime driving restrictions during the intermediate stage
- Passenger restrictions during the intermediate stage
- Minimum age for full licensing

Some states have applied additional restrictions on young drivers, including

- Cell phone bans
- Texting bans
- Seat belt requirements
- Zero tolerance for driving under the influence of drugs or alcohol
- Stronger penalties for offenses that during the intermediate stage
- Minimum standards for driver education

According to NHTSA's Countermeasures that work:

The most effective, evidence-based countermeasure for young drivers involves a comprehensive system of GDL restrictions that allow new drivers to gain experience while restricting their exposure to dangerous driving situations. At the same time, efforts should continue to evaluate and develop innovative programs for young drivers such as those using peer-to-peer.

Studies show that graduated driver licensing significantly decreases the risk of fatal teen crashes among 16- to 17-year-old drivers. Research funded by the National Institutes of Health found that the most effective legislation had at least five of the following seven key elements:

- A minimum age of 16 for a learner's permit

- A mandatory waiting period of at least six months before a driver can apply for an intermediate license
- A requirement for 50 to 100 hours of supervised driving before testing for an intermediate license
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All 50 states and the District of Columbia have some form of GDL program. However, according to the Insurance Institute for Highway Safety, if every state adopted the strictest limitations related to five components, the nation would reduce the number of crashes each year by more than 9,500 and save more than 500 lives.

### ***NHTSA-Recommended GDL Provisions and Restrictions***

#### ***Stage 1: Learner's Permit***

- State sets minimum age for a learner's permit at no younger than 16 years old;
- Pass vision and knowledge tests, including rules of the road, signs, and signals;
- Completion of basic driver training;
- Licensed adult (who is at least 21 years old) required in the vehicle at all times;
- All occupants must wear seat belts;
- Zero alcohol in system while driving;
- Learners permit is visually distinctive from other driver licenses;
- Must remain crash- and conviction-free, including violations of the seat belt, zero-tolerance, speed, and other GDL provisions, for at least 6 consecutive months to advance to the next level;
- Parental certification of 30 to 50 practice hours; and
- No use of portable electronic communication or entertainment devices while driving.

#### ***Stage 2: Intermediate (Provisional) License***

- Completion of Stage 1;
- State sets minimum age of 16.5 years old;
- Completion of intermediate driver education training (e.g., safe driving decision-making, risk education);
- All occupants must wear seat belts;
- Licensed adult required in the vehicle from 10 p.m. until 5 a.m. (e.g., nighttime driving restriction) with limited exceptions (e.g., religious, medical, or school- or employment-related driving);
- Zero alcohol in system while driving;
- Provisional license is visually distinctive from a regular license;
- Teenage passenger restrictions – not more than one teen passenger for the first 12 months of Intermediate License. Afterward, limit the number of teen passengers to two until age 18;
- Must remain crash- and conviction-free, including violations of the seat belt, zero-tolerance, speed, and other GDL provisions, for at least 6 consecutive months to advance to the next level; and
- No use of portable electronic communication or entertainment devices while driving.

#### ***Stage 3: Full Licensure***

- Completion of Stage 2;
- State sets minimum age of 18 for lifting of passenger and nighttime restrictions;
- Zero alcohol in system while driving; and
- Visually distinctive license for drivers under the age of 21.

States that have this measure in place and what other states are doing.

<https://www.ghsa.org/state-laws/issues/teen%20and%20novice%20drivers>

### **Pros:**

GDL programs have consistently proven effective at reducing crash risk for beginning drivers.

GDL programs are a proven Countermeasure that works

### **Cons:**

### **Options:**

- Adopt all suggestions – All the GDL recommendations be submitted to Legislation
- Select of few of the GDL recommendations and submit to Legislation.
- Do nothing

### **Resources & Reference:**

<https://www.nhtsa.gov/road-safety/teen-driving>

<https://www.ghsa.org/state-laws/issues/teen%20and%20novice%20drivers>

<https://www.teendriversource.org/thinking-of-driving/recommended-minimum-gdl-requirements>

<https://www.cdc.gov/phlp/publications/topic/gdl.html>

[Graduated Driver Licensing Systems | US Department of Transportation](#)

<https://www.transportation.gov/mission/health/Graduated-Driver-Licensing-Systems>

<https://saferoads.org/wp-content/uploads/2022/01/FINAL-2022-Roadmap-of-State-Highway-Safety-Laws.pdf>

<https://www.cdc.gov/phlp/publications/topic/gdl.html>

[Countermeasures That Work: A Highway Safety Countermeasure Guide for State Highway Safety Offices, 10th Edition, 2020 \(nhtsa.gov\)](#)

## **Nevada Advisory Committee on Traffic Safety (NVACTS) 2023 Legislative/Policy Recommendations: Roadside Oral Fluid Testing**

### **Nevada Law:**

In Nevada, roadside preliminary breath testing for the presence of alcohol is addressed in NRS 484C.150.

