

2017 SHSP Advisory Opinions

Introduction

These advisory opinions were developed by the Nevada Strategic Highway Safety Plan (SHSP) Critical Emphasis Area (CEA) Teams and were approved by the Nevada Executive Committee on Traffic Safety. These advisory opinions are not law; they are recommendations. These advisory opinions are official opinions of the Nevada SHSP Critical Emphasis Area Teams regarding transportation safety. The Nevada SHSP CEA Teams have been developed to help the state focus its highway safety efforts in areas where they can be the most effective and include representation from the 4 E's of safety (engineering, enforcement, education, and emergency medical services) plus the 5th E representing everyone (advocates/users). Detail on the specific recommendation, issues and explanation for each Advisory Opinion is on the following pages.

Summary of Advisory Opinions



Impaired Driving

- ▲ Encourage statewide use of the pilot 24/7 program
- ▲ Strengthen mandatory ignition interlock statutes



Intersections

- ▲ Support the development of an Intersection Control Evaluation (ICE) Policy for NDOT
- ▲ Conduct NDOT study to support updating NRS 484A.600 to allow automated enforcement at intersections



Lane Departures

- ▲ Enhance cell phone law (NRS 484B.165) to be inclusive of inattentive/distracted driving behaviors and increase fine(s) for violation of NRS 484B.165
- ▲ Support enhancements to existing “Move Over Law” (NRS 484B.607); “Move-It Law” (NRS484E.020) and “Yield to Emergency Vehicle Statute” (NRS 484B267)



Motorcycles

- ▲ Require moped/scooter riders to wear DOT compliant helmets and eye protection
- ▲ Revise the Motorcycle Instructional Driving Permit Requirements



Occupant Protection

- ▲ Upgrade NRS 484D.495 to a Primary Seat Belt Law
- ▲ Increase Booster Seat Requirements
- ▲ Include Seat Belt Usage in the Graduated Driver Licensing System



Pedestrians

- ▲ Add language to NRS 484B.363#1B and #2B to allow roadway jurisdictions to determine when the flashers and school crossing zones should be active



Impaired Driving Critical Emphasis Area

Advisory Opinion

APPROVED: Impaired Driving Critical Emphasis Area Team

DATE: 7/22/2016

APPROVED: Nevada Executive Committee on Traffic Safety

DATE: 10/11/2016

Advisory Opinion

Based on national research and the potential for saving lives throughout the state, the Nevada SHSP Impaired Driving Critical Emphasis Area Team strongly recommends the following:

- ▲ Encourage statewide use of the pilot 24/7 program
- ▲ Strengthen mandatory ignition interlock statutes

Statement of Scope

Advise the Nevada Executive Committee on Traffic Safety (NECTS) concerning issues relating to transportation safety, specifically impaired driving.

1. Encourage statewide use of the pilot 24/7 program

1.1 Recommendation

Expand the 24/7 pilot program begun by Judge Pearson of the Reno Justice court throughout the state. This will be possible after finalization of the Attorney General's office 24/7 policy which will then make more federal funding available to the pilot program.

1.2 Issues

Between 2009 and 2013, 341 people died in Nevada impaired driving crashes and in 2011 27% of Nevada's traffic fatalities were alcohol related. Driving impaired is dangerous and repeated offenses by individuals greatly compounds the risk of injury and death on our highways. Nevada is the only state where alcohol can be purchased any day of the week any time of day. The current legal process can take many days to months for repeat offenders to be monitored for compliance. What has proven effective are programs that provide immediate feedback to law enforcement as well as the offender.

1.3 Explanation

NHTSA's Countermeasures That Work (CTW), 8th edition: "The most successful methods for controlling convicted DUI offenders and reducing recidivism have the common feature that they monitor offenders closely. Close monitoring can be accomplished at various levels and in various ways, including a formal intensive supervision program, home confinement with electronic monitoring, and dedicated detention facilities. South Dakota's 24/7 Sobriety Project is one example of an intensive supervision program. Participants are multiple offenders who are required to use no alcohol or drugs as a condition of remaining in the community and avoiding incarceration. The program includes daily breath testing, transdermal devices that monitor for alcohol consumption, and random drug testing. If an offender tests positive for alcohol or drugs, they are taken into custody and appear before

a judge within 24 hours. The goal of the program is to ensure that sanctions are swift and certain. South Dakota's 24/7 Sobriety Project has been adopted in three additional rural States: Montana, North Dakota, and Wyoming."

