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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. (6) Matter in brown underlined are sections already in statute, but not proposed to be amended in the original bill.

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*

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

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

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

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

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

20 4. As used in this section, "authorized flagman serving in a traffic
21 control capacity" means ~~the~~ :

22 (a) An employee of the Department of Transportation or of a
23 contractor performing highway construction or maintenance for the
24 Department of Transportation while he is carrying out the duties of his
25 employment ~~is~~ ;

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

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

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

34 484.278 1. It is unlawful for any driver to disobey the instructions
35 of any official traffic-control device placed in accordance with the
36 provisions of this chapter, unless at the time otherwise directed by a police
37 officer.

38 2. No provision of this chapter for which such devices are required
39 ~~shall~~ may be enforced against an alleged violator if at the time and place
40 of the alleged violation ~~such~~ the device is not in proper position and
41 sufficiently legible to be seen by an ordinarily observant person. Whenever
42 a particular provision of this chapter does not state that such devices are
43 required, ~~such provision shall be~~ the provision is effective even though
44 no devices are erected or in place.

Proposed by Sen.
Terry Care
Intent: To provide
the district attorney
flexibility in
prosecution.

Proposed by
Skip Daly
(Laborers Union
Local 169)
Intent: To require
prosecution of
violations resulting
in injury to a
worker.

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

5 4. Any device placed pursuant to the provisions of this chapter and
6 purporting to conform to the lawful requirements pertaining to such
7 devices ~~{shall be}~~ *is* presumed to comply with the requirements of this
8 chapter unless the contrary is established by competent evidence.

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

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

12 484.289 1. A person shall not, without lawful authority, attempt to
13 or alter, deface, injure, knock down or remove any official traffic-control
14 device or any railroad sign or signal or any inscription, shield or insigne
15 thereon, or any other part thereof.

16 2. *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. 4. NRS 484.291 is hereby amended to read as follows:

19 484.291 1. Upon all highways of sufficient width a vehicle ~~{shall}~~
20 *must* be driven upon the right half of the highway, except as follows:

21 ~~{1-}~~ (a) When overtaking and passing another vehicle proceeding in
22 the same direction under the laws governing such movements;

23 ~~{2-}~~ (b) When the right half of the highway is closed to traffic;

24 ~~{3-}~~ (c) Upon a highway divided into three lanes for traffic under the
25 laws applicable thereon;

26 ~~{4-}~~ (d) Upon a highway designated and posted for one-way traffic; or

27 ~~{5-}~~ (e) When the highway is not of sufficient width.

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

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

31 484.293 1. Drivers of vehicles proceeding in opposite directions
32 shall pass each other keeping to the right, and upon highways having width
33 for not more than one line of traffic in each direction, each driver shall
34 give to the other at least one-half of the paved portion of the highway as
35 nearly as possible.

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

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

39 484.295 1. The driver of a vehicle overtaking another vehicle
40 proceeding in the same direction shall pass to the left thereof at a safe
41 distance and shall not again drive to the right side of the highway until
42 safely clear of the overtaken vehicle.

43 2. Except when overtaking and passing on the right is permitted, the
44 driver of an overtaken vehicle shall give way to the right in favor of the
45 overtaking vehicle upon observing the overtaking vehicle or hearing a

1 signal. The driver of an overtaken vehicle shall not increase the speed of
2 his vehicle until completely passed by the overtaking vehicle.

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

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

6 484.297 1. The driver of a vehicle may overtake and pass upon the
7 right of another vehicle only under the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

42 *4. 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. 9.** NRS 484.301 is hereby amended to read as follows:

1 484.301 1. The Department of Transportation with respect to
2 highways constructed under the authority of chapter 408 of NRS, and local
3 authorities with respect to highways under their jurisdiction, may
4 determine those zones of highways where overtaking and passing to the
5 left or making a left-hand turn would be hazardous, and may by the
6 erection of official traffic-control devices indicate such zones. When such
7 devices are in place and clearly visible to an ordinarily observant person ,
8 every driver of a vehicle shall obey the directions thereof.

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

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

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

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

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

24 484.305 1. If a highway has two or more clearly marked lanes for
25 traffic traveling in one direction, vehicles must:

26 (a) Be driven as nearly as practicable entirely within a single lane; and
27 (b) Not be moved from that lane until the driver has given the
28 appropriate turn signal and ascertained that such movement can be made
29 with safety.

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

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

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

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

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

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

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

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

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

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

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

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

10 484.309 1. Every vehicle driven upon a divided highway ~~{shall}~~
11 *must* be driven only upon the right-hand roadway and ~~{shall}~~ *must* not be
12 driven over, across or within any dividing space, barrier or section ~~{nor}~~ *or*
13 make any left turn, semicircular turn or U-turn, except through an opening
14 in the barrier or dividing section or space or at a crossover or intersection
15 established by a public authority.