#### **NRS 484C.150. Implied consent to preliminary test of person's breath; effect of failure to submit to test; use of results of test.**

1. Any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his or her consent to a preliminary test of his or her breath to determine the concentration of alcohol in his or her breath when the test is administered at the request of a police officer at the scene of a vehicle crash or where the police officer stops a vehicle, if the officer has reasonable grounds to believe that the person to be tested was:

(a) Driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance; or

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130 or 484C.430.

2. If the person fails to submit to the test, the officer shall, if reasonable grounds otherwise exist, arrest the person and take him or her to a convenient place for the administration of a reasonably available evidentiary test under NRS 484C.160.

3. The result of the preliminary test must not be used in any criminal action, except to show there were reasonable grounds to make an arrest.

Currently, there is no similar provision for roadside oral fluid testing for drugs.

### **Background:**

Provide background information, reference to national studies, national recommendations, information from other states.

As taught in Peace Officer Standards and Training (POST) academies across the nation from the National Highway Transportation Safety Administration (NHTSA) curricula, preliminary breath testing is a standardized part of the impaired driving investigation. It is conducted at the roadside and is the last step of the investigation before the law enforcement officer makes an arrest decision. It is not admissible in court and is not used to show the amount of impairment. It is used to help the officer determine what is causing the impairment that he/she has already observed.

If the preliminary breath testing device (PBT) displays a BAC reading that is in parity with the impairment the officer has observed, the officer may have no reason to suspect drug impairment. In Nevada when this situation exists, the driver has a statutory right under NRS 484C.160(5) to choose to submit to an



evidentiary breath test with an approved testing device (currently the Intoxilyzer 8000 in Nevada) instead of a blood test to determine the concentration of alcohol in the driver's body.

If, on the other hand, the PBT displays a BAC value that is lower than what the officer would expect to see for the level of impairment observed up to that point, the officer would have reason to suspect something other than or in addition to alcohol was impairing the driver. In such an instance, the officer can preclude the driver from choosing a breath test and, also pursuant to NRS 484C.160(5), will direct the suspect to submit to a blood test.

However, what is not known is what type of other substances have been recently used by the driver. In the second scenario, even if the driver submits to an evidentiary blood test, results of that forensic toxicology analysis are not available for months. In the interim, there is no objective way to determine how to help the driver if he or she has a substance use disorder and no guidance for pretrial services officers with regard to testing the DUI defendant.

It is more problematic in the first scenario, where the driver's BAC is high enough that the officer permits the driver to submit to a breath test. In that scenario, there is no blood toxicology testing at all, so any substance use by the DUI defendant will remain unknown to the officer and the court and any treatment court or counseling to which the defendant may be later directed. The services that are ready and able to help the defendant and protect the public from subsequent impaired driving conduct are essentially hobbled.

Nevada's impaired driving fatality statistics show a steady increase in the use of a combination of impairing substances. The following table shows data covering 2016 to 2019 and collected by the Office of Traffic Safety for fatal crashes where alcohol and drugs were involved. It was originally compiled to show if there was any impact on the legalization of cannabis on roadway fatalities, but the data is informative for the instant purpose as well.

PERCENT OF TOTAL SUBSTANCE INVOLVED FATAL CRASHES					
	Alcohol only (.08+ BAC)	Marijuana only	Other Drug	Poly-Substance	Any Marijuana
<b>2016</b>	38.10%	11.11%	5.29%	46.03%	35.98%
<b>2017</b>	25.00%	16.48%	6.82%	49.43%	40.34%
<b>2018</b>	22.16%	13.07%	10.23%	53.41%	39.20%
<b>2019</b>	26.51%	18.07%	14.46%	51.81%	51.20%

As shown, fatal crashes involving a driver using drugs alone or in combination with another substance comprise a majority of the fatal crashes in Nevada.

