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Transcriber's Office

Transportation and Telecommunications Committee  
January 28, 2014

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[LB786 LB807]

The Committee on Transportation and Telecommunications met at 1:30 p.m. on Tuesday, January 28, 2014, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB786 and LB807. Senators present: Annette Dubas, Chairperson; Jim Smith, Vice Chairperson; Lydia Brasch; Galen Hadley; Charlie Janssen; Beau McCoy; John Murante; and Dan Watermeier. Senators absent: None.

SENATOR DUBAS: Good afternoon and welcome to the Transportation and Telecommunications Committee. My name is Senator Annette Dubas, Legislative District 34, Chair of the committee. I'll begin by introducing committee members who are present. And also just kind of want to let everybody know, Senators will be coming and going as they are presenting bills in other committees, so please don't be offended if someone gets up and walks out in the middle of your testimony. It's not...doesn't have anything to do with what you're saying; it's just there are a lot of things going on at this time of the year in the Legislature. So I'll begin to my far right, we have Senator Dan Watermeier from Syracuse. Senator John Murante who is helping himself to some refreshments there, (laughter) from Gretna. Then we have the Vice Chair of the committee, Senator Jim Smith from Papillion. To my immediate right is Joselyn Luedtke. She is the legal counsel for the committee, and then to my left is Anne Hajek. She is the committee clerk, and she is the one who is charged with keeping an accurate record of everything that transpires here today. We are fortunate in the Legislature, not only when we're up on the floor, but in our committees to be served by pages, and today our page is Jonathan Beck who is originally from Centreville, Virginia, now residing in Seward. He is a senior at UNL majoring in political science with a minor in communications. Again, we're very appreciative for the pages. They help us stay organized and orderly and keep things flowing well. So thank you. The agenda today, we'll be hearing two bills, LB786 and LB807. Once the introducer is finished, we will take proponents, then opponents, and then neutral. If you are planning on testifying we ask...back there on the table as you come in the door, ask that you fill out this green sheet and bring it with you to the table and the page will collect that from you. If you have any handouts, we'd ask that you have at least 12 copies of any handout. If you don't, our page, again, will help get those copies made and distributed for you. If you're here today and you want to be on the record whether you support or oppose or in a neutral position on either one of the bills, you can sign your name on this pink sheet so that will go into the record that you're here, but that you didn't have to come up and speak publicly. When you do come forward to testify, we would ask that you speak clearly into the microphone, try to resist moving the microphone around. It is more for transcription than it is for amplification and so any extra noises makes it difficult for our transcriber to hear over. Ask that you state and spell your name clearly for the record, even if it's a simple name. Again, that just helps us with our transcribing and recording. Let's see. I think...and then finally, I would ask that you please silence any cell phones or electronic devices again just to keep the

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hearing from being disrupted and interfering with the transcribing equipment. And if you do have to have any conversations, ask that you would please take those out into the hallway. We've just been joined by Senator Lydia Brasch from Bancroft. And I think with that, we are done with the housekeeping, and we will move on to our first bill this afternoon. Senator Crawford, will be introducing LB786. Welcome.

SENATOR CRAWFORD: Thank you. Thank you. Good afternoon, Chairwoman Dubas and members of the Transportation and Telecommunications Committee. My name is Sue Crawford, S-u-e C-r-a-w-f-o-r-d, and I represent the 45th Legislative District in Bellevue, Offutt, and eastern Sarpy County. This is my first time appearing before this committee. I'm happy to be here. LB786 began as an e-mail from a constituent, Sue Sheely, who contacted us following the tragic death of her father in a road accident. As we worked with her and the Department of Roads to repair the site where the accident took place, we learned of a legislative proposal to reunite families sooner following an accident or other emergency. I became aware of this idea through my position on the Council of State Governments Suggested State Legislation Committee. This year one of those proposals featured as suggested state legislation, a next of kin registry based on recent legislation from New Jersey. Because of its potential to help families and law enforcement in emergency situations, we drafted LB786 as a Nebraska version of this idea. LB786 creates an Emergency Contact Registry Program which operates out of the Department of Motor Vehicles. These programs currently operate in almost a dozen states including Colorado, Florida, Indiana, and Illinois. Several more states, including Virginia, are exploring similar programs. Under the bill, a Nebraska resident with a driver's license or a state ID would be able to register the name and contact information for up to two emergency contacts through the DMV's Web site by supplying their full name and driver's license number. The requirement to provide these two pieces of information is consistent with other on-line applications available through the Web site. For applicants under 18, at least one of these contacts must be a parent or legal guardian. In the event of an accident, natural disaster, or other emergency situation where the victim is unable to communicate due to serious bodily injury, death, or incapacitation, law enforcement will be able to access emergency contact information through a linkage to the Nebraska Crime Commission's Criminal Justice Information System. The bill also contains language protecting law enforcement and DMV personnel from liability if the victim fails to enter the information correctly, or if the information is no longer current. These protections are consistent with those in place in other states that operate emergency contact registries such as Illinois and New Jersey. In all but one instance, the liability exclusions contained in LB786 are for situations that are entirely out of the control of the person covered by the liability protection. Nonetheless, these could be a source of nuisance lawsuits, so we included them in the bill. Furthermore, these liability protections only extend to law enforcement who act in good faith. It does not offer liability protection for those who act with malicious purpose or wanton or wilful disregard for the safety of those involved. In fact, LB786 provides penalties for those who would act in a malicious or wanton manner. LB786 also adds

criminal penalties for those who would knowingly misuse the database. Nebraska families deserve an opportunity to be present with their loved ones following an accident or other emergency to share medical histories, make treatment decisions, and unfortunately in some cases to say goodbye. Law enforcement have many responsibilities when they arrive at the scene of an accident including family notification. They often struggle with family notification particularly when the victim is unconscious or deceased or unable to provide contact information to the officer. ICE or emergency contact numbers stored in cell phones are increasingly difficult to obtain as more and more cell phones are locked with a password known only to the owner. Emergency contact registries give law enforcement an additional tool to reunite families sooner. LB786 is a result of months of research and contact with Nebraska DMV, DMVs from other states who operate similar programs, as well as local law enforcement officials. One police chief expressed support, recently relocated from Nevada which operates a similar program. In these conversations many officers expressed support for the bill and some are here to testify today. In our discussions with Rhonda Lahm of the DMV, she told us that a surprising number of parents get state IDs for minors. With an emergency contact registry, parents could input emergency contact information for these minors. This is another benefit of LB786 that we hadn't considered earlier. When we met with Rhonda Lahm in mid-December, she raised a few concerns about the first draft of the legislation. Because we address all of these concerns in the final draft of LB786, I want to spend a moment talking about each of them. One concern she addressed was the manpower and cost to the DMV if registrants could apply on-line or in person at the local DMV office. So LB786 clarifies the registration occurs solely on-line. There's no additional work at the DMV office itself. LB786 clarifies...excuse me. Another concern was the cost of creating and supporting a database to allow law enforcement access. She suggested that we work with the Crime Commission. LB786 addresses this concern by linking the emergency contact registry with the Crime Commission's Criminal Justice Information System. A final concern she raised involved ensuring registrants had permission from the emergency contact person to include their information in the registry but to do that in some way that was not too burdensome. LB786 specifically requires this permission on page 4 of the bill. Because of these changes, because we reached out and met with the DMV as we were drafting the bill, and addressed every concern that they raised in that meeting, we were very surprised when we got a call this morning saying they planned to come and testify in opposition to the bill. I believe our office has reached out and has addressed every concern that they raised and we are very open to addressing concerns with bills before the hearing so that we can make sure that we carefully craft amendments and have a good hearing of all the concerns and issues that are addressed with the bill. The submission of emergency contact information under LB786 is completely voluntary. A key to the success of the program will be getting Nebraskans to participate. Other states have had success in getting their citizens to participate. In Florida, for example, over half of the 15 million drivers licensed in the state are registered through their emergency contract registry with approximately 115,000 new sign-ups each month. Because of its potential to

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reunite families sooner following a tragic accident or other emergency, help for law enforcement in dealing with seniors, as well as its ability to help law enforcement complete emergency contact notification quickly, I ask for your support on LB786. I would be happy to try to answer any questions that you have at this point. [LB786]

SENATOR DUBAS: Thank you very much, Senator Crawford. Are there questions? [LB786]

SENATOR SMITH: Madam Chair. [LB786]

SENATOR DUBAS: Senator Smith. [LB786]

SENATOR SMITH: Thank you, Madam Chair. Senator Crawford, thanks for bringing the bill forward. So again, it's strictly voluntary... [LB786]

SENATOR CRAWFORD: Correct. [LB786]

SENATOR SMITH: ...and it requires access to the Internet to be able to update the information, and in the case someone does not have access to the Internet, and they choose not to use, say a public library or something like that, what means would they have to enter that data in, or would they? [LB786]

SENATOR CRAWFORD: Thank you for that question. Well, I would imagine, well, one, it's true that someone who doesn't have access at home to the Internet could use a library and use access to the Internet there. I would also see that we would work with nonprofit groups, senior centers, schools, and I could see having a station to do this at a lot of public...a lot of health fairs or safety fairs. This would be one of the booths there to where groups would encourage other people to take a moment to enter their emergency contact registration information. So, and that's happened in other states as well, it becomes one of the public awareness efforts of nonprofits that have a safety focus is to try to reach out and help people who need help in signing up. [LB786]

SENATOR SMITH: Okay. And it's not your intent to make this mandatory. [LB786]

SENATOR CRAWFORD: No, not at all. It's strictly voluntary. [LB786]

SENATOR SMITH: All right. Thank you. [LB786]

SENATOR CRAWFORD: Thank you. [LB786]

SENATOR DUBAS: Other questions? Senator Brasch. [LB786]

SENATOR BRASCH: Thank you, Madam Chairman and thank you, Senator Crawford

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for bringing this forward. And you did raise a valid concern initially when I saw this. I thought, well, everybody has ICE entered into their cell phone, but...in case of emergency. But that is true that now the phones are locking more than...and if this is totally voluntary, I guess I'm wondering how the transition has...law enforcement talked to you previously to this, saying that we really have trouble finding who to call. I mean, has that been an obstacle and...? [LB786]

SENATOR CRAWFORD: It has, and I think that they'll be able to talk about that even more with more accuracy and more detail as they come up to testify, but we did talk to several of the law enforcement. I talked to the law enforcement in my district, but we also talked to the Sheriffs' Association and talked to the Police Association too to try to talk to people across the state. And there were several...many law enforcements who were in support of it and said this is a situation they face where they have trouble figuring out who to contact. [LB786]

SENATOR BRASCH: And just one more question. [LB786]

SENATOR CRAWFORD: Sure, no that's fine, that's fine. [LB786]

SENATOR BRASCH: Several vehicles today, more and more increasingly have the OnStar... [LB786]

SENATOR CRAWFORD: Oh, sure. [LB786]

SENATOR BRASCH: ...where if there's an impact and an emergency would...does that affect them? Will they become, you know, affected at all other than calling the ambulance? Shouldn't they know who the two emergency contacts are, or...? [LB786]

SENATOR CRAWFORD: Well, that's an interesting question, Senator Brasch. I don't really know the details of OnStar in terms of if they have contact information, but it doesn't interfere with this bill or this policy at all because someone would still be able to put those emergency contacts in there in the Nebraska registry whether or not they have a car that has that technology. [LB786]

SENATOR BRASCH: And then would this be exclusive to Nebraska or our surrounding states? Is there any type of a network? [LB786]

SENATOR CRAWFORD: That's a good question as well. This bill right now is for Nebraska and access in Nebraska, but...and we will be happy to be engaged in discussions if there are discussions, or as there are discussions about what happens, you know, in terms of helping states that have this work together. But at this point it is really for Nebraska and the situations that occur for our Nebraska law enforcement and Nebraska citizens in the state. [LB786]

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SENATOR BRASCH: Excellent. Thank you for bringing this bill forward. [LB786]

SENATOR CRAWFORD: Thank you. Thank you. [LB786]

SENATOR DUBAS: Any other questions? Seeing none, thank you. [LB786]

SENATOR CRAWFORD: Thank you. [LB786]

SENATOR DUBAS: Do you plan on staying for closing? [LB786]

SENATOR CRAWFORD: I plan to stay to close as long as we aren't needed at...I do have one other hearing, so I plan to stay to close unless we have to be called away for that other hearing. [LB786]

SENATOR DUBAS: All right. Very good. Thank you. Just kind of for my own information, can I have a show of hands of people who are planning on testifying on this bill in any capacity? One, three, four, five. Okay, very good. We will begin with proponents, so if we could have the first proponent come forward. Welcome. [LB786]

JOHN FRANCAVILLA: (Exhibit 1) Welcome, Senator Dubas and members of the committee. My name is John Francavilla, that's F-r-a-n-c-a-v-i-l-l-a, and I'm currently the president of the Nebraska Fraternal Order of Police representing over 2,800 law enforcement officers in the state of Nebraska. I would like to speak in support of LB786, the Emergency Contact Registry. I have submitted a letter of support and just wanted to speak on the needs for this legislation. I've been in law enforcement for over 28 years and I, unfortunately, have had to make notifications to family members of individuals who are seriously injured or who have passed away. The names and the dates fade over the time, but you never forget the difficulties you had in trying to find the family of the victim, the desperation you felt knowing that the victim doesn't have long to live, and all you want to do is find a family member and get them to the hospital. I cannot explain how important it is to have closure. I never understood why people thanked me in such tragic situations, but I am sure it is because we gave them that opportunity. I had times where we couldn't find a family member in many hours, even days, after the death of victim, we were unable to locate the next of kin. There have also been times where we had to address...had addresses that turned out to be inaccurate where the individual had moved, and we startled that family member that was now currently living at the address. LB786 will give us a chance to be able to notify a family member of the injury and allow this family to see their loved one in a responsible and reasonable time. Our job now is to ensure that Nebraskans use the system and fill out the needed information. While this can be voluntary, and under the bill it is, with the issuance or renewal of a driver's license or ID card, it should be a mandatory field on the application. In closing, all too often you read about the names being withheld until a family can be

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notified. This can take days and a lot of man-hours to find the next of kin, and LB786 will not guarantee notification in a timely manner in all cases, but it will be a valuable tool and resource for law enforcement and first responders. Senator Dubas and members of this committee, I thank you for your time. I ask that you support this legislation and I will stand for questions. [LB786]

SENATOR DUBAS: Thank you. Are there questions? Could you just give us a little bit of an idea of what happens when you have someone who is in this situation? How do you begin to track down someone to contact? [LB786]

JOHN FRANCAVILLA: Just a little background. I was an Omaha police officer. I worked in the traffic enforcement and accident investigation unit, so a lot of times we went to scenes of accidents. Immediately getting to the scene, our number one priority is scene security and protecting that crime scene, and then to assess it while the fire department or paramedics are working on the individual. We try to identify that individual right away so that we can start making steps to send one of our officers to the hospital, if we have to, if they've already been transported. Or officers at the scene, they'll begin to try to notify the individual. We can get on our radio system, use the radio for a last known address, driver's license, registration forms, whatever we find in the vehicle. Cell phones have been mentioned. It's a little touchy going through cell phones, but you try to get in there. Not always do you have that capability, whether a phone was destroyed at the scene, the condition of the vehicle that you have there, it might not allow you to go into the vehicle. So you use what you can to try to find the individual's names and then start tracking it down. Just as any other lead in a case, you work your way through trying to find the family members. [LB786]

SENATOR DUBAS: All right. Thank you. Any other questions? Seeing none, thank you very much for your information. [LB786]

JOHN FRANCAVILLA: Thank you. [LB786]

SENATOR DUBAS: Next proponent. I'd like to add that we've just been joined by Senator Beau McCoy. Welcome. [LB786]

SUE SHEELY: (Exhibit 2) My name is Sue Sheely, S-u-e S-h-e-e-l-y. Thank you all for agreeing to hear my testimony today. Thank you also to Senator Crawford for introducing this bill and her staff for the hard work in research and drafting it. In April of 2012 my father was critically injured in a motorcycle accident in Bellevue, Nebraska. He was resuscitated, life-flighted to the Nebraska Med Center and resuscitated again and placed on life-support. Eight hours later we received calls from the Nebraska Med Center staff and told that our father was in their ICU. Law enforcement agency assumed the hospital would notify us and the hospital failed to make notification in a prompt manner. I cannot convey to you how hurt I am that my father laid alone in ICU for eight

hours without any of his children with him. My family went through an enormous amount of trauma over this lack of attention to urgency. My father had a DNR order, do not resuscitate. He made a well-thought-out decision to have a DNR order and invested his time and money to have a legal document drawn up stating his wishes. He also made his children promise him numerous times that we would honor his wishes. How could we if we were not even aware he was in an accident and on life-support? The idea of my father lying in ICU on life-support for eight hours without any of his children with him still haunts me. If he would have come out of his coma and had to live the rest of his life paralyzed from the neck down, totally dependent on someone else for everything with only his pupils responding, and this was the neurosurgeon's prognosis, so many lives would have been impacted in such a horrendous way. My father did not want to live his life like this. If we had been notified in a timely manner, the needless suffering of my family and the \$100,000 spent on my father's medical care could have been avoided or at least minimized. An expenditure like that could put a family in financial ruin. This is the picture of my father's wrecked motorcycle that the media posted on-line before any of us were even notified. I apologize for your copy. It did not copy well. Here's the video that the media posted on-line of my father being loaded into the life-flight helicopter. I can't even imagine finding out about my father's death on the 10 o'clock news. Please vote yes to LB786 giving law enforcement a much needed tool to notify loved ones and hopefully eliminate the chances of another family enduring this kind of pain. Expedient notification is imperative, and I believe having emergency contact information available to law enforcement would help offer peace of mind to private citizens knowing they will be notified in the event of a tragedy. Are there any questions? [LB786]

SENATOR DUBAS: Thank you, Ms. Sheely. Are there questions for Ms. Sheely? Well, I appreciate your willingness to come forward and share your family story. Thank you so much. [LB786]

SUE SHEELY: Thank you. [LB786]

SENATOR DUBAS: Additional proponents for LB786? Welcome. [LB786]

RON MURTAUGH: Good afternoon, Madam Chair, committee members. Thank you for giving me the opportunity to come speak before you. My name is Ron Murtaugh, M-u-r-t-a-u-g-h, and I come before you as an executive board member of the Police Chiefs Association of Nebraska. Just a couple thoughts. First of all, the Police Chiefs Association of Nebraska felt this as an important enough item to send a representative to talk to reference our concerns and our support for this bill. A few things that have already been pointed out that I just want to reemphasize is the fact that this is a voluntary item that people can participate in. It's only going to be used in emergency situations and life-threatening or medical conditions. As previously stated, some of challenges that law enforcement face, as well as victims of crimes, whether it's motor vehicle accidents or other crimes, is the social environment in which we live in. Between

