

CHAPTER.....

AN ACT relating to transportation; authorizing vehicles used by the Department of Transportation in the construction, maintenance or repair of highways to be equipped with tail lamps that emit nonflashing blue light under certain circumstances; providing an additional penalty for a violation of certain traffic laws in an area designated as a temporary traffic control zone for construction, maintenance or repair of a highway; requiring prosecution of a failure to comply with signals of flagmen under certain circumstances; exempting certain benches, shelters and stations for passengers of public mass transportation for which a franchise has been granted from certain prohibitions against outdoor advertising; requiring a franchisee to use revenues it receives from such authorized advertising for the repayment of certain financial obligations; extending the prohibition against the driver of a motor vehicle allowing a person to ride upon or within certain portions of the motor vehicle under certain circumstances; 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:

**Section 1.** Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:

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

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

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

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

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

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

484.254 1. It is unlawful for a driver of a vehicle to fail or refuse to comply with any signal of an authorized flagman serving

in a traffic control capacity in a clearly marked area of highway construction or maintenance.

2. *A district attorney shall prosecute all violations of subsection 1 which occur in his jurisdiction and which result in injury to any person performing highway construction or maintenance unless the district attorney has good cause for not prosecuting the violation. In addition to any other penalty, if a driver violates any provision of subsection 1 and the violation results in injury to any person performing highway construction or maintenance, or in damage to property in an amount of not less than \$1,000, the driver shall be punished by a fine of not less than \$1,000 or more than \$2,000, and ordered to perform 120 hours of community service.*

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

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

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

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

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

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

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

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

3. Whenever devices are placed in position approximately conforming to the requirements of this chapter, such devices ~~shall~~ *are* presumed to have been so placed by the official act or

direction of a public authority, unless the contrary is established by competent evidence.

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

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

**Sec. 2.5.** NRS 484.287 is hereby amended to read as follows:

484.287 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 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, ~~for~~ 269.128 and 269.129 ~~[-]~~, *or on monorail stations.*

2. Every such prohibited sign, signal or marking is hereby declared to be a public nuisance, and the proper public authority may remove the same or cause it to be removed without notice.

3. This section does not prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official traffic-control devices.

4. A person may place and maintain commercial advertising in an airspace above a highway under the conditions specified pursuant to subsection 3 of NRS 405.110, and a public authority may permit commercial advertising that has been placed in an airspace above a highway under the conditions specified pursuant to subsection 3 of NRS 405.110.

*5. If a franchisee receives revenues from commercial advertising authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the advertising authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue*

*remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond until the bond is repaid.*

*6. As used in this section, "monorail station" means:*

*(a) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and*

*(b) Any facilities or appurtenances within such a structure.*

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

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

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

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

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

~~1.~~ **(a)** When overtaking and passing another vehicle proceeding in the same direction under the laws governing such movements;

~~2.~~ **(b)** When the right half of the highway is closed to traffic;

~~3.~~ **(c)** Upon a highway divided into three lanes for traffic under the laws applicable thereon;

~~4.~~ **(d)** Upon a highway designated and posted for one-way traffic; or

~~5.~~ **(e)** When the highway is not of sufficient width.

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

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

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

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

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

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

**2.** Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the

right in favor of the overtaking vehicle upon observing the overtaking vehicle or hearing a signal. The driver of an overtaken vehicle shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) In preparation for a left turn; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) A sign located before the beginning of such an area ~~[which states that]~~ *stating "DOUBLE PENALTIES IN WORK ZONES" to indicate* a double penalty ~~[will]~~ *may* be imposed ~~[upon a person who is convicted of violating the speed limit within the temporary traffic control zone;]~~ *pursuant to this section;*

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

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

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

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

484.367 1. Except as *otherwise* 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.

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

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

484.368 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.

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

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

484.3765 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 prosecuted or convicted for committing any of the acts described in paragraphs (a) and (b) of subsection 1.

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

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

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

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

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

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

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

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

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

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

484.377 1. It is unlawful for a person to:

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

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

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

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

*3. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484.3667 unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484.348.*

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

484.379 1. It is unlawful for any person who:

- (a) Is under the influence of intoxicating liquor;
- (b) Has a concentration of alcohol of 0.10 or more in his blood or breath; or
- (c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.10 or more in his blood or breath, to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

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

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

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Marijuana	10	2
(h) Marijuana metabolite	15	5
(i) Methamphetamine	500	100
(j) Phencyclidine	25	10

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

*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:

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

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

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

**4.** As used in this section:

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

(b) “Open container” means a container which has been opened or the seal of which has been broken.

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

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

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

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

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

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

**Sec. 24.5.** NRS 484.473 is hereby amended to read as follows:

484.473 1. Except as otherwise provided in subsections 2 and 4, a driver shall not permit a person, with regard to a motor vehicle being operated on a paved highway, ~~[within a county whose population is 100,000 or more.]~~ to ride upon or within any portion of the vehicle that is primarily designed or intended for carrying goods or other cargo or that is otherwise not designed or intended for the use of passengers, including, without limitation:

(a) Upon the bed of a flatbed truck; or

(b) Within the bed of a pickup truck.

2. A driver may permit a person to ride upon the bed of a flatbed truck or within the bed of a pickup truck if the person is:

(a) Eighteen years of age or older; or

(b) Under 18 years of age and the motor vehicle is:

(1) ~~[Not being operated on a freeway or other road that has two or more lanes for traffic traveling in one direction;~~

~~—(2)]~~ Being used in the course of farming or ranching; or

~~[(3)]~~ (2) Being driven in a parade authorized by a local authority.

