

SENATE BILL NO. 214—SENATOR CARE

FEBRUARY 20, 2001

Referred to Committee on Judiciary

SUMMARY—Creates rebuttable presumption of negligence when driver of motor vehicle or pedestrian uses mobile telephone at time of motor vehicle accident. (BDR 3-635)

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

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

AN ACT relating to civil liability; creating a rebuttable presumption of negligence when the driver of a motor vehicle or a pedestrian uses a mobile telephone at the time of a motor vehicle accident; 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 41 of NRS is hereby amended by adding thereto a  
2     new section to read as follows:  
3     1. *In an action to recover damages for personal injury, death or*  
4     *injury to real or personal property as the result of a motor vehicle*  
5     *accident, a rebuttable presumption is created that the personal injury,*  
6     *death or injury to real or personal property was caused by the negligence*  
7     *of the driver of a motor vehicle if it is established by a preponderance of*  
8     *the evidence that the driver was using a mobile telephone at the time of*  
9     *the motor vehicle accident.*  
10    2. *In an action to recover damages for personal injury, death or*  
11    *injury to real or personal property as the result of a motor vehicle*  
12    *accident, a rebuttable presumption is created that the personal injury,*  
13    *death or injury to real or personal property was caused by the negligence*  
14    *of a pedestrian if it is established by a preponderance of the evidence that*  
15    *the pedestrian was using a mobile telephone at the time of the motor*  
16    *vehicle accident.*  
17    3. *As used in this section:*  
18    (a) *“Driver” has the meaning ascribed to it in NRS 484.053.*  
19    (b) *“Mobile telephone” includes a cellular telephone, wireless*  
20    *telephone or other similar telephone that is portable and handheld. The*  
21    *term does not include a hands-free telephone, citizens’ band radio or*  
22    *two-way radio.*



- 1     (c) *“Motor vehicle” has the meaning ascribed to it in NRS 484.081.*
- 2     (d) *“Pedestrian” has the meaning ascribed to it in NRS 484.111.*
- 3     (e) *“Using a mobile telephone” means speaking into, listening to,*
- 4     *dialing, programming or otherwise operating a mobile telephone.*
- 5     **Sec. 2.** The amendatory provisions of this act apply to a motor vehicle
- 6     accident that occurs on or after October 1, 2001.

