

## Amendment No. 943

Senate Amendment to Assembly Bill No. 497

(BDR 43-642)

Proposed by: Senator Lee

Amendment Box: Consistent with Amendment 928

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

EAH/SGW



Date: 5/22/2007

A.B. No. 497—Makes various changes to provisions governing driver's licenses and public safety. (BDR 43-642)



## ASSEMBLY BILL NO. 497—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF THE DEPARTMENT OF MOTOR VEHICLES)

MARCH 22, 2007

Referred to Committee on Transportation

SUMMARY—Makes various changes to provisions governing driver's licenses and public safety. (BDR 43-642)

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 public safety; transferring certain duties for training peace officers from the Department of Motor Vehicles to the Department of Public Safety; revising provisions governing the revocation of driver's licenses; prohibiting a person who has a temporary driver's license from obtaining another temporary license in certain circumstances; revising provisions governing the issuance of motor vehicle insurance; revising provisions relating to the security that must be deposited when a report of certain motor vehicle accidents involving injury, death or damage to property is received by the Department of Motor Vehicles; **requiring the City of North Las Vegas to acquire and use an automated enforcement system to gather evidence that may be used for the issuance of a traffic citation;** and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Section 1** of this bill transfers the duty of training peace officers in identifying and handling drivers who suffer from insulin shock or epileptic seizures from the Department of Motor Vehicles to the Department of Public Safety. (NRS 483.348)

Existing law requires the Department of Motor Vehicles to revoke the driver's license of a person who is convicted of certain felonies involving the use of a vehicle. Existing law further requires the Department to set aside the revocation during any period of imprisonment until the period of imprisonment is completed or until the person has been placed on residential confinement. (NRS 483.460) **Sections 2, 11 and 12** of this bill provide instead that the revocation will resume when the Department is notified by the Department of Corrections or the Department of Public Safety that the person has completed his period of imprisonment or has been placed on residential confinement or parole.

Existing law requires a law enforcement officer to revoke the driver's license, permit or privilege to drive of a person who has a concentration of alcohol of 0.08 or more in his blood or breath or who is found to have a detectable amount of a prohibited substance in his blood or urine. The officer is required to advise the person of his right to administrative and judicial review of the revocation and to have a temporary license, valid for 7 days, which the officer

must issue upon request. (NRS 484.385) In addition, if the person requests administrative review of the revocation, the Department of Motor Vehicles is required to issue an additional temporary license which is valid for a period sufficient to complete the administrative review. (NRS 484.387) **Sections 3-6** of this bill provide that a person driving with a temporary permit is not entitled to receive an additional temporary permit if he is found again to have driven with a prohibited amount of alcohol in his blood or breath or a prohibited substance in his blood or urine.

Existing law requires each owner of a motor vehicle to maintain a certain amount of insurance against bodily injury or death. (NRS 485.185) **Section 7** of this bill requires that such insurance must be obtained from a company that is licensed and has been approved to do business in this State.

Existing law requires the Department of Motor Vehicles to suspend the driver's license or privilege to drive and the motor vehicle registrations of each owner of a motor vehicle involved in a motor vehicle accident involving injury or death when it is determined that the required security has not been deposited and the person has not been released from liability and has not executed an agreement to pay in installments. Existing law requires notice of the suspension to be sent to the person at least 10 days before the effective date of the suspension. (NRS 485.190) **Section 8** of this bill requires the suspension to be effective immediately after the determination is made unless the person immediately deposits the security at the hearing.

**Section 12.5 of this bill requires the City of North Las Vegas to acquire and use an automated enforcement system to gather evidence that may be used for the issuance of a traffic citation. The section expires by limitation on June 30, 2011.**

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

**Section 1** NRS 483.348 is hereby amended to read as follows:

483.348 1. Except as otherwise provided in subsection 2, the Department shall issue a driver's license with a specially colored background to any person who qualifies for a driver's license pursuant to the provisions of this chapter and delivers to the Department a signed statement from a physician that the person is an insulin dependent diabetic or an epileptic. The Department shall designate one color to be used only for a driver's license held by a diabetic and another color to be used only for a driver's license held by an epileptic.

2. In lieu of issuing a driver's license pursuant to subsection 1, the Department may issue to a person specified in that subsection a driver's license with a specially colored border around the photograph on the license.

3. The Department *of Public Safety* shall provide for the education of peace officers on the:

(a) Effects and treatment of a person suffering from insulin shock or an epileptic seizure and the similarity in appearance of a person suffering from insulin shock or an epileptic seizure to a person under the influence of alcohol or a controlled substance; and

(b) Procedures for identifying and handling situations involving a person suffering from insulin shock or an epileptic seizure.

**Sec. 2.** NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection 2 of NRS 484.377.

1 (2) A violation of NRS 484.379 that is punishable as a felony pursuant to  
2 NRS 484.3792.

