

DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or library@lcb.state.nv.us.

MOCK-UP

PROPOSED AMENDMENT TO
ASSEMBLY BILL NO. 444
FIRST REPRINT

PREPARED FOR SENATE COMMITTEE ON TRANSPORTATION
MAY 1, 2003

PREPARED BY THE RESEARCH DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN
CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE
OFFICIAL AMENDMENT MAY DIFFER.

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~green bold double strikethrough~~ is language proposed to be deleted in this amendment and (5) *green bold dashed underlining* is deleted language in the original bill that is proposed to be retained in this amendment.

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
2 a new section to read as follows:

3 *An authorized vehicle used by the Department of Transportation for*
4 *the construction, maintenance or repair of highways may be equipped*
5 *with tail lamps that emit nonflashing blue light which may be used:*

6 1. *For vehicles that perform construction, maintenance or repair of*
7 *highways, including, without limitation, vehicles used for the removal of*
8 *snow, when the vehicle is engaged in such construction, maintenance or*
9 *repair; and*

10 2. *For all other authorized vehicles of the Department of*
11 *Transportation used in the construction, maintenance or repair of*
12 *highways:*

13 (a) *In an area designated as a temporary traffic control zone in*
14 *which construction, maintenance or repair of a highway is conducted;*
15 *and*

16 (b) *At a time when the workers who are performing the construction,*
17 *maintenance or repair of the highway are present.*

18 Sec. 1.5 NRS 484.254 is hereby amended to read as follows:

Proposed by
Senator Terry
Care

1 484.254 1. It is unlawful for a driver of a vehicle to fail or refuse to
2 comply with any signal of an authorized flagman serving in a traffic
3 control capacity in a clearly marked area of highway construction or
4 maintenance.

5 2. ~~A district attorney shall prosecute all violations of subsection 1~~
6 ~~which occur in his jurisdiction.~~ In addition to any other penalty, if a
7 driver violates the provisions of this section and the violation results in
8 injury to any person performing highway construction or maintenance,
9 or in damage to property in an amount of not less than \$1,000, the driver
10 shall be punished by a fine of not less than \$1,000 or more than \$2,000,
11 and ordered to perform 120 hours of community service.

12 3. A person who violates any provision of subsection 1 may be
13 subject to the additional penalty set forth in NRS 484.3667.

14 4. As used in this section, "authorized flagman serving in a traffic
15 control capacity" means {an}:

16 (a) An employee of the Department of Transportation or of a
17 contractor performing highway construction or maintenance for the
18 Department of Transportation while he is carrying out the duties of his
19 employment {;} ;

20 (b) An employee of any other governmental entity or of a contractor
21 performing highway construction or maintenance for the governmental
22 entity while he is carrying out the duties of his employment; or

23 (c) Any other person employed by a private entity performing
24 highway construction or maintenance while he is carrying out the duties
25 of his employment if the person has satisfactorily completed training as a
26 flagman approved or recognized by the Department of Transportation.

27 Sec. 2. NRS 484.278 is hereby amended to read as follows:

28 484.278 1. It is unlawful for any driver to disobey the instructions
29 of any official traffic-control device placed in accordance with the
30 provisions of this chapter, unless at the time otherwise directed by a police
31 officer.

32 2. No provision of this chapter for which such devices are required
33 {shall} may be enforced against an alleged violator if at the time and place
34 of the alleged violation {such} the device is not in proper position and
35 sufficiently legible to be seen by an ordinarily observant person. Whenever
36 a particular provision of this chapter does not state that such devices are
37 required, {such provision shall be} the provision is effective even though
38 no devices are erected or in place.

39 3. Whenever devices are placed in position approximately
40 conforming to the requirements of this chapter, such devices {shall be} are
41 presumed to have been so placed by the official act or direction of a public
42 authority, unless the contrary is established by competent evidence.

43 4. Any device placed pursuant to the provisions of this chapter and
44 purporting to conform to the lawful requirements pertaining to such

1 devices ~~{shall be}~~ is presumed to comply with the requirements of this
2 chapter unless the contrary is established by competent evidence.