Immediately after visiting a 24/7 conference last year, Judge Pearson of the Reno Justice Court instituted Nevada's first 24/7 program as a pilot program. Currently approximately 100 offenders are enrolled in the program. The court has received a grant from the Office of Traffic Safety to acquire a facility for testing as well as needed equipment to monitor the offenders. The Office of Traffic Safety has been working closely with the Attorney General's office to draft a statewide 24/7 policy. This will permit Nevada to apply for federal 24/7 funding in order to expand the pilot program. These statewide pilot projects will generate Nevada specific data on how effective the program and guide bill drafts for the next legislative session to put 24/7 in statute.

2. Strengthen mandatory ignition interlock statutes

2.1 Recommendation

Strong all-offender ignition interlock laws are proven effective tools in preventing impaired driving, reducing alcohol-related fatalities and addressing impaired driving recidivism.

2.2 Issues

In Nevada during 2015, 97 people lost their lives in alcohol-related fatalities, the highest number since 2008. There were 9,303 DUI arrests in 2014, and 9,111 DUI arrests in 2015. According to the Fatality Analysis Reporting System (FARS), only 12% of alcohol-impaired drivers have a previous alcohol conviction on record. On average, a drunk driver has driven drunk 80 times before the first arrest.

Studies show that 50 to 75 percent of convicted drunk drivers continue to drive even while their license is suspended.

Though mandatory interlocks are permitted for use in Nevada through the judicial system, they represent an under-utilized sanction in effectively addressing DUI offenders. Nevada has one of the lowest numbers of interlocks per capita in use.

- NRS 484C.460.1. (a) - Courts "**May**" order Ignition interlocks for impaired driving convictions under 0.18 BAC for 3-6 months. The order is for any motor vehicle the person **owns** or operates as a condition to obtaining a restricted license.
- Under the FAST Act, to be eligible for NHTSA funding interlock laws states must:
 - Require a minimum of 6 months on ignition interlock installation. Shorter periods of interlock may not be effective to cause a behavioral change to not drink and drive.
 - An ALL-Offender law to be in place. Twenty-eight states have All-offender interlock laws as of June 2016.

- Nationally, best practices recommend interlock installation on any vehicle the person operates, not every car they own, because of the financial hardship it can create.
- NRS 484C.460 2. - Courts may provide for an exception to the Interlock sanction because of financial hardship if the person must travel to work, obtain medicine or food for themselves or a family member, or transport themselves or a family member to school.
- Under the FAST Act, NHTSA requires a state's ignition interlock law include exemptions from mandatory interlock use in only three situations:
 - An individual is required to drive an employer's vehicle in the course and scope of employment, provided the business entity that owns the vehicle is not owned or controlled by the individual
 - A physician certifies that the individual is unable to provide a deep lung breath sample for analysis
 - A state-certified interlock provider is not available within 100 miles of the individual's residence

2.3 Explanation

A study from the Insurance Institute for Highway Safety (IIHS) reports that required interlocks for everyone convicted of alcohol-impaired driving, not just repeat offenders and those with high blood alcohol concentrations (BAC), reduces the likelihood that people will reoffend. Researchers found a 12% reduction in recidivism in reviewing Washington's expanded all-offender laws.

NHTSA's Countermeasures That Work (CTW), 8th edition:

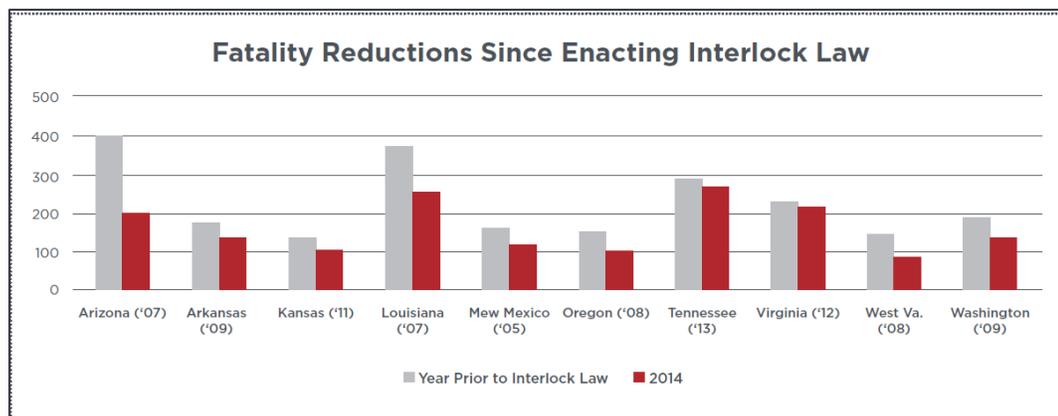
"An alcohol ignition interlock prevents a vehicle from starting unless the driver provides a breath sample with a BAC lower than a pre-set level, usually .02."