3 (3) A violation of NRS 484.3795 or a homicide resulting from driving or  
4 being in actual physical control of a vehicle while under the influence of  
5 intoxicating liquor or a controlled substance or resulting from any other conduct  
6 prohibited by NRS 484.379, 484.3795 or 484.37955.

7 ~~↳~~ The period during which such a driver is not eligible for a license, permit or  
8 privilege to drive must be set aside during any period of imprisonment and the  
9 period of revocation must resume ~~upon completion of~~ *when the Department is*  
10 *notified pursuant to section 11 or 12 of this act that the person has completed* the  
11 period of imprisonment or ~~when~~ *that* the person ~~is~~ *has been* placed on  
12 residential confinement ~~or parole~~.

13 (b) For a period of 1 year if the offense is:

14 (1) Any other manslaughter, including vehicular manslaughter as described  
15 in NRS 484.3775, resulting from the driving of a motor vehicle or felony in the  
16 commission of which a motor vehicle is used, including the unlawful taking of a  
17 motor vehicle.

18 (2) Failure to stop and render aid as required pursuant to the laws of this  
19 State in the event of a motor vehicle accident resulting in the death or bodily injury  
20 of another.

21 (3) Perjury or the making of a false affidavit or statement under oath to the  
22 Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any  
23 other law relating to the ownership or driving of motor vehicles.

24 (4) Conviction, or forfeiture of bail not vacated, upon three charges of  
25 reckless driving committed within a period of 12 months.

26 (5) A violation of NRS 484.379 that is punishable pursuant to paragraph  
27 (b) of subsection 1 of NRS 484.3792 and the driver is not eligible for a restricted  
28 license during any of that period.

29 (6) A violation of NRS 484.348.

30 (c) For a period of 90 days, if the offense is a violation of NRS 484.379 that is  
31 punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792.

32 2. The Department shall revoke the license, permit or privilege of a driver  
33 convicted of violating NRS 484.379 who fails to complete the educational course  
34 on the use of alcohol and controlled substances within the time ordered by the court  
35 and shall add a period of 90 days during which the driver is not eligible for a  
36 license, permit or privilege to drive.

37 3. When the Department is notified by a court that a person who has been  
38 convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph  
39 (a) of subsection 1 of NRS 484.3792 has been permitted to enter a program of  
40 treatment pursuant to NRS 484.37937, the Department shall reduce by one-half the  
41 period during which he is not eligible for a license, permit or privilege to drive, but  
42 shall restore that reduction in time if notified that he was not accepted for or failed  
43 to complete the treatment.

44 4. The Department shall revoke the license, permit or privilege to drive of a  
45 person who is required to install a device pursuant to NRS 484.3943 but who  
46 operates a motor vehicle without such a device:

47 (a) For 3 years, if it is his first such offense during the period of required use of  
48 the device.

49 (b) For 5 years, if it is his second such offense during the period of required  
50 use of the device.

51 5. A driver whose license, permit or privilege is revoked pursuant to  
52 subsection 4 is not eligible for a restricted license during the period set forth in  
53 paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064 or 206.330, chapter 484 of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484.3941.

**Sec. 3.** NRS 484.385 is hereby amended to read as follows:

484.385 1. As agent for the Department, the officer who obtained the result of a test given pursuant to NRS 484.382 or 484.383 shall immediately serve an order of revocation of the license, permit or privilege to drive on a person who has a concentration of alcohol of 0.08 or more in his blood or breath or has a detectable amount of a prohibited substance in his blood or urine, if that person is present, and shall seize his license or permit to drive. The officer shall then advise him of his right to administrative and judicial review of the revocation ~~and to have a~~ *pursuant to NRS 484.387 and, except as otherwise provided in this subsection, that he has a right to request a temporary license. ~~[-and-] If the person currently is driving with a temporary license that was issued pursuant to this section or NRS 484.387, he is not entitled to request an additional temporary license pursuant to this section or NRS 484.387, and the order of revocation issued by the officer must revoke the temporary license that was previously issued. If the person is entitled to request a temporary license, the officer~~* shall issue him a temporary license on a form approved by the Department if he requests one, which is effective for only 7 days including the date of issuance. The officer shall immediately transmit the person's license or permit to the Department along with the written certificate required by subsection 2.

2. When a police officer has served an order of revocation of a driver's license, permit or privilege on a person pursuant to subsection 1, or later receives the result of an evidentiary test which indicates that a person, not then present, had a concentration of alcohol of 0.08 or more in his blood or breath or had a detectable amount of a prohibited substance in his blood or urine, the officer shall immediately prepare and transmit to the Department, together with the seized license or permit and a copy of the result of the test, a written certificate that he had reasonable grounds to believe that the person had been driving or in actual physical control of a vehicle with a concentration of alcohol of 0.08 or more in his blood or breath or with a detectable amount of a prohibited substance in his blood or urine, as determined by a chemical test. The certificate must also indicate whether the officer served an order of revocation on the person and whether he issued the person a temporary license.