3 5. *A person who violates any provision of subsection 1 may be*
4 *subject to the additional penalty set forth in NRS 484.3667.*

5 Sec. 3. NRS 484.289 is hereby amended to read as follows:

6 484.289 1. A person shall not, without lawful authority, attempt to
7 or alter, deface, injure, knock down or remove any official traffic-control
8 device or any railroad sign or signal or any inscription, shield or insigne
9 thereon, or any other part thereof.

10 2. *A person who violates any provision of this section may be*
11 *subject to the additional penalty set forth in NRS 484.3667.*

12 Sec. 4. NRS 484.291 is hereby amended to read as follows:

13 484.291 1. Upon all highways of sufficient width a vehicle ~~{shall}~~
14 *must* be driven upon the right half of the highway, except as follows:

15 ~~{1-}~~ (a) When overtaking and passing another vehicle proceeding in
16 the same direction under the laws governing such movements;

17 ~~{2-}~~ (b) When the right half of the highway is closed to traffic;

18 ~~{3-}~~ (c) Upon a highway divided into three lanes for traffic under the
19 laws applicable thereon;

20 ~~{4-}~~ (d) Upon a highway designated and posted for one-way traffic; or

21 ~~{5-}~~ (e) When the highway is not of sufficient width.

22 2. *A person who violates any provision of this section may be*
23 *subject to the additional penalty set forth in NRS 484.3667.*

24 Sec. 5. NRS 484.293 is hereby amended to read as follows:

25 484.293 1. Drivers of vehicles proceeding in opposite directions
26 shall pass each other keeping to the right, and upon highways having width
27 for not more than one line of traffic in each direction, each driver shall
28 give to the other at least one-half of the paved portion of the highway as
29 nearly as possible.

30 2. *A person who violates any provision of this section may be*
31 *subject to the additional penalty set forth in NRS 484.3667.*

32 Sec. 6. NRS 484.295 is hereby amended to read as follows:

33 484.295 1. The driver of a vehicle overtaking another vehicle
34 proceeding in the same direction shall pass to the left thereof at a safe
35 distance and shall not again drive to the right side of the highway until
36 safely clear of the overtaken vehicle.

37 2. Except when overtaking and passing on the right is permitted, the
38 driver of an overtaken vehicle shall give way to the right in favor of the
39 overtaking vehicle upon observing the overtaking vehicle or hearing a
40 signal. The driver of an overtaken vehicle shall not increase the speed of
41 his vehicle until completely passed by the overtaking vehicle.

42 3. *A person who violates any provision of this section may be*
43 *subject to the additional penalty set forth in NRS 484.3667.*

44 Sec. 7. NRS 484.297 is hereby amended to read as follows:

1 484.297 1. The driver of a vehicle may overtake and pass upon the
2 right of another vehicle only under the following conditions:

3 (a) When the driver of the vehicle overtaken is making or signaling to
4 make a left turn.

5 (b) Upon a highway with unobstructed pavement, not occupied by
6 parked vehicles, of sufficient width for two or more lines of moving
7 vehicles in each direction.

8 (c) Upon any highway on which traffic is restricted to one direction of
9 movement, where the highway is free from obstructions and of sufficient
10 width for two or more lines of moving vehicles.

11 2. The driver of a vehicle may overtake and pass another vehicle upon
12 the right only under conditions permitting such movement in safety.

13 3. The driver of a vehicle shall not overtake and pass another vehicle
14 upon the right when such movement requires driving off the paved portion
15 of the highway.

16 4. *A person who violates any provision of this section may be*
17 *subject to the additional penalty set forth in NRS 484.3667.*

18 Sec. 8. NRS 484.299 is hereby amended to read as follows:

19 484.299 1. A vehicle ~~{shall}~~ *must* not be driven to the left side of
20 the center of a two-lane, two-directional highway and overtaking and
21 passing another vehicle proceeding in the same direction, unless such left
22 side is clearly visible and is free of oncoming traffic for a sufficient
23 distance ahead to permit such overtaking and passing to be completely
24 made without interfering with the safe operation of any vehicle
25 approaching from the opposite direction or any vehicle overtaken.