Interlocks can be used as an effective pre-trial application of monitoring technology, as a condition of bail, or as a condition of probation for DUI offenders, to prevent them from driving while impaired by alcohol after their driver's licenses have been reinstated. Accurate & timely offender management strategies are an important characteristic of an effective interlock program. Offenders who accumulate interlock program violations can be referred to a treatment provider.

Strategies achieved with the use of ignition interlock devices:

1. **Prevention:** Primary function of the ignition interlock is to prevent the offender from starting or driving a vehicle once they have been drinking.
2. **Deterrence:** Seeing or knowing that convicted offenders are subject to interlock consequences can deter the general public from drinking and driving as well as the offender's future drinking and driving behavior.

3. **Punishment.** The installation of the device imposes some degree of punishment in that it sends a message to the offender that their behavior is unacceptable and forces them to see the consequences of their actions. Punitive aspects include: providing the breath test to start the vehicle, reporting for servicing, and the stigma associated with using the device.
4. **Rehabilitation.** The alcohol interlock can motivate the offender to change their behavior while providing a safety net to protect the public in the event of relapse. Through data provided by the device, Courts can monitor offenders for compliance and identify if treatment to address underlying drinking issues is needed.
5. **Other benefits.** Sentencing offenders to an ignition interlock device allows offenders to maintain family ties, remain employed and continue to support their family.





Intersections Critical Emphasis Area

Advisory Opinion

APPROVED: Intersections Critical Emphasis Area Team

DATE: 10/10/2016

APPROVED: Nevada Executive Committee on Traffic Safety

DATE: 10/11/2016

Advisory Opinion

Based on national research and the potential for saving lives throughout the state, the Nevada SHSP Intersection Critical Emphasis Area Team strongly recommends the following:

- ▲ **Support the development of an Intersection Control Evaluation (ICE) Policy for NDOT**
- ▲ **Conduct NDOT study to support updating NRS 484A.600 to allow automated enforcement at intersections**

Statement of Scope

Advise the Nevada Executive Committee on Traffic Safety (NECTS) concerning issues relating to transportation safety, including, without limitation, intersection safety, implementing geometric improvements, use of appropriate traffic controls to reduce conflicts, improve sight distance and traffic control visibility, improve access management to reduce conflicts, improve behavior at intersections with the use of education and enforcement. Nevada has been designated an Intersection Focus state by the Federal Highway Administration (FHWA) because our annual intersection crash rate exceeds the national intersection crash rate and Nevada is receiving “friendly” pressure from the FHWA to step up our efforts to reduce intersection crashes.

1. Support the Development of an Intersection Control Evaluation (ICE) Policy for NDOT

1.1 Recommendation

It is recommended that NDOT develop and adopt an ICE Policy to select the optimal control for an intersection based on an objective analysis.

1.2 Issues

Current evaluations for intersection control include a technical analysis; however, they do not include a comprehensive analysis including financial and safety analysis in addition to technical analysis.

1.3 Explanation

There are many options for intersection traffic control, in addition to the traditional stop control and signalized control. Other options for intersection control include roundabouts, reduced conflict intersections, and alternative intersection designs. To select the best option for intersection design, an ICE is recommended to be conducted to compare the viable alternatives. Many states currently have ICE policies and require an ICE to be completed prior to determining intersection control and configurations, including California, Indiana, Florida, Minnesota, Washington State, and Wisconsin.

The purpose of an ICE analysis and supporting documentation is to document all of the analysis (technical, financial, and safety) that went into the determining the preferred alternative. In order to identify the most effective intersection treatment, NDOT must consider different strategies, treatments, configurations, and countermeasures. An ICE Policy will define the analysis required to determine appropriate intersection control and configuration along NDOT maintained roadways.

2. Conduct NDOT study to support updating NRS 484A.600 to allow automated enforcement at intersections

2.1 Recommendation

It is recommended that NDOT conduct a study to quantify how many people are running red lights and how many crashes are resulting from these incidents. The study is also recommended to include judicial and engineering challenges and implementation costs. If the study recommends camera enforcement, NDOT will research best practices on implementing automatic enforcement to improve safety and move forward with updating NRS 484A.600 to allow photographic, video, or digital equipment to gather evidence for issuance of traffic citations.

