

SENATE BILL NO. 310—SENATOR NOLAN

MARCH 24, 2005

Referred to Committee on Transportation and Homeland Security

SUMMARY—Establishes provisions relating to promotion of safety of pedestrians. (BDR 43-290)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 3, 4)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to motor vehicles; establishing provisions relating to the promotion of safety of pedestrians; providing for the imposition of required community service for certain violations; 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 the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *Within the limits of available time, money and staff, a response agency shall:*

(a) Establish and maintain a record of those street intersections and portions of freeways, highways, roads and streets within which, as determined by the administrative head of the response agency, there is an unusually high frequency of collisions involving motor vehicles and pedestrians;

(b) Within 7 days after the administrative head of the response agency has determined, pursuant to paragraph (a), that the frequency of collisions involving motor vehicles and pedestrians is unusually high within certain street intersections and certain



portions of freeways, highways, roads and streets, direct the appropriate person or agency to:

(1) Evaluate the factors, including, without limitation, those relating to engineering, the environment and the control of traffic, which may contribute to the unusually high frequency of collisions in those locations; and

(2) Report back to the response agency concerning the results of the evaluation; and

(c) Periodically, but not less frequently than at least once every 90 days, provide the information established, maintained, evaluated and reported pursuant to paragraphs (a) and (b) to:

(1) The various public authorities having jurisdiction over the applicable intersections, freeways, highways, roads and streets; and

(2) The public, by way of a website established and maintained by the response agency on the Internet or its successor for that purpose.

2. As used in this section, "response agency" has the meaning ascribed to it in NRS 239C.080.

Sec. 3. 1. Each public authority having jurisdiction over a street intersection or portion of a freeway, highway, road or street shall establish a system consisting of a single clearinghouse or other source for the receipt and processing of complaints concerning the existence of alleged dangerous conditions within such intersections, freeways, highways, roads and streets.

2. After establishing a system pursuant to subsection 1 and within 7 days after:

(a) Receiving a complaint; and

(b) Verifying that an unusually high number of such complaints have been received regarding the same intersection, freeway, highway, road or street, or portion thereof, within a period of not more than 14 days,

the applicable public authority shall verify the accuracy of the complaint by, as necessary, interviewing the person or persons who filed the complaint and, if applicable, reviewing any photographic, videotaped or other similar evidence pertaining to the location at which the dangerous condition is alleged to exist.

Sec. 4. Whenever a pedestrian is injured by a collision with a motor vehicle or a public authority receives credible evidence, including, without limitation, pursuant to section 2 or 3 of this act, indicating that a dangerous condition exists within a street intersection or a freeway, highway, road or street over which the public authority has jurisdiction, the public authority having jurisdiction over the street intersection or portion of the freeway,



1 *highway, road or street within which the collision occurred or*
2 *within which the dangerous condition is alleged to exist shall:*

3 1. *Within 7 days after the collision or the receipt of credible*
4 *evidence indicating the existence of a dangerous condition, take*
5 *temporary actions to reduce the risk of a collision between a*
6 *pedestrian and a motor vehicle from occurring at the applicable*
7 *location, which may include, without limitation, placing a*
8 *temporary sign at the location to warn drivers of:*

9 (a) *The potential presence of pedestrians at that location; and*

10 (b) *The risk of collisions with pedestrians at that location; and*

11 2. *After complying with the requirements of subsection 1:*

12 (a) *Within 7 days, commence and carry out an evaluation of*
13 *the circumstances in which the collision occurred or in which*
14 *collisions may occur to determine the course of action necessary to*
15 *reduce the risk of collisions between pedestrians and motor*
16 *vehicles at the applicable location; and*

17 (b) *Within 120 days, take initial action to reduce permanently,*
18 *insofar as practicable, the risk of collisions between pedestrians*
19 *and motor vehicles at the applicable location.*

20 **Sec. 5.** NRS 484.3245 is hereby amended to read as follows:

21 484.3245 1. A driver of a motor vehicle shall:

22 ~~1-1~~ (a) Exercise due care to avoid a collision with a pedestrian;

23 ~~1-2~~ (b) Give an audible warning with the horn of the vehicle if
24 appropriate and when necessary to avoid such a collision; and

25 ~~1-3~~ (c) Exercise proper caution upon observing a pedestrian on
26 or near a highway, street or road or in or near a school crossing zone
27 marked in accordance with NRS 484.366 or a marked or unmarked
28 crosswalk.

29 2. *A person who violates subsection 1 and in so doing*
30 *proximately causes injury to a pedestrian shall, in addition to any*
31 *other fine or penalty imposed:*

32 (a) *For the first offense, perform not less than 50 hours, nor*
33 *more than 99 hours, of community service.*

34 (b) *For the second offense, perform not less than 100 hours,*
35 *nor more than 199 hours, of community service.*

36 (c) *For the third and each subsequent offense, perform not*
37 *less than 200 hours of community service.*

38 *↪ The community service assigned pursuant to this subsection*
39 *must, if possible, be related to activities to promote the safety of*
40 *pedestrians.*

41 **Sec. 6.** The provisions of subsection 1 of NRS 354.599 do not
42 apply to any additional expenses of a local government that are
43 related to the provisions of this act.