26 2. A vehicle ~~{shall}~~ *must* not be driven to the left side of the highway
27 at any time:

28 (a) When approaching the crest of a grade or upon a curve in the
29 highway where the driver's view is obstructed within such distance as to
30 create a hazard in the event another vehicle might approach from the
31 opposite direction.

32 (b) When approaching within 100 feet or traversing any intersection or
33 railroad grade crossing.

34 (c) When the view is obstructed upon approaching within 100 feet of
35 any bridge, viaduct or tunnel.

36 3. Subsection 2 does not apply upon a one-way highway.

37 4. *A person who violates any provision of this section may be*
38 *subject to the additional penalty set forth in NRS 484.3667.*

39 Sec. 9. NRS 484.301 is hereby amended to read as follows:

40 484.301 1. The Department of Transportation with respect to
41 highways constructed under the authority of chapter 408 of NRS, and local
42 authorities with respect to highways under their jurisdiction, may
43 determine those zones of highways where overtaking and passing to the
44 left or making a left-hand turn would be hazardous, and may by the
45 erection of official traffic-control devices indicate such zones. When such

1 devices are in place and clearly visible to an ordinarily observant person ,
2 every driver of a vehicle shall obey the directions thereof.

3 2. Except as *otherwise* provided in subsections 3 and 4, a driver shall
4 not drive on the left side of the highway within such zone or drive across
5 or on the left side of any pavement striping designed to mark such zone
6 throughout its length.

7 3. A driver may drive across a pavement striping marking such zone
8 to an adjoining highway if he has first given the appropriate turn signal and
9 there will be no impediment to oncoming or following traffic.

10 4. Except where otherwise provided, a driver may drive across a
11 pavement striping marking such a zone to make a left-hand turn if he has
12 first given the appropriate turn signal in compliance with NRS 484.343, if
13 it is safe and if it would not be an impediment to oncoming or following
14 traffic.

15 5. *A person who violates any provision of this section may be*
16 *subject to the additional penalty set forth in NRS 484.3667.*

17 Sec. 10. NRS 484.305 is hereby amended to read as follows:

18 484.305 1. If a highway has two or more clearly marked lanes for
19 traffic traveling in one direction, vehicles must:

20 (a) Be driven as nearly as practicable entirely within a single lane; and

21 (b) Not be moved from that lane until the driver has given the
22 appropriate turn signal and ascertained that such movement can be made
23 with safety.

24 2. Upon a highway which has been divided into three clearly marked
25 lanes a vehicle must not be driven in the extreme left lane at any time. A
26 vehicle on such a highway must not be driven in the center lane except:

27 (a) When overtaking and passing another vehicle where the highway is
28 clearly visible and the center lane is clear of traffic for a safe distance;

29 (b) In preparation for a left turn; or

30 (c) When the center lane is allocated exclusively to traffic moving in
31 the direction in which the vehicle is proceeding and a sign is posted to give
32 notice of such allocation.

33 3. If a highway has been designed to provide a single center lane to be
34 used only for turning by traffic moving in both directions, the following
35 rules apply:

36 (a) A vehicle may be driven in the center turn lane only for the purpose
37 of making a left-hand turn.

38 (b) A vehicle must not travel more than 200 feet in a center turn lane
39 before making a left-hand turn.

40 4. If a highway has been designed to provide a single right lane to be
41 used only for turning, a vehicle must:

42 (a) Be driven in the right turn lane only for the purpose of making a
43 right turn; and

44 (b) While being driven in the right turn lane, not travel through an
45 intersection.