2.2 Issues

NRS 484A.600 does not allow photographic, video, or digital equipment to gather evidence for issuance of traffic citations, unless it is held in the hand or installed temporarily or permanently within a vehicle or facility of a law enforcement agency.

2.3 Explanation

In Nevada, 27.6% of vehicle crash fatalities and serious injuries occurred at intersections. A 2011 Insurance Institute for Highway Safety study that compared large cities with red light cameras to those without found the devices reduced the fatal red light running crash rate by 24% and the rate of all types of fatal crashes at signalized intersections by 17%.

(<http://www.iihs.org/iihs/news/desktopnews/camera-enforcement-in-14-large-cities-reduces-rate-of-fatal-red-light-running-crashes-by-24-percent>)



Lane Departures Critical Emphasis Area

Advisory Opinion

APPROVED: Lane Departures Critical Emphasis Area Team

DATE: 10/10/2016

APPROVED: Nevada Executive Committee on Traffic Safety

DATE: 10/11/2016

Advisory Opinion

Based on national research and the potential for saving lives throughout the state, the Nevada SHSP Lane Departures Critical Emphasis Area Team strongly recommends the following:

- ▲ **Enhance cell phone law (NRS 484B.165) to be inclusive of inattentive/distracted driving behaviors and increase fine(s) for violation of NRS 484B.165**
- ▲ **Support enhancements to existing “Move Over Law” (NRS 484B.607); “Move-It Law” (NRS484E.020) and “Yield to Emergency Vehicle Statute” (NRS 484B267)**

Statement of Scope

Advise the Nevada Executive Committee on Traffic Safety (NECTS) concerning issues relating to transportation safety, including, without limitation, countermeasures and strategies to reduce lane departure crashes.

1. Enhance cell phone law (NRS 484B.165) to be inclusive of inattentive/distracted driving behaviors and increase fine(s) for violation of NRS 484B.165

1.1 Recommendation

Enhance NRS 484B.165 cell phone law (NRS 484B.165) to be inclusive of inattentive/distracted driving behaviors and increase fine(s) for violation of NRS 484B.165.

Revise NRS 484B.165 to include additional language, such as (*changes in italics*): “Using handheld wireless communications device to type or enter text, send or read data, engage in non-voice communication or engage in voice communications without use of hands-free device unlawful; *engaging in other activities that interfere or reasonably appear to interfere with the person’s ability to drive the vehicle safely*; exceptions; penalty; additional penalty for violation in work zone or pedestrian safety zone.”

1.2 Issues

The existing Nevada Revised Statute regarding use of a cell phone (wireless communications device) while driving does not include other forms of inattentive/distracted driving.

1.3 Explanation

Inattentive/distracted driving is any activity that could divert a person's attention away from the primary task of driving. All distractions endanger driver, passenger, and bystander safety. These types of distractions include:

- Eating and drinking
- Talking to passengers

- Grooming
- Reading, including maps
- Using a navigation system
- Watching a video
- Adjusting a radio, CD player, or MP3 player

Statistics on inattentive/distracted driving are often underreported, because unless witnessed, it would require the driver to self-report that they were driving distracted, however, ten percent of fatal crashes, 18 percent of injury crashes, and 16 percent of all police-reported motor vehicle traffic crashes in 2013 were reported as distraction-affected crashes (NHTSA). That equates to 3,154 fatalities and 424,000 injuries nationwide due to distracted driving.

Local governments such as the City of Reno have implemented a new “Inattentive Driving” law (Reno Municipal Code 6.06.670), allowing Reno Police to issue citations if they see that distractions are causing the driver to be unsafe.

2. Support enhancements to existing “Move Over Law” (NRS 484B.607); “Move-It Law” (NRS484E.020); and “Yield to Emergency Vehicle Statute” (NRS 484B267)

2.1 Recommendation

Support a bill draft request (BDR 43-140) that proposes enhancements to existing laws relating to Traffic Incident Management, Safety and Quick Clearance. These existing laws include: The “Move Over Law” (NRS 484B.607); “Move-It Law” (NRS484E.020) and “Yield to Emergency Vehicle Statute” (NRS 484B267).

2.2 Issues

Under existing law, persons approaching authorized emergency vehicles or tow vehicles using flashing warning lamps to take various actions to ensure the safety of operators of such vehicles. This bill adds to existing law those vehicles operated by public works, city/county and State Department of Transportation vehicles using flashing warning lamps while performing work upon the highway. This bill also prescribes additional penalties for violations of such law causing injury or death.

