

ASSEMBLY BILL NO. 433—ASSEMBLYMEN PIERCE, HORNE, BUCKLEY; ARBERRY, ATKINSON, HOGAN, KIHUEN, KIRKPATRICK, LESLIE, MCCLAIN, MORTENSON, MUNFORD, OCEGUERA, OHRENSCHALL AND SEGERBLOM

MARCH 16, 2009

JOINT SPONSOR: SENATOR PARKS

Referred to Committee on Health and Human Services

SUMMARY—Requires county hospitals in certain larger counties to provide outpatient cancer treatment as part of their care to indigent persons. (BDR 40-976)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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

AN ACT relating to public health and safety; requiring a county hospital in certain larger counties to provide outpatient cancer treatment as part of its care to indigent persons under certain circumstances; providing that failure to wear a safety belt is a primary traffic offense; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Counties are required through county hospitals to provide care to indigent
2 persons. (NRS 428.010, 450.420) **Section 1** of this bill provides that in a county
3 whose population is 400,000 or more (currently Clark County) the care provided by
4 a county hospital must include the outpatient treatment of cancer if the indigent
5 person is a resident of that county and was a resident of that county at the time the
6 person was diagnosed with cancer, but clarifies that this does not prohibit the
7 hospital from providing uncompensated care for the outpatient treatment of cancer
8 to other persons. **Section 1** further provides that the duty to provide to indigent
9 persons outpatient treatment for cancer applies only to the extent that the county
10 hospital realizes a cost savings as a result of the amendatory provisions of **sections**
11 **5 and 6** of this bill.

12 Under existing law, most drivers of and passengers in modern vehicles are
13 required by law to wear safety belts. However, the failure to wear such safety belts
14 is not, at the present time, a primary offense for which a vehicle may be halted.



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15 (NRS 484.641, 484.6415) **Sections 5 and 6** of this bill make the failure to wear a
16 safety belt as prescribed by law a primary offense for which a vehicle may be
17 halted.

18 Existing law establishes a uniform system of demerit points, which points are
19 assigned to persons who commit certain moving traffic violations. (NRS 483.473)
20 **Section 3** of this bill provides that if a person who commits such a violation is in
21 compliance with the primary safety belt law established pursuant to the amendatory
22 provisions of **sections 5 and 6**, any demerit points which would otherwise be
23 assigned to the driving record of that person must be reduced by one demerit point.

24 **Sections 7 and 8** of this bill require the Legislative Commission to provide for
25 studies of, respectively: (1) the incidence of racial profiling in the enforcement of
26 the primary safety belt law; and (2) the efficacy and cost-savings associated with
27 the primary safety belt law.

28 **Section 10** of this bill requires University Medical Center to use the cost
29 savings that it accrues as a result of the enactment of the primary safety belt law to
30 pay the costs associated with providing cancer care to indigent persons as required
31 by **section 1**, as well as allowing University Medical Center to pay other costs that
32 it determines to represent areas of significant need.

1 WHEREAS, Traffic safety researchers have repeatedly shown that
2 increasing safety belt use in passenger cars has the proven effect of
3 saving lives, reducing injuries and reducing the staggering medical
4 costs resulting from car accidents; and

5 WHEREAS, The National Highway Traffic Safety Administration
6 (NHTSA) has found that safety belt use in passenger cars reduces
7 the risk of death by 45 percent, the risk of serious injury by 50
8 percent, the severity of injuries by 400 to 500 percent and prevents
9 ejection during an accident, 75 percent of which ejections result in
10 the death of a passenger; and

11 WHEREAS, The NHTSA estimates that the adoption of primary
12 safety belt laws, which allow an officer to stop a vehicle and issue a
13 citation for the failure of a person to wear a safety belt, unlike
14 secondary safety belt laws, which allow the issuance of such a
15 citation only if a vehicle is first stopped for another infraction,
16 would on a national level prevent 11,000 injuries and 800 deaths,
17 and save approximately \$2.5 billion each year; and

18 WHEREAS, It has been demonstrated repeatedly that the use of
19 safety belts increases by 10 to 13 percent in states which have
20 adopted a primary safety belt law, resulting in fewer accident-
21 related deaths and injuries, and reduced associated costs; and

22 WHEREAS, Recognizing the benefits of primary safety belt laws,
23 the United States Congress enacted the Safe, Accountable, Flexible,
24 Efficient Transportation Equity Act to encourage states to adopt
25 such laws and, today, a majority of states have primary safety belt
26 laws; and