1 5. *A person who violates any provision of this section may be*
2 *subject to the additional penalty set forth in NRS 484.3667.*

3 Sec. 11. NRS 484.309 is hereby amended to read as follows:

4 484.309 1. Every vehicle driven upon a divided highway ~~{shall}~~
5 *must* be driven only upon the right-hand roadway and ~~{shall}~~ *must* not be
6 driven over, across or within any dividing space, barrier or section ~~{nor}~~ *or*
7 make any left turn, semicircular turn or U-turn, except through an opening
8 in the barrier or dividing section or space or at a crossover or intersection
9 established by a public authority.

10 2. *A person who violates any provision of this section may be*
11 *subject to the additional penalty set forth in NRS 484.3667.*

12 Sec. 12. NRS 484.311 is hereby amended to read as follows:

13 484.311 1. When official traffic-control devices are erected giving
14 notice thereof, a person shall not drive a vehicle onto or from any
15 controlled-access highway except at those entrances and exits which are
16 indicated by such devices.

17 2. *A person who violates any provision of this section may be*
18 *subject to the additional penalty set forth in NRS 484.3667.*

19 Sec. 13. NRS 484.335 is hereby amended to read as follows:

20 484.335 1. Whenever official traffic-control devices are erected
21 indicating that no right or left turn is permitted, it is unlawful for any
22 driver of a vehicle to disobey the directions of any such ~~{sign-}~~ *devices*.

23 2. *A person who violates any provision of this section may be*
24 *subject to the additional penalty set forth in NRS 484.3667.*

25 Sec. 14. NRS 484.337 is hereby amended to read as follows:

26 484.337 1. A U-turn may be made on any road where the turn can
27 be made with safety, except as prohibited by this section and by the
28 provisions of NRS 484.309 and 484.339.

29 2. If an official traffic-control device indicates that a U-turn is
30 prohibited, the driver shall obey the directions of the device.

31 3. The driver of a vehicle shall not make a U-turn in a business
32 district, except at an intersection or on a divided highway where an
33 appropriate opening or crossing place exists.

34 4. Notwithstanding the foregoing provisions of this section, local
35 authorities and the Department of Transportation may prohibit U-turns at
36 any location within their respective jurisdictions.

37 5. *A person who violates any provision of this section may be*
38 *subject to the additional penalty set forth in NRS 484.3667.*

39 Sec. 15. NRS 484.361 is hereby amended to read as follows:

40 484.361 1. It is unlawful for any person to drive or operate a vehicle
41 of any kind or character at:

42 ~~{1-}~~ (a) A rate of speed greater than is reasonable or proper, having
43 due regard for the traffic, surface and width of the highway, the weather
44 and other highway conditions.

1 ~~{2-}~~ (b) Such a rate of speed as to endanger the life, limb or property of
2 any person.

3 ~~{3-}~~ (c) A rate of speed greater than that posted by a public authority
4 for the particular portion of highway being traversed.

5 ~~{4-}~~ (d) In any event, a rate of speed greater than 75 miles per hour.

6 2. *A person who violates any provision of this section may be*
7 *subject to the additional penalty set forth in NRS 484.3667.*

8 Sec. 16. NRS 484.363 is hereby amended to read as follows:

9 484.363 1. The fact that the speed of a vehicle is lower than the
10 prescribed limits does not relieve a driver from the duty to decrease speed
11 when approaching and crossing an intersection, when approaching and
12 going around a curve, when approaching a hill crest, when traveling upon
13 any narrow or winding highway, or when special hazards exist or may
14 exist with respect to pedestrians or other traffic, or by reason of weather or
15 other highway conditions, and speed ~~{shall}~~ *must* be decreased as may be
16 necessary to avoid colliding with any person, vehicle or other conveyance
17 on or entering a highway in compliance with legal requirements and the
18 duty of all persons to use due care.

