

SENATE BILL NO. 390—COMMITTEE ON TRANSPORTATION

MARCH 12, 1999

Referred to Committee on Transportation

SUMMARY—Makes various changes to provisions governing speed limits for motor vehicles.
(BDR 43-1174)

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

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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 motor vehicles; prohibiting a state or local law enforcement agency of this state from using a quota for citations or arrests or basing certain decisions on numbers of citations or arrests; repealing the maximum speed limit of 75 miles per hour on highways in this state; making a posted speed limit a prima facie speed limit that a person may rebut in certain circumstances; establishing a fine of \$25 if a person driving a motor vehicle is traveling no more than 9 miles per hour over the speed limit in certain circumstances; prohibiting the use of speed traps in certain circumstances; prohibiting a person driving a motor vehicle from entering an intersection in certain circumstances; requiring the department of transportation to conduct an engineering and traffic study of the highways of this state; 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.** Chapter 484 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 *In enforcing the provisions of this chapter or regulations adopted*
4 *pursuant thereto, a state or local law enforcement agency in this state*
5 *shall not:*
6 1. *Establish or carry out a policy that requires or encourages, either*
7 *directly or indirectly, a police officer employed by the law enforcement*
8 *agency to meet a quota for issuing citations or making arrests.*
9 2. *Consider the number of citations issued or arrests made by police*
10 *officers employed by the law enforcement agency when determining the*
11 *needs of the agency with respect to equipment, funding or staffing.*

1 **Sec. 2.** NRS 484.361 is hereby amended to read as follows:

2 484.361 ~~It~~ ***Except as otherwise provided in NRS 484.369, it*** is
3 unlawful for any person to drive or operate a vehicle of any kind or
4 character at:

5 1. A rate of speed greater than is reasonable or proper, having due
6 regard for the traffic, surface and width of the highway, the weather and
7 other highway conditions.

8 2. Such a rate of speed as to endanger the life, limb or property of any
9 person.

10 3. A rate of speed greater than ~~that~~ ***the prima facie speed limit*** posted
11 by a public authority ***pursuant to NRS 484.369*** for the particular portion of
12 highway being traversed.

13 ~~[4.—In any event, a rate of speed greater than 75 miles per hour.]~~

14 **Sec. 3.** NRS 484.3685 is hereby amended to read as follows:

15 484.3685 1. Except as otherwise provided in subsection 3, a person
16 driving a motor vehicle ~~[during the hours of daylight]~~ at a speed in excess
17 of the ***prima facie*** speed limit posted by a public authority ***pursuant to***
18 ***NRS 484.369*** for the portion of highway being traversed shall be punished
19 by a fine of \$25 if ~~it~~:

20 ~~—(a) The posted speed limit is 60 miles per hour and~~ the person is not
21 exceeding ~~[a speed of 70 miles per hour.~~

22 ~~—(b) The posted speed limit is 65 miles per hour and the person is not~~
23 ~~exceeding a speed of 75 miles per hour.~~

24 ~~—(c) The posted speed limit is 70 miles per hour and the person is not~~
25 ~~exceeding a speed of 75]~~ ***the speed limit by more than 9*** miles per hour.

26 2. A violation of the speed limit under any of the circumstances set
27 forth in subsection 1 must not be recorded by the department on a driver's
28 record and shall not be deemed a moving traffic violation.

29 3. The provisions of this section do not apply to a violation specified in
30 subsection 1 that occurs ~~[in a county whose population is 100,000 or more.]~~
31 ***on a highway which is:***

32 ***(a) Immediately adjacent to a public park; or***

33 ***(b) Located within:***

34 ***(1) A business district;***

35 ***(2) A residence district, unless the highway is a freeway, United***
36 ***States highway or other primary arterial highway;***

37 ***(3) An area in which the governing body of a local government***
38 ***requires a motor vehicle to be operated at a reduced speed in the vicinity***
39 ***of a hospital or other medical facility; or***

40 ***(4) An area that the governing body of a local government or the***
41 ***department of transportation has designated as a school zone or school***
42 ***crossing zone pursuant to NRS 484.366.***

1 **Sec. 4.** NRS 484.369 is hereby amended to read as follows:

2 484.369 1. The *governing body of a local government or the*
3 department of transportation may prescribe speed zones, and install
4 appropriate speed signs controlling vehicular traffic ~~{on the state highway~~
5 ~~system as established in chapter 408 of NRS through hazardous areas,}~~
6 after *conducting* necessary studies ~~{have been made}~~ to determine the need
7 therefor ~~{}~~ *pursuant to NRS 484.781*, and to eliminate speed zones and
8 remove the signs therefrom whenever the need therefor ceases to exist.