2.3 Explanation

See attached draft for reference.

SUMMARY: Providing penalties for _____. (BDR XX-XXX)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

ACTs relating to transportation and enhancing laws relating to “Traffic Incident Management, Safety & Quick Clearance”.

1. NRS 484B.607. “MOVE OVER LAW.” Requiring persons approaching Department of Transportation vehicles performing work upon the highway to approach safely; providing an additional penalty for violation of such law; and providing other matters properly relating thereto.
2. NRS 484E.020. “MOVE-IT LAW.” Requiring vehicles involved in minor traffic incidents – with no apparent physical injury and/or minor property damage should be moved out of the travel lanes to a safe location. Recommended changes include traffic violation obstructing traffic.
3. NRS 484B.267. “YIELD TO EMERGENCY VEHICLE STATUTE.” Requiring motorists, upon noticing an incoming emergency vehicle (coming from any direction) with sirens or flashing lights operating, to move to the furthest right lane/shoulder and stop, until the vehicle has safely passed the vicinity.

Legislative Counsel’s Digest:

NRS 484B.607. “MOVE OVER LAW.”

Under existing law, persons approaching authorized emergency vehicles or tow vehicles using flashing warning lamps to take various actions to ensure the safety of operators of such vehicles. This bill adds to existing law those vehicles operated by public works, city/county and State Department of Transportation vehicles using flashing warning lamps while performing work upon the highway. This bill also prescribes additional penalties for violations of such law causing injury or death.

Section 1. NRS 484B.607 is hereby amended to read as follows:

<<NV ST 484B.607>>

484B.607 1. Upon approaching an authorized emergency vehicle which is stopped and is making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480 or a tow car which is stopped and is making use of flashing amber warning lights meeting the requirements of NRS 484B.748 *or a vehicle used by or in support of the Department of Transportation or a regional public works department that is stopped and making use of flashing amber warning lights in accordance with NRS 484D.185(1) or emitting nonflashing blue light in accordance with NRS 484D.200*, the driver of the approaching vehicle shall, in the absence of other direction given by a peace officer:

(a) Decrease the speed of the vehicle to a speed that is:

(1) Reasonable and proper, pursuant to the criteria set forth in subsection 1 of NRS 484B.600; and

- (2) Less than the posted speed limit, if a speed limit has been posted;
 - (b) Proceed with caution;
 - (c) Be prepared to stop; and
 - (d) If possible, drive in a lane that is not adjacent to the lane in which the emergency vehicle or tow car is stopped, unless roadway, traffic, weather or other conditions make doing so unsafe or impossible.
2. A person who violates subsection 1 is guilty of a misdemeanor.

NRS 484E.020 “MOVE-IT LAW” is hereby amended as follows:

<<NRS 484E.020>>

Duty to stop at scene of accident involving damage to vehicle or property. The driver of any vehicle involved in an accident resulting only in damage to a vehicle or other property which is driven or attended by any person shall:

1. Immediately stop his or her vehicle at the scene of the accident; and
2. *As soon as reasonably practicable, if the driver’s vehicle is obstructing traffic and can be removed safely, move the vehicle or cause the vehicle to be moved out of the travel lanes to a safe location that minimizes the interference with the free movement of traffic thereon. It is unlawful for any person to stop, stand or park any vehicle resulting from a property damage accident in which the vehicle is still mobile and failure to remove the vehicle would result in a hazard and would unduly interfere with the free movement of traffic thereon. (NRS.484E.030) and (NRS 484B.457)*

NRS 484B.267 “YIELD TO EMERGENCY VEHICLE STATUTE” is hereby amended as follows:

<<NRS 484B.267>>

Operation of vehicle on approach of authorized emergency vehicle or official vehicle of regulatory agency.

Upon the immediate approach of an authorized vehicle or an official vehicle of a regulatory agency, making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480, ~~the driver of every other vehicle~~ motorists shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of a highway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle or official vehicle has passed, except when otherwise directed by a law enforcement officer.