19 2. *Any person who fails to use due care as required by subsection 1*
20 *may be subject to the additional penalty set forth in NRS 484.3667.*

21 Sec. 17. NRS 484.3667 is hereby amended to read as follows:

22 484.3667 1. Except as otherwise provided in subsection 2, a person
23 who is convicted of a violation of a speed limit ~~{-}~~, *or of NRS 484.254,*
24 *484.278, 484.289, 484.291 to 484.301, inclusive, 484.305, 484.309,*
25 *484.311, 484.335, 484.337, 484.361, 484.363, 484.3765, 484.377,*
26 *484.379, 484.448, 484.453 or 484.479, that occurred:*

27 (a) In an area designated as a temporary traffic control zone in which
28 construction, maintenance or repair of a highway is conducted; and

29 (b) At a time when the workers who are performing the construction,
30 maintenance or repair of the highway are present, *or when the effects of*
31 *the act may be aggravated because of the condition of the highway*
32 *caused by construction, maintenance or repair, including, without*
33 *limitation, reduction in lane width, reduction in the number of lanes,*
34 *shifting of lanes from the designated alignment and uneven or temporary*
35 *surfaces, including, without limitation, modifications to road beds,*
36 *cement-treated bases, chip seals and other similar conditions,*

37 shall be punished by imprisonment or by a fine, or both, for a term or an
38 amount equal to and in addition to the term of imprisonment or amount of
39 the fine, or both, that the court imposes for the primary offense. Any term
40 of imprisonment imposed pursuant to this subsection runs consecutively
41 with the sentence prescribed by the court for the crime. This subsection
42 does not create a separate offense, but provides an additional penalty for
43 the primary offense, whose imposition is contingent upon the finding of
44 the prescribed fact.

1 2. The ~~{penalty imposed for the primary offense and the}~~ additional
2 penalty imposed pursuant to subsection 1 must not exceed a total of
3 \$1,000, 6 months of imprisonment or 120 hours of community service.

4 3. A governmental entity that designates an area as a temporary traffic
5 control zone in which construction, maintenance or repair of a highway is
6 conducted, or the person with whom the governmental entity contracts to
7 provide such service shall cause to be erected:

8 (a) A sign located before the beginning of such an area which states
9 that a double penalty ~~{will}~~ *may* be imposed ~~{upon a person who is}~~
10 ~~convicted of violating the speed limit within the temporary traffic control~~
11 ~~zone}~~ *pursuant to this section;*

12 (b) A sign to mark the beginning of the temporary traffic control zone;
13 and

14 (c) A sign to mark the end of the temporary traffic control zone.

15 4. *A person who otherwise would be subject to an additional penalty*
16 *pursuant to this section is not relieved of any criminal liability because*
17 *signs are not erected as required by subsection 3 if the violation results*
18 *in injury to any person performing highway construction or*
19 *maintenance in the temporary traffic control zone or in damage to*
20 *property in an amount equal to \$1,000 or more.*

21 Sec. 18. NRS 484.367 is hereby amended to read as follows:

22 484.367 1. Except as *otherwise* provided in subsection 2 and
23 pursuant to the power granted in NRS 269.185, the town board or board of
24 county commissioners may, by ordinance, limit the speed of motor
25 vehicles in any unincorporated town in the county as may be deemed
26 proper.

27 2. The Department of Transportation may establish the speed limits
28 for motor vehicles on highways within the boundaries of any
29 unincorporated town which are constructed and maintained under the
30 authority granted by chapter 408 of NRS.

31 3. *A person who violates any speed limit established pursuant to this*
32 *section may be subject to the additional penalty set forth in NRS*
33 *484.3667.*

34 Sec. 19. NRS 484.368 is hereby amended to read as follows:

35 484.368 1. The Department of Transportation may establish the
36 speed limits for motor vehicles on highways which are constructed and
37 maintained by the Department of Transportation under the authority
38 granted to it by chapter 408 of NRS.

39 2. Except as otherwise provided by federal law, the Department of
40 Transportation may establish a speed limit on such highways not to exceed
41 75 miles per hour and may establish a lower speed limit:

42 (a) Where necessary to protect public health and safety.

43 (b) For trucks, overweight and oversized vehicles, trailers drawn by
44 motor vehicles and buses.

1 3. A person who violates any speed limit established pursuant to this
2 section may be subject to the additional penalty set forth in NRS
3 484.3667.