9 ~~{2. — After}~~ *The speed limit for such a zone must be determined and*
10 *posted by:*

11 (a) *The department of transportation, on a highway which is*
12 *constructed and maintained pursuant to chapter 408 of NRS.*

13 (b) *The governing body of the appropriate local government, on any*
14 *other highway in this state.*

15 2. *Except as otherwise provided in subsection 3, after the*
16 establishment of a speed zone and the installation of appropriate signs to
17 control speed, *the speed limit posted is the prima facie speed limit and* it
18 is unlawful for any person to drive a motor vehicle upon the road and in the
19 speed zone in excess of the speed therein authorized.

20 3. *Except as otherwise provided in subsection 6, a person does not*
21 *violate the provisions of subsection 2 if the person establishes by*
22 *competent evidence that he was not driving at:*

23 (a) *A rate of speed greater than is reasonable or proper, having due*
24 *regard for the traffic, surface and width of the highway, the weather and*
25 *other highway conditions; or*

26 (b) *Such a rate of speed as to endanger the life, limb or property of a*
27 *person.*

28 4. *A police officer who issues a citation for a violation of this section*
29 *shall indicate on the citation the posted speed limit, the maximum speed*
30 *that was safe under the conditions and the speed of the violator. Except*
31 *as otherwise provided in NRS 484.3685, the penalty imposed for the*
32 *violation must be based on the speed in excess of the maximum speed*
33 *determined by the officer to be safe under the conditions.*

34 5. *Except as otherwise provided in subsection 6, a police officer shall*
35 *not use a speed trap to arrest or assist in arresting a person who violates*
36 *this section or use a speed trap to determine the speed of a vehicle, and*
37 *any evidence obtained through the use of a speed trap is not admissible*
38 *in any judicial or administrative proceeding.*

39 6. *The provisions of subsections 3 and 5 do not apply with respect to:*

40 (a) *An area that the governing body of a local government or the*
41 *department of transportation has designated as a school zone or school*
42 *crossing* *zone* *pursuant* *to* NRS

484.366.

1 ***(b) A highway that is located within a residence district, unless the***
2 ***highway is a freeway, United States highway or other primary arterial***
3 ***highway.***

4 ***7. For the purposes of this section, a police officer uses a speed trap***
5 ***under any of the following circumstances:***

6 ***(a) The speed zone does not comply with the requirements of this***
7 ***section.***

8 ***(b) A section of a highway is measured and marked for determining***
9 ***the speed of a vehicle based on the time it takes the vehicle to travel***
10 ***through that section of the highway.***

11 ***(c) A section of a highway has a posted speed limit which is not***
12 ***justified by an engineering and traffic study conducted within the***
13 ***previous 5 years for the manual and specifications adopted by the***
14 ***department of transportation pursuant to NRS 484.781 and an electronic***
15 ***device is used to measure the speed of a vehicle.***

16 ***(d) A section of a highway has been altered or changed substantially***
17 ***since the last study was conducted pursuant to NRS 484.781, making the***
18 ***study inaccurate.***

19 ***(e) An electronic device is used to measure the speed of a vehicle on a***
20 ***section of highway which has a speed limit less than the 67th percentile***
21 ***speed for that section of the highway when traffic is flowing freely,***
22 ***rounded to the closest 5-miles-per-hour increment.***

23 ***(f) An electronic device is used to measure the speed of a vehicle on a***
24 ***section of highway which has a speed limit less than the 85th percentile***
25 ***speed for that section of the highway when traffic is flowing freely,***
26 ***rounded to the closest 5-miles-per-hour increment, unless documented***
27 ***factors other than those considered in the engineering and traffic study***
28 ***justify reducing the speed limit for that section of highway to a level***
29 ***between the 85th and 67th percentile speed for that section of highway***
30 ***when traffic is flowing freely, rounded to the closest 5-miles-per-hour***
31 ***increment.***

32 ***(g) The vehicle of a police officer is not marked in such a manner as***
33 ***to be readily identifiable or the police officer is not dressed in uniform.***

34 **Sec. 5.** NRS 484.373 is hereby amended to read as follows:

35 484.373 1. If any driver drives a motor vehicle at a speed so slow as
36 to impede the forward movement of traffic proceeding immediately behind
37 him, the driver shall:

38 (a) If the highway has one lane for traveling in each direction and the
39 width of the paved portion permits, drive to the extreme right side of the
40 highway;

41 (b) If the highway has two or more clearly marked lanes for traffic
42 traveling in his direction, drive in the extreme right-hand lane except when
43 necessary to pass other slowly moving vehicles; or

1 (c) If the highway is a controlled-access highway, use alternate routes
2 whenever possible.