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Twitter, Facebook, social media, etcetera, as previously testified, many times the pictures of crime scenes, accidents, and things like that are quickly posted either via Facebook or via news outlets or things like that, therefore putting law enforcement as well as family members and medical personnel at a significant disadvantage to do what's right by the family. You compound that with the fact that pretty much every cell phone out there has cameras on them which quickly captures the horrific situation that people face. We talked about accidents and people that are unable to respond and things like; however, this goes a lot further. I have 27 years in law enforcement and I can tell you that in Nebraska we are fortunate to have an aging community. Law enforcement is consistently faced with people at the beginning of dementia, Alzheimer's, or what have you, that still have their vehicle licensed in their possession. I can tell you that more than one occasion we've had an elderly person get lost inside Ralston, Nebraska, only to have us try and find their loved one. Their only phone numbers and addresses they remember are sometimes five, ten, fifteen years old. The other thing that we have to realize is that the good old days when we used to buy a billfold at the local dime store had the emergency contact card as part of the billfold. Those days no longer exist. And lastly, I just want to point out that we talked about a lot of different things as far as providing bad information to, or disheartening information to families, when bottom line is we're also facilitating in an expedient way to get family members in touch with medical professionals, meaning the hospital, to give them critical information regarding allergies, medicines, or any other critical past health situations that could actually help the care of their loved ones. So in closing, again, the Police Chiefs Association of Nebraska fully support this. We think it is important. We just want to...we're the first line of defense and we still want to continue to be that way and be what we can to the families whenever they're in need. [LB786]

SENATOR DUBAS: Thank you very much. Are there questions? Senator Smith.  
[LB786]

SENATOR SMITH: Thank you, Madam Chair and Chief Murtaugh, thanks for being here and thanks for your service in our communities. How does the information...how is it presented typically or do you foresee it being presented? So an officer is in their cruiser and they are at an accident, would they be able to access that on the computer there, or would they call back in to their precinct and get their information that way?  
[LB786]

RON MURTAUGH: I envision that this is going to be used in various ways depending on the law enforcement organization. I would say that in some organizations they would call back to their dispatch center, and their dispatch center could access the Internet or the application. But in all of our cruisers, and many cruisers do have access to wireless WiFi, things like that. We personally have one cell phone that has the capability to have the necessary secure certificates loaded on it as well, so there's various avenues depending on department policy and the resources that are available to the various

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communities. [LB786]

SENATOR SMITH: But potentially you would see it...you could foresee it being available in each cruiser? [LB786]

RON MURTAUGH: I mean, ideally, it would be nice to have it somehow attached to the DMV record in itself as well. Again, not knowing the dynamics of what it looks like, but when you come up with the vehicle...if you run somebody's driver's license, it's going to have the name, date of birth. You already have that law enforcement sensitive information and it...you're not running it for the right reason, then you're in violation anyway. But I don't see where there should be a challenge at just putting the emergency contact information on that driver's history, for lack of a better word, as it already...I believe it already says whether or not you're an organ donor, so that information should be captured as well. [LB786]

SENATOR SMITH: Okay. Thank you. [LB786]

SENATOR DUBAS: Senator Brasch. [LB786]

SENATOR BRASCH: Thank you, Madam Chairman and thank you also, Mr. Murtaugh, for coming forward. You just asked the questions I'm wondering about is because of the organ donor information and other information. Are you aware...has that been explored that this would just be a part of getting your license renewed or updated to have an emergency contact included into that? Has that question been asked by your association? [LB786]

RON MURTAUGH: No. We are...our organization is committed to providing any tools and resources available to help people in tragedy, and if it means as ease to have this part of when they go get their license, I mean, you can register to vote and you can do some other things like a one-stop, you know, one visit. And I foresee this as another opportunity to either do it on-line in the privacy of your own home or at the library, or at the convenience of, now I'm renewing my driver's license so I want to not only be an organ donor, but I also want to add these two names to the database as well. [LB786]

SENATOR BRASCH: You can see it doing that, but at this point it is not, correct? [LB786]

RON MURTAUGH: Not that I know of, no, ma'am. [LB786]

SENATOR BRASCH: Okay. Very good. You have raised some good questions. I appreciate your coming forward today. Thank you. [LB786]

RON MURTAUGH: Thank you, ma'am. [LB786]

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SENATOR DUBAS: Other questions? Seeing none, thank you very much, Mr. Murtaugh. Thank you. [LB786]

RON MURTAUGH: Thank you, Madam Chair. [LB786]

SENATOR DUBAS: We've been joined by Senator Charlie Janssen from Fremont and Senator Galen Hadley from Kearney. Further proponents for LB786? Are there any opponents? [LB786]

RHONDA LAHM: (Exhibit 3) Good afternoon, Chairman Dubas and members of the Transportation and Telecommunications Committee. I am Rhonda Lahm, R-h-o-n-d-a L-a-h-m, director for the Department of Motor Vehicles. I'm appearing before you today to offer testimony in opposition to LB786 as it's introduced in the green copy. LB786 requires the Department of Motor Vehicles to build an electronic registry that a law enforcement officer may use to find next of kin in emergency situations. I've had the occasion to meet with Senator Crawford regarding this legislation and I very much appreciated the opportunity to discuss this proposal with her. She did include a couple of provisions that are very important to the Department of Motor Vehicles. One is that she made the registry an entirely electronic process, so as to minimize the impact on the licensing staff. LB786 also specifies that the information on the registry is for the exclusive use of law enforcement which is necessary because any personal information in Department of Motor Vehicles files is subject to the Uniform Motor Vehicle Records Disclosure Act, which protects all personal information and sensitive personal information in DMV records. Since the proposed registry would be a database managed by DMV, it would be subject to the Uniform Motor Vehicle Records Disclosure Act. Law enforcement personnel will be able to use personal information data in the registry, but under the Uniform Motor Vehicle Records Disclosure Act, disclosure of the information is limited. Law enforcement will need to be careful that personal information from the registry is only disclosed for authorized purposes. Following the requirements of the bill which will make the bill nearly impossible to implement in its current language. For persons under the age of 19 who choose to use the Emergency Contact Registry, Section 4 of the bill requires that at least one of their contacts be a parent or guardian. The Department of Motor Vehicles has no way to verify that information. In addition, Section 4 allows for the release of information in the case of a subpoena for grand jury or court order in a criminal case. If the department were to be issued a subpoena in a civil case, this places the department in the position of violating an order of the court, or violating this section of the law. Also in Section 4, LB786 refers to the department making a good faith effort to maintain accurate data. It is unclear what the expectation is in relation to this requirement. Subsection 5 of Section 4 requires law enforcement to make a good faith effort to notify an emergency contact person of the situation even though there may have already been other family members notified or aware. In Section 5, the department is exempt from liability for any failure of Internet services the

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department has not directly or indirectly caused. In some cases, service is interrupted intentionally for maintenance and upgrades. The establishment of this type of database will be one that has no provisions to ever delete or purge information from it. It will continue to grow, which will become more costly with time as storage fees will be assessed, and when systems are updated, the conversion of the data will be costly. The bill requires the registry to be established by January 1, 2015. To establish the registry, it will require contracting with a vendor to develop a Web site. To utilize the RFP process, do the necessary programming, testing, and connect the Web site to the Nebraska Criminal Information System will require more than eight months to complete. The success of this registry is completely dependent on persons keeping their information up-to-date. Nebraska law requires persons to keep the addresses on their operator's license up-to-date. This year we mailed out 67,705 notices to persons who, according to the United States Postal Service Change of Address database, do not have current addresses on their licenses. In addition to my position as the director of Department of Motor Vehicles, I also have over 25 years of experience in law enforcement. I'm confident that law enforcement officers do their very best to make emergency notifications as quickly as they can. In my past position, not only have I made death notifications, I have also been the recipient of one. In situations of fatality crashes there are many responsibilities or other emergencies at the scene which require the officer's attention to maintain safety or preserve the evidence of an investigation which may delay the notification of next of kin. The establishment of an Emergency Contact Registry is well-intended; however, it will be difficult to maintain in a way that makes it an effective solution for notification. I thank you for your time today, and I'm happy to answer any questions the committee may have. [LB786]

SENATOR DUBAS: Thank you, Director Lahm. Are there questions? Senator Hadley. [LB786]

SENATOR HADLEY: Thank you, Chairperson Dubas. Ms. Lahm, thank you for coming. I guess the concern about updating, I know the percentage of people that move, change phone numbers with cell phones and such as that, can you think of anyway of informing people when they do these types of things that they would need to go in and change that database if it's going to be current? [LB786]

RHONDA LAHM: The way that...in my discussions with Senator Crawford is the way that we envisioned the registry would work would be that we would establish it on our Web site as the law prescribes, then it would be a sole standing registry of its own. It would not interconnect with our other data. There's a lot of complications with that not only technically, but also legally because of the protection of all the data and we would have to have it password protected, obviously, and we would have to have a help desk 24 hours a day to ensure when there was issues with who was getting into it, so can't connect. So the way...the only way that we would have to make notification is when people do a change of address or move is somehow connected to tie it together to send

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that notification. We... [LB786]

SENATOR HADLEY: And it...and we're not as concerned about the person changing their address or phone number; it's the people they have as the people to call who change their... [LB786]

RHONDA LAHM: And the people listed as next of kin, it would be my understanding that Senator Crawford could confirm this, but it's my understanding the notification person would not be limited to somebody in Nebraska. You know, for example, if I wanted to list my daughter who lives in Texas, that I could go on and list my daughter in Texas; it wouldn't be limited to Nebraska. I mean, she could clarify that but, I mean, we wouldn't limit it to Nebraska. I mean we would...and so in that case, we would have no way to know when a change was made in Texas or another state. So that would be very difficult. It really depends on the person voluntarily going in and keeping their information up to date. [LB786]

SENATOR DUBAS: Senator Brasch. [LB786]

SENATOR BRASCH: Thank you, Madam Chairman and thank you, Director Lahm for your testimony, and it is interesting that you have both the law enforcement experience and now this. What I am wondering about is when it does come to the donor...organ donor portion, is that a standalone as well, or does that integrate with department...with your records in technology or is...because I know that's a matter of time as well. [LB786]

RHONDA LAHM: Right. Right. That is not a standalone database because the law requires that that be put on the license, and that emblem is on the license, and so that is done as a part of the issuance process of the document. And there's a question that's asked on the application that is per statute. I mean it specifically says in statute what that question has to be, and that's answered, and then a yes or no check box is marked, you know, at the time that they're processed. [LB786]

SENATOR BRASCH: And that is not a technology problem; that is statutorily correct, and you're able to work with it, but the other would... [LB786]

RHONDA LAHM: Well, the issue of the registry in putting that at the time of registration is, it is certainly possible to take that data, but that would require a lot of additional people in my department to do that because that's a lot more keystrokes to add that additional data entry and information into the computer. And so, I think the intention was to try to not increase the fiscal impact and still be able to provide the service. [LB786]

SENATOR BRASCH: But rather than creating a whole separate agency, the act, wouldn't it be more cost effective to just have it be... [LB786]

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RHONDA LAHM: The registry, you mean? [LB786]

SENATOR BRASCH: Yes, within your...just following organ donation and...or a part of that. I would think that would...consolidation of information into one database that's already accessed by the medical and...but you're seeing that as cumbersome and expensive. [LB786]

RHONDA LAHM: Right. The difference is our driver license system is owned by a vendor, all of the software, so any changes we do with that system require a contract with the vendor, an extra contract, which just to put on the veteran designation on the driver's license that we passed last year, was over \$50,000, that one simple change. So if we were to add...and I don't really believe there's room on a license to add that kind of information, or I'm not sure people would want that additional personal information on their license anyway, but to add that in there you would have the vendor cost, plus the establishment of the registry or a database. The establishment of a database or a Web site is less costly than making those kinds of changes that integrate in between systems that operate together. I'm sorry I'm not explaining that very well, but that's...it's much simpler just to...us to do a Web site where they go in and enter data than it is to write a new program that integrates with other systems. [LB786]

SENATOR BRASCH: And have you used the same vendor? Does this go to bid? And the reason I ask is I worked in the student information system business for a decade or more and it would be a matter of adding fields and some programming, but you already have name and address as one piece of this and to copy and paste... [LB786]

RHONDA LAHM: We don't have name and address of the people they want for emergency notification. [LB786]

SENATOR BRASCH: Oh, but the fields are there, so it would just be the keyboarding and some programming. [LB786]

RHONDA LAHM: No, the fields aren't there either for...we have the fields for the person and their address and their date of birth and their (inaudible) and information about them. We have no data in our system about who they would have for an emergency contact. So it would be creating those fields and then integrating those fields with the software that prints the license, which also interacts with the ones that take the picture; it's all pieces that fit together. [LB786]

SENATOR BRASCH: And have you asked for an RFI, request for information, from any vendors on this... [LB786]

RHONDA LAHM: No. Not at this time, no. [LB786]

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SENATOR BRASCH: ...so there hasn't been any exploratory... [LB786]

RHONDA LAHM: We made an estimate on the cost of...on the database and hours of programming based on other Web sites that have been established. [LB786]

SENATOR BRASCH: Okay. Very good. I have no other questions. Thank you. [LB786]

SENATOR DUBAS: Other questions for Director Lahm? Seeing none, thank you very much. [LB786]

RHONDA LAHM: Thank you. [LB786]

SENATOR DUBAS: Additional opponents? Anyone in the neutral? [LB786]

JOHN LINDSAY: Thank you, Senator Dubas, members of the committee. For the record, my name is John Lindsay, L-i-n-d-s-a-y, appearing on behalf of the Nebraska Association of Trial Attorneys. We're appearing neutral on the bill. We don't have a position on anything in the bill except for Section 5, which is the section dealing with liability. NATA has had a longstanding position against immunities from liability, and you've probably heard me up here before talking about that. The...and the rationale for that is that when you say you can be careless, and you're not going to be accountable for that carelessness, it tends to breed further carelessness. And that is, frankly, all that liability law is, is saying if you do something wrong, if you run a red light, you ought to be responsible for the damage that is caused by that. Section 5 of the bill says that law enforcement or, excuse me, the department would not be liable for a series of situations. Addressing the first one at page 5, lines 16-25, but addressing the first one, it says that the department would not be liable for disruption caused by any disruption or failure of the Internet service due to act of God or act of sabotage. It suggests they're not liable now. A lot of the times we deal with the misconception that because something happens someone is liable, and that's just simply not the case. In order for someone to be liable, they must be negligent, taking out intentional acts, that type of thing, but they must be negligent. They must be careless. Just because something happens does not give rise to liability. The concern here is if we are providing an immunity from liability for something where there is not already liability, or already liability does not exist, we run into the problem that the courts in interpreting that provision, are going to try to give meaning to it. And so the question is, what meaning will they give? Will they extend it? What will they do with that particular provision? Moving to the second one, and this is a little bit more disconcerting, if we look to subsection (b) on page 6, it says that the limitation of liability is inapplicable if the failure, omission resulted from malicious purpose or willful or wanton act or willful disregard for the safety of persons. That takes out...it says if you do any of those things, that you're not...you don't get any protection. But if you go up one subparagraph and when it's referring to the inability of law enforcement personnel to make contact, it says whether

acting in good faith or with malicious purpose or a wanton and willful disregard of the safety of persons or property, you will be protected. Under the terms of this, you could act maliciously, and vast, vast, vast, 99.9 percent of law enforcement are great people, do their jobs. But there's always a bad "egger" out there and that's why we have the liability. In this case, a person could intentionally choose not to contact an emergency person, for whatever reason, a disagreement with whom the person is cohabiting or a prior altercation or for whatever reason. But it does protect, in this particular portion of it, it does protect intentional bad acts. We...NATA would ask that if the committee chooses to move this bill forward that Section 5 be deleted and at a minimum, if you choose not to delete Section 5, we'd ask that you look at it to see and narrow to the careless conduct you want to immunize that you get it down to that portion. With that, I'd be happy to answer any questions. [LB786]

SENATOR DUBAS: Thank you, Mr. Lindsay. Are there questions? Senator Smith. [LB786]

SENATOR SMITH: Thank you, Madam Chair. Mr. Lindsay, thanks for coming and testifying in a neutral capacity on this and bringing out some of these issues. I was looking at Section 5 as well, and I know with your vast knowledge of the law if you could help me understand maybe what the purpose of this language is. And maybe it's along the lines of what you're suggesting, and it may not be necessary. But in Section 5(1)(a) we talk about the department and employees of the department discharging their duties. And if you continue down that section, we look at (1)(a) and (iii). And it talks about the inability of law enforcement personnel to make contact, this is one of the exemptions there... [LB786]

JOHN LINDSAY: Senator, are you at page 6, line 6? [LB786]

SENATOR SMITH: I'm sorry, page 6 (iii). [LB786]

JOHN LINDSAY: Okay. [LB786]

SENATOR SMITH: That in this particular case they "shall not be liable to any person for civil damages or be subject to criminal prosecution resulting from or caused by: The inability of law enforcement personnel to make contact, whether acting in good faith or even with a malicious purpose or a wanton and willful disregard for the safety" and so on. Now that applies to the department and the employees. But if you look a little bit further down under Section 2, you have similar language under the (iii) on page 7. In that particular case, they are not exempt in the case...the law enforcement personnel discharging their duties are not exempt from the same. And do you see any particular reason for that? [LB786]

JOHN LINDSAY: I don't, and I apologize. I correct myself that the liability I was referring

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to in my testimony was the department's liability, not law enforcement personnel liability. [LB786]

SENATOR SMITH: Okay. Do you... [LB786]

JOHN LINDSAY: You are correct that there's two separate for the department and for law enforcement. I don't see the difference in why...I don't know why there would be a difference. [LB786]

SENATOR SMITH: So in this particular case the way it's written, law enforcement personnel would be subject to liability whereas the department and employees would not, and I'm not certain how you distinguish... [LB786]

JOHN LINDSAY: That's my reading as well. [LB786]

SENATOR SMITH: Okay. All right. Maybe...I don't know if Senator Crawford is going to close. She may have a reason for it being written that way. [LB786]

JOHN LINDSAY: Okay. [LB786]

SENATOR SMITH: All right. Thank you. [LB786]

SENATOR DUBAS: Additional questions? Senator Watermeier. [LB786]

SENATOR WATERMEIER: Yeah. Thank you, Mr. Lindsay. In your opening you mentioned and made a comment--I couldn't write it down quick enough--should be responsible for damages caused. Can you repeat that? I mean, I didn't quite catch it all and where you were headed with that because of this liability issue you're talking about now. [LB786]

JOHN LINDSAY: Yeah. And I'm not quite sure what I said (laugh). [LB786]

SENATOR WATERMEIER: I know that feeling. [LB786]