Additionally,

Upon motoring public approach of an authorized emergency vehicle in motion or an official vehicle of a regulatory agency making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480,

1. ~~Decrease the speed of the vehicle to a speed that is:~~

- a) Reasonable and proper, pursuant to the criteria set forth in subsection 1 of [NRS 484B.600](#);
and
 - b) Proceed with caution;
 - c) Be prepared to stop;
 - d) A person shall not drive a motor vehicle abreast of or overtake or pass an emergency vehicle in the same traffic lane which is fully or partially occupied by an emergency vehicle with emergency lights activated, except when otherwise directed by a law enforcement officer.
 - e) If possible, drive in a lane that is not adjacent to the lane in which the emergency vehicle or tow car is moving, unless roadway, traffic, weather or other conditions make doing so unsafe or impossible.
2. A person who violates subsection 1 is guilty of a misdemeanor. (Added to NRS by [2003, 486](#);
A [2009, 1096](#))— (Substituted in revision for NRS 484.364)

(Added to NRS by 1969, 1495; A 1985, 26; 1993, 1445; 1995, 577) - (Substituted in revision for NRS 484.323)



Motorcycle Critical Emphasis Area

Advisory Opinion

APPROVED: Motorcycle Critical Emphasis Area Team

DATE: 9/14/2016

APPROVED: Nevada Executive Committee on Traffic Safety

DATE: 10/11/2016

Advisory Opinion

The Nevada SHSP Motorcycle Safety Critical Emphasis Area Team strongly recommends the following:

- ▲ **Require moped/scooter riders to wear DOT compliant helmets and eye protection**
- ▲ **Revise the Motorcycle Instructional Driving Permit Requirements**

Statement of Scope

Advise the Nevada Executive Committee on Traffic Safety (NECTS) concerning issues relating to transportation safety, including, without limitation, use of helmets for moped/scooter riders and ensuring that individuals have the proper skills and knowledge to operate a motorcycle safely.

1. Require moped/scooter riders to wear DOT compliant helmets and eye protection

1.1 Recommendation

Introduce and pass a bill to remove the exemption that says moped/scooter riders do not have to wear protective riding gear. Required riding gear should be a DOT compliant helmet and eye protection.

1.2 Issues

Under current law, moped riders are exempted from the requirement that power two-wheeler riders be required to wear helmets. This exemption is found in NRS 486.231 (2).

1.3 Explanation

A motorcycle/moped/scooter offers riders almost no protection in a crash. Crash data confirm these observations. NHTSA estimates that per vehicle mile traveled, motorcyclists are about 25 times more likely than passenger car occupants to die in traffic crashes. Motorcyclists are killed at a rate of 21.45 per 100 million vehicle miles traveled (VMT) as compared to 0.87 fatalities/VMT for passenger cars (NHTSA, 2011a).

In Nevada, according to the Center for Traffic Safety Research (CTSR), 404 moped/scooter riders entered UMC Southern Nevada Hospital between 2006 and 2013. Of those, 212 (52.5%) were unhelmeted. Head injury patients accounted for about half of the total hospital charges due to scooter and moped crashes (total: \$15,162,313).

Motorcycle helmets are highly effective in protecting motorcycle riders' heads in a crash. Research indicates that helmets reduce motorcycle rider fatalities by 22 to 42% and brain injuries by 41 to 69% (Coben, Steiner, & Miller, 2007; Cummings, Rivara, Olson, & Smith, 2006; Deuterma, 2004; Liu, Ivers, Norton, Blows, & Lo, 2008; NHTSA, 2003; NHTSA, 2006a). A Cochrane Collaboration review of 61 studies concluded that risk reductions were

on the high end of the ranges mentioned above, with higher quality studies indicating that the protective effect of helmets was about a 42% reduction in risk of fatality in a crash and 69% for risk of a head injury in a crash.

Based on a 2014 attitudinal survey initiated by the Nevada Office of Traffic Safety, 76.8% of the public either favors or strongly favors a law requiring moped riders to wear a helmet.

2. Revise the Motorcycle Instructional Driving Permit Requirements

2.1 Recommendation

The ultimate goal of a motorcycle operator licensing system is to ensure that individuals have the necessary skills and knowledge to operate a motorcycle safely. By establishing appropriate policies, the licensing system can aid in reducing crashes, injuries and fatalities.

Restrict the use of instruction permits to be valid for only one year and to be able to be renewed one time only within a 24-month timeframe. After a renewal, the rider must test to become fully licensed.

2.2 Issues

Currently a motorcyclist may legally ride with an instruction permit. The intent is to allow the rider to practice prior to taking a riding evaluation to become fully licensed. However, the rider may renew the permit indefinitely without ever becoming fully licensed.

Theoretically, the motorcyclist could ride their entire career on an instruction permit. The statute requiring changes is NRS 483.280.

