

SENATE BILL NO. 394—SENATOR NOLAN

MARCH 19, 2007

Referred to Committee on Transportation and Homeland Security

SUMMARY—Makes changes relating to certain traffic violations.
(BDR 43-991)

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

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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 traffic laws; increasing the penalty for certain traffic violations; requiring certain persons to appear personally in court for traffic violations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 7 of this bill increases the maximum term of imprisonment for refusal to stop a vehicle or to elude a peace officer when given a signal to stop which results in the death or bodily harm of another person from 15 years to 20 years and the fine from \$10,000 to \$50,000. (NRS 484.348) **Section 7** also provides that if the driver of a motor vehicle is convicted of a violation of NRS 484.379 arising out of the same act or transaction as the refusal to stop a vehicle or to elude a peace officer when given a signal to stop, the driver is guilty of a category D felony for refusing to stop the vehicle or eluding a peace officer when given a signal to stop.

Section 8 of this bill establishes penalties for aggressive driving. (NRS 484.3765)

Existing law allows a person to comply with a written promise to appear in court by an appearance by counsel. (NRS 171.17885) **Section 10** of this bill requires a person to appear personally to comply with a written promise if the written promise is a result of a third or subsequent arrest or citation for a moving traffic violation in unrelated incidents within a 12-month period.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)



1 **Sec. 5.** (Deleted by amendment.)

2 **Sec. 6.** (Deleted by amendment.)

3 **Sec. 7.** NRS 484.348 is hereby amended to read as follows:

4 484.348 1. Except as otherwise provided in this section, the
5 driver of a motor vehicle who willfully fails or refuses to bring his
6 vehicle to a stop, or who otherwise flees or attempts to elude a peace
7 officer in a readily identifiable vehicle of any police department or
8 regulatory agency, when given a signal to bring his vehicle to a stop
9 is guilty of a misdemeanor.

10 2. The signal by the peace officer described in subsection 1
11 must be by flashing red lamp and siren.

12 3. Unless the provisions of NRS 484.377 apply if, while
13 violating the provisions of subsection 1, the driver of the motor
14 vehicle:

15 (a) Is the proximate cause of damage to the property of a person
16 other than himself; or

17 (b) Operates the motor vehicle in a manner which endangers or
18 is likely to endanger any person other than himself or the property
19 of any person other than himself,

20 ➔ the driver is guilty of a category B felony and shall be punished
21 by imprisonment in the state prison for a minimum term of not less
22 than 1 year and a maximum term of not more than 6 years, or by a
23 fine of not more than \$5,000, or by both fine and imprisonment.

24 4. If, while violating the provisions of subsection 1, the driver
25 of the motor vehicle is the proximate cause of the death of or bodily
26 harm to any person other than himself, the driver is guilty of a
27 category B felony and shall be punished by imprisonment in the
28 state prison for a minimum term of not less than 2 years and a
29 maximum term of not more than ~~15~~ 20 years, or by a fine of not
30 more than ~~\$10,000,~~ \$50,000, or by both fine and imprisonment.

31 5. *If the driver of the motor vehicle is convicted of a violation*
32 *of NRS 484.379 arising out of the same act or transaction as a*
33 *violation of subsection 1, the driver is guilty of a category D felony*
34 *and shall be punished as provided in NRS 193.130 for the*
35 *violation of subsection 1.*

36 **Sec. 8.** NRS 484.3765 is hereby amended to read as follows:

37 484.3765 1. A driver commits an offense of aggressive
38 driving if, during any single, continuous period of driving within the
39 course of 1 mile, the driver does all the following, in any sequence:

40 (a) Commits one or more acts of speeding in violation of NRS
41 484.361 or 484.366.

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

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



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(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 ~~H~~ and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than \$250 but not more than \$1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than \$1,000 but not more than \$1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than \$1,500 but not more than \$2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. In addition to any other penalty ~~H~~ pursuant to subsection 3:

(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.

~~H~~ 5. To determine whether the provisions of paragraph (a) or (b) of subsection ~~H~~ 4 apply to one or more offenses of aggressive



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1 driving, the court shall use the date on which each offense of
2 aggressive driving was committed.

3 ~~[5-]~~ 6. If the driver is already the subject of any other order
4 suspending or revoking his driver's license, the court shall order the
5 additional period of suspension or revocation, as appropriate, to
6 apply consecutively with the previous order.

7 ~~[6-]~~ 7. If the court issues an order suspending or revoking the
8 driver's license of the driver pursuant to this section, the court shall
9 require the driver to surrender to the court all driver's licenses then
10 held by the driver. The court shall, within 5 days after issuing the
11 order, forward the driver's licenses and a copy of the order to the
12 Department.

13 ~~[7-]~~ 8. If the driver successfully completes a course of traffic
14 safety ordered pursuant to this section, the Department shall cancel
15 three demerit points from his driving record in accordance with
16 NRS 483.448 or 483.475, as appropriate, unless the driver would
17 not otherwise be entitled to have those demerit points cancelled
18 pursuant to the provisions of that section.

19 ~~[8-]~~ 9. This section does not preclude the suspension or
20 revocation of the driver's license of the driver, or the suspension of
21 the future driving privileges of a person, pursuant to any other
22 provision of law.

23 ~~[9-]~~ 10. A person who violates any provision of subsection 1
24 may be subject to the additional penalty set forth in NRS 484.3667.

25 **Sec. 9.** (Deleted by amendment.)

26 **Sec. 10.** NRS 171.17785 is hereby amended to read as
27 follows:

28 171.17785 1. It is unlawful for a person to violate his written
29 promise to appear given to a peace officer upon the issuance of a
30 misdemeanor citation prepared manually or electronically,
31 regardless of the disposition of the charge for which the citation was
32 originally issued.

33 2. ~~[A]~~ *Except as otherwise provided in this subsection, a*
34 *person may comply with a written promise to appear in court by an*
35 *appearance by counsel. A person who has been convicted of two or*
36 *more moving traffic violations in unrelated incidents within a 12-*
37 *month period and is subsequently arrested or issued a citation*
38 *within that 12-month period shall appear personally in court with*
39 *or without counsel.*

40 3. A warrant may issue upon a violation of a written promise to
41 appear.