JOHN LINDSAY: I'm usually not sure what I said. If it was at the beginning, what I was referring to was generally when we deal with the law of negligence or tort liability that persons who act in a careless manner ought to be responsible in damages for their careless actions. Examples, the easiest example is that I'm spacing off, driving along, run a red light. There was no bad faith or anything like that. I just blew it. I was careless and not paying attention and went through it. Doesn't mean I'm evil or anything like that; it just says when we're careless we're responsible. And in a car situation, that's why we get insurance. But what we know is that in that situation the person who is going through on a green light should not have to bear the damage or the loss of a car or the

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hospital bills or anything like that for the carelessness of somebody else. So if you take that concept of who should be liable for what and move it over into this situation, we are transferring the liability or damage to someone who was not careless or that...for whatever reason. [LB786]

SENATOR WATERMEIER: I think I get what you were saying. I was getting to liability of the department compared to the police. And if you were to take that statement to broad, excuse me, broad across everything we do in this building, that would be a fair statement to use it. [LB786]

JOHN LINDSAY: Yes. [LB786]

SENATOR WATERMEIER: Okay. Thank you. [LB786]

SENATOR DUBAS: Additional questions? Seeing none, thank you very much. [LB786]

JOHN LINDSAY: Thank you. [LB786]

SENATOR DUBAS: Further neutral testimony? If not, Senator Crawford, would you like to close? [LB786]

SENATOR CRAWFORD: Sure. Thank you. Thank you, members of the committee for your excellent questions and excellent legal analysis there, Senator Smith. (Laugh) Just to reiterate the point that you did make, it is true that on page 6 the discussion of liability really is trying to protect the Department of Motor Vehicles from something that law enforcement would do to make sure that it's just very clear that it's not something that they can be held liable for. And the liability language in the bill itself did come from research on liability language in other bills. I can appreciate the point made about being careful about stating something when there shouldn't be liability in the first place. I mean that's an issue that I'm willing to talk to others about to make sure that's very clear, that we're being clear with what we're trying to do and what we're trying to protect people from. But again, the language is based on language that we saw in other model legislation from other states and that's what our intent to follow that to try to again provide as much protection as we could for people who were trying to do the right thing. So also it is the case that it's easy enough for us to work on date, if we need to address the date, or language about the Internet service being down for maintenance. I think those are all easy issues to address quite easily. In terms of the issue about a subpoena in a civil case, it really was our intent to try to keep this information as secure as possible so that it would be a very difficult thing for someone to get access to this, and it would only really be justified in a civil case. And so, we would like the department to be able to say no, I cannot give that information because I'm only authorized to give it in the case of a...in a criminal justice case. So it was important to us to try to...we did not want this information to be used in civil cases when people are trying to raise other

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issues or harass. We only want it to be very protected information and so that protection was put in there on purpose to prevent that. There are always trade-offs in any policy in terms of trying to get...make it as easy as possible to use, trying to make it as efficient as possible to administer, so those are trade-offs. So we did really talk quite a bit about the organ donor check box and whether or not to include that in this bill or not, and in the end, we decided that what the check box did, it required extra programming, and it required extra time and at this point, it would not...we didn't think it would increase enrollment enough to be worth the cost of adding that to the bill. And so instead, we really would work with safety organizations and health organizations to try to do a lot of voluntary enrollment in other ways, and that the check box wasn't worth the cost it would take to put that into the program. So, and I appreciate your question about that, but that was something that we looked at as well as the issue of having it happen at the DMV when people are getting their license. Obviously, if you're...if the only thing that you cared about was getting as many people as possible in the program, that is what you would do. And you would require reprinting of all of those forms and you would require people at DMV to ask that question and to help people do it while they're there filling out their...while they're there getting a driver's license. However, there's a trade-off. If you do that, it takes longer for you to get your driver's license. (Laugh) It requires more time and effort of the people of the staff. So after talking about that trade-off, we decided it would be best to again focus on making this a voluntary effort and getting our nonprofit and our private groups involved in helping people to do this voluntarily. And again, other states have done it with just this voluntary on-line option and have gotten some pretty good response rates. So we felt that in those trade-offs that we would go in the direction of making it voluntary and keeping it out of the DMV office. And we felt that was a fair trade-off in terms of...from our experience of looking at what happened in other states. [LB786]

SENATOR DUBAS: Thank you, Senator Crawford. Are there any more questions?  
Senator Brasch. [LB786]

SENATOR BRASCH: Thank you and thank you, Senator Crawford, for bringing that to my question forward. However, looking at your law and its intent, it's for the thoroughness. And you trade-off expediency of getting your driver's license from being thorough and making every attempt where somebody goes home, will they do it voluntarily on-line, will they think about it, will they forget about it? And seeing the seriousness of what you're bringing forward, that perhaps expediency is something that a person could choose right then and there not to opt in. And that it would be one database, wouldn't create a second Web site, Webmaster, having the system go up and down for checks, and I just think efficiency would be... [LB786]

SENATOR CRAWFORD: Well, the...what the bill does create is it creates a link so that we can use the NCIJ...excuse me, so that we can use the Criminal Commission data tools. So it makes it so the DMV doesn't have to create a whole new data system at all.

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And again, that's a trade-off in terms of ability to get something up and running and again keeping that extra task out of the driver's license office for right now. We felt it was a worthwhile trade-off given the interest that several people have expressed in trying to help people do this voluntarily, this trade-off. [LB786]

SENATOR BRASCH: Very good. Thank you. [LB786]

SENATOR DUBAS: Senator Hadley. [LB786]

SENATOR HADLEY: Senator Dubas, thank you. Senator Crawford, thank you. I guess you mentioned some other states that have done this. I just wondered if I could see that the original push to have someone list one or two people could be very successful. I guess my concern is, what happens when those people move, change addresses, change phones, what is to remind Galen Hadley that I should go on-line and change that, or my mother passes away and I should put somebody else in there. You know it's the follow-up. Have states had experience in how it works along that line? [LB786]

SENATOR CRAWFORD: Again, I think you have those same boosts, those same efforts that get the first people to sign up, your same messages, are your contacts up-to-date? So at the Kiwanis Club or the church basement or at the, you know, health safety fair, at the parent-teacher conferences, you have these, you know, computers set up to help people and you continue to not only ask people have you registered, but you ask people, are your contacts up-to-date? And again I think if you think of the trade-offs, the trade-off would be...I don't think that we really want to create something where we we're trying to send a bunch of reminders or, you know, notes out to people in case they might have moved. I mean, so really the effective way to do your best to get people to comply is again public service, public information, and having a lot of the nonprofits and groups engaged and committed to helping people do this. But we will make sure that all the groups that are interested in our state have information from other states about the updating as well as enrollment. We'll look to see if there are any good best practices on that front to make sure people know those in our state as well. [LB786]

SENATOR HADLEY: When I originally thought about this, and so the examples you think of an older person doing this, but this could be an 18-year-old, right, that has the same concerns? [LB786]

SENATOR CRAWFORD: Right, and again you have to ask in any policy question, it's not only how does this policy compare to some ideal option we can come up with? That's not the question. The question is, is this policy better than what we have now? So someone might...someone, you, you might not do a good job but you might not keep yours up to date; Senator McCoy may. Senator McCoy is in an accident and we will be able to contact his emergency contacts. The fact that you didn't, I know is unfortunate, but we still can help Senator McCoy. So should we not help Senator McCoy because

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you might be irresponsible in not keeping yours up to date? I think is not fair question. The question is, is this better than not having an emergency contact registry, not is this better than the best possible emergency contact registry you could dream up if we had unlimited resources and unlimited staff? Which we don't. It's a question, is this an effective pragmatic emergency contact registry for our state now? And I think it is. [LB786]

SENATOR HADLEY: Senator McCoy is much younger than me, (laughter) so he would remember to do things like that while I have trouble remembering whether I had lunch today or not. (Laughter) [LB786]

SENATOR CRAWFORD: Well, we will get the senior centers involved, Senator Hadley. We'll get AARP involved. [LB786]

SENATOR HADLEY: Golden Kiwanis, that's it. (Laugh) [LB786]

SENATOR CRAWFORD: We'll try to make sure that our older residents of Nebraska have every opportunity to update their registry, how about that? [LB786]

SENATOR DUBAS: Any other questions for Senator Crawford? Thank you very much, Senator Crawford. [LB786]

SENATOR CRAWFORD: Thank you. [LB786]

SENATOR DUBAS: (Exhibit 4) That will close the hearing on...oh, excuse me. I forgot to read in earlier the letter of support for LB786 from Andrea Frazier, Mothers Against Drunk Drivers, so we do have a letter of support in that respect. So that will close the hearing on LB786 and we will open on LB807, Senator Harms. Welcome, Senator Harms. [LB786]

SENATOR HARMS: (Exhibits 5-9) Well, thank you very much, Senator Dubas, members of the Transportation and Telecommunications Committee. It's good to see you again. My name is John N. Harms, H-a-r-m-s. I represent the 48th Legislative District and that's located in Scottsbluff, Nebraska. I'm here today to introduce LB807 to you, the Nebraska Roadway Safety Act. Senator Dubas, it's always a pleasure to come here and have the opportunity to visit with you in regard to this kind of legislation, so I want you to understand that, and I appreciate you giving me that opportunity to do that today. The Nebraska Roadway Safety Act is a comprehensive piece of legislation that actually establishes an important precedent for safety in Nebraska. Senator Dubas, before I get into my testimony, I'd like to kind of set the parameters for us today. This bill is broken down into five parts, okay? And there's a reason why we put it in the five parts, because it gives the committee different kinds of options. You could change some things that would not have an impact at all on the bill itself. The five parts are texting,

provisional drivers, novice drivers, seat belts...excuse me...bus drivers and cell phones and seat belts. Let me just talk real quickly about this, then we'll...I'll go right into my testimony. Texting, the only thing we're asking is from secondary to primary. Provisional drivers, the same thing, secondary to primary. Novice drivers, the same thing, from secondary to primary. School bus and cell phone usages would be new. I don't think it's new to you. I think you had a bill last year that went...I think was introduced at that time last year in regard to this issue. I'm going to spend a little more time when we get into the testimony on that because I really have a full understanding about what happens in buses because I've done a lot of research in regard to seat belts in buses. So I have a pretty good picture in my mind about what happens there. The seat belts in general, there's two things that happen here. One is secondary to primary, yeah, secondary to primary, and the other is that it would be both the front and the back seat. That's the only two changes that occur in regard to this. And after...and I'm going to give you just some general comments to try to give you a bigger picture of this. There will be a little bit of data in here, not a lot of data. I inundated you a year ago with data and I'm not going to do that now. I think you have a pretty good knowledge and understanding about what the issues are. But the people who follow me, they're the experts in the field. They're the people who have the knowledge. They're the people who I think can really drill down for you. They're the people that can probably give you the answers to the questions because that's their life. They deal with it every day and I don't. I just see the numbers and I know that I...what I believe in and what I have...my feelings about it. So with that, Senator Dubas, the first and foremost, LB807 makes it a primary offense to those who text and drive on the road. Currently it's a secondary offense, which I mentioned earlier to you. The fines are \$200 for the first; \$300 for the second offense; and \$500 for the third and subsequent offenses, including three points that can be attributed to the driving record thereafter. If you are really addicted to wanting to text while you're driving, you'll pay \$500 every time you go. It wouldn't be long and about four trips or five, you'd not have a driver's license. That's already in the law. That's already in the law today. Texting while driving has been illegal since we passed LB945 which was passed in 2010. And I happened to be the introducer of that particular bill. One of the things that I've...in the discussions that I've had with some of my colleagues, as well as several of you last year and this year, one of the arguments that we hear is that it doesn't work; it's impossible to enforce, that there's just no way that we can make this thing function; it's not appropriate to do this. I'm here to tell you that that's wrong. It's not even close to being true. Let me just give you one set of data that I think answers that question to a certain degree, at least in my mind it does. From January 1, 2010, to January 2014, that's 3.5 years since April 2010 enactment, there were 584 charges and there were 521 convictions. So it does work. But could you imagine what it would be like if you had that primary? Could you imagine the lives that we would be able to save and the accidents and the property damage that we could save if we were able to just make that one simple change? And the other thing I want to point out to you, that about 98 percent of law enforcement now has these video cameras, these digital cameras, they can zoom right into your car. It's pretty easy for them to be able to begin to identify to a

certain degree what you're doing. And so my point is that sometimes these arguments are good arguments, but the facts are starting to speak differently. The tragedy, I think, about this is that law enforcement are the first ones to arrive with an accident or a fatality and they simply can't do anything to stop this on a secondary level. They need to have the proper tools to be able to address this serious issue. They need the proper tools to save people's lives. I'm going to talk a little bit later, near the end of my presentation, about how we rank nationally, and I think the time has come where Nebraska needs to make some decisions in regard to safety. Let me remind you that a driver texting while driving down the road is 25...yeah, 23 times more likely to be in a serious accident than the individual who doesn't text and drive. Sending and receiving a text message takes a driver's eyes off the road about 4.6 seconds. You ever tried that? Going 55 miles an hour, that's equivalent to driving the length of a football field. It's pretty quick, and that's 4.6 seconds. You don't have much time. Texting is where you simply take your hands off the wheel, your eyes off the road, and your minds off of your task, and that task is driving safely. Research shows today that texting is just as dangerous as drunken driving, or maybe even more. Do you know what the new fad is now with our teenagers? "Selfies," are you familiar with that term? "Selfies," driving down the road, no seat belt, little camera, taking their picture and sending it down to the social media sites, to all their friends. That's a major accident just waiting to happen. I think this poses an immediate concern for safety in Nebraska and I think we have to be able to address this and we should address this. Nebraska is one out of four states in the nation that does not enforce texting as a primary law, one out of four in the nation that doesn't make this a primary law. Nebraska, no doubt, needs to kind of catch up and establish their position and where they want to be for public safety across this great state. LB807 also provides that provisional drivers who violate the graduated driver's license program...and I would have to tell you that when I was a freshman senator I introduced not the graduated driver's license, but we made a lot of changes in the graduated driver's license program for safety. And it included driving past midnight and more than one teenager in a vehicle under 19, and using an interactive wireless communication device while driving should be susceptible, should have...law enforcement should have the opportunity to stop and address that issue with teenagers. Currently, through LB415, and we passed it in 2007, all these violations that are in this category of the law are secondary. So when a vehicle is full of teenagers, teenager occupants, it's visible to a law enforcement officer when they're by the school or driving down the street or down the highway, the officer can do absolutely nothing about this unless that student or unless that individual is in violation of another law because it's secondary. This means that the provisional driver must be committing another violation, which I've stated earlier. There's a lot of reasons for...it could be speeding; it could be, you know, running a stop light, running a yellow light. There's a lot of reasons for that. But here's the point that I want to make that we need to understand, and I didn't realize this until actually I got involved in the underage drinking issue in Nebraska and we had...we got...we had some legislation that was passed. Young drivers simply do not have the necessary skills to multitask or fully (inaudible) their environment. What

research shows us is that the place where decision making and impulse control and judgment is housed in the brain, this is not ready until you're about in your mid 20s. Your brain is not fully developed until you're 25 years old. So what we're simply asking these young people to do is expecting them to make a decision about safety. They can't do that. It's almost like taking drugs and alcohol. It's the same issue. We just can't assess that appropriately in the mind. They're not capable of doing that. And there is a ton of studies that supports this comment and this position. The point that I'm making is that these drivers are merely learning the rules of the road, the rules of the road, yet we let them load up in an environment that's not good. Traffic crashes are the number-one killer in America of our teens, the number-one killer. If we incorporated the dangers and components of using a cell phone or carrying more than one teenager in their automobile, or even nighttime driving, which there is a limit to two, safety is significantly reduced, and the opportunity for that teenager to be in a serious injury or killed is probably pretty good. Not only is the fatal crashes tragic for the family and for the children, but you know the criminal penalties associated with that, such as manslaughter, for a teenager who is involved in a death, it is going to change that teenager's life forever. It's going to change that family's life forever. They're never going to get over that. They're never going to have the opportunity to go back and correct what they shouldn't have been doing in the first place. It's not only a serious issue for the family and for their friends, but for the school and for the community. I don't know what your communities are like because I can only speak from my own side of it. You know most of these kids who are growing up in these small rural communities. When something tragically like this happens, the sorrow is also in the hearts of the community and they'll watch what the families are going to go through. And what happens here, to me, is a tragedy because it doesn't have to be. Novice drivers that include those special school permits, the kids that are 14 years old, and provisional drivers are from 15 to 17, and all of this is tied nicely together in the package. They are not to use cell phones and all the things I previously answered...talked to you about. Provisional drivers have three segments of the law that they have to go through. I'm not going to walk you down through that because it's pretty clear in the law of what it is. I just wanted to make you aware of that fact of that. Without giving law enforcement the tools to deal with provisional drivers, we will continue to see deaths that occur. Recently in my own community, we lost one young lady just recently in Gering and two in Scottsbluff. And our law enforcement just can't make the changes because they can't execute the law in the way that it ought to be. We today have the opportunity to make those changes; you today have the opportunity to decide whether you want to change this or not or...unless we want to continue to go this direction or not. That being said, LB807 prohibits and makes it a primary offense for school buses...school bus drivers to use an interactive wireless communication device while driving on the road. There's one exception to this, and that's when they want to get back to their home base or their school's dispatch center, or there's an emergency; they can deal with that issue. It should be no surprise to you or to anyone that children are especially vulnerable to motor vehicle crashes. And I want to take a moment here just to tell you what I have learned in regard to seat

belts in buses and going through all those issues that I just went through in regard to trying to make some changes historically in that particular issue. What happens in a bus when you have a head-on collision or a side collision? Kids' necks are broken; their backs are broken; their hips are dislocated; their legs are broken; there are bones that are broken. If you're sitting in an outside aisle, you become a bowling ball; you roll right down the line inside of those buses. And many of the kids, students, young people die because they suffocate because they're piled up on each other. And when I was going through that particular legislation we received a video, I think it was from educational television, that showed...you know, today they have video cameras now in the buses in case there's a fight and other kinds of issues and all those, happened to be filmed at the time they went through this accident. It was enough to get my attention. It was enough to tell me that we need to start to address this issue. So what I'm really saying to you is, this is a simple task that we can help, maybe help prevent one of these accidents in occurring because once our kids get into those buses, there are no seat belts. Last, but certainly not least, LB807 makes it a primary offense for adults and children over the age of five who do not wear seat belts. Currently, it's a secondary offense, it's a \$25 fine which applies only to the front seat. Under our legislation, we would make those two changes that I told you earlier--secondary to primary--and it would include all the front and the back seat and the passengers. And that makes it consistent. We've made no other changes. It's exactly the way it is. There's no changes in fees. There's no other changes in anything. Just those two changes occur. I'm sure you...I know you've heard this saying: One seat belt worn is one life saved. And I believe that. In the past ten years, there have been 1,400 unrestrained men and women and teens and children who have been killed on our Nebraska roadways. Last year, we had 71 people who were ejected from their vehicles. And out of the 30 teens who died in Nebraska roadways, only 5 were wearing seat belts. It's been estimated that we might save about 600 lives if we have this changed from secondary to primary. We could also increase, as an estimate, the usage of seat belts by 12 to 15 percent, which would probably reduce, according to the experts, about 50 to 60 deaths annually in Nebraska. Since it's not currently a primary offense, our law enforcement will tell you they simply want the tools to be able to correct this. And you know what's really interesting is that we have the power to do that right in this room today. The predominant facets of our legislation, Senator Dubas, makes it a primary offense for just texting and driving and not wearing a seat belt. All of these are already against the law in Nebraska. We have not increased the fines. We have not increased the points. We have not done anything else to the present law that we have. Here's what we simply are asking to be done. We want to remove the sentence in the law that cites that this is a secondary offense. If we do that, then it becomes a standard law. Through that, we would be removing the current exceptions. We would be allowing for the standard of the primary law to exist. If we didn't list anything at all in there, it would be primary, it would be a standard law. According to a study done in Washington, D.C., and it was a report that was done, entitled Roadmap of Highway Safety Laws, and this was done by some Advocates of Highway Safety and Auto Safety, it said that Nebraska is 1 out of 11 states