2.3 Explanation

As stated in Section C of the DMV Policies and Procedures Manual, Chapter 18 Motorcycles/Mopeds/Tri-mobiles, the instruction permit is valid for one year. The instruction permit may be renewed indefinitely. DMV does not track whether rider education students complete the licensing process. In 2010 1,442 class M instruction permits were issued.

The AAMVA/NHTSA Guidelines for Motorcycle Operator Licensing recommend that States issue an instruction permit valid for only 90 days and that the instruction permit can only be renewed a maximum of two times to encourage riders to complete the licensing process.

At the 2011 NHTSA Technical Assessment of the DPS Motorcycle Safety Program, the Assessment Team recommended amending the DMV procedures and statute to require the instruction permit to be valid for only 90 days and allow the instruction permit to be renewed a maximum of two times to encourage riders to complete the licensing process.

The nationwide number of motorcycle riders (operators) who did not have a valid license and were involved in a fatal crash has increased by 89.6 percent over the past decade, from 665 in 1998 to 1,261 in 2007. In 2007, one out of four motorcycle operators (25%) involved in fatal crashes were riding their motorcycle with invalid licenses at the time of the crash, while only 13 percent of drivers of passenger vehicles in fatal crashes did not have valid licenses. In response to this increasing trend, the NHTSA entered a cooperative agreement with AAMVA to examine the issue of motorcycle operator licensing and provide

guidance to jurisdictional driver license agencies on the elements of a complete licensing system for motorcycle operators.



Occupant Protection Critical Emphasis Area

Advisory Opinion

APPROVED: Occupant Protection Critical Emphasis Area Team **DATE:** 10/03/2016

APPROVED: Nevada Executive Committee on Traffic Safety **DATE:** 10/11/2016

Advisory Opinion

Based on national research and the potential for saving lives throughout the state, the Nevada SHSP Occupant Protection Critical Emphasis Area Team strongly recommends the following:

- ▲ Upgrade NRS 484D.495 to a Primary Seat Belt Law
- ▲ Increase booster seat requirements
- ▲ Include seat belt usage in the Graduated Driver Licensing System

Statement of Scope

Advise the Nevada Executive Committee on Traffic Safety (NECTS) concerning issues relating to transportation safety, including, without limitation, occupant protection through proper seat belt usage and proper child restraint usage.

1. Upgrade NRS 484D.495 to a Primary Seat Belt Law

1.1 Recommendation

Upgrade Nevada's seat belt law (NRS 484D.495) to include primary enforcement of seat belts.

1.2 Issues

The current seat belt law (NRS 484D.495) allows officers to cite individuals who are not properly restrained as a secondary offense. This means that a citation can be issued only after another traffic violation has been observed by the officer. Because a primary seat belt law is not in effect, there is no direct enforcement of proper restraint use within the state.

1.3 Explanation

In Nevada among vehicle occupants, 57% of fatally injured vehicle passengers were unbelted (2011-2015). An individual who is not properly restrained is twice as likely to be killed or seriously injured in a crash. Improper use of seat belts in Nevada results in over \$250M annually in societal costs.

Nevada is one of 15 states that does not currently have a primary seat belt law.

Based on National and local statistics, we believe that revising NRS 484D.495 will result in lives saved and the number of serious injuries reduced, to aid in reaching the goal of zero fatalities in Nevada.

2. Increase booster seat requirements

2.1 Recommendation

Update NRS 482.3156, NRS 484B.157, and NRS 484D.495 to increase the age of children covered under Nevada's child passenger safety law up to at least age eight and 57 inches in height and require each child under the age of 13 who rides in a motor vehicle to be secured by a safety belt in the back seat of the motor vehicle, where practical.

2.2 Issues

Critical to child restraints and child safety within a vehicle, is that Nevada's law has a huge gap for children between ages 6 and 12. Current law says if a child is both 6 years old and 60 pounds, the child can travel in the car with a standard seat belt, and nowhere does the law require that children under 13 belong in the back seat whenever possible, as recommended by NHTSA.

2.3 Explanation

In Nevada, from 2011-2014, 19 children under the age of 13 died in vehicle crashes and another 13 have been critically injured. All 19 children who died were improperly restrained, under restrained or had unknown restraint use: seven children over age six were not restrained, in five were in a lap and shoulder belt, and in two were restrained by a lap only belt. Two of these children were also in the unknown restraint category.