16 2. *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. 12. NRS 484.311 is hereby amended to read as follows:

19 484.311 1. When official traffic-control devices are erected giving
20 notice thereof, a person shall not drive a vehicle onto or from any
21 controlled-access highway except at those entrances and exits which are
22 indicated by such 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. 13. NRS 484.335 is hereby amended to read as follows:

26 484.335 1. Whenever official traffic-control devices are erected
27 indicating that no right or left turn is permitted, it is unlawful for any
28 driver of a vehicle to disobey the directions of any such ~~{sign-}~~ *devices*.

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

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

32 484.337 1. A U-turn may be made on any road where the turn can
33 be made with safety, except as prohibited by this section and by the
34 provisions of NRS 484.309 and 484.339.

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

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

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

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

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

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

3 ~~{1-}~~ (a) A rate of speed greater than is reasonable or proper, having
4 due regard for the traffic, surface and width of the highway, the weather
5 and other highway conditions.

6 ~~{2-}~~ (b) Such a rate of speed as to endanger the life, limb or property of
7 any person.

8 ~~{3-}~~ (c) A rate of speed greater than that posted by a public authority
9 for the particular portion of highway being traversed.

10 ~~{4-}~~ (d) In any event, a rate of speed greater than 75 miles per hour.

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

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

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

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

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

27 484.3667 1. Except as otherwise provided in subsection 2, a person
28 who is convicted of a violation of a speed limit ~~{-}~~, *or of NRS 484.254,*
29 *484.278, 484.289, 484.291 to 484.301, inclusive, 484.305, 484.309,*
30 *484.311, 484.335, 484.337, 484.361, 484.363, 484.3765, 484.377,*
31 *484.379, 484.448, 484.453 or 484.479, that occurred:*

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

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

42 shall be punished by imprisonment or by a fine, or both, for a term or an
43 amount equal to and in addition to the term of imprisonment or amount of
44 the fine, or both, that the court imposes for the primary offense. Any term
45 of imprisonment imposed pursuant to this subsection runs consecutively

1 with the sentence prescribed by the court for the crime. This subsection
2 does not create a separate offense, but provides an additional penalty for
3 the primary offense, whose imposition is contingent upon the finding of
4 the prescribed fact.

5 2. The ~~{penalty imposed for the primary offense and the}~~ additional
6 penalty imposed pursuant to subsection 1 must not exceed a total of
7 \$1,000, 6 months of imprisonment or 120 hours of community service.

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

12 (a) A sign located before the beginning of such an area ~~which states~~
13 ~~that states "double penalties in work zones" indicating a double penalty~~
14 ~~{will} may be imposed {upon a person who is convicted of violating the~~
15 ~~speed limit within the temporary traffic control zone;} pursuant to this~~
16 ~~section;~~

17
18 (b) A sign to mark the beginning of the temporary traffic control zone;
19 and

20 (c) A sign to mark the end of the temporary traffic control zone.
21

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

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

29 484.367 1. Except as *otherwise* provided in subsection 2 and
30 pursuant to the power granted in NRS 269.185, the town board or board of
31 county commissioners may, by ordinance, limit the speed of motor
32 vehicles in any unincorporated town in the county as may be deemed
33 proper.

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

38 3. *A person who violates any speed limit established pursuant to this*
39 *section may be subject to the additional penalty set forth in NRS*
40 *484.3667.*

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

42 484.368 1. The Department of Transportation may establish the
43 speed limits for motor vehicles on highways which are constructed and
44 maintained by the Department of Transportation under the authority
45 granted to it by chapter 408 of NRS.

Proposed by Skip Daly
(Laborers Union Local
169)
Intent: to maintain
uniformity in the
signage utilized
throughout the state.

1 2. Except as otherwise provided by federal law, the Department of
2 Transportation may establish a speed limit on such highways not to exceed
3 75 miles per hour and may establish a lower speed limit:

- 4 (a) Where necessary to protect public health and safety.
5 (b) For trucks, overweight and oversized vehicles, trailers drawn by
6 motor vehicles and buses.

7 3. *A person who violates any speed limit established pursuant to this*
8 *section may be subject to the additional penalty set forth in NRS*
9 *484.3667.*

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

11 484.3765 1. A driver commits an offense of aggressive driving if,
12 during any single, continuous period of driving within the course of 1 mile,
13 the driver does all the following, in any sequence:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 484.377 1. It is unlawful for a person to:

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

27 (b) Drive a vehicle in an unauthorized speed contest on a public
28 highway.

29 A violation of this subsection or subsection 1 of NRS 484.348 constitutes
30 reckless driving.

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

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

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

42 484.379 1. It is unlawful for any person who:

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

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

1 (c) Is found by measurement within 2 hours after driving or being in
2 actual physical control of a vehicle to have a concentration of alcohol of
3 0.10 or more in his blood or breath,
4 to drive or be in actual physical control of a vehicle on a highway or on
5 premises to which the public has access.