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who...decidedly the most dangerous to drive in out of the nation. I'm going to repeat that one more time. We're one out of 11 states who are decidedly the most dangerous to drive in our nation. What's worse is Nebraska and Iowa have been cited as among the worst states, among the worst states, regarding the enactment of safety driving laws. I don't know how you feel about that, but I feel pretty badly about that. I don't think it's right. I have never felt that it was right. And the beautiful thing about that is that we have a chance to make that difference. We have the chance to address that particular issue. But you know, sometimes what I have found in the eight years I have been here, and Senator Hadley and Senator McCoy, all of us, I think, sometimes making the right decision takes a lot of courage. Sometimes making the right decision can be painful with some of your friends. Sometimes making the right decision is not popular. But that's really what we're about as a legislative body. I don't know about you, but that's why I ran for the Legislature. It's probably why Senator Janssen is running for Governor, why Senator McCoy is running for Governor, because they want to make a difference. And that's my interest. Again, it's my hopes that we can save lives with this legislation and join the rest of our nation in safety. And I think we can expect that once this would become a primary law, according to what I've watched in Nebraska, the voluntary compliance may be prevalent in Nebraska. Nebraskans, even though they may not like it, they'll follow it if it's a primary law. And I don't think that our law enforcement will have to be...enforce it so stringently after people begin to understand it. It's most important to note that we need to change our behavior by creating an accountable standard that will save lives and serve as a powerful preventive safety force in Nebraska. Madam Chair, with that I am closing my opening. As I said before, we have a number of experts here today. We have one out-of-state guest here today. They truly have, I think, the knowledge and the background about the arguments of racial profiling and enforcement and safety. I would encourage you to zero in on those issues with him. I'd be happy to answer any questions I can. But I would tell you that I think they have the answers that we might be looking for. They work with it daily; it's their life. It's kind of like what we do when we introduce legislation--you live it until it's done. They do the same thing in their life except theirs never goes away. So with that, Madam Chair, I thank you very much for giving me that pleasure. I do have some things I'd like to hand out if I may. Senator Dubas, there are...here are some cleanup language that might make it easy for your legal counsel that we have discovered and that we know now, after we've gone through and looked at it, that it's important, maybe it would be helpful, kind of speeds that whole process up. Another one is...and this is unsolicited. That's one thing I have never done since I have been here is solicit people to write letters or recruit people to come in and talk. This is a letter from my own community, from our own law enforcement, chief of police. I think you'll want to read this. It kind of got my attention when I looked at it this morning, just exactly what he's gone through and what he has seen, what's just recently happened in our own community. And then the Police Chiefs Association, there's a letter of support for that. I mean, they're stepping up. And it's difficult for them to come in and testify but they did put it in writing for us that you can have. You can look at that. And then there's also some other, further testimony from Irwin Goldzweig from the

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Meharry Medical Hospital (sic--College). And I think I talked to you about him last year, one of the oldest black hospitals in the nation. And his point is that we have to be sensitive to how African-Americans feel about racial profiling and how other races might feel, other cultures might feel about racial profiling. But we need to have the laws introduced and dealt with, and this is about seat belts. And his concern is that by not doing that we simply lose more lives, and more people are crippled nationally, as well as in our own state. So, with that, Senator Dubas, I'm through. And here's some more that you can hand out, keep you busy, give you something to do. [LB807]

SENATOR DUBAS: Thank you very much, Senator Harms. Are there questions for Senator Harms? [LB807]

SENATOR HARMS: I would like the pleasure of closing, okay, so. [LB807]

SENATOR DUBAS: Absolutely. Absolutely. I know we have a lot of people. Senator Harms has given me a list of probably a lot of people who are going to testify. But I have invited Mr. Steve Blackistone from the National Transportation and Safety Board to come forward and testify first as a proponent. And then after that we will be using the lights. I'll give you five minutes to testify. So when the green light comes on, that's your go light. When the yellow light comes on, that means you have about a minute to wrap up. And then when the red light comes on, if you could kind of finish your train of thought, that will allow the committee maybe to ask some questions. But I know there are a lot of people to testify here today. We do want to hear from you. And so with that, we'll use the lights and hopefully give everybody the chance to come forward. But welcome, Mr. Blackistone. [LB807]

STEVE BLACKISTONE: (Exhibit 10) Thank you very much, Chairman Dubas and members of the committee. It's a pleasure to be here today to testify regarding LB807. My name is Steve Blackistone, that's S-t-e-v-e B-l-a-c-k-i-s-t-o-n-e. I'm appearing here today on behalf of the National Transportation Safety Board which is a federal agency charged by Congress with investigating significant transportation accidents in all modes of transportation, determining their causes, and making recommendations on how to prevent their reoccurrence, and also how to mitigate the consequences from those accidents. In the area of highway safety, seat belt and occupant protection recommendations are among our most important recommendations. They have consistently been on our most-wanted list for many years and will continue to be. Unfortunately, seat belt use in the United States continues to be considerably lower than in other industrialized nations which have rates well over 90 percent. According to the 2013...2012 National Occupant Use Survey, the average belt use rate was about 90 percent in states authorizing primary enforcement, but it was only 78 percent in states where there is only secondary enforcement. Currently, 49 states require motor vehicle occupants to use seat belts, New Hampshire being the exception. But 18 of those states, including Nebraska, authorize only secondary enforcement of their seat belt use

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laws. I believe the clerk is now passing out my written statement to you. Unfortunately, some motor vehicle occupants mistakenly believe that they are safer without a seat belt, that their vehicle or their air bag provides adequate protection in the case they are in an accident, or that they'll not be in a motor vehicle crash where seat belts would make a difference. They say, I'm only going a short distance; I'm not going to be on a dangerous road, or something like that. Each of these objections has been studied numerous times at the national level, and each has been shown not to be a legitimate concern. It is clear that although, for example, although air bags do make an important difference, they really are complementary to seat belts. It's important to have both belts and bags. They're...air bags are designed to work with seat belts. Belt use among motorists is lowest in the most severe crashes. Only 65 percent of the occupants in fatal crashes in 2011 were using seat belts. Among the occupants who were killed in crashes in that year, only 44 percent were restrained. In other words, that's less than half the rate of overall belt use. Opponents to primary seat belt enforcement also claim that nonuse is a personal choice and that it affects only the individual. But the fact is that motor vehicle injuries and fatalities do have a significant social cost. The National Highway Traffic Safety Administration, which is a unit of Department of Transportation, has calculated that the lifetime cost to society for each fatality is about \$1 million, and each critically injured survivor of a motor vehicle crash costs about an average of \$1.1 million. And nearly three-quarters of all crash costs are borne by those who are not directly involved in the crash, primarily through higher insurance premiums, which we all pay, higher taxes, travel delay, and medical costs that are absorbed into the system. In 2011, more than 3,300 lives and billions of dollars might have been saved if everyone had used a seat belt. The costs are significant here in Nebraska too. According to numbers released just last week by your Nebraska Department of Roads, 179 vehicle occupants died in Nebraska in 2013. More than 81 percent of those killed were not using their seat belt. And note, that number is far higher than the national average of 66 percent fatalities not using their seat belts. NHTSA estimates that if Nebraska's belt use rate increased only 5 percentage points, Nebraska would have saved an estimated 11 lives and prevented 300 more injuries and saved the taxpayers more than \$30 million annually. If you were to have 100 percent seat belt use rate here in Nebraska, you'd save an estimated 37 more lives, prevent over 1,000 more injuries, and save more than \$100 million annually. So that gives you some idea of the scope of the value in increasing to primary enforcement. American citizens support primary enforcement. NHTSA conducted a survey in 2003 and found that 64 percent of those surveyed supported primary enforcement. And this is true even in states without a primary enforcement law. More than half supported primary enforcement. Additionally, I'll just note that minority populations also strongly support primary safety belt enforcement. LB807 contains a number of other important provisions which establish the principle that all traffic laws should be enforced primarily. Two weeks ago, NTSB released its 2014 most-wanted list of ten items that we consider important things that we're going to focus our attention on during the upcoming year. Both driver distraction and occupant protection are included on this year's list of ten important issues. LB807 addresses both

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of these concerns. We believe that a significant number of lives can be saved and injuries avoided if the Legislature passes LB807 this year. And we thank you for the opportunity to appear here today. We'll be glad to answer any questions that we can regarding the national perspective on highway safety issues, whether it be occupant protection, texting and distraction, or young drivers or any other issues. And with that, I'll conclude and be willing to answer any questions. [LB807]

SENATOR DUBAS: Thank you very much, Mr. Blackistone. Are there questions? I know you've given us a lot, some good information to read in this, in your handout, so I appreciate that. Seeing no questions, thank you so much for coming today. Appreciate it. [LB807]

STEVE BLACKISTONE: You're welcome. [LB807]

SENATOR DUBAS: So for those who are planning to testify in support, if you would want to come to the front of the room so we can get you up and into the chair as soon as possible, that would be appreciated. [LB807]

RUSSELL ZEEB: (Exhibit 26) Good afternoon, Senator Dubas, members of the committee. My name is Russell Zeeb, R-u-s-s-e-l-l, middle initial "L," last name is Zeeb, Z-e-e-b. I'm a resident of Papillion-La Vista all my life. I retired last year after almost 39.5 years of working for the sheriff's department and, unfortunately, in that time frame spent many, many days, evenings, hours working fatal crashes, working death notifications, and everything else that...same way as you talked on your last hearing...bill. You have a lot of numbers in front of you today. The one thing I'm not going to give you is numbers. You have a lot of people. I will ask you to please pay specific attention to the letter written by Mothers Against Drunk Driving. I think it has some very wonderful information in there. And that's why we're all here today to show you that. Let's talk about headlines. That's what I want to talk to you about today is headlines. Two weeks ago last weekend, the headlines of the metropolitan papers were: Six people killed in...it happened across the river, in Iowa. Five of those, Senator Dubas, were from your community in Grand Island. I believe four of the five were not wearing seat belts that were killed in that crash, if I'm correct. Last weekend in Nebraska six people were killed in crashes. A minimum of three, and possibly four, were not wearing seat belts in those crashes. My predecessor just talked numbers. Let's talk real numbers now and Nebraska citizens and everything else. There is at least seven people that we're talking about here that would have been here today if they'd have been wearing their seat belt. Senator Smith just left. Him and I live in the same neighborhood. I will guarantee you, him and I both drive through an intersection near our house every day. When I worked, I drove home every day in a patrol car, marked "patrol car," wearing a uniform. And I've pulled up to that intersection, 96th and Giles. Every day I would sit over and look at the person sitting next to me not wearing a seat belt, and texting, typically, as they were stopped at that stop light, very busy intersection

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along a traffic signal. As a uniformed officer driving in a marked patrol car, there was not a thing I could do to that individual. I could hope and pray that they didn't kill themselves going on down the road, but as a uniformed officer, there was not a thing I could do. The law needs to be changed and give law enforcement officers the hardware and the tools in their toolbox that they need to make this a primary offense. If we save one life, this bill, this...everything else that you folks are doing on this legislation is worth its weight in gold. My goal, and I think Senator Harms's goal, is that we save a whole lot more than one life with that. And I think that that should be everyone's goal is to save lives. One of the things I want to tell you as I end is that a lot of the people sitting in this audience today are partners that I have worked with, and one of the big things we work on is distracted driving, underage drinking, no seat belt use, and everything else. And that is something that we have taken on very, very high standards on as to educating the public with those needs because of the unfortunate times when I've had to go to people's homes to make that death notification. I made the death notification to a member, you know, a good friend and unfortunately, you know, it's something that we have to do. And over the years, it's unbelievable. This has also personally affected my family. I've one family, aunt, uncle, and cousin, all from the same immediate family, that were all three killed in separate traffic accidents in the state of Nebraska. With that, I please ask your support and let's make this LB807 a law and a law that we can save lives with, especially for our younger generation and the future generations of Nebraska. Thank you. [LB807]

SENATOR DUBAS: Thank you so much. Are there questions? I would have for you, as a member of law enforcement, the comment I probably hear most often is the one regarding profiling. Your response to...your... [LB807]

RUSSELL ZEEB: Well, you know, profiling is a completely separate issue, you know, and everything else. I think that we need to take the word "profiling" out of that. And again, this is my personal opinion, take the word "profiling" out of that and replace it with "saving lives." I don't think it makes a difference, race, color, anything like that, religion, anything like that. It's the individual that is breaking the law, not wearing a seat belt, or that's texting on that. If we can save that person's life no matter where they fit, you know, in the racial quality, I think that's even better. [LB807]

SENATOR DUBAS: Thank you. Any other questions. [LB807]

RUSSELL ZEEB: Thank you very much. [LB807]

SENATOR DUBAS: Thank you so much for coming today. I appreciate it. Welcome. [LB807]

REGINALD BURTON: My name is Dr. Reginald Burton, R-e-g-i-n-a-l-d B-u-r-t-o-n. I'm currently the director of trauma and surgical critical care at Bryan West at the trauma

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center and am testifying in favor of LB807 in that it directly affects just about everything that I do. We did run some numbers just from the local trauma center here in Lincoln and the...just comparing belted and unbelted drivers. We classify our patients by injury severity score and as to mild, moderate, or severe injuries. An injury severity score less than 9 would be considered mild, injury severity score greater than 9 would be moderate, and then, you know, greater than 15 would be severe. And we compared the belted versus unbelted. Just for 2013, there were 123 that were belted and 144 that were unbelted. The average injury severity score for the belted was 8, in the mild range, whereas the average injury severity score for the unbelted was 10, which put them into the moderate and heading towards the severe injury range. Mortality was higher in the unbelted, and this is just the mortality of the patients that have signs of life enough to get to a hospital, not talking about those that died in the field. But interesting enough, we did do the hospital charges. For the belted drivers versus the unbelted drivers, it was \$12,000 more average for the unbelted drivers, just because of the amount...or riders just because the amount of injury that is there. Now...and this is the average. There is definitely those who would go into the hundreds of thousands more. The complaints that we hear, you know, really sort of fall secondary to what we see every day. This is what we do. This is very personal for us. The patients that are thrown out of the cars are definitely much more injured. We have to deal with them and the families, trying to save those lives, as well as dealing with, as the police officers do, telling the families that the outcome may or may not be so good. The...as with helmeted motorcycle drivers versus seat belt wearers, you know, they have the ability or the freedom to do what you want to do. I think that line is drawn with...when society has to take over. And from the minute they pick you up from the...your crash or pull you out from the ditch because you weren't belted, you know, that's done by volunteers or EMS squads that are run by the cities and go to the...you know, as soon as they get to the trauma centers, those are...you know, you're taken care of by groups of professionals that, you know, may have...if they...if we do save your life, most likely, these most severely injured patients are going to be on Medicaid or long-term support. I think if society has to pay for everything that happens after your poor decision, then I think society has a right to say what you do in those decisions. Underage driving, every trauma center across the United States would testify that this is a horribly important point that we need to make. In all the research that's been stated that the younger you are, you're not able to make those decisions correctly, and that has definitely been proven out. Just this last year, two crashes with mortalities and 14-year-old drivers. One was with, also, a carpool of other teenagers with them. This needs to be primary. If a police officer sees, or law enforcement officer sees, this kind of a car driving out into the country, they should be able to stop that car and save those lives. The seat belt that...the child seat portion of the law, it's extremely important. If we hear the trauma activation coming in that there is a pediatric patient involved, if we hear "the child seat," we all take a little bit of a sigh of relief because most of those patients, while they may be seriously injured, are not going to be as life-threatening as if they are not in a child seat. These things are very important to us as a trauma center. We see the results of these decisions. We agree with the national

trend that this is...this should be a primary offense; you should be able to stop this when you see it happening, trying to save those lives, trying to save the amount of injury, and trying to save the...this is just the injured part, not...they're talking about the lives that are lost. I'm talking about the injured and the amount of troubles that these patients and their families are going to be going through the rest of their lives. It's very important to us. And as a last point, I'd like to point out that nationally we're trying to work with the prevention and with prevention they should all be called automobile crashes, not accidents, because there are so many things you can do to prevent them that it sort of leaves the realm of it being an accident. So if you could use the word "crash," we would greatly appreciate it also. [LB807]

SENATOR DUBAS: Thank you very much, Dr. Burton. Are there questions? Seeing none, thank you so much for coming forward today. Welcome, Sheriff. [LB807]

TERRY WAGNER: Good afternoon, Senator Dubas. Thank you for allowing me to be here. I had to get my...square away the chair here. Excuse me. My name is Terry Wagner, T-e-r-r-y W-a-g-n-e-r. I'm the sheriff of Lancaster County. I'm here on behalf of my office, as well as the Nebraska Sheriffs Association, to support LB807. You've heard the statistics from others before me and I won't belabor that. I do want to talk about the enforcement aspects. I testified in favor of the provisional operational permit about 16 or 17 years ago when it was first proposed. I testified in favor of Senator Harms's bill when he proposed the ban on texting a number of years ago. And I continue to support those efforts, as well as the seat belt enforcement efforts. Russ Zeeb said it very well, that it's just a little frustrating to see a violation of law and not be able to do anything about it unless there is another violation that's committed. I just read reports this morning from one of our deputies who had stopped a vehicle for a traffic violation and saw the young lady's cell phone on her leg. It was in a texting mode. He asked her if she was texting while she was driving and, long story short, he was able to obtain the evidence necessary to write her a citation for texting while driving in addition to the other violation. But we certainly don't see a lot of those, simply because it is a lot of work. But, you know, the officers are willing to make that case. It's not an impossible case to make as far as texting while driving, and I think all of us who drive much at all have seen drivers beside us texting while they're driving. I do every day, it seems like, on the way to work. So I think that it's incumbent upon us to heighten the safety aspects of these laws by making these violations a primary violation. And I know that racial profiling is an issue or a question, and I know that opponents of a primary violation are going to say it's just an excuse for law enforcement officers to pull a vehicle over. And I guess I will tell you that if an officer sees a violation, I really don't think they're looking for an excuse to pull that vehicle over because of the driver's race or religion or nationality. And if that's the case, then that's our job as administrators is to deal with the racial profiling aspects, and we work on that through the statistics that we keep through the Crime Commission. But I think, most importantly, Americans, especially Nebraskans, obey laws voluntarily. And there really aren't enough law enforcement officers in the state, if we have wholesale

