

ASSEMBLY BILL NO. 457—ASSEMBLYMEN PARKS, LESLIE, KOIVISTO, BACHE, FREEMAN, TIFFANY, CEGAVSKE, HETTRICK, MANENDO, BERMAN, GUSTAVSON, GIBBONS, WILLIAMS, ANDERSON, GOLDWATER, SEGERBLOM, GIUNCHIGLIANI, OHRENSCHALL, VON TOBEL, DE BRAGA, NOLAN, ANGLE AND NEIGHBORS

MARCH 10, 1999

JOINT SPONSOR: SENATOR AMODEI

Referred to Committee on Transportation

SUMMARY—Prohibits person from committing certain acts that constitute aggressive driving.
(BDR 43-1280)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to traffic laws; prohibiting a person from committing certain acts that constitute aggressive driving; providing in certain circumstances for the suspension or revocation of the driver's license of a person who commits certain acts that constitute aggressive driving; providing penalties; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 483.460 is hereby amended to read as follows:
2 483.460 1. Except as otherwise provided by *specific* statute, the
3 department shall revoke the license, permit or privilege of any driver upon
4 receiving a record of his conviction of any of the following offenses, when
5 that conviction has become final, and the driver is not eligible for a license,
6 permit or privilege to drive for the period indicated:
7 (a) For a period of 3 years if the offense is:
8 (1) A violation of subsection 2 of NRS 484.377.
9 (2) A third or subsequent violation within 7 years of NRS 484.379.

1 (3) A violation of NRS 484.3795 or homicide resulting from driving a
2 vehicle while under the influence of intoxicating liquor or a controlled
3 substance.

4 The period during which such a driver is not eligible for a license, permit or
5 privilege to drive must be set aside during any period of imprisonment and
6 the period of revocation must resume upon completion of the period of
7 imprisonment or when the person is placed on residential confinement.

8 (b) For a period of 1 year if the offense is:

9 (1) Any other manslaughter resulting from the driving of a motor
10 vehicle or felony in the commission of which a motor vehicle is used,
11 including the unlawful taking of a motor vehicle.

12 (2) Failure to stop and render aid as required pursuant to the laws of
13 this state in the event of a motor vehicle accident resulting in the death or
14 bodily injury of another.

15 (3) Perjury or the making of a false affidavit or statement under oath
16 to the department pursuant to NRS 483.010 to 483.630, inclusive, or
17 pursuant to any other law relating to the ownership or driving of motor
18 vehicles.

19 (4) Conviction, or forfeiture of bail not vacated, upon three charges of
20 reckless driving committed within a period of 12 months.

21 (5) A second violation within 7 years of NRS 484.379 and, except as
22 otherwise provided in subsection 2 of NRS 483.490, the driver is not
23 eligible for a restricted license during any of that period.

24 (6) A violation of NRS 484.348.

25 (c) For a period of 90 days, if the offense is a first violation within 7
26 years of NRS 484.379.

27 2. The department shall revoke the license, permit or privilege of a
28 driver convicted of violating NRS 484.379 who fails to complete the
29 educational course on the use of alcohol and controlled substances within
30 the time ordered by the court and shall add a period of 90 days during
31 which the driver is not eligible for a license, permit or privilege to drive.

32 3. When the department is notified by a court that a person who has
33 been convicted of violating NRS 484.379 has been permitted to enter a
34 program of treatment pursuant to NRS 484.37937 or 484.3794, the
35 department shall reduce by one-half the period during which he is not
36 eligible for a license, permit or privilege to drive, but shall restore that
37 reduction in time if notified that he was not accepted for or failed to
38 complete the treatment.

39 4. The department shall revoke the license, permit or privilege to drive
40 of a person who is required to install a device pursuant to NRS 484.3943
41 but who operates a motor vehicle without such a device:

42 (a) For 3 years, if it is his first such offense during the period of required
43 use of the device.