4 Sec. 20. NRS 484.3765 is hereby amended to read as follows:

5 484.3765 1. A driver commits an offense of aggressive driving if,
6 during any single, continuous period of driving within the course of 1 mile,
7 the driver does all the following, in any sequence:

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

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

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

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

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

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

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

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

26 2. A driver may be prosecuted and convicted of an offense of
27 aggressive driving in violation of subsection 1 whether or not the driver is
28 prosecuted or convicted for committing any of the acts described in
29 paragraphs (a) and (b) of subsection 1.

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

33 (a) For the first offense within 2 years, the court shall order the driver
34 to attend, at his own expense, a course of traffic safety approved by the
35 Department and may issue an order suspending the driver's license of the
36 driver for a period of not more than 30 days.

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

40 4. To determine whether the provisions of paragraph (a) or (b) of
41 subsection 3 apply to one or more offenses of aggressive driving, the court
42 shall use the date on which each offense of aggressive driving was
43 committed.

44 5. If the driver is already the subject of any other order suspending or
45 revoking his driver's license, the court shall order the additional period of

1 suspension or revocation, as appropriate, to apply consecutively with the
2 previous order.

3 6. If the court issues an order suspending or revoking the driver's
4 license of the driver pursuant to this section, the court shall require the
5 driver to surrender to the court all driver's licenses then held by the driver.
6 The court shall, within 5 days after issuing the order, forward the driver's
7 licenses and a copy of the order to the Department.

8 7. If the driver successfully completes a course of traffic safety
9 ordered pursuant to this section, the Department shall cancel three demerit
10 points from his driving record in accordance with NRS 483.475, unless the
11 driver would not otherwise be entitled to have those demerit points
12 cancelled pursuant to the provisions of that section.

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

15 9. *A person who violates any provision of subsection 1 may be*
16 *subject to the additional penalty set forth in NRS 484.3667.*

17 Sec. 21. NRS 484.377 is hereby amended to read as follows:

18 484.377 1. It is unlawful for a person to:

19 (a) Drive a vehicle in willful or wanton disregard of the safety of
20 persons or property.

21 (b) Drive a vehicle in an unauthorized speed contest on a public
22 highway.

23 A violation of this subsection or subsection 1 of NRS 484.348 constitutes
24 reckless driving.

25 2. A person who does any act or neglects any duty imposed by law
26 while driving or in actual physical control of any vehicle in willful or
27 wanton disregard of the safety of persons or property, if the act or neglect
28 of duty proximately causes the death of or substantial bodily harm to a
29 person other than himself, is guilty of a category B felony and shall be
30 punished by imprisonment in the state prison for a minimum term of not
31 less than 1 year and a maximum term of not more than 6 years, or by a fine
32 of not more than \$5,000, or by both fine and imprisonment.

33 3. *A person who violates any provision of this section may be*
34 *subject to the additional penalty set forth in NRS 484.3667.*

35 Sec. 22. NRS 484.379 is hereby amended to read as follows:

36 484.379 1. It is unlawful for any person who:

37 (a) Is under the influence of intoxicating liquor;

38 (b) Has a concentration of alcohol of 0.10 or more in his blood or
39 breath; or

40 (c) Is found by measurement within 2 hours after driving or being in
41 actual physical control of a vehicle to have a concentration of alcohol of
42 0.10 or more in his blood or breath,

43 to drive or be in actual physical control of a vehicle on a highway or on
44 premises to which the public has access.

45 2. It is unlawful for any person who:

- 1 (a) Is under the influence of a controlled substance;
2 (b) Is under the combined influence of intoxicating liquor and a
3 controlled substance; or
4 (c) Inhales, ingests, applies or otherwise uses any chemical, poison or
5 organic solvent, or any compound or combination of any of these, to a
6 degree which renders him incapable of safely driving or exercising actual
7 physical control of a vehicle,
8 to drive or be in actual physical control of a vehicle on a highway or on
9 premises to which the public has access. The fact that any person charged
10 with a violation of this subsection is or has been entitled to use that drug
11 under the laws of this state is not a defense against any charge of violating
12 this subsection.