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violations of law, to enforce our way into compliance. A good example was the 55-mile-an-hour speed limit. We never were able to gain super compliance with 55-mile-an-hour speed limit because there was wholesale violations of that law, and we could not enforce our way into compliance. And so I think when you look at laws that are passed, it tells people it's important; it tells them that they should obey it, and the vast majority of people do. The small minority that do not are our problem. But I think on the...for the most part, they do obey those laws that are passed. And so I think that passing these laws as a primary violation sends a strong message that these are important issues that save lives and that we need to adhere to that and people will. With that, I'd be glad to answer any questions the committee might have. [LB807]

SENATOR DUBAS: Thank you, Sheriff Wagner. Are there questions? Senator Brasch. [LB807]

SENATOR BRASCH: Thank you, Madam Chairman, and thank you, Sheriff, for coming forward today. [LB807]

TERRY WAGNER: Thank you. [LB807]

SENATOR BRASCH: I do have a couple questions here. Is it...it's not against the law, or is it, to talk on your cell phone while you're driving? Is that... [LB807]

TERRY WAGNER: It is not. [LB807]

SENATOR BRASCH: It is, okay. [LB807]

TERRY WAGNER: It is not. [LB807]

SENATOR BRASCH: It is not. My smart phone I have in the text mode. I come to a complete stop. I push a button and I dictate in at the stop sign or stop light, "Driving, no texting, please." I send it off to who contacts me. Is that texting while I'm driving or...you know, because my phone does have a very vocal mode and I can ask my phone to also read me my e-mails while I'm driving. And I'm starting to wonder, you know, how...should I be fearful of responding when I'm not moving that an officer is going to look in, and he's going to say, ah, she's got her text open? But if you look, any of the texts I have are when I'm not in motion. [LB807]

TERRY WAGNER: Well, and I think that was the case I just referenced from this morning was that the time stamp on the text message was just about the time the deputy called the traffic stop on this young lady. And so it was evident that it was from a...from the same time frame. And so I think a couple of issues. Number one, the definition of texting as in the current statute, which would be the same, really has to do with the act of punching in the letters, if you would, for that written communication. It

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specifically excludes voice communications and it specifically excludes the dialing of the phone. Now if you look at the commercial side of that same law, it prohibits any cell phone usage except for a one-push dial, so it would be a speed dial kind of...or a voice dial. So in answer to your question, no, you wouldn't be in violation unless you're sitting there typing out that message. [LB807]

SENATOR BRASCH: And my question again: Is...so the officer will do his research and make sure that...you know, how does he know, you know, that I was stopped at this four-way stop, and I went forward, and then I'm pulled over? I'm not advocating texting while driving. A huge problem is the erratic driving situation. [LB807]

TERRY WAGNER: Um-hum. [LB807]

SENATOR BRASCH: It's a danger to everyone. At the same time, how far do we take this law? That, okay, I'm not going to be able to talk on the phone eventually, should we have to put our cell phones into our glove boxes because perhaps I dropped...you know, I know of an accident, tragic one, several years back where someone had dropped their cell phone while driving, they crossed the line in attempt to pick it up, and, you know, it ended horribly for the person that was hit. So I don't know where...and we seem to be age specific that, you know, a lot of teenagers are people who are in major accidents. Is that correct or is it...? [LB807]

TERRY WAGNER: Well, I think there are...I think younger people probably text more than I do. I know my sons text more than I do. I think the other issue is...I used to have to stop and get my glasses out to be able to see the screen so as to read the message, so I have to stop the car. So I think there's...you know, I jest about that, but there are some issues there with older drivers that aren't there with younger drivers that...and they're much more adept at texting than I am. So while I don't want to target young people, it sure seems like, you know, the crashes I can think of that we have worked that have resulted in tragedy from texting, you know, was a young lady headed for a party in an area of the county she wasn't familiar with. She was texting her boyfriend because she was lost and violated a stop sign on a major U.S. highway and was hit and killed. And we were able to prove that through the text messages and their time on when they came through. You know, I think that enforcing the traffic laws, enforcing the texting laws are like any other enforcement action. You know, it's incumbent upon us to make...to gather the evidence and to make that case that's prosecutable. Generally, it's through just the...were you texting when you were driving? No, I wasn't, you know, I dialed the phone, or whatever the case may be. And I think in most cases that's going to satisfy the curiosity or answer the questions of the officer that's investigating the call or making the stop. [LB807]

SENATOR BRASCH: And I do understand that. [LB807]

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TERRY WAGNER: Sure. [LB807]

SENATOR BRASCH: Again, I'm not an advocate at all, and people who know me, of texting while driving. I think it's a matter of personal practice and sending a message out to those who contact you. I'm in the phone (laughter)...I feel like I'm in the phone. I'm in the car from anywhere from ten minutes to two hours and if someone texts me and I don't respond, they know I'm in the driving mode and they will not hear from me, and they call me. Now I'm wondering, when you're talking about a teenager, younger person, you know, whatever the definition, is that fine truly going to stop them from a social practice? I believe if you take the phone away, have where they...you know, I think that would have a greater impact to "discommunicate" them from their social network than a fine, in my opinion, that... [LB807]

TERRY WAGNER: I don't disagree with you, but I think we have to be practical here, you know. I think ideally we'd ban cell phones from driving and that would solve a lot of problems. And if you saw a cell phone in use, that would be prima facie evidence that would be much easier to enforce. But I think from a practical aspect, it's not going to happen. [LB807]

SENATOR BRASCH: And we're attempting to stop erratic driving and irresponsible behavior and someone from killing someone else, including themselves. [LB807]

TERRY WAGNER: Absolutely. [LB807]

SENATOR BRASCH: And that I do see. But I also see personal responsibility being a huge part of changing these behaviors and not the fine part unless that has been an indicator. [LB807]

TERRY WAGNER: Well, and I think that making this a primary violation does send that, I mean, it sends that message to help people make those choices to, okay, I know this is illegal, I'm not going to do this, and most people will make that choice. Most people will obey the law as it's written. [LB807]

SENATOR BRASCH: And I understand the difficulty of your position in this, and I do thank you for your work and testifying today. And I hope we do find a solution because it will save many lives. So thank you. [LB807]

TERRY WAGNER: Thank you. [LB807]

SENATOR DUBAS: Other questions? Senator Hadley. [LB807]

SENATOR HADLEY: Chairperson Dubas. Sheriff, thank you for being here. I hope Colonel Sankey of the Patrol does not mind if I quote him. We were talking about this

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one day. He said when he first started on the Patrol, when you saw somebody weaving in front of you, the first thing you thought of was that you had someone under the influence of alcohol, and you would pull them over because of that. Now when you see somebody weaving, the chances are it's because they're texting, not as much as they're under the influence. So I just want to throw that out. [LB807]

TERRY WAGNER: Whenever I'm driving home from work and traffic is being held up or, you know, you see some other kind of violation, you think, hmm. When you get up next to that person, maybe they're on the phone and not paying attention, or they're texting. [LB807]

SENATOR DUBAS: Additional questions? Senator Smith. [LB807]

SENATOR SMITH: Thank you, Madam Chair. And, Sheriff Wagner, thanks for coming and testifying. Can you help me kind of process through some different types of scenarios for the folks that are here and the folks that are watching? I...they want to, kind of, understand how this is going to impact their every day of life. And so something...just interaction you had there with Senator Hadley. If someone is driving erratically, you're able to pull them over, is that correct? [LB807]

TERRY WAGNER: Well, it depends upon your definition of "erratic," but for the most part, yes. [LB807]

SENATOR SMITH: What are the limitations to that? [LB807]

TERRY WAGNER: Okay. Well, let's...if we can go back for just a minute, all of the laws as they're currently written that LB807 addresses are secondary violations. They're not just something you can get pulled over for. You have to write a citation and charge the person with that primary violation before you can cite them with the secondary violation. So having said that, if you have a vehicle ahead of you that's weaving within their traffic lane, that may not be a violation of law but that helps establish reasonable suspicion to us that the driver is impaired to some degree. So there's a situation where if we stopped a vehicle that was weaving within its lane but no crossing the center line, not crossing the fog line on the right, and they were stopped for that kind of erratic driving, and they were texting, then we couldn't write that citation. [LB807]

SENATOR SMITH: Under the current law you could not. [LB807]

TERRY WAGNER: Under the current law, correct. [LB807]

SENATOR SMITH: Under the current law you could. [LB807]

TERRY WAGNER: Could not,... [LB807]

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SENATOR SMITH: You could not, okay. [LB807]

TERRY WAGNER: ...because it's not against the law... [LB807]

SENATOR SMITH: Sorry. [LB807]

TERRY WAGNER: ...to weave within your traffic lane as long as you don't cross that center line or cross the fog line. So there wouldn't be a primary violation to charge them with and it would be the texting, you couldn't write that ticket. [LB807]

SENATOR SMITH: Okay. Now let's say someone is...they're making a phone call from their smart... [LB807]

TERRY WAGNER: Um-hum. [LB807]

SENATOR SMITH: ...smart phone. [LB807]

TERRY WAGNER: Okay. [LB807]

SENATOR SMITH: And they are looking down and...but they are not weaving, they're driving along, and they...and the officer sees them looking down and entering a...what he perceives is them texting, but they're actually making a phone call. They can be pulled over for that under the proposed law and...correct? [LB807]

TERRY WAGNER: Yes, sir. [LB807]

SENATOR SMITH: Okay. And then they...the officer would say, were you texting? They would say, no, I'm not texting. So they would have to then prove that they were not texting. They would have to give up their cell phone for the officer to take a look at the time stamp or look at that? [LB807]

TERRY WAGNER: That would certainly work. I mean, you could show that...the texting mode on my phone, I could just go to the text icon and show the last text message was whenever. [LB807]

SENATOR SMITH: And the only other way of proving they're innocent and that they were not texting would be to subpoena records or to give up records or something of that nature. [LB807]

TERRY WAGNER: Well, it would...the only way prove that they were texting if they don't have the phone, you know, if they won't show you the phone, would be to get a search warrant for the phone, seize the phone and get a search warrant for it, which we do in

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other cases, criminal-type cases. [LB807]

SENATOR SMITH: Okay. [LB807]

TERRY WAGNER: But that's pretty extreme and it's highly unlikely in a traffic violation sense. [LB807]

SENATOR SMITH: Okay. All right. Thank you. [LB807]

SENATOR DUBAS: Additional questions? Senator Murante. [LB807]

SENATOR MURANTE: Yes. Thank you for coming. [LB807]

TERRY WAGNER: Thank you. [LB807]

SENATOR MURANTE: I had a couple of questions on the enforcement aspect that Senator Smith had kind of touched on a little bit. Clearly, with the law even as it exists now, there are some things you can do on your cell phone and some things that you cannot do on your cell phone while you're driving. [LB807]

TERRY WAGNER: Yes, sir. [LB807]

SENATOR MURANTE: So if I'm driving down the road and doing something on my cell phone that is permissible within the law, and I get pulled over, and I haven't done anything wrong, how do I prove myself innocent without giving law enforcement my cell phone, which I don't have any desire to show the law enforcement or participate? How do I prove myself innocent in that situation without turning over a piece of my own private property? [LB807]

TERRY WAGNER: Well, the burden of proof is on the law enforcement to prove you were texting, not your...it's not incumbent upon you to prove... [LB807]

SENATOR MURANTE: Okay, that was my next question actually. [LB807]

TERRY WAGNER: ...that you weren't. So that's the first aspect that you need to remember is that it's our responsibility, and it's the burden of proof is on us. [LB807]

SENATOR MURANTE: Um-hum. So what I don't quite understand...and I know this was debated on the floor when Senator Harms had this bill passed in the first place back in 2010. But I have a tough time figuring out how law enforcement driving down the street at 40 miles an hour can make that distinction. And I don't even know what counts as the written communication. Does typing a message on Facebook count? Does sending an e-mail count? Does sending a picture count? Does tweeting count? And how do you as

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a law enforcement officer who is driving past the car at 40 miles an hour have any idea which one of those uses on the cell phone are being utilized at the time? [LB807]

TERRY WAGNER: Well, first of all, you know, if we're meeting at 40 miles an hour and you have your phone on your leg, I'm not going to see what you're doing and so it's not going...that's going to be a nonissue. You know, if I'm driving next to you on a multilane roadway and I can see that you've got your...you know, that you're doing something with your finger...your thumb and your phone, my guess is going to be that you're texting. And I don't think it matters in...as you read the statute, I don't think it matters whether you're texting a text message, whether you're e-mailing, whether you're on Facebook. It doesn't matter; it's the same kind of text communication, if that makes sense. [LB807]

SENATOR MURANTE: It...the written communication part does. I'm not sure if...but I don't have my mind fully wrapped around whether Twitter is...would fall under that or something like that. [LB807]

TERRY WAGNER: I would guess it's the same. [LB807]

SENATOR MURANTE: But I don't think a picture counts as written communication. I think you could...the current law would say you could take a picture of your...the "selfie," you could take a picture and text it, because you're not writing anything by definition, and you can use your cell phone for directions. I mean, there are numerous apps to get to... [LB807]

TERRY WAGNER: Sure. [LB807]

SENATOR MURANTE: What I'm trying to get at is how...if I'm doing this number driving down the road with a map on my phone and you're driving past me, how could we possibly expect you to know whether I'm texting or whether it's just a map guiding me to my location? [LB807]

TERRY WAGNER: You couldn't really. I mean, yeah, it's going to...there's no way to really tell what you're doing if your phone is, you know, up here within your face without being stopped and investigating why you're looking at your phone. [LB807]

SENATOR MURANTE: Okay. Thank you. [LB807]

SENATOR DUBAS: Additional questions? Senator Smith. [LB807]

SENATOR SMITH: Thank you, Chairwoman Dubas. I'm going to ask you the question, and I think what I'm...answered what Senator Murante was asking, and that is, going back to my question to you, if I was on my phone making a phone call, either receiving a phone...receiving a call or making a call, that's not texting, that's making a call. [LB807]

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TERRY WAGNER: Correct. [LB807]

SENATOR SMITH: Okay, and that would not be covered as a primary offense under here for a seasoned driver. [LB807]

TERRY WAGNER: Correct. [LB807]

SENATOR SMITH: But if you were to perceive that as texting and pull me over, then the burden would be on me to either give you my cell phone, which is...which Senator Murante is referring to as his private property, or you would seize it. [LB807]

TERRY WAGNER: Now I'm going to flip that around, if you would. [LB807]

SENATOR SMITH: Okay. [LB807]

TERRY WAGNER: You know, I'm going to walk up to your vehicle and say, Senator, I saw you with your phone, were you texting? And you said, no, I was answering a phone call. Can I look at your phone? No, you can't. Okay. I mean, I don't have many choices there except to, number one, let you go, or, number two, if I really thought you were texting, get a search warrant and really go through an arduous process to get that done. And so I doubt that's going to happen. It's possible, but I doubt that's going to happen. [LB807]

SENATOR SMITH: Okay. [LB807]

TERRY WAGNER: Does that answer your question? [LB807]

SENATOR SMITH: Yes. [LB807]

TERRY WAGNER: Okay. [LB807]

SENATOR SMITH: Thank you very much. [LB807]

SENATOR DUBAS: Additional questions? Seeing none, thank you very much, Sheriff, for coming forward. [LB807]

TERRY WAGNER: Thank you. [LB807]

SENATOR DUBAS: Welcome. [LB807]

ROB REYNOLDS: Hi. Ready for me? [LB807]

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SENATOR DUBAS: Go ahead, yep. [LB807]

ROB REYNOLDS: (Exhibit 11) Okay. Thank you, Chairman Dubas and the rest of the committee. My name is Rob Reynolds. I live in Omaha with my wife and four children. I'm here in support of LB807. [LB807]

SENATOR DUBAS: Excuse me, Rob. Can I ask you to state...spell your name for us, please? [LB807]

ROB REYNOLDS: Sure. Rob Reynolds, R-o-b R-e-y-n-o-l-d-s, just like the wrap, no relation. [LB807]

SENATOR DUBAS: Thank you. Sorry to interrupt you. [LB807]

ROB REYNOLDS: That's all right. I'm here in support of LB807 and all of its provisions for primary enforcement of seat belt usage, texting while driving, and all of the GDL provisions and the complete contents of the bill. I represent my family but, more importantly, the one person who can't speak for herself today who is my firstborn, Cady Anne Reynolds. Cady was a 16-year-old driver in 2007. She was in her first full week of summer vacation when she asked me for permission to see a 9:00 p.m. movie with her best friend and then drive them both there and home. On the ride home from the theater to her friend's home to drop her off, she stopped at a red light. She was sitting there waiting. There was an SUV to her left and there was two other cars on the opposite end of the intersection. She waited for the red light; she wasn't drunk; she wasn't using her phone; she wasn't doing anything wrong. She was just simply doing what she should on that road that night. Coming the opposite direction was another 16-year-old driver. She was coming at a high rate of speed. She was severely distracted. She didn't notice that the light was red in front of her; she didn't apply her brakes; she wasn't trying to beat the light; she didn't accelerate. She simply entered the intersection at 49 miles per hour as if it wasn't there, and she T-boned my daughter's car. The damage to Cady's car was incredible. The other driver's SUV's bumper impacted with her torso and her head primarily. A few short hours later, at 16 years of age, my daughter's life was ended. It wasn't by disease or gunshot or some other malady, but a highly preventable driver distraction in which the most primary driver responsibility was unknowingly violated--stop at a red light. Red means: You stop, I proceed. I've spoken to hundreds of victims with equally as heartrending a story--took their children, their spouse, their parent, their friend. I've sat with them. I've hugged them. I've cried with them. I've also been incensed with them at the enormous struggle it is to see meaningful laws passed to stop this. I congratulate and I want to give a shout out to Senator Harms for bringing this bill forward because I think it's incredibly brave. I know it doesn't have a lot of popular support when it comes down to the finite pieces of it, but it make sense. The Nebraska Roadway Safety Act aims to do one thing over all: to save lives on our road. That's all it's aiming to do. It will do this...it will do so by enforcing the laws that are on

our books and that are weak because they are not primary and by introducing a few new laws as well. All of these provisions are supported by success in reducing deaths from crashes in other states where they've been introduced and enforced and the same could be done here. Had we had a primary enforced law for GDL provisions in 2007 or before that, and a primary enforced law for sending and receiving messages while driving, the driver of the other vehicle that led to my daughter's death may not have been doing what she was doing. Every day since then I see distracted drivers, and not just drivers of cars, but drivers of buses, SUVs, 18-wheelers. In fact, I was almost forced off my...out of my lane on the way down here today by somebody driving an 18-wheeler who crossed over his line into my lane, and he was using his phone. We've been raising generations of drivers who never knew a world without cell phones, and it's a ubiquitous thing. Almost every car on the road has them. It's a very, very finite, small amount of people that do not have them. So it's an ever-present danger. Throw in a primary enforced law with mandatory licensing and other residual penalties and the reasons become clear to most drivers that they shouldn't be doing this. We talked about personal responsibility. Personal responsibility doesn't stop people from speeding; it doesn't stop people from drinking and driving; it certainly won't stop them from using their cell phones for texting while they drive, and especially for young people. Enforcement of these laws in the states that have them looks and feels very much like seat belt and alcohol-impairment enforcement. A combination of education, regular and high-visibility enforcement has been most effective and can work here as well. We would not be the first to enforce such laws, so there's a lot of people who have done it before us and we can learn from them. Lastly, you'll not find a piece of research that negates the ill effects of texting while driving. At best, you are 8 times more likely to crash when you're doing it; at worst, you're 23 times more likely to crash. But along with this, understand that these crashes are some of the worst on the road. The results of these are people who generally are not driving with their eyes on the road, they have no idea what's in front of them, so they blindly go into these and the crashes are extremely severe. Once again, I speak not only for myself but for the many thousands of people who have lost their lives or their loved ones have lost their lives to this particular issue. Cady would be 23 this year and, according to her plan, deeply vetted in her medical training. I'll never hug her again as my child. I'll never hold any of her grandchildren. And I'll never stop pushing for stronger laws against distracted driving behaviors. Thank you, and I'll take any questions you have. [LB807]