Roadside detection of recent drug use and impairment, however, is limited to the individual officer's ability to effectively conduct field sobriety tests. These tests may or may not be available to the officer for a variety of reasons, including, but not limited to weather, circumstances of the stop (e.g., a crash may preclude administration of psychophysical testing), and age, weight, and other medical conditions of the driver.

## Research & Data:

In 2019, Michigan issued a report on their oral fluid roadside testing pilot program. From the report:

Preliminary oral fluid drug screening on the roadside has many benefits. Studies have shown that drugs accumulate in the oral fluid by passive diffusion from the blood (Cone & Huestis, 2007). Certain drugs tested in oral fluid are well correlated with positive results from the same drug when tested in the blood (Moore & Miles, 2015). Collecting oral fluid from a driver on the roadside can be easy, quick, and non-invasive. There is limited risk of adulteration from the oral fluid sample and the collection is painless (Edwards, Smith, & Savage, 2017). Oral fluid collection can occur at the scene, close to the time the driver was operating a vehicle (Moore & Miles, 2015). The oral fluid test instrument provides the investigating police officer positive or negative results, within five minutes, on recent drug intake (Alere Toxicology, 2019).

Michigan State Police (2019, February, p. 3).

The Michigan State Police's pilot program and research was robust. In their two-volume 2019 published study, the MSP committee concluded:

Roadside Oral Fluid testing in the Phase II Pilot has been proven to be accurate to a certain degree as demonstrated in the data contained within this report. Each of the six drug classes demonstrated varied percentages of accuracy when compared to the "Gold Standard", which is a blood test. Oral fluid testing does not equal the "Gold Standard" but has been found to be accurate for purposes of preliminary roadside testing.

Id.

In Nevada, NRS 484C.160 includes the evidentiary testing of oral fluid by referencing "blood, urine, breath or other bodily substance" in the implied consent provisions of subsection 1. However, there is no provision for use of non-evidentiary or preliminary testing of oral fluid at the roadside akin to the preliminary breath test referenced in NRS 484C.150.

## National Trends:

As noted above, Michigan determined oral fluid testing to be accurate for use in impaired driving investigations after an extensive two-part pilot program.

Alabama currently has an oral fluid testing program after completing their pilot program.

Indiana is currently using a pilot oral fluid testing program for DRE use only. It will use the results of the program to determine whether to expand it beyond DRE use.

## Pros:

- Minimally-invasive search.



- No pain or discomfort to the subject.
- Provides the officer with information of recent drug use in a short period of time, usually less than 5 minutes.
- Provides the officer with information that would assist with determining if an evidentiary breath or blood test should be administered.
- Provides insight for pre-adjudication supervision and treatment options for the arrested suspect.
- Minimal training required to competently operate.

### Cons:

- Initial cost of individual devices and subsequent replacements as needed.
- Devices would need to be maintained and calibrated regularly, much like the preliminary breath testing devices are now. Calibration of devices is typically performed by the manufacturer at a cost.
- Non-evidentiary, which is the same as the preliminary breath testing devices currently utilized.

### Options:

- Pass and implement for statewide use in all agencies that wish to use the devices.
- Pass, but limit utilization of the devices to Nevada peace officers who are Drug Recognition Experts with current credentials certified by the International Association of the Chiefs of Police (IACP).
- Do nothing

### Resources & Reference:

- Bloch, S. National Conference of State Legislatures (2021, May). *States Explore Oral Fluid Testing to Combat Impaired Driving*. <https://www.ncsl.org/research/transportation/states-explore-oral-fluid-testing-to-combat-impaired-driving.aspx>
- Moore, C., Lindsey, B., Harper, C.E., & Knudsen, J.R. (2020, Oct.). *Use of Oral Fluid to Detect Drugged Drivers*, *Between the Lines* (National Traffic Law Center), 28:10. <https://ndaa.org/wp-content/uploads/October-2020-BTL-Oral-Fluid.pdf>
- Oral Fluid Roadside Analysis Pilot Program Committee, Michigan State Police (2019, Feb.). *Oral Fluid Roadside Analysis Pilot Program*, Retrieved from: [https://www.michigan.gov/documents/msp/Oral\\_Fluid\\_Report\\_646833\\_7.pdf](https://www.michigan.gov/documents/msp/Oral_Fluid_Report_646833_7.pdf)