13 3. It is unlawful for any person to drive or be in actual physical
14 control of a vehicle on a highway or on premises to which the public has
15 access with an amount of a prohibited substance in his blood or urine that
16 is equal to or greater than:

17 Prohibited substance	18 Urine 19 Nanograms 20 per milliliter	21 Blood 22 Nanograms 23 per milliliter
24 (a) Amphetamine	500	100
25 (b) Cocaine	150	50
26 (c) Cocaine metabolite	150	50
27 (d) Heroin	2,000	50
28 (e) Heroin metabolite:		
29 (1) Morphine	2,000	50
30 (2) 6-monoacetyl morphine	10	10
31 (f) Lysergic acid diethylamide	25	10
32 (g) Marijuana	10	2
33 (h) Marijuana metabolite	15	5
34 (i) Methamphetamine	500	100
35 (j) Phencyclidine	25	10

36 4. If consumption is proven by a preponderance of the evidence, it is
37 an affirmative defense under paragraph (c) of subsection 1 that the
38 defendant consumed a sufficient quantity of alcohol after driving or being
39 in actual physical control of the vehicle, and before his blood or breath was
40 tested, to cause him to have a concentration of alcohol of 0.10 or more in
41 his blood or breath. A defendant who intends to offer this defense at a trial
42 or preliminary hearing must, not less than 14 days before the trial or
43 hearing or at such other time as the court may direct, file and serve on the
44 prosecuting attorney a written notice of that intent.

45 5. *A person who violates any provision of this section may be
subject to the additional penalty set forth in NRS 484.3667.*
Sec. 23. NRS 484.448 is hereby amended to read as follows:

1 484.448 1. It is unlawful for a person to drink an alcoholic beverage
2 while he is driving or in actual physical control of a motor vehicle upon a
3 highway.

4 2. Except as otherwise provided in this subsection, it is unlawful for a
5 person to have an open container of an alcoholic beverage within the
6 passenger area of a motor vehicle while the motor vehicle is upon a
7 highway. This subsection does not apply to a motor vehicle which is
8 designed, maintained or used primarily for the transportation of persons for
9 compensation, or to the living quarters of a house coach or house trailer.

10 3. *A person who violates any provision of this section may be*
11 *subject to the additional penalty set forth in NRS 484.3667.*

12 4. As used in this section:

13 (a) "Alcoholic beverage" has the meaning ascribed to it in
14 NRS 202.015.

15 (b) "Open container" means a container which has been opened or the
16 seal of which has been broken.

17 (c) "Passenger area" means that area of a vehicle which is designed for
18 the seating of the driver or a passenger.

19 Sec. 24. NRS 484.453 is hereby amended to read as follows:

20 484.453 1. A person shall not drive a vehicle when it is so loaded,
21 or when there are in the front seat such number of persons, exceeding
22 three, as to obstruct the view of the driver to the front or sides of the
23 vehicle or as to interfere with the driver's control over the driving
24 mechanism of the vehicle.

25 2. A passenger in a vehicle shall not ride in such position as to
26 interfere with the driver's view ahead or to the sides, or to interfere with
27 his control over the driving mechanism of the vehicle.

28 3. Except as otherwise provided in NRS 484.6195, a vehicle must not
29 be operated upon any highway unless the driver's vision through any
30 required glass equipment is normal.

31 4. *A person who violates any provision of this section may be*
32 *subject to the additional penalty set forth in NRS 484.3667.*

33 Sec. 25. NRS 484.479 is hereby amended to read as follows:

34 484.479 1. It ~~shall be~~ is unlawful for any person to remove any
35 barrier or sign stating that a highway is closed to traffic.

36 2. It ~~shall be~~ is unlawful to pass over a highway that is marked,
37 signed or barricaded to indicate that it is closed to traffic. *A person who*
38 *violates any provision of this subsection may be subject to the additional*
39 *penalty set forth in NRS 484.3667.*

H