SENATOR DUBAS: Thank you, Mr. Reynolds. Are there questions? Senator Brasch. [LB807]

SENATOR BRASCH: Thank you, Madam Chairman. And my heartfelt sympathy to you and your family. You know, this is a tragic way to lose any loved one. [LB807]

ROB REYNOLDS: Thank you. [LB807]

SENATOR BRASCH: I am concerned that changing the law, the fine really isn't going to solve the problem. I passed a school bus legislation that we were trying to help kids getting off of school buses, so we increased the fine, we increased the penalty. School bus drivers are telling me that people still aren't paying attention to the red stop arm. They aren't stopping behind the bus waiting for children to leave. And I do think that it comes down to the personal responsibility possibly starting with fourth-graders. We have fourth-grade classrooms that our fourth graders come through here and all, but maybe two or three children have a cell phone in their possession taking pictures. And education, perhaps, needs to start way early, as it does with cessation of smoking, seat belt, other items, because, again, just the money part in there, the fines, the points. We have distracted drivers. It's become a part of our culture. And pulling people over is going to become harder and harder with technology, I think, more difficult to decide who is dictating a message, a recording. And it's not going to prevent...you know, maybe a few accidents, but not all accidents. And ultimately, all accidents would be the perfect solution, but, you know, I'm just wondering if that other teenager...and again, we're going...we're talking certain years where we have put restrictions on new drivers, you know. Maybe we need to consider cell phones as part of that criteria when we give a person, you know, the responsibility to drive... [LB807]

ROB REYNOLDS: Um-hum. [LB807]

SENATOR BRASCH: ...and start at that age and perhaps it transfers over. I don't know. But what are your thoughts? [LB807]

ROB REYNOLDS: I have a lot. You said a lot,... [LB807]

SENATOR BRASCH: Okay. I'm sorry. Yeah. [LB807]

ROB REYNOLDS: ...so I have a lot to say. No. And I appreciate that. I mean, you bring up a lot of questions. And I speak on this quite regularly. In fact, I speak to children, I speak to adults. One of the things that I can tell you is that one of the things that's very disheartening to me is whenever I go to speak to a school--in fact, I'll be in Waverly this Friday--when I ask the question to a student body, how many of you have been in the car when your parents have been texting, every hand goes up. It's a rarity not to see a hand go up. And the ones that don't, I almost don't believe them because it's such a common thing. So, yes, we're raising generations of people who have been raised in a world where they don't know that there was never a cell phone around. But those of us who have been around for a while also use cell phones. I used to be quite a heavy user myself. And I took the personal responsibility to never use my phone, not even to talk, when I drive. But to get back to the issue of personal responsibility, again, it's not necessarily that it's going to stop everyone from doing it, but the penalties will take a lot of the people who consider it now to be a nonissue and make it an issue, especially young people. If the young person who was driving that night that crossed into the

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intersection that hit my daughter's car had known that, gee, if I was doing this and I ever got caught, not only would my phone be taken away from me, but my parents would probably take my driving rights away from me, too, because it's a \$500 fine, my insurance rates are going to go through the roof, and I'll lose points on my license, and I'm a provisional driver. That's a pretty heavy weight on your shoulders and that to me says you're going to take a lot of those kids and basically make them comply, just as they will with the speeding laws. But we wouldn't have compliance on speeding; we wouldn't have compliance on drinking and driving to the degree we have now if we didn't have primary enforced laws. And if you want to make the analogy, I mean, you're talking about impairment. Whether it's temporary impairment or sustained impairment, like it is with alcohol impairment, it's impairment, and the impairment has the same results--devastating, irrevocable costs, and a lot of those costs are lives. And with all due respect, if it was your daughter and you drove in traffic every day and saw everyone doing it around you, you would work tirelessly to make sure that it was a primary enforced law. And I can't say this enough: I don't ever want it to be your daughter; I don't ever want it to be your spouse, or anyone that you know personally, because it can be prevented; it's highly preventable. And if we're not doing anything about it, then we're sitting back and saying, well, nothing can be done. And if we'd taken that stance with drinking and driving, we wouldn't be where we are today with that issue. So it can be done, with all due respect. [LB807]

SENATOR BRASCH: I appreciate that, and I commend you for being a spokesperson and an advocate and going to schools and talking to people because I think education will be, and is, a huge part of awareness here. Thank you. [LB807]

ROB REYNOLDS: But it's just part. [LB807]

SENATOR BRASCH: Thank you. [LB807]

ROB REYNOLDS: It's a three-legged stool, right? [LB807]

SENATOR BRASCH: Okay. Thank you. [LB807]

ROB REYNOLDS: You're welcome. [LB807]

SENATOR DUBAS: Additional questions? Senator Smith. [LB807]

SENATOR SMITH: Thank you, Madam Chair. And, Mr. Reynolds, thank you for being here today. You know, you make it very personal because I have a 23-year-old daughter, so I can certainly kind of relate and think back. You know, you made it very personal. And I appreciate your passion and your thoughtfulness in coming here and of what you've shared today. I think you've been very reasonable of what you're presenting. I don't doubt for a minute that we don't have problems out there. I believe

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we do. I mean, I pull up next to cars, and I see young people texting, and I see it. My major concern is with the execution or, I would say, with the implementation and the enforcement of the law where there could be a misidentification and taking away individual rights. Now that's what we have to weigh and...but I really do appreciate your testimony, and I'm very sorry for your loss, and I appreciate you being here today to share. [LB807]

ROB REYNOLDS: Let me just make one comment to that, Senator Smith. I appreciate what you're saying and I think it's a very important question to answer. I think the answer, the greatest answer to that, as you said, a high standard for the people who are executing the work. Right now, I think we have a very low standard in the state of Nebraska in terms of enforcing this particular law when it comes to texting and driving, as well as the GDL laws. In fact, when I ask kids about what the GDL laws are and if they are aware of them, these are people who they directly affect, most of them have no idea. If they do know, they know right away to answer, "but it's a secondary law," so I know I could do all three of them in front of...or all four of them, actually, in front of a law enforcement officer and not get pulled over. So it's not a deterrent. It's a low standard for law enforcement; it's a low standard for the people who it affects. If we have a high standard, I think we minimize the risk. And in states that have much higher populations than ours, where they've been enforcing these laws for quite a few years, that's not been the case. We're talking about California, Washington state, we're talking about New Jersey, we're talking about Illinois. These states have done very well with enforcing their primary enforced antitexting laws. We could do the same. It's not insurmountable. [LB807]

SENATOR SMITH: You seem very, very knowledgeable of other states and what other states are doing. So you say Nebraska has a very low standard, and this would create a high standard. [LB807]

ROB REYNOLDS: Um-hum. [LB807]

SENATOR SMITH: Are there any states doing things somewhere in between these two? Are there other actions that you've seen that have brought it from a low standard and moved it up? [LB807]

ROB REYNOLDS: Well, when I say a low standard, I mean a low standard for enforcement. We're one of only four states that has a secondary law on the books. It's great that we have a law, but it really...I mean, think of any violation, criminal violation, you can think of that if you made it a secondary, if it would really be as effective as it is. And in other states, no, I'm not aware of any other state that has a secondary law and has made that law effective because what you're saying is you have to catch people doing other things and then also tack on the added burden of whether or not they were using their cell phone for electronic communication. [LB807]

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SENATOR SMITH: All right. Thank you. [LB807]

ROB REYNOLDS: You're welcome. [LB807]

SENATOR DUBAS: Any other questions? Thank you so much for coming forward today and sharing your story. [LB807]

ROB REYNOLDS: It's my pleasure. Thank you very much. [LB807]

SENATOR DUBAS: I know it's not easy, so thank you. Further proponents. Welcome. [LB807]

BEVERLY REICKS: (Exhibits 12 and 13) Good afternoon, Chairwoman Dubas, members of the Transportation and Telecommunications Committee. My name is Beverly Reicks, B-e-v-e-r-l-y R-e-i-c-k-s. I'm the president and CEO of the National Safety Council-Nebraska, a nonprofit, community-based organization. Our 650 statewide members consist of businesses, governments, community organizations, and individuals interested in the advancement and promotion of safety and health in the workplace and the community. I'm handing out my prepared testimony. I'm not going to read, I think, any of it. It is full of facts and figures and I hope you'll take the time to take a look at it. I'm also handing out the 2014 report of...issued by the Advocates for Highway Safety in which Nebraska is singled out with ten other states as one of the most dangerous states for driving given the state of our roadway laws, primarily due to the fact that we have secondary enforcement for many of the provisions that are considered critical to having a strong highway safety enforcement. I wanted, rather than speak to my testimony, talk to a couple of things that have been discussed and issues that have been raised and clear up a couple of things specific to the bill as it is proposed. I think Senator Harms did a good job in talking about the kinds of things we want to change, and I think it's important to point out that within the context of texting, or the use of a hand-held device for communication, we're not really changing the current state of the law. So, Senator Brasch, to your point, the law only takes effect when the vehicle is in motion. So if, in fact, you are at a stoplight and you choose to send a text to someone and put your phone down, if a law enforcement officer observes that while you are texting, there's no ticket to be written, no citation to be issued. I would tell you that I don't think that's a good idea because we know what happens next is the person who reads that text replies to you and your overwhelming urge is to grab it and take a look at it. Most people...maybe not you. I think you seem to engage in, I think, responsible driving behaviors it sounds like. The other piece of that is with respect to what is texting. I think it's pretty clear in the statute that we're talking about communications between parties...of the...a communication...a handheld wireless communication device is a device that provides written communication between two or more parties capable of receiving, displaying, or transmitting written communications. The statute goes on to talk

about what those mean, and a communication includes, but is not limited to, a text message, an instant message, electronic mail, and Internet Web sites. So if you are tweeting while you are behind the wheel or taking pictures of yourself and sending that as a text message, which is how you're going to send it, or posting it to your Facebook page, you are breaking the law under the statute as written, and you are engaging in seriously dangerous driving behavior. So I just want to speak to those two issues. And then also I want to talk a little bit about the idea of personal responsibility as it relates to teen drivers. John Lindsay, in the earlier bill, testified about liability, and he made an interesting comment that I wrote down because I think it carries over into this conversation. He said, you can be careless; if you don't have consequences for the carelessness, you can continue to be careless. And I think that is exactly what we are doing with secondary enforcement across the spectrum, but specific as it relates to teen drivers. I think about...my mother and father never said it because when they told me something was going to happen it always happened. But I know people who say to their kids, if you don't stop that I'm not going to take you to the park or I'm not going to get you that ice cream cone. And the kid doesn't stop it and, guess what, the kid gets to go to the park, the kid gets the ice cream cone. Pretty soon, the kid realizes: Doesn't really matter what I do, there's not going to be a consequence. The same is true, in my opinion, in the way we've designed our current laws, and teen drivers know it. They know they can go down the road texting, and they know law enforcement can see them with a pile of kids in the car and, unless they're breaking some other law, as you've heard, there's nothing law enforcement is going to be able to do about it. We've set them up to make bad decisions. We also know, as we've heard from Dr. Burton and as we've read in numerous studies about the brain, judgement centers aren't developed; kids don't make good decisions just because of the pure fact that their brains and their judgment is not developed enough to make good decisions. So we can talk to them until they're blue in the face but unless we show them there will be a consequence to their actions, it's unlikely they're going to change their behaviors. There are a couple things I think in the statute that potentially could change the behavior specific to teens. When we're talking about the teens, they are prohibited from using cell phones or any interactive communication device at all. So they can't even be talking on their cell phones for the...while they're holding their learner permit or the first six months of holding their POP, they're restricted in using that device across the board. So we have an opportunity I think to look at, just in wrapping up, taking our current laws and moving those into...from secondary into primary and continuing to just impact upon children the importance of engaging in driving while you're driving and nothing else. [LB807]

SENATOR DUBAS: Thank you so much. Are there questions? Senator Brasch. [LB807]

SENATOR BRASCH: Thank you, Madam Chairman, and thank you, Beverly. You've made some really good, valid arguments. And I do think that every individual setting of precedence and in the importance of that is that I will not text when I drive. And I've noticed my texts have ceased immensely... [LB807]

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BEVERLY REICKS: Yeah. [LB807]

SENATOR BRASCH: ...during my driving window of time. [LB807]

BEVERLY REICKS: Um-hum. [LB807]

SENATOR BRASCH: I've declared when I'm driving and the phone calls come in. Otherwise, I think it's been a habit, a growing habit,... [LB807]

BEVERLY REICKS: Sure. [LB807]

SENATOR BRASCH: ...to text rather than talk. I'm thinking that will be effective. But I start to wonder on how often will I be detained if I'm pushing my button to say, Siri, read me my e-mails. And then now I'm in a rental car this week and there is a digital...the display in front of me. I have to push this button, that button for heat and increase heat and go into auto. And I've had to pull over the car to see what electronics this car requires of me, and I think we're going to see more and more digital displays and technology coming forward. So I think it's going to boil down to socially accepted behavior and in ticketing is...you know, bottom line is we want to stop, you know, people from erratic driving, having a crash,... [LB807]

BEVERLY REICKS: Um-hum. [LB807]

SENATOR BRASCH: ...injuring themselves and others, and what is most effective. [LB807]

BEVERLY REICKS: Well, I think, to speak to your issue, I...you know, certainly automobile manufacturers are engaged in putting a lot of toys in vehicles these days and making their product, I think, more, you know, more attractive to buyers. I don't know if we'll reach a saturation point of that or not. Some vehicles, mine included, most of my screen is disabled while the vehicle is moving so there's nothing I can do on that while moving; turn the radio on, that's about it. I can't use the phone; I can't do anything, so it disables itself. But I think, to speak to the bigger issue about what can we do to solve the overall problem, if we look at this in terms of any other public health issue we have, we've tackled in this country over the last hundred years, our solution shouldn't be, well, you know, it's too difficult, it is...it's really a sticky problem and it...we really shouldn't try to...we don't really know how to get our arms around it, let's just do nothing. That should not be our response. We should be looking at science that's out there, and I think you're probably going to get, if you haven't gotten it already, you'll get some reports that show us that we know that simply moving from primary...from secondary enforcement to primary enforcement will change behaviors. People will use their seat belt. Those who are currently not using it will start using their seat belt. People who are

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currently texting will put down the phone, put it in the back seat, do whatever they can to get rid of it because, as was mentioned earlier, we are generally a nation, and certainly we are a state, of law abiders. When something is a law, we are going to follow it, particularly when it's primary enforcement and there is a consequence. For teens and for the texting provision in here, it's a fine, \$200, \$300, \$500, as points assessed to your driver license. Teens are in a different category really because they have the provisional permits and the learner permit, and they can only get one or two points on their license, and then they'll have to hold onto that permit or lose that permit. So they're treated a little differently in terms of driver licensing and points assessment. So my point really is that we just need to be looking to good, sound data that we know exists and science that exists and making good choices to say, in terms of the citizens of the state of Nebraska, we're going to adopt these laws to do what we can to keep our citizens safe and save lives. [LB807]

SENATOR BRASCH: Very good, and thank you for all of your research and your diligence on this. [LB807]

BEVERLY REICKS: Thank you. [LB807]

SENATOR BRASCH: Thanks. [LB807]

SENATOR DUBAS: Additional questions? Senator Smith. [LB807]

SENATOR SMITH: Thank you, Madam Chair. And, Ms. Reicks, I'm going to shift topics just a little bit. I'm not sure if you're aware of the points system and can comment on...how does this law affect the points system relative to the existing law for a seasoned driver? [LB807]

BEVERLY REICKS: I think with respect to the texting, under seat belts, there are no points assessed. It is a \$25 fine and that hasn't been changed under this, under the bill. There is a points assessment for the texting violation. It references another statute and I don't think I have that handy with me, so I can't say. [LB807]

SENATOR SMITH: So the way you're interpreting the law is that there's no change with the points system relative to use of seat belts. [LB807]

BEVERLY REICKS: Correct. [LB807]

SENATOR SMITH: But there is with the texting. [LB807]

BEVERLY REICKS: There isn't a change; however, there is a points assessment that does occur with a texting violation. There is currently no points assessed with the seat belt law, and there wouldn't be under this. There is currently, or appears to currently be,

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a points assessment for texting and it would remain the same. [LB807]

SENATOR SMITH: Okay. Thank you. [LB807]

SENATOR DUBAS: Additional questions? Senator Murante. [LB807]

SENATOR MURANTE: Thanks for coming down. I've read over your testimony. I had a question with regard to the statistics because I've really been waiting for someone to address the utility of these laws. Senator Harms briefly referenced that the laws were effective because somewhere in the 500s of people had been charged with the crime and that, to him, suggested that the laws were actually making the roads safer. But from what I see from your list here, we have these safe driving laws sweeping the country; more states, it looks like, on an annual basis are employing these in some form or fashion. If anything, where it looks like we're behind the curve on what other states are doing and with all of these laws and all of these regulations, according to your own report, highway deaths are going up. So doesn't that kind of lend itself to suggest that these laws aren't doing what we hoped that they would do? [LB807]

BEVERLY REICKS: Are you referencing the Advocates report or my testimony in general? [LB807]