Passenger height determines seat belt fit since it is skeletal growth of the thighs and hip bones that determine proper fit of a seatbelt. The design intent of a booster seat is to adjust the fit of the seat belt to the body of a child so that the seat belt fits properly.

Nevada Department of Transportation (NDOT) crash data, linked by the Center for Traffic Safety Research (CTSR) at UMC and the Nevada School of Medicine to the four trauma centers in the state provides insight into the impact of proper child restraints. Examining results for children ages 6 to 8, children riding in booster seats incurred hospital stays of 2.3 days, on average, and had charges that averaged \$19,000. For the same age group not riding in a booster seat, the average hospital stays jumps to 8.8 days and the cost balloons to an average of \$102,000. The \$83,000 difference represents a lot of pain and suffering. Keeping with the CTSR data, of all Nevada children of school age who received an Injury Severity Score (NISS) over 25, meaning critical injuries, 21.8 percent were riding improperly or unrestrained, compared to only 6.2 percent who were restrained properly.

Based on National best practices and local statistics, we believe that revising NRS 482.3156, NRS 484B.157, and NRS 484D.495 to increase the age and include the height of children covered by the child passenger safety law will result in lives saved and the number of serious injuries reduced, to aid in reaching the goal of zero fatalities in Nevada.

3. Include seat belt usage in Graduated Driver Licensing System

3.1 Recommendation

Include seat belt usage for young drivers and their passengers as a condition for continued licensure within Nevada's graduated driver licensing system.

3.2 Issues

Although a citation can be given to younger drivers and their passengers for being improperly restrained within a vehicle, based on the current law their drivers' license cannot be suspended or revoked younger.

3.3 Explanation

Per the National Center for Health Statistics, motor vehicle crashes are a leading cause of death for 15- to 20-year-olds. According to NHTSA, 46 percent of all younger drivers who died in a fatal crash were unrestrained in 2014. Comparatively, of young drivers who survived a fatal crash, 84 percent were restrained. Increasing the severity of the consequence of young drivers not properly using their seat belt could increase safe driving habits at an early age.

Graduated drivers' license programs differ substantially by state, but there are various states that enforce seat belt use as a condition of continued licensure in their program. Some states revoke a young drivers' license for up to six months, while others impose a six-week restriction for the first offense.

Based on National statistics, we believe that requiring seat belt usage as a condition for continued licensure for younger drivers will result in lives saved and the number of serious injuries reduced, to aid in reaching the goal of zero fatalities in Nevada.



Pedestrians Critical Emphasis Area

Advisory Opinion

APPROVED: Pedestrians Critical Emphasis Area Team

DATE: 10/10/2016

APPROVED: Nevada Executive Committee on Traffic Safety

DATE: 10/11/2016

Advisory Opinion

Based on national research and the potential for saving lives throughout the state, the Nevada SHSP Pedestrian Critical Emphasis Area Team strongly recommends the following:

- ▲ **Add language to NRS 484B.363#1B and #2B to allow roadway jurisdictions to determine when the flashers and school crossing zones should be active**

Statement of Scope

Advise the Nevada Executive Committee on Traffic Safety (NECTS) concerning issues relating to transportation safety, including, without limitation, pedestrian safety, reduction of pedestrian exposure through roadway modifications, improving drivers' ability to see pedestrians, and improving driver and pedestrian awareness and behavior.

1. Add language to NRS 484B.363#1B and #2B to allow roadway jurisdictions to determine when the flashers and school crossing zones should be active

1.1 Recommendation

Change NRS 484B.363#1B and #2B from "During the period from a half hour after school is no longer in operation to a half hour before school is next in operation" to "During the period from a half hour after school is no longer in operation to a half hour before school is next in operation, unless a shorter exemption period of up to 60 minutes before and after school is deemed appropriate by the roadway jurisdiction."

1.2 Issues

NRS 484B363#1B and #2B currently states "During the period from a half hour after school is no longer in operation to a half hour before school is next in operation". In some instances, students who walk to/from school might not reach the flashers located further from the school within the specified half hour timeframe.

1.3 Explanation

For the 2015-2016 school year, there were 422,732 Pk-12 students enrolled in Nevada schools, of which 199,151 were transported to school by their respective school district (approximately 47% of Nevada students are bused to school). As such, many students in Nevada rely on walking to school. In some instances, students do not reach the crossing locations that are further away from the school within the half hour timeframe. The purpose of modifying the NRS is to allow each roadway jurisdiction to determine when the flashers for school zones and school crossing zones should be active based on their distance from the school.