(b) For 5 years, if it is his second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever is applicable.

6. ~~When~~ *In addition to any other requirements set forth by specific statute, if* the department is notified that a court has ~~the~~:

~~—(a) Pursuant to paragraph (h) of subsection 1 of NRS 62.211, NRS 62.224, 62.2255, 62.226 or 62.228,]~~ ordered the *revocation*, suspension or delay in the issuance of a ~~child's license;~~

~~—(b) Pursuant]~~ *license pursuant to chapter 62 of NRS, NRS 176.064 or 206.330, [ordered the suspension or delay in the issuance of a person's license; or*

~~—(c) Pursuant to NRS 62.227, ordered the revocation of a child's license,]~~ *chapter 484 of NRS or any other provision of law*, the department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484.3941.

Sec. 2. Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A driver commits an offense of aggressive driving if, during any single, continuous period of driving within the course of 1 mile, the driver does all the following, in any sequence:

(a) Commits one or more acts of speeding in violation of NRS 484.361 or 484.366.

(b) Commits two or more of the following acts, in any combination, or commits any of the following acts more than once:

(1) Failing to obey an official traffic-control device in violation of NRS 484.278.

(2) Overtaking and passing another vehicle upon the right by driving off the paved portion of the highway in violation of NRS 484.297.

(3) Improper or unsafe driving upon a highway that has marked lanes for traffic in violation of NRS 484.305.

(4) Following another vehicle too closely in violation of NRS 484.307.

(5) Failing to yield the right of way in violation of any provision of NRS 484.315 to 484.323, inclusive.

(c) Creates an immediate hazard, regardless of its duration, to another vehicle or to another person, whether or not the other person is riding in or upon the vehicle of the driver or any other vehicle.

2. A driver may be prosecuted and convicted of an offense of aggressive driving in violation of subsection 1 whether or not the driver is

1 *prosecuted or convicted for committing any of the acts described in*
2 *paragraphs (a) and (b) of subsection 1.*

3 *3. A driver who commits an offense of aggressive driving in violation*
4 *of subsection 1 is guilty of a misdemeanor. In addition to any other*
5 *penalty:*

6 *(a) For the first offense within 2 years, the court shall order the driver*
7 *to attend, at his own expense, a course of traffic safety approved by the*
8 *department and may issue an order suspending the driver's license of the*
9 *driver for a period of not more than 30 days.*

10 *(b) For a second or subsequent offense within 2 years, the court shall*
11 *issue an order revoking the driver's license of the driver for a period of 1*
12 *year.*

13 *4. To determine whether the provisions of paragraph (a) or (b) of*
14 *subsection 3 apply to one or more offenses of aggressive driving, the*
15 *court shall use the date on which each offense of aggressive driving was*
16 *committed.*

17 *5. If the driver is already the subject of any other order suspending*
18 *or revoking his driver's license, the court shall order the additional*
19 *period of suspension or revocation, as appropriate, to apply consecutively*
20 *with the previous order.*

21 *6. If the court issues an order suspending or revoking the driver's*
22 *license of the driver pursuant to this section, the court shall require the*
23 *driver to surrender to the court all driver's licenses then held by the*
24 *driver. The court shall, within 5 days after issuing the order, forward the*
25 *driver's licenses and a copy of the order to the department.*

26 *7. If the driver successfully completes a course of traffic safety*
27 *ordered pursuant to this section, the department shall cancel three*
28 *demerit points from his driving record in accordance with NRS 483.475,*
29 *unless the driver would not otherwise be entitled to have those demerits*
30 *points canceled pursuant to the provisions of that section.*

31 *8. This section does not preclude the suspension or revocation of the*
32 *driver's license of the driver pursuant to any other provision of law.*

33 **Sec. 3.** The amendatory provisions of this act do not apply to offenses
34 committed before the effective date of this act.

35 **Sec. 4.** This act becomes effective upon passage and approval.