SENATOR MURANTE: Yes, the Advocates report. [LB807]

BEVERLY REICKS: With respect to Nebraska's numbers,... [LB807]

SENATOR MURANTE: Okay. [LB807]

BEVERLY REICKS: ...let me talk about a couple of different things. Teen drivers, when the...if you look back, and I'm sorry I don't have a chart with me, but I can certainly get it and send it to your office, Senator Murante, when that...when the teen driving provisions came into existence, the graduated driver licensing provisions came into existence here in Nebraska in 1999, you can see that we were at a...and I don't know the number and I'm not going to make it up. We had a significant number of teen fatalities related to driving. As we put the graduated driver licensing laws in place, even with secondary enforcement, we saw those numbers come down. Teens...and I think, frankly, what happened was there was a significant amount of media attention to graduated driver licensing when it first came to Nebraska and a significant amount of education that was done with teens and parents. So those numbers started coming, the fatality numbers started coming down because people were aware of the law, knew what the law was, and they talked about it a lot. We are now in a position where we are...that was 1999. What are we, 15 years out from that particular provision? And I can tell you, because we do much the same thing that Rob Reynolds referenced, in our teen driver programs we talk to kids about the provisional operator permit restrictions. When they come into their

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classroom time, many of them, almost all of them, have no idea what those restrictions are. Their parents don't have any idea what those restrictions are. Those are becoming less and less effective overall because they're not being talked about, they're not being enforced on a primary standpoint. So I don't have the number, and I haven't looked at it, but I do know last year 30 fatalities under age 24 were a result of the overall number. There were 30 under age 24; 25 of those were not belted. So whether or not there is an upswing overall, I don't actually think there is a fatality upswing overall. And I'd have to look back at the report. I haven't read it for a few days. But we know that our numbers are going up in Nebraska. We've seen those numbers take a little...take a dip, take a turn up with regards to fatalities. It seems to be that we, as was referenced by Steve Blackistone, we're almost, I think, double in unbelted fatalities in Nebraska. The national average, I think, is somewhere around 40 percent. We're at almost 82 percent of the fatalities are not belted in Nebraska. So we've, I think, developed some bad behaviors overall in terms of our driving and our behaviors. [LB807]

SENATOR MURANTE: Sure. Well, the statistics that I'm most interested in is the trend line of how Nebraska, where we were before Senator Harms's bill. We passed it in 2010,... [LB807]

BEVERLY REICKS: Um-hum. [LB807]

SENATOR MURANTE: ...okay, what happened after? Did we make it safer or worse? It sounds like you're saying that since that, since we passed it, more fatalities happened so it did not successfully make the roads safer. [LB807]

BEVERLY REICKS: I think in the last year overall we've seen...I'd have to look at the number, but I think it's somewhere around 3 percent increase in fatality over the year, over the previous year. And of course there are a number of factors that go into fatalities. There are, I think...when you look at highway safety, everyone talks about the three years...the three "E's," excuse me--engineering, enforcement, education, and EMS response. Across the board I think those things are getting better in terms of we're engineering better roads; we know how to build roads better so that we can make them safer; there are better vehicles, more safer vehicles being manufactured these days, more air bags used in conjunction with better seat belts, just overall better vehicles. We have enforcement. We have in secondary enforcement not the kind of enforcement we'd like to see, but we do have some enforcement. And, of course, we have EMS response, which medicine only gets better every year. And so we are gaining, I think, some ground in some areas but not in all areas. [LB807]

SENATOR MURANTE: Okay. Thank you. [LB807]

SENATOR DUBAS: Additional questions? Seeing none, thank you very much. [LB807]

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BEVERLY REICKS: Thanks. [LB807]

SENATOR DUBAS: Next proponent. [LB807]

BRUCE BEINS: My name is Bruce Beins, it's B-r-u-c-e B-e-i-n-s. I'm here representing the Nebraska Emergency Medical Services Association. We are the EMS response. I'm also the national advocate for the National Association of EMTs for the state of Nebraska, here in support of this bill. You've had some fantastic testimony. I've been impressed as I listen to some of the people. You've got a lot of data which I'm not necessarily going to give you. We're the people that are the worst-case scenario. Now that there's been this accident, there's been injuries, and EMS has been called out. A lot of times it's EMS with the fire departments. These are very stressful incidents not only for the people involved in the accidents but also for our EMS providers and fire department providers, largely which are volunteers in the majority of our state, and largely we're also dealing with people who we know. So it's no question that, you know, distracted driving as a whole, that there's a much larger percentage of those people that are going to have an accident. When we respond to a scene, we do our initial assessment, and there's a few things we call positive signs. When there's stars in the windshield, that's a positive sign that they weren't wearing seat belts, you know. When there's an accident and the person was ejected from the vehicle, that's a positive sign that they weren't wearing seat belts. We take our role in the prevention side very seriously that not only do we need to respond, but we also need to work on the prevention side of things. I think that passing this bill will provide a deterrent. I think back to when I was young and starting to drive. My first car didn't even have seat belts. They weren't required at the time. And then I also remember when, at the Legislature, the first arguments about seat belt laws and, boy, that was big news; it was big media news that we were going to have a seat belt law. And I think at the time, if I can remember--don't quote me--but our seat belt usage was like 20 percent in the state without a law. Now we're at 70 percent. Again, don't quote me on the exact number, but our numbers are up there. It's not because...that it's just a secondary enforcement. It's that people over time have changed. When I first got into EMS about 30 years ago, there wasn't a Saturday night that we didn't have responses for car accidents when the bars closed that were alcohol related. You could set your watch. You didn't go to bed on a Saturday night until after 1:30 because you were going to get a call for that type of call. It's been a long time since I've had that call. It wasn't because of anything other than the enforcement that we had and the ability of the law enforcement to carry out those laws that has improved and changed people's attitudes. People don't drive drinking as much as they used to. It doesn't mean that we're going to eliminate that behavior, but it has had an impact because of the enforcement abilities in the laws and stuff we've had. So I do think this will change attitudes. I think if you make this a primary offense, I think you're going to see it over a course of some time, but it will change the attitudes of the young people and the older people. It gives the law enforcement that ability that I got some when I was a young driver of having that law enforcement officer

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come up to my window and he had the opportunity to either engage me and educate me or to write me a ticket. And thankfully, I got some education from that law enforcement, and so I think it gives them some opportunities at that education. There is things out there. Sign the pledge is one that comes to mind. I've seen the TV commercials where...geared at young, high school-age people to sign the pledge not to text and drive. So there is already some things out there that can help with this. I think it's...like I say, I stand in support of this bill, and I do think it's time that we're brave and move forward with something that people may worry about. I personally am not concerned with a law enforcement officer asking me if I'm texting or wanting to see my phone or whatever. I know they're out there to make us all safe. I'm ready as an EMS provider to start having a lot less of the trauma-type accidents and losing a lot more of the people that we have been, you know, in the state of Nebraska due to distracted driving and not having seat belts on. So with that I would entertain any questions. [LB807]

SENATOR DUBAS: Thank you very much, Mr. Beins. Are there questions? Seeing none, thank you so much for coming forward. [LB807]

BRUCE BEINS: Thank you. [LB807]

SENATOR DUBAS: Next proponent. [LB807]

LAURIE KLOSTERBOER: (Exhibit 14) Good afternoon, Senator Dubas and members of the Transportation and Telecommunications Committee. My name is Laurie Klosterboer, L-a-u-r-i-e K-l-o-s-t-e-r-b-o-e-r. Would you believe my maiden name was Smith? (Laughter) The Nebraska Safety Council is a nonprofit organization. Our mission is to save lives and prevent injuries through safety and wellness education. We teach approximately 15,000 Nebraskans annually how to drive safely, work safely, and live safe and healthy in our homes and communities. As a safety and wellness organization, we support LB807, the Nebraska Roadway Safety Act, which would update and improve five key traffic safety measures. Today, I would like to focus my testimony on the issue of personal choice and individual rights. All traffic laws impose some degree of control on individuals, for example, stopping at a stop sign or obeying a traffic signal. The legitimacy of these laws is accepted because it is understood that failure to follow these laws could result in harm to oneself and to others. However, with regard to the requirement to wear your safety belt, it is argued that the only one likely to be injured is the individual who was not wearing their safety belt. This is simply not true. In a crash, unbelted individuals frequently injure others in the vehicle. The safety belt is designed to keep you in place. An unbelted driver in a crash will have more difficulty controlling their vehicle. In addition, children riding with unbelted adults are much less likely to be buckled up, as compared to children riding with belted adults. The cost of deaths and injuries due to unbelted individuals is borne by everyone. This fact was affirmed by the United States Supreme Court in 1972 regarding a Massachusetts case, Simon v. Sargent. The high court stated: From the moment of the injury, society picks the person

up off the highway; delivers him to a municipal hospital and municipal doctors; provides him with unemployment compensation if, after recovery, he cannot replace his lost job, and, if the injury causes disability, may assume the responsibility for his and his family's continued subsistence. We do not understand a state of mind that permits a plaintiff to think that only he himself is concerned. Individuals do not have a right to drive. Both the United States Supreme Court and the Nebraska Supreme Court have held that driving is a privilege. One of the holdings from the Nebraska Supreme Court case, State of Nebraska v. Hansen, states: Driving a motor vehicle is not a fundamental right but is a privilege granted by the state. We have an opportunity today to move our state forward and, on the way, to save lives, decrease serious injuries, and decrease costs which we all bear. I certainly understand the two senators here and your concerns about enforcement of the texting. I would hope that we wouldn't get caught up in what we feel. And, I think, from the numerous studies that have shown the benefits of wearing your seat belt, also the fact with what's going on around the country with the distracted driving issue, that we are able...by passing a primary law for seat belts and texting, we would be able to save lives and decrease serious injuries. Certainly, I understand your concern. I just think that we can sometimes get caught up in some of the smaller issues when we would be able to make a big difference in saving lives and decreasing the serious injuries. I would ask that the committee move this out of committee and to the floor of the Legislature. I would be happy to entertain any questions that you might have. [LB807]

SENATOR DUBAS: Thank you very much. Are there questions? Seeing none, thank you so much for coming forward. [LB807]

LAURIE KLOSTERBOER: Thank you. [LB807]

SENATOR DUBAS: Next proponent. Welcome. [LB807]

COLEEN NIELSEN: (Exhibit 15) Good afternoon, Chairman Dubas and members of the Transportation and Telecommunications Committee. My name is Coleen Nielsen, spelled C-o-l-e-e-n N-i-e-l-s-e-n. I am not Scott Gustafson, and you'll note that when you...you'll understand that when you look at my letter that I have passed around. I mean, he had to leave this afternoon. State Farm insures 24 percent of the auto market in Nebraska. We have 172 State Farm agents located all over the state of Nebraska and we employ 1,446 people in this state. I am the registered lobbyist for State Farm Insurance. State Farm supports primary enforcement of mandatory seat belt laws and the primary enforcement of the ban on texting while driving encompassed in LB807. For decades, State Farm has worked to reduce death and injury on our highways. The company's efforts include longtime partnerships with the Advocates for Highway and Auto Safety and a partnership with The Children's Hospital of Philadelphia to undertake initiatives to reduce death and injury for children riding in vehicles. Motor vehicle crashes, as you've heard, remain the leading cause of death among teen drivers. Teen

drivers have fatal crashes at four times the rate of adult drivers. To reduce injury and death from young driver-related crashes through scientific research and outreach, The Children's Hospital of Philadelphia and State Farm have been conducting research and providing evidence-based resources to stakeholders and families since 2006. The multidisciplinary research team at CHOP employs comprehensive, rigorous methods to understand and predict teen driver crashes in order to prevent them. So researchers examined a nationally representative sample of about 3,126 high school students, and the research showed that teens who live in states with primary seat belt laws were 12 percent more likely to buckle up as drivers and 15 percent more likely to buckle up as passengers, compared to teens who reside in states with weaker secondary enforcement laws. The Children's Hospital Center for Injury Research and Prevention stated that although the use of seat belts in the learner's permit phase of licensure reported similar belt use, regardless of whether the state was a primary or secondary law, drivers seat belt use declined to 69 percent in secondary states as the teens advanced to an unrestricted license while seat belt use remained relatively steady, at 82 percent, in states with primary laws. So, you know, the point that we've been trying to make is they're hearing this. If there's a law out there that's primary, and they know that they're going to get pulled over and fined, the seat belt use seems to be higher. The center also reported that the main reason teens die in crashes is failure to buckle up. In addition, a 2012 State Farm survey conducted by Harris Interactive shows that the majority of teens with driver's licenses, 57 percent admit to texting while driving despite the widespread attention surrounding the dangers of this risky practice. In conclusion, State Farm strongly supports Senator Harms in championing this critically important safety measure. We urge this committee to advance the primary seat belt enforcement and primary ban on texting legislation. I'd be happy to answer any questions. [LB807]

SENATOR DUBAS: Thank you. Senator Hadley. [LB807]

SENATOR HADLEY: Senator Dubas. Coleen, just a quick question. [LB807]

COLEEN NIELSEN: Sure. [LB807]

SENATOR HADLEY: If a person has a driving-under-the-influence ticket and...does their insurance rates usually change because of that? [LB807]

COLEEN NIELSEN: Yes. [LB807]

SENATOR HADLEY: And then we have information that texting is as deadly as driving under the influence. Maybe the insurance industry could help us by making the penalty a little stiffer when people are caught texting at the same time. I just throw that out if they're comparable. [LB807]

COLEEN NIELSEN: Okay. Thank you. [LB807]

SENATOR DUBAS: Additional questions? Seeing none, thank you very much. [LB807]

COLEEN NIELSEN: Thank you. [LB807]

SENATOR DUBAS: Further proponents. [LB807]

ROSE WHITE: (Exhibits 16-19) Good afternoon, Senator Dubas and members of the committee. My name is Rose White, R-o-s-e W-h-i-t-e, and I am here today representing AAA Nebraska, an organization that strongly supports LB807. Now you've heard from many people today with years of experience and expertise in the traffic safety field and health care industry. The facts, research, historical data, and general rules of physics all support the reasons why we should move this bill forward. If you're not already convinced that this bill is a move in the right direction, the key issue that may be of concern for you is the issue of government intervention and personal freedom. It was only a short time ago that those same issues created a road block for smoking bans. Thankfully, backed with strong proof of the health hazards associated with smoking, our legislative leaders had the courage, vision, and conviction to pass laws that would make positive changes that would impact generations to come. Do you remember riding on an airplane next to a smoker or perhaps even sitting in a restaurant that was filled with haze or working in an office where you felt you had to take a shower when you went home because your hair smelled like smoke? Yes, there were people who were very frustrated from this issue of government intervention, but the government leaders were making this very important change and they had the vision to see what could happen. And what a significant impact it has made in improving our quality of life. If those same legislative leaders were in the room today, I would praise them, and then I would ask them, did you realize then what a positive difference you'd be making in our lives and the lives of our children? We're asking each of you to review the numerous studies, statistical data, and undisputed scientific research conducted on safety belt use, texting and driving, and the other traffic safety issues contained in LB807. We are asking you to carefully consider the testimonies of those representing Nebraska healthcare facilities and traffic safety organizations and insurance companies. We are urging you to have the courage, vision, and conviction to make decisions that will help to improve the quality of life for those who live in our state. As you have heard, 33 states in the U.S. have standard seat belt laws. Nebraska deserves to have the same lifesaving and cost-saving benefits provided by a standard law. A recent poll of 600 Nebraska motorists shows that 86 percent indicated that they wear their safety belt. Those who responded no were asked why did they not. Most indicated that they simply forgot to do so. Only 1 percent indicated that they never wear a safety belt. We don't want that 1 percent to hold this bill up from saving lives. Driving is dangerous and deadly. With the high number of car crashes that occur on our roadways, the simple act of riding in a vehicle is likely the most dangerous part of our day. More police officers are killed in traffic crashes each year compared to any other type of violent act,

on-the-job function. More people die in car crashes while working than any other form of on-the-job related activity. And as you have learned today, more teens are killed in car crashes each year than any other activity. That used to be true for even children under the age of five, but with primary child safety seat laws that's all changed. It's now no longer even in the top ten. Moving the Nebraska Roadway Safety Act forward makes good sense as it will provide substantial lifesaving and cost-saving benefits for many years to come. And then I also wanted to comment on some of the things that were said earlier. I know that the gentleman from the NTSB indicated that we could save 30 lives a year, and I do believe in Nebraska that's understated, and the reason for that is that pickup trucks are very popular here in Nebraska. The number-one vehicle: SUVs, pickup trucks. They are very prone to rollover crashes. Last year alone we had 71 ejections from vehicles, so that tells me that we could be saving a lot more lives. And also, Senator, I noticed that you asked a question about are some of these laws making a difference, and, yes, if you look over the last couple of decades over the fatalities in Nebraska, you would see a giant X figure, the X starting from a low safety belt usage up to what we are right now which is 78 percent. And that other X, the top of the X would be fatalities which at some point were as high as 500 or more and right now, I believe, this last year we had 212. And so certainly, like I said, we're seeing that cross where as seat belt use rises we see the fatality count rise. But what's happened now is we basically have plateaued. We actually reached one of our lowest years on record in 2011, where we had fatalities in comparison to 1944, and at that time there was gas rationing. So certainly we do know that this committee has made substantial improvements that have truly made a difference. But with that plateau now and even seeing some rise in motorcycle crashes in some states, not in Nebraska but certainly in the study that was mentioned, they're seeing a rise in motorcycle fatalities because some of the states have repealed their laws. They've also seen an increase in bicycle crashes, as well as pedestrian accidents, and they're attributing that to texting and driving. And so for those reasons, we're seeing a rise now in some states. And I also wanted to mention, if I may, littering right now in Nebraska, \$500 fine for littering in Nebraska, and basically we know that that's impossible to enforce. How can you possibly have an officer catch somebody littering? But because there is a heavy fine, people don't do it, and it's actually become socially unacceptable, and we're certainly hoping that these issues will also become socially unacceptable. I can't ever recall that anyone has been killed by littering. Certainly, we do know that fatalities, we're losing people here in Nebraska--women, children, teens. We know that this law will make a difference. So thank you very much and I appreciate any questions you may have. [LB807]

SENATOR DUBAS: Thank you. Questions? Senator Murante. [LB807]

ROSE WHITE: Yes, Senator. [LB807]

SENATOR MURANTE: You had said that a number of states had repealed their seat

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belt laws. What states were those? [LB807]

ROSE WHITE: I'm sorry, not seat belt laws, helmet laws. [LB807]

SENATOR MURANTE: Helmet laws,... [LB807]

ROSE WHITE: Yes. [LB807]

SENATOR MURANTE: ...what states repealed the helmet law? [LB807]

ROSE WHITE: Michigan last year... [LB807]

SENATOR MURANTE: Okay. [LB807]