27 WHEREAS, With specific regard to the State of Nevada, the
28 NHTSA has found that if a primary safety belt law were to be



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1 enacted, in 2009 alone, the State would save approximately \$1.6
2 million as a direct result of injuries prevented, and the total savings
3 to the State, medical patients and businesses would amount to
4 approximately \$6.9 million; and

5 WHEREAS, Similar to the findings of the Federal Government,
6 the Office of Traffic Safety of the Department of Public Safety has
7 also found that the enactment of a primary safety belt law would
8 save countless lives, reduce injuries and save the State
9 approximately \$5.6 million over a 3-year period; and

10 WHEREAS, The adoption of this legislation would, in part,
11 enable Nevada to receive \$1.2 million in federal funds and finally
12 join the majority of other states that have chosen to adopt primary
13 safety belt laws to save lives and prevent injuries; and

14 WHEREAS, The statistics amassed and compiled by both the
15 NHTSA and the Office of Traffic Safety lead to the conclusion that
16 the adoption of a primary safety belt law would, by way of the
17 reduction of injuries and deaths, and also a reduction in the needless
18 overuse of medical facilities and personnel to treat entirely
19 preventable automotive casualties, allow millions of dollars that are
20 currently devoted to such purposes to be devoted instead to other
21 medical crises and necessities; and

22 WHEREAS, It is the considered opinion of the Nevada
23 Legislature that money saved through the enactment of a primary
24 safety belt law could and should be used compassionately to provide
25 cancer treatment to indigent persons; now, therefore,

26
27 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
28 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
29

30 **Section 1.** NRS 450.420 is hereby amended to read as follows:

31 450.420 1. The board of county commissioners of the county
32 in which a **[public] county** hospital is located may determine
33 whether patients presented to the **[public] county** hospital for
34 treatment are subjects of charity. Except as otherwise provided in
35 NRS 439B.330, the board of county commissioners shall establish
36 by ordinance criteria and procedures to be used in the determination
37 of eligibility for medical care as medical indigents or subjects of
38 charity.

39 2. *Except as otherwise provided in this subsection, in each*
40 *county whose population is 400,000 or more, a county hospital*
41 *must provide outpatient cancer treatment to indigent persons who*
42 *are residents of that county and were residents of that county at*
43 *the time that they were diagnosed with cancer. This subsection:*



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1 (a) Does not prohibit a county hospital from providing
2 uncompensated care for the outpatient treatment of cancer to
3 other persons.

4 (b) Requires a county hospital to provide outpatient cancer
5 treatment to indigent persons only to the extent that the hospital
6 realizes cost savings as the result of an increased use of safety
7 belts pursuant to the provisions of NRS 484.641 and 484.6415,
8 and any law amendatory thereof or supplementary thereto.

9 3. The board of hospital trustees shall fix the charges for
10 treatment of those persons able to pay for the charges, as the board
11 deems just and proper. The board of hospital trustees may impose an
12 interest charge of not more than 12 percent per annum on unpaid
13 accounts. The receipts must be paid to the county treasurer and
14 credited by him to the hospital fund. In fixing charges pursuant to
15 this subsection the board of hospital trustees shall not include, or
16 seek to recover from paying patients, any portion of the expense of
17 the hospital which is properly attributable to the care of indigent
18 patients.

19 ~~[3]~~ 4. Except as provided in subsection ~~[4]~~ 5 of this section
20 and subsection 3 of NRS 439B.320, the county is chargeable with
21 the entire cost of services rendered by the hospital and any salaried
22 staff physician or employee to any person admitted for emergency
23 treatment, including all reasonably necessary recovery, convalescent
24 and follow-up inpatient care required for any such person as
25 determined by the board of trustees of the hospital, but the hospital
26 shall use reasonable diligence to collect the charges from the
27 emergency patient or any other person responsible for his support.
28 Any amount collected must be reimbursed or credited to the county.

29 ~~[4]~~ 5. The county is not chargeable with the cost of services
30 rendered by the hospital or any attending staff physician or surgeon
31 to the extent the hospital is reimbursed for those services pursuant to
32 NRS 428.115 to 428.255, inclusive.