6 2. It is unlawful for any person who:

7 (a) Is under the influence of a controlled substance;

8 (b) Is under the combined influence of intoxicating liquor and a
9 controlled substance; or

10 (c) Inhales, ingests, applies or otherwise uses any chemical, poison or
11 organic solvent, or any compound or combination of any of these, to a
12 degree which renders him incapable of safely driving or exercising actual
13 physical control of a vehicle,

14 to drive or be in actual physical control of a vehicle on a highway or on
15 premises to which the public has access. The fact that any person charged
16 with a violation of this subsection is or has been entitled to use that drug
17 under the laws of this state is not a defense against any charge of violating
18 this subsection.

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

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

39
40 4. If consumption is proven by a preponderance of the evidence, it is
41 an affirmative defense under paragraph (c) of subsection 1 that the
42 defendant consumed a sufficient quantity of alcohol after driving or being
43 in actual physical control of the vehicle, and before his blood or breath was
44 tested, to cause him to have a concentration of alcohol of 0.10 or more in
45 his blood or breath. A defendant who intends to offer this defense at a trial

1 or preliminary hearing must, not less than 14 days before the trial or
2 hearing or at such other time as the court may direct, file and serve on the
3 prosecuting attorney a written notice of that intent.

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

6 **Sec. 23.** NRS 484.448 is hereby amended to read as follows:

7 484.448 1. It is unlawful for a person to drink an alcoholic beverage
8 while he is driving or in actual physical control of a motor vehicle upon a
9 highway.

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

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

18 4. As used in this section:

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

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

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

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

26 484.453 1. A person shall not drive a vehicle when it is so loaded,
27 or when there are in the front seat such number of persons, exceeding
28 three, as to obstruct the view of the driver to the front or sides of the
29 vehicle or as to interfere with the driver's control over the driving
30 mechanism of the vehicle.

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

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

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

40 484.479 1. It ~~shall be~~ is unlawful for any person to remove any
41 barrier or sign stating that a highway is closed to traffic.

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

NRS 484.287 Display of unauthorized signs, signals or markings;
removal as public nuisance; exception.

1. It is unlawful for any person to place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any such device, sign or signal, and except as otherwise provided in subsection 4, a person shall not place or maintain nor may any public authority permit upon any highway any sign, signal or marking bearing thereon any commercial advertising except on benches and shelters and stations for passengers of public mass transportation for which a franchise has been granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083 or 269.128 and 269.129 or 705.695.

Proposed by Morgan
Baumgartner
(Las Vegas Monorail)
Intent: To permit
certain advertisement at
monorail stations.

NRS 405.030 Unlawful placement of certain outdoor advertisements;
exceptions.

1. Except as otherwise provided in subsection 3 and except within the limits of any city or town through which the highway may run, and on benches and shelters and stations for passengers of public mass transportation built pursuant to a franchise granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083 or 269.128 and 269.129, or 705.695, it is unlawful for any person, firm or corporation to paste, paint, print or in any manner whatever place or attach to any building, fence, gate, bridge, rock, tree, board, structure or anything whatever, any written, printed, painted or other outdoor advertisement, bill, notice, sign, picture, card or poster:

(a) Within any right of way of any state highway or road which is owned or controlled by the department of transportation.

(b) Within 20 feet of the main traveled way of any unimproved highway.

(c) On the property of another within view of any such highway, without the owner's written consent.

NRS 405.110 Unlawful advertising on or near highway or on bridge;
exceptions; removal; penalty; liability.

1. Except on benches and shelters, and stations for passengers of public mass transportation for which a franchise has been granted pursuant to NRS 244.187 and 244.188, 268.081 and 268.083 or 269.128 and 269.129, or 705.695, no advertising signs, signboards, boards or other materials containing advertising matter may:

(a) Except as otherwise provided in subsection 3, be placed upon or over any state highway.

(b) Except as otherwise provided in subsections 3 and 4, be placed within the highway right of way.

1 (c) Except as otherwise provided in subsection 3, be placed upon any
2 bridge or other structure thereon.
3 (d) Be so situated with respect to any public highway as to obstruct
4 clear vision of an intersecting highway or highways or otherwise so
5 situated as to constitute a hazard upon or prevent the safe use of the
6 state highway.
7

Include language requiring Las Vegas Monorail Company advertisement revenue to be used to make repayment to the bonds, which financed the monorail and were issued by the State of Nevada. Additionally, require that such revenue must be used to augment and must not be used to supplant any funding currently designated for the purpose of repayment of the bonds.

Proposed by Senator
Dennis Nolan
Intent: Ensure
advertisement revenue
is used for the
repayment of certain
bonds and does not
supplant other funds
designated by the
Company for this
purpose.

8
9
10
11
12 NRS 484.305 Driving on highway having lanes for traffic.

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

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

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

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

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

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

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

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

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

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

41 (c) A vehicle must not travel more than 200 feet in a center

Proposed by
Assemblyman Ron
Knecht
Intent: Authorizes
the use of the single
center lane to make
a left-hand turn
onto a highway.