ROSE WHITE: ...or the year before, Michigan, so they've actually had a year and a half of results now. And so they reported an increase in motorcycle deaths, of course, in that state, and there have been a couple others that repealed as well. [LB807]

SENATOR MURANTE: Okay. Thank you. [LB807]

ROSE WHITE: Um-hum. [LB807]

SENATOR DUBAS: Additional questions? Seeing none, thank you very much. [LB807]

ROSE WHITE: Thank you very much, Senator. [LB807]

SENATOR DUBAS: Further proponents. [LB807]

NICOLE CARRITT: Good afternoon, Senator Dubas,... [LB807]

SENATOR DUBAS: Welcome. [LB807]

NICOLE CARRITT: ...members of the committee. My name is Nicole Carritt, N-i-c-o-l-e C-a-r-r-i-t-t, and I'm here today representing Project Extra Mile. We're a statewide network of community partnerships across the state who work to prevent underage drinking and youth access to alcohol. I'll be very brief in my comments. But we're here in support of LB807, a comprehensive proposal that would help reduce roadway injuries and fatalities among Nebraska's young people and adults alike. We commend Senator Harms for his longstanding commitment and goal to protect the safety and well-being of Nebraskans and laud the numerous senators who have joined Senator Harms on this proposal. While preventing underage alcohol use is our focus, we have consistently supported efforts to prevent youth traffic fatalities and injuries which continue to be the leading cause of death for teens in this state. You've heard detailed testimony on

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research and statistics today regarding these issues, and I'm not going to give you any, but the research certainly bears the importance of primary enforcement of these laws. We have the opportunity to work with numerous students through our efforts and we appreciate the committee's work to help keep young people safe. We thank the committee for giving solid consideration to this proposal and urge the committee's support of LB807, a proposal that will undoubtedly enhance public health and safety, save lives, and prevent unnecessary injuries for many years to come. Just thank you for your consideration of our comments and support and I'd be happy to answer any questions. [LB807]

SENATOR DUBAS: Thank you, Ms. Carritt. Questions? Seeing none, thank you so much for coming forward. [LB807]

NICOLE CARRITT: Thank you. [LB807]

SENATOR DUBAS: Further proponents, more proponents. Opposition, opponents. Welcome. [LB807]

GEORGE FEREBEE: Good afternoon, Senators. My name is George Ferebee. I'm from Edgar, Nebraska. G-e-o-r-g-e F-e-r-e-b-e-e. And, you know, I sit here and I've listened to these people that are in favor of it, and they're missing the point. The seat belts aren't the problem. It's the problem that people are not learning how to drive, especially on adverse conditions, whether it be ice. And out in the rural area they're saying, oh, the accidents are increased. Well, I wonder if they take those statistics a little bit farther, and is it the people out in the rural area that are having the accidents, or is it people from the cities and the outlying areas that they don't know how to drive on loose gravel; they've never had the opportunity. So why don't they, if they truly want to stop accidents, quit worrying about the seat belts and concentrating more on educating these young kids on how to drive a vehicle in adverse conditions? I'm confident you would save way more lives than worrying about the seat belt. And if you look at this bill, it's a typical case of why people don't trust government and don't trust the Legislature. Here a couple years ago: Oh, we're just going to make this a secondary offense, that's all it's going to be. And now you're wanting to make it a primary offense. No, you don't take away our rights and freedoms all at once. You just keep nibbling away at them one bill at a time. Now let's look at the texting portion of it. Yes, I'm not going to disagree with these people. It's definitely distracting. And I can take...testify from my own experience in just getting a cell phone here about five years ago for the first time. And I was trying to enter people's names and numbers into it and sitting at the kitchen table and having a heck of a time. And my nephew came in. He said, well, that's how you text. And I said, you've got to be kidding. I'm sitting here at the kitchen table with total concentration and having a heck of a time, threatening to throw the phone in the trash can and say, to heck with it. So I'm not going to argue that point. But you sit here and you listen to these testimony, you listen to the testimony of the sheriff and you really listen, what it boils

down to is the law is essentially unenforceable. And if you're going to confiscate their phone, where does the right to privacy enter into this? So if you're going to do something about it, why don't you people go after the phone companies? And if they're supposed to be smart phones and all this technology, why don't you encourage the phone companies...obviously, they're not going to do it on their own because it's in their best interest that people talk on it as much as possible so it wears them out so they can sell others. But make them or see if they can come up with technology that if there's interference from an alternator...I'm not in...being electrician or electronics, but there ought to be some way that they could make that phone that, if they're sitting in a running vehicle, it basically makes it inoperable. It won't work. And you just eliminate the problem. You don't make extra burden for law enforcement. You don't infringe on people's rights. You solve the problem. The way they're going at it now, as the sheriff...really, if you sat and listened to him, from Senator Smith's questions, he basically said it's unenforceable, and the only way they possibly catch somebody is if, well, they happen to drive up beside and look. But if they're driving down the road and they meet them, and they're texting here on the road or in their...or on their steering wheel or in their lap, wherever they do it--I don't know, I don't want no part of it--what's the odds of them catching them? So what are you really accomplishing with this? And a good example, and Senator Smith commented on it, I'm going to use Senator Harms as an example since he introduced this bill. Let's say you senators pass this bill, and you put an emergency clause on it, and the Governor signs it. Well, Senator Harms is going home and he meets a highway patrol on the road and he probably is going to do about like everybody else. The first thing you do is look down at the speedometer and see if I'm speeding or not. No, I'm not speeding. Well, in his case, he also looks over at the gas gauge and sees, well, do I have enough gas to get to Scottsbluff or do I wait? Well, the highway patrol sees him looking down and he thinks, well, he's texting, so he spins around and chases him down, and we assume that Senator Harms has his seat belt fastened and he's not texting. He's not breaking any laws. Now the officer comes up and he says, well, were you texting? And he says, no. Well, is Senator Harms going to give him his phone? And if he doesn't, what good is the law? It's an invasion of people's rights, and it is also an atmosphere for police harassment of law-abiding citizens. Is what the law enforcement officer did, was that him just enforcing the law or was that police harassment of a law-abiding citizen in that scenario? You really need to stop and think about what you're trying to do. And are you really going to solve anything? As it was pointed out here earlier, from your seat belt law to making it a second offense to wanting to make it a primary offense, it...the accident rates and the death rates didn't go down. So what makes you think making it a primary offense is really going to solve it? And I've got one other comment in regards to seat belts and that is: I have a relation that's driven a bus for years and his comment to me was, well, he said, you know, if they put seat belts on a bus, I'm quitting because, number one, he said, how are you going to keep the kids that they all fasten them? Are you going to have a whole bunch of lights up here on the dash to say they're all fastened? Or if the bus is not full, are you going to have to go back and fasten all the seat belts that aren't? And he said, that's

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distracted driving. Okay, a light comes on. The kid has got their belt unfastened. What am I going to do? I'm driving down the road. And he said, the next thing I can see happening, he said, the kid next to...I mean, it's going to be using it as a weapon to beat the kid next to him. So he said, if they put seat belts in buses, I'm quitting. And I'll have to agree with him. He's 100 percent right. And if Senator Harms thinks it's a good thing, I suggest he go drive a bus for awhile and see what he's getting into. And with that, I guess, unless you have any questions, I'll end my testimony. [LB807]

SENATOR DUBAS: Thank you very much, Mr. Ferebee. Are there questions? Seeing none, we appreciate you waiting around and you coming forward to testify. [LB807]

GEORGE FEREBEE: All right. Thank you, Senator. [LB807]

SENATOR DUBAS: Further opposition. Is there anyone in the neutral? Senator Harms, are you still with us? (Laughter) [LB807]

SENATOR HARMS: Well, Senator Dubas, thank you very much for your... [LB807]

SENATOR DUBAS: Senator Harms, could I interrupt you for one second? I always forget to read my letters into the record and I get in trouble from my clerk. [LB807]

SENATOR HARMS: Okay. [LB807]

SENATOR DUBAS: (Exhibits 20-25) I do have some letters for the record in support of LB807: Steve Lamken with the Police Chiefs Association of Nebraska; Peggy Reisher with the Brain Injury Association of Nebraska; Kevin Nohner, Nebraska Medical Association; Roland Kramer, Lincoln County Sheriff; John McQuinn, City of Lincoln; Gerald Stilmock, Nebraska State Volunteer Firefighters; Kevin Spencer, Scottsbluff Chief of Police; and Jim McGee. Jim is a private citizen. Those are all in support of LB807. And I think that covers everything. I'm sorry to interrupt you. [LB807]

SENATOR HARMS: Well, that's just fine. That's your privilege as a Chair. You can interrupt whenever you like. First of all, thank you for allowing us to visit with you about this particular piece of legislation. For the record, I'd like to make sure that you understand I'm one of the only few people who is left in Nebraska that only has a telephone that opens and closes. You can say hello and goodbye. I cannot text, okay? So regardless of what the gentleman said previously, I don't and I can't on my phone, probably never will because of my age, probably. I'm dating myself. One of the things I would just ask for you to keep in mind as you wrestle with this decision is that keep in mind that we're one of the worst states in America in regard to the traffic laws. We haven't modernized our traffic laws and we're one out of four states who don't have texting as a primary. So when I look at some of that data and I've talked to other people in other parts of the country, it seems to be working there, and it will work here, okay?

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It's all a matter of whether or not we have the courage to want to go ahead and move in this direction. And I don't...it's up to you as the committee. I appreciate everything you've done. It's been a long day for all of us and I'm sure it will get longer in the future. But I just wanted to thank you. If you have any questions that are...question anything about the data that we've given you, we have a ton of information, you know. And, Senator Murante, if you have any questions about the number of citations, we have them all laid out. I could show you by county, I could show you by city, I can show you however you want them, whatever you want to look at. And if...you know, as far as we know they're accurate because we got them from the right place. I'd be happy to visit with anyone. I'd be happy to talk with you privately in regard to some of this legislation. Keep in mind that we have drafted this legislation in a manner that you have some flexibility on that. And it was done this way for a purpose. I remember last year when we went through the same kinds of questions and issues. We decided to make it just a little more flexible for you as a committee member...as committee members. So I would ask you that you give it a great deal of thought, wrestle with it. If there's anything that I could do to help you, I'd be very happy to do this. I am going to tell you this will be my priority bill. So I might be wasting a priority bill, but I feel that strongly about the fact that I think it's time for Nebraska to truly address the issue of safety. We've skirted it, but we really haven't dealt with it, and I think we're just slowly running out of time. And I will tell you, there's one other thing that's come on to the market in regard to texting. I don't know if you've seen the advertising where the lady has a pair of glasses and they have a little deal on the side. She...you can now read your texting through your glasses while you're driving. We have no idea where we're headed for...headed in the area of technology. So we're just beginning and any time I think we can help ourselves to prevent lives from being lost, kids from being killed, I just say we should do it. So I'd be happy to answer any questions. If not, it's been a long day. Thank you. [LB807]

SENATOR DUBAS: Thank you, Senator. [LB807]

SENATOR HARMS: It's always a pleasure to be here. I think this...by the way, I think it's the last time I'll be before this committee, so I'm sure you'll be happy. Next year I won't be here to bring another bill like this. So thank you very much. It's always a joy. [LB807]

SENATOR DUBAS: Thank you, Senator Harms. [LB807]

SENATOR HARMS: You're welcome. [LB807]

SENATOR DUBAS: Are there questions? Senator Murante. [LB807]

SENATOR MURANTE: Thank you, Senator Harms. [LB807]

SENATOR HARMS: You're welcome. [LB807]

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SENATOR MURANTE: I listened to all the testimony and, to me, grappling with this decision boils down to really two questions for me. [LB807]

SENATOR HARMS: Okay. [LB807]

SENATOR MURANTE: Should we do it in the first place? Should we be getting involved in this stuff? And that's a sort of philosophical question that I have to iron out among...between...among myself. But the second is, if we ought to be getting involved in things like this, does it do any good? [LB807]

SENATOR HARMS: Oh, absolutely. [LB807]

SENATOR MURANTE: And I was...I found the evidence that was presented...I saw tons of evidence as to why seat belt use is beneficial. I saw a ton of evidence about helmet use being beneficial. I saw a ton of evidence about texting while driving, making it more offensive, more dangerous. I didn't hear a lot about LB807, the law that we passed in Nebraska, and the laws that...the statistics I've seen, the overwhelming majority of other states have passed, whether they're working or not based on the amount of accidents that are happening on the road. [LB807]

SENATOR HARMS: Yeah, I have that data for you. [LB807]

SENATOR MURANTE: Thank you. [LB807]

SENATOR HARMS: Yep. In fact, I've got it in my file. But we'll just dig it out and make copies of it for you. I can show you even in what state. We can also show you, in regard to racial profiling, how successful they've been in regard to that issue. We can tell you what states have had...been successful with seat belts and racial profiling, like in California and I think it's Louisiana. We have a lot of data, and I'll be very happy to just give that to you, share it with you, and you can kind of dig through it. And if you have any questions, I'd be...we'd try to help you. If not, we know where the authorities are that can help you filter through that. But we have that information and it has been successful. [LB807]

SENATOR MURANTE: Thank you. [LB807]

SENATOR HARMS: And these are always tough things when you have your own personal views about where you ought to be and I understand all that, so. [LB807]

SENATOR DUBAS: Senator Smith. [LB807]

SENATOR SMITH: Thank you, Madam Chair. And, Senator Harms, no question about it, you've been a great advocate for safety. And I know you're finishing out your last

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year, and I really appreciate your service in the Legislature, and I know you've been hounding away on us over some years on these issues. And, you know, thanks for your thoughtfulness and your engagement on these issues. We may not agree on everything, and I think one of the concerns I have is really an execution of a law, you know, the implementation and enforcement and how it may infringe on individual rights. So those are some things we have to clear the hurdle with for me, and I'm looking forward to having some further discussions with you outside of the committee. [LB807]

SENATOR HARMS: That's great. I'd be very happy to have those discussions, Senator Smith. You've always been very open, very honest with me, even when I walk across the aisle and say, hey, are you going to do this? No, I'm not, for the following reasons. I appreciate that. [LB807]

SENATOR SMITH: All right. Thank you. [LB807]

SENATOR HARMS: Thank you. [LB807]

SENATOR DUBAS: Senator Brasch. [LB807]

SENATOR BRASCH: Thank you. And I wanted to thank you also for this bill and we've discussed off the floor that, you know, I am so concerned about texting. But I'm, like Senator Smith and also Murante, just wondering about the enforcement piece of it. When we talk about...I use my cell phone quite a bit for maps, a lot. I mean, I...and it's in my hand, I have to enter in an address. That is problematic to me. And also dialing the phone, I have to dial in a phone number unless there are numbers already stored I can call out. To be pulled over because I'm trying to follow a map or I'm on the phone...I do have hands-free...concerns me and others if it's really going to be effective. And what I'm also wondering is I appreciate your bringing forward or offering to show statistics because this document here that we have talking about the month of December from the Department of Roads says that 16 out of 17 accidents took place in rural locations. I'm curious what the ages were. Was it texting involved? If we could see that county by county, I think that would effective because... [LB807]

SENATOR HARMS: Yeah, the... [LB807]

SENATOR BRASCH: And who is it happening with? [LB807]

SENATOR HARMS: The Department of Roads, to my amazement, to a certain degree, when I first got involved in this a long time...I have some phenomenal information. Now they can actually show you the time of the day, the conditions of the road, and what the people were doing and whether there were property damage, whether there were injury, and whether there was a fatality. It's amazing to me the amount of data they have. And I've used that data a lot over the years and...but we'd be happy to show you whatever

you would like. I will tell you that it's hard for me to...maybe I just think a little bit different than a lot of people do. But it's hard for me to really comprehend and understand how all the other states have made it primary, and we're one of the only four that hasn't done that. So it has to be working in other places, and I think it's working here. When you look at the number of citations that we gave, it was 521 out of...I don't know what the amount was, but 520 or 521. It says that...and they held up under the court as they went into court. It says something is right. And just keep in mind that all of this is not to infringe upon anybody's rights or to infringe upon their freedoms. It's just to save lives. If I thought for one minute we were infringing upon somebody's rights or their freedoms, I wouldn't be here. It's all about safety for me. And I don't have to tell you I probably was more of an overprotective father because when my children got their driver's license, and we didn't have cell phones at that time where you could track them, I probably died a thousand deaths when those kids weren't here right when the curfew time was. And I always had a policy when I dealt with them is I went over the rules of the road before they walked out the door just to remind them because of the fear that I had that I'd get a knock at the door or a phone call that said, I have a terrible tragedy on our hands here. And that's what we're trying to prevent and I hope that you'll keep all those in mind as you look at it. Anything you need from us, Tyanne is here, just let her know, and we'll get you that information. We'll be happy to sit down and talk with anyone. That's really immaterial to us. [LB807]

SENATOR DUBAS: Senator Hadley. [LB807]

SENATOR HADLEY: Senator Dubas. Senator Harms, we've been on the same side of this for many years. [LB807]

SENATOR HARMS: I know. [LB807]

SENATOR HADLEY: And those of you that weren't here, we did vote it out, I believe, of committee as a primary offense and it was changed on the floor. [LB807]

SENATOR HARMS: Yes, it was. [LB807]

SENATOR HADLEY: And a couple things that I remember: I remember an insurance class that I took in college, and the professor asked the question, you know, what kind of insurance...you know, you're young, you're going to be...go out and start a family and everything else, what kind of insurance should you really have? You know, everybody: life insurance, life insurance. And he says, no, you don't need life insurance, you know, when you die, you die; what you need is disability insurance--when you're in a, you know, an accident and you get in a nursing home or, you know, you spend the rest of your life that. And what bothers me here, I noticed the one statistic that a severe brain injury, the cost is upwards of, what, \$1.5 million? And when this happens and they go on Medicaid, guess who pays that? [LB807]

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SENATOR HARMS: We do. [LB807]

SENATOR HADLEY: We do. So their right not to wear a seat belt or their right not to wear a helmet or their right to text means that I have to...my taxes go up because I have to pay for their care when they have an accident. I would guess most...a lot of drivers are underinsured when it comes to medical insurance. And somebody has to pay that bill. So I'm as concerned about the people who are injured as I am the fatalities. I feel bad about the fatalities. But that's over with. The state has no more responsibility and my job is to try and help the state. If that person...a couple years ago we heard the motorcyclist who blew a tire, and it was \$1.8 million was his hospital bill that the state of Nebraska picked up. So if you want me to pay your hospital bill, then you need to play by the rules that I think you need to play by. [LB807]

SENATOR HARMS: I'd be happy to pay my medicine bills. (Laugh) [LB807]

SENATOR DUBAS: Any other questions? Thank you very much, Senator Harms. [LB807]

SENATOR HARMS: Thank you very much. Thank you for your kindness. Appreciate it. [LB807]

SENATOR DUBAS: That will close our hearings for today. (See also Exhibits 26-29.) [LB807]