33 **Sec. 2.** NRS 450.425 is hereby amended to read as follows:

34 450.425 1. The board of county commissioners of a county in
35 which a county hospital is established may, upon approval by a
36 majority of the voters voting on the question in an election held
37 throughout the county, levy an ad valorem tax of not more than 2.5
38 cents on each \$100 of assessed valuation upon all taxable property
39 in the county, to pay the cost of services rendered in the county by
40 the hospital pursuant to subsection ~~[3]~~ 4 of NRS 450.420. The
41 approval required by this subsection may be requested at any
42 primary or general election.

43 2. Any tax imposed pursuant to this section is in addition to the
44 taxes imposed pursuant to NRS 428.050, 428.185 and 428.285. The
45 proceeds of any tax levied pursuant to this section are exempt from



1 the limitations imposed by NRS 354.59811, 428.050 and 428.285
2 and must be excluded in determining the maximum rate of tax
3 authorized by those sections.

4 **Sec. 3.** Chapter 483 of NRS is hereby amended by adding
5 thereto a new section to read as follows:

6 **1. If:**

7 *(a) A peace officer halts a vehicle for a violation that is a
8 moving traffic violation under NRS 483.473;*

9 *(b) The peace officer issues a citation for the moving traffic
10 violation; and*

11 *(c) During such a traffic stop, the peace officer determines
12 that the person cited is in compliance with the relevant provisions
13 of NRS 484.641 or 484.6415, as applicable,*

14 *→ the officer shall so notify the Department and the Department
15 shall ensure that any demerit points which would otherwise be
16 assigned as a result of the moving traffic violation are reduced by
17 one demerit point.*

18 **2. As used in this section, “demerit point” means a point
19 assigned to the driving record of a person pursuant to the uniform
20 system established under NRS 483.473.**


21 **Sec. 4.** NRS 483.010 is hereby amended to read as follows:

22 483.010 The provisions of NRS 483.010 to 483.630, inclusive,
23 **and section 3 of this act** may be cited as the Uniform Motor Vehicle
24 Drivers’ License Act.

25 **Sec. 5.** NRS 484.641 is hereby amended to read as follows:

26 484.641 1. It is unlawful to drive a passenger car
27 manufactured after:

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

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

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

38 2. Any person driving, and any passenger who:

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

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

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



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

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

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

8 → a citation must be issued to the driver for his failure to require
9 that child to wear the safety belt, but if both the driver and that child
10 are not wearing safety belts, only one citation may be issued to the
11 driver for both violations. ~~[A citation may be issued pursuant to this
12 subsection only if the violation is discovered when the vehicle is
13 halted or its driver arrested for another alleged violation or offense.]~~

14 Any person who violates the provisions of subsection 2 shall be
15 punished by a fine of not more than \$25 or by a sentence to perform
16 a certain number of hours of community service.

17 4. A violation of subsection 2:

18 (a) Is not a moving traffic violation under NRS 483.473.

19 (b) May not be considered as negligence or as causation in any
20 civil action or as negligent or reckless driving under NRS 484.377.

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

25 *(d) May not be considered as a basis for cancellation of
26 insurance coverage, increase in insurance rates or refusal to issue
27 or renew a motor vehicle liability policy.*

28 *(e) May not be considered as a basis for diminishing any
29 recovery for damages arising out of the ownership, maintenance,
30 occupancy or operation of a motor vehicle.*

31 *(f) May not be considered as a basis for denial, in whole or in
32 part, of benefits or payment of a claim submitted pursuant to a
33 health insurance policy or health care plan.*

34 5. The Department shall exempt those types of motor vehicles
35 or seating positions from the requirements of subsection 1 when
36 compliance would be impractical.

37 6. *The provisions of subsections 2 and 3:*

38 *(a) Do not authorize a peace officer to halt a vehicle for the
39 sole purpose of determining whether the driver of the vehicle or a
40 passenger in the vehicle is not wearing a safety belt.*

41 *(b) Require that a peace officer have probable cause before the
42 peace officer halts a vehicle for the primary offense of the driver
43 of the vehicle or a passenger in the vehicle failing to wear a safety
44 belt.*

45 7. The provisions of subsections 2 and 3 do not apply:



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1 (a) To a driver or passenger who possesses a written statement
2 by a physician certifying that he is unable to wear a safety belt for
3 medical or physical reasons;

4 (b) If the vehicle is not required by federal law to be equipped
5 with safety belts;

6 (c) To an employee of the United States Postal Service while
7 delivering mail in the rural areas of this State;

8 (d) If the vehicle is stopping frequently, the speed of that vehicle
9 does not exceed 15 miles per hour between stops and the driver or
10 passenger is frequently leaving the vehicle or delivering property
11 from the vehicle; or

12 (e) Except as otherwise provided in NRS 484.6415, to a
13 passenger riding in a means of public transportation, including a
14 school bus or emergency vehicle.