3 2. A person shall not bring a vehicle to a complete stop upon a
4 roadway so as to impede or block the normal and reasonable movement of
5 traffic unless the stop is necessary for safe operation or in compliance with
6 law.

7 **3. Except as otherwise provided in NRS 484.261, a person shall not**
8 **drive a vehicle into an intersection controlled by an official traffic-**
9 **control device exhibiting different colored lights if conditions within the**
10 **intersection, including, without limitation, the presence of other vehicles,**
11 **are such that the person cannot move through the intersection completely**
12 **before the official traffic-control device exhibits a red light, unless:**

13 **(a) The person is making a left-hand turn in accordance with**
14 **subsection 2 of NRS 484.283; or**

15 **(b) A police officer directs the person to do so.**

16 **Sec. 6.** NRS 484.779 is hereby amended to read as follows:

17 484.779 1. Except as otherwise provided in subsection 3, a local
18 authority may adopt, by ordinance, regulations with respect to highways
19 under its jurisdiction within the reasonable exercise of the police power:

20 (a) Regulating or prohibiting processions or assemblages on the
21 highways.

22 (b) Designating particular highways as one-way highways and requiring
23 that all vehicles thereon be moved in one specific direction.

24 (c) Designating any highway as a through highway, requiring that all
25 vehicles stop before entering or crossing the highway, or designating any
26 intersection as a stop or a yield intersection and requiring all vehicles to
27 stop or yield at one or more entrances to the intersection.

28 (d) Designating truck and bicycle routes.

29 (e) Adopting such other traffic regulations related to specific highways
30 as are expressly authorized by this chapter.

31 2. An ordinance relating to traffic control enacted under this section is
32 not effective until official devices for traffic control ~~{giving}~~ **that:**

33 **(a) Conform to the manual and specifications adopted pursuant to**
34 **NRS 484.781; and**

35 **(b) Give** notice of those local traffic regulations ,
36 are posted upon or at the entrances to the highway or part thereof affected
37 as is most appropriate.

38 3. An ordinance enacted under this section is not effective with respect
39 to:

40 (a) Highways constructed and maintained by the department of
41 transportation under the authority granted by chapter 408 of NRS; or

(b) Alternative routes for the transport of radioactive, chemical or other hazardous materials which are governed by regulations of the United States Department of Transportation, until the ordinance has been approved by the board of directors of the department of transportation.

4. As used in this section, "hazardous material" has the meaning ascribed to it in NRS 459.7024.

Sec. 7. NRS 484.781 is hereby amended to read as follows:

484.781 1. The department of transportation shall adopt a manual and specifications for a uniform system of official traffic-control devices consistent with the provisions of this chapter for use upon highways within this state. The uniform system must correlate with and so far as possible conform to the system then current and approved by the American Association of State Highway Officials and the National Joint Committee on Uniform Traffic Control Devices.

2. *The department of transportation shall conduct an engineering and traffic study of the highways of this state to determine the reasonable speed limit for each section of a highway. The department shall update the study at least every 5 years and each time a section of a highway is substantially altered or changed. The study must be printed in the manual adopted pursuant to subsection 1.*

3. All devices used by local authorities or the department of transportation must conform with the manual and specifications adopted by the department.

Sec. 8. NRS 484.367 and 484.368 are hereby repealed.

TEXT OF REPEALED SECTIONS

484.367 Speed limit in unincorporated town.

1. Except as provided in subsection 2 and pursuant to the power granted in NRS 269.185, the town board or board of county commissioners may, by ordinance, limit the speed of motor vehicles in any unincorporated town in the county as may be deemed proper.

2. The department of transportation may establish the speed limits for motor vehicles on highways within the boundaries of any unincorporated town which are constructed and maintained under the authority granted by chapter 408 of NRS.

484.368 Speed limit: Establishment for vehicles on highways constructed and maintained by department of transportation.

1. The department of transportation may establish the speed limits for motor vehicles on highways which are constructed and maintained by the department of transportation under the authority granted to it by chapter 408 of NRS.
2. Except as otherwise provided by federal law, the department of transportation may establish a speed limit on such highways not to exceed 75 miles per hour and may establish a lower speed limit:
 - (a) Where necessary to protect public health and safety.
 - (b) For trucks, overweight and oversized vehicles, trailers drawn by motor vehicles and buses.

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