3. A citation must be issued to a driver who permits a person to ride upon ~~[the bed of a flatbed truck]~~ or within ~~[the bed of a pickup truck]~~ *a vehicle* in violation of subsection 1. A driver who is cited pursuant to this subsection shall be punished by a fine of at least \$35 but not more than \$100.

4. The provisions of subsection 1 do not apply to the portion of the bed of a truck that is covered by a camper shell or slide-in camper.

5. A violation of this section:

(a) Is not a moving traffic violation for the purposes of NRS 483.473; and

(b) May not be considered as:

(1) Negligence or causation in a civil action; or

(2) Negligent or reckless driving for the purposes of NRS 484.377.

6. As used in this section:

(a) “Camper shell” has the meaning ascribed to it in NRS 361.017.

(b) ~~“Freeway” has the meaning ascribed to it in NRS 408.060.~~  
~~—(c)—~~ “Slide-in camper” has the meaning ascribed to it in NRS 482.113.

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

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

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

**Sec. 26.** NRS 405.030 is hereby amended to read as follows:

405.030 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 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, ~~for~~ *269.128 and 269.129* ~~it~~, *or on monorail stations*, 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.

2. Nothing in this section prevents the posting or maintaining of any notices required by law to be posted or maintained, or the placing or maintaining of highway signs giving directions and distances for the information of the traveling public if the signs are approved by the Department of Transportation.

3. A tenant of a mobile home park may exhibit a political sign within a right-of-way of a state highway or road which is owned or controlled by the Department of Transportation if the tenant exhibits the sign within the boundary of his lot and in accordance with the

requirements and limitations set forth in NRS 118B.145. As used in this subsection, the term “political sign” has the meaning ascribed to it in NRS 118B.145.

*4. If a franchisee receives revenues from an advertisement, bill, notice, sign, picture, card or poster authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the advertisement, bill, notice, sign, picture, card or poster authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond, until the bond is repaid.*

*5. As used in this section, “monorail station” means:*

*(a) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and*

*(b) Any facilities or appurtenances within such a structure.*

**Sec. 27.** NRS 405.110 is hereby amended to read as follows:

405.110 1. Except on benches and shelters 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 , ~~for~~ 269.128 and 269.129 ~~§~~ , *or on monorail stations*, 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.

(c) Except as otherwise provided in subsection 3, be placed upon any bridge or other structure thereon.

(d) Be so situated with respect to any public highway as to obstruct clear vision of an intersecting highway or highways or otherwise so situated as to constitute a hazard upon or prevent the safe use of the state highway.

2. With the permission of the Department of Transportation, counties, towns or cities of this state may place at such points as are designated by the Director of the Department of Transportation suitable signboards advertising the counties, towns or municipalities.

3. A person may place an advertising sign, signboard, board or other material containing advertising matter in any airspace above a highway if:

(a) The Department of Transportation has leased the airspace to the person pursuant to subsection 2 of NRS 408.507, the airspace is over an interstate highway and:

(1) The purpose of the sign, signboard, board or other material is to identify a commercial establishment that is entirely located within the airspace, services rendered, or goods produced or sold upon the commercial establishment or that the facility or property that is located within the airspace is for sale or lease; and

(2) The size, location and design of the sign, signboard, board or other material and the quantity of signs, signboards, boards or other materials have been approved by the Department of Transportation; or

(b) The person owns real property adjacent to an interstate highway and:

(1) The person has dedicated to a public authority a fee or perpetual easement interest in at least 1 acre of the property for the construction or maintenance, or both, of the highway over which he is placing the sign, signboard, board or other material and the person retained the air rights in the airspace above the property for which the person has dedicated the interest;

(2) The sign, signboard, board or other material is located in the airspace for which the person retained the air rights;

(3) The structure that supports the sign, signboard, board or other material is not located on the property for which the person dedicated the fee or easement interest to the public authority, and the public authority determines that the location of the structure does not create a traffic hazard; and

(4) The purpose of the sign, signboard, board or other material is to identify an establishment or activity that is located on the real property adjacent to the interstate highway, or services rendered or goods provided or sold on that property.

4. A tenant of a mobile home park may exhibit a political sign within a right-of-way of a state highway or road which is owned or controlled by the Department of Transportation if the tenant exhibits the sign within the boundary of his lot and in accordance with the requirements and limitations set forth in NRS 118B.145. As used in this subsection, the term “political sign” has the meaning ascribed to it in NRS 118B.145.

5. If any such sign is placed in violation of this section, it is thereby declared a public nuisance and may be removed forthwith by the Department of Transportation or the public authority.

6. Any person placing any such sign in violation of the provisions of this section shall be punished by a fine of not more than \$250, and is also liable in damages for any injury or injuries incurred or for injury to or loss of property sustained by any person by reason of the violation.

7. *If a franchisee receives revenues from an advertising sign, signboard, board or other material containing advertising matter authorized by subsection 1 and the franchisee is obligated to repay a bond issued by the State of Nevada, the franchisee shall use all revenue generated by the advertising sign, signboard, board or other material containing advertising matter authorized by subsection 1 to meet its obligations to the State of Nevada as set forth in the financing agreement and bond indenture, including, without limitation, the payment of operations and maintenance obligations, the funding of reserves and the payment of debt service. To the extent that any surplus revenue remains after the payment of all such obligations, the surplus revenue must be used solely to repay the bond until the bond is repaid.*

8. *As used in this section, "monorail station" means:*

*(a) A structure for the loading and unloading of passengers from a monorail for which a franchise has been granted pursuant to NRS 705.695 or an agreement has been entered into pursuant to NRS 705.695; and*

*(b) Any facilities or appurtenances within such a structure.*