15 ~~[7]~~ 8. It is unlawful for any person to distribute, have for sale,
16 offer for sale or sell any safety belt or shoulder harness assembly for
17 use in a motor vehicle unless it meets current minimum standards
18 and specifications of the United States Department of
19 Transportation.

20 **9. As used in this section, "motor vehicle liability policy" has**
21 **the meaning ascribed to it in NRS 485.055.**

22 **Sec. 6.** NRS 484.6415 is hereby amended to read as follows:

23 484.6415 1. Any passenger 18 years of age or older who
24 rides in the front or back seat of any taxicab on any highway, road
25 or street in this State shall wear a safety belt if one is available for
26 his seating position, except that this subsection does not apply:

27 (a) To a passenger who possesses a written statement by a
28 physician certifying that he is unable to wear a safety belt for
29 medical or physical reasons; or

30 (b) If the taxicab was not required by federal law at the time of
31 initial sale to be equipped with safety belts.

32 2. A citation must be issued to any passenger who violates the
33 provisions of subsection 1. ~~[A citation may be issued pursuant to~~
34 ~~this subsection only if the violation is discovered when the vehicle is~~
35 ~~halted or its driver arrested for another alleged violation or offense.]~~
36 Any person who violates the provisions of subsection 1 shall be
37 punished by a fine of not more than \$25 or by a sentence to perform
38 a certain number of hours of community service.

39 3. A violation of subsection 1:

40 (a) Is not a moving traffic violation under NRS 483.473.

41 (b) May not be considered as negligence or as causation in any
42 civil action or as negligent or reckless driving under NRS 484.377.

43 (c) May not be considered as misuse or abuse of a product or as
44 causation in any action brought to recover damages for injury to a



1 person or property resulting from the manufacture, distribution, sale
2 or use of a product.

3 *(d) May not be considered as a basis for cancellation of*
4 *insurance coverage, increase in insurance rates or refusal to issue*
5 *or renew a motor vehicle liability policy.*

6 *(e) May not be considered as a basis for diminishing any*
7 *recovery for damages arising out of the ownership, maintenance,*
8 *occupancy or operation of a motor vehicle.*

9 *(f) May not be considered as a basis for denial, in whole or in*
10 *part, of benefits or payment of a claim submitted pursuant to a*
11 *health insurance policy or health care plan.*

12 4. *The provisions of subsection 1:*

13 *(a) Do not authorize a peace officer to halt a taxicab for the*
14 *sole purpose of determining whether a passenger in the taxicab is*
15 *not wearing a safety belt.*

16 *(b) Require that a peace officer have probable cause before the*
17 *peace officer halts a taxicab for the primary offense of a*
18 *passenger in the taxicab failing to wear a safety belt.*

19 5. An owner or operator of a taxicab shall post a sign within
20 each of his taxicabs advising passengers that they must wear safety
21 belts while being transported by the taxicab. Such a sign must be
22 placed within the taxicab so as to be visible to and easily readable
23 by passengers, except that this subsection does not apply if the
24 taxicab was not required by federal law at the time of initial sale to
25 be equipped with safety belts.

26 6. *As used in this section, "motor vehicle liability policy" has*
27 *the meaning ascribed to it in NRS 485.055.*

28 **Sec. 7.** 1. The Legislative Commission shall provide for a
29 study conducted by the staff of the Legislative Counsel Bureau
30 concerning the enforcement of NRS 484.641 and 484.6415, as
31 amended by sections 5 and 6 of this act, respectively.

32 2. The study must include, without limitation:

33 (a) An examination of whether there is evidence that racial
34 profiling plays a part, either directly or indirectly, in the
35 enforcement of NRS 484.641 and 484.6415, as amended by sections
36 5 and 6 of this act, respectively.

37 (b) Gathering of information on the number of traffic stops
38 carried out for primary seat belt offenses, including, without
39 limitation:

40 (1) The number of citations issued.

41 (2) The sex, race and age of the persons to whom citations
42 were issued.

43 (c) An examination of any other matter that the Audit Division
44 of the Legislative Counsel Bureau determines to be relevant to the
45 study.



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1 3. The study described in subsection 2 must be carried out in
2 consultation with:

3 (a) State and local law enforcement agencies.

4 (b) The Chairman of the Senate Standing Committee on Energy,
5 Infrastructure and Transportation during the immediately preceding
6 session of the Legislature.

7 (c) The Chairman of the Assembly Standing Committee on
8 Transportation during the immediately preceding session of the
9 Legislature.

10 (d) The American Civil Liberties Union.

11 (e) The National Association for the Advancement of Colored
12 People.

13 (f) The Nevada District Attorneys Association.

14 (g) The Nevada State Public Defender's Office within the
15 Department of Health and Human Services.

16 4. The Legislative Auditor shall determine, receive and process
17 any data that the Legislative Auditor determines is necessary for the
18 conduct of the study.

19 5. Not later than June 30, 2010, the staff of the Legislative
20 Counsel Bureau shall submit a report of the results of the study
21 conducted pursuant to this section and any recommendations for
22 legislation to the Legislative Commission. The Legislative
23 Commission shall submit the report and any recommendations for
24 legislation to the 76th Session of the Nevada Legislature.

25 6. As used in this section, "racial profiling" has the meaning
26 ascribed to it in NRS 289.820.

27 **Sec. 8.** 1. The Legislative Commission shall provide for a
28 study conducted by the staff of the Legislative Counsel Bureau
29 concerning the efficacy of NRS 484.641 and 484.6415, as amended
30 by sections 5 and 6 of this act, respectively.

31 2. The study must include, without limitation:

32 (a) An examination of whether the provisions of NRS 484.641
33 and 484.6415, as amended by sections 5 and 6 of this act,
34 respectively, and their enforcement, reduce or do not reduce:

35 (1) Morbidity and mortality as among drivers of and
36 passengers in passenger vehicles and taxicabs.

37 (2) Costs incurred by individual persons, insurers and
38 medical facilities.

39 (b) An examination of any other matter that the Audit Division
40 of the Legislative Counsel Bureau determines to be relevant to the
41 study.

42 3. The study described in subsection 2 must be carried out in
43 consultation with:

44 (a) The Office of Traffic Safety of the Department of Public
45 Safety.



1 (b) The chairman of the Senate Standing Committee on Energy,
2 Infrastructure and Transportation during the immediately preceding
3 session of the Legislature.

4 (c) The chairman of the Assembly Standing Committee on
5 Transportation during the immediately preceding session of the
6 Legislature.

7 (d) The University of Nevada, Reno.

8 (e) The University of Nevada, Las Vegas.

9 (f) State and local law enforcement agencies.

10 4. The Legislative Auditor shall determine, receive and process
11 any data that the Legislative Auditor determines is necessary for the
12 conduct of the study.

13 5. Not later than June 30, 2010, the staff of the Legislative
14 Counsel Bureau shall submit a report of the results of the study
15 conducted pursuant to this section and any recommendations for
16 legislation to the Legislative Commission. The Legislative
17 Commission shall submit the report and any recommendations for
18 legislation to the 76th Session of the Nevada Legislature.

19 **Sec. 9.** State and local law enforcement agencies, in
20 cooperation with the Department of Transportation, the Department
21 of Motor Vehicles, nonprofit organizations and interested private-
22 sector entities, shall coordinate and conduct a campaign to inform
23 the public of the provisions of NRS 484.641 and 484.6415, as
24 amended by sections 5 and 6 of this act, respectively.

25 **Sec. 10.** 1. University Medical Center shall determine the
26 cost savings, if any, that it accrues as a result of the provisions of
27 NRS 484.641 and 484.6415, as amended by sections 5 and 6 of this
28 act, respectively.

29 2. University Medical Center shall use the cost savings
30 described in subsection 1:

31 (a) To pay for the cost of carrying out the provisions of NRS
32 450.420, as amended by section 1 of this act; and

33 (b) To pay other costs that, in the determination of University
34 Medical Center, represent the greatest areas of need.

35 ➔ University Medical Center has sole discretion to determine in
36 what proportion to allocate money as between the purposes
37 described in paragraphs (a) and (b).

38 **Sec. 11.** (Deleted by amendment.)

39 **Sec. 12.** 1. This act becomes effective upon passage and
40 approval and expires by limitation on July 1, 2011.

41 2. Section 5 of this act expires by limitation on the date the
42 Federal Government rescinds the requirements for the installation of
43 automatic restraints in new private passenger motor vehicles, if that
44 action is based upon the enactment or continued operation of certain



- 1 amendatory and transitory provisions contained in chapter 480,
- 2 Statutes of Nevada 1987.

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