3. The Department, upon receipt of such a certificate for which an order of revocation has not been served, after examining the certificate and copy of the result of the chemical test, if any, and finding that revocation is proper, shall issue an order revoking the person's license, permit or privilege to drive by mailing the order to the person at his last known address. The order must indicate the grounds for the revocation and the period during which the person is not eligible for a license, permit or privilege to drive and state that the person has a right to administrative and judicial review of the revocation and to have a temporary license. The order of revocation becomes effective 5 days after mailing.

4. Notice of an order of revocation and notice of the affirmation of a prior order of revocation or the cancellation of a temporary license provided in NRS 484.387 is sufficient if it is mailed to the person's last known address as shown by any application for a license. The date of mailing may be proved by the certificate of any officer or employee of the Department, specifying the time of mailing the

FIRST  
PARALLEL  
SECTION

notice. The notice is presumed to have been received upon the expiration of 5 days after it is deposited, postage prepaid, in the United States mail.

**Sec. 4.** NRS 484.385 is hereby amended to read as follows:

484.385 1. As agent for the Department, the officer who obtained the result of a test given pursuant to NRS 484.382 or 484.383 shall immediately serve an order of revocation of the license, permit or privilege to drive on a person who has a concentration of alcohol of 0.10 or more in his blood or breath or has a detectable amount of a prohibited substance in his blood or urine, if that person is present, and shall seize his license or permit to drive. The officer shall then advise him of his right to administrative and judicial review of the revocation ~~and to have a~~ *pursuant to NRS 484.387 and, except as otherwise provided in this subsection, that he has a right to request a* temporary license. ~~and~~ *If the person currently is driving with a temporary license that was issued pursuant to this section or NRS 484.387, he is not entitled to request an additional temporary license pursuant to this section or NRS 484.387, and the order of revocation issued by the officer must revoke the temporary license that was previously issued. If the person is entitled to request a temporary license, the officer* shall issue him a temporary license on a form approved by the Department if he requests one, which is effective for only 7 days including the date of issuance. The officer shall immediately transmit the person's license or permit to the Department along with the written certificate required by subsection 2.

2. When a police officer has served an order of revocation of a driver's license, permit or privilege on a person pursuant to subsection 1, or later receives the result of an evidentiary test which indicates that a person, not then present, had a concentration of alcohol of 0.10 or more in his blood or breath or had a detectable amount of a prohibited substance in his blood or urine, the officer shall immediately prepare and transmit to the Department, together with the seized license or permit and a copy of the result of the test, a written certificate that he had reasonable grounds to believe that the person had been driving or in actual physical control of a vehicle with a concentration of alcohol of 0.10 or more in his blood or breath or with a detectable amount of a prohibited substance in his blood or urine, as determined by a chemical test. The certificate must also indicate whether the officer served an order of revocation on the person and whether he issued the person a temporary license.

3. The Department, upon receipt of such a certificate for which an order of revocation has not been served, after examining the certificate and copy of the result of the chemical test, if any, and finding that revocation is proper, shall issue an order revoking the person's license, permit or privilege to drive by mailing the order to the person at his last known address. The order must indicate the grounds for the revocation and the period during which the person is not eligible for a license, permit or privilege to drive and state that the person has a right to administrative and judicial review of the revocation and to have a temporary license. The order of revocation becomes effective 5 days after mailing.

4. Notice of an order of revocation and notice of the affirmation of a prior order of revocation or the cancellation of a temporary license provided in NRS 484.387 is sufficient if it is mailed to the person's last known address as shown by any application for a license. The date of mailing may be proved by the certificate of any officer or employee of the Department, specifying the time of mailing the notice. The notice is presumed to have been received upon the expiration of 5 days after it is deposited, postage prepaid, in the United States mail.

**Sec. 5.** NRS 484.387 is hereby amended to read as follows:

484.387 1. At any time while a person is not eligible for a license, permit or privilege to drive following an order of revocation issued pursuant to NRS 484.385,

1 he may request in writing a hearing by the Department to review the order of  
2 revocation, but he is only entitled to one hearing. The hearing must be conducted  
3 within 15 days after receipt of the request, or as soon thereafter as is practicable, in  
4 the county where the requester resides unless the parties agree otherwise. The  
5 Director or his agent may issue subpoenas for the attendance of witnesses and the  
6 production of relevant books and papers and may require a reexamination of the  
7 requester. ~~He~~ *Unless the person is ineligible for a temporary license pursuant*  
8 *to NRS 484.385, the* Department shall issue an additional temporary license for a  
9 period which is sufficient to complete the administrative review.

10 2. The scope of the hearing must be limited to the issue of whether the person,  
11 at the time of the test, had a concentration of alcohol of 0.08 or more in his blood or  
12 breath or a detectable amount of a prohibited substance in his blood or urine. Upon  
13 an affirmative finding on this issue, the Department shall affirm the order of  
14 revocation. Otherwise, the order of revocation must be rescinded.

15 3. If, after the hearing, the order of revocation is affirmed, the person whose  
16 license, privilege or permit has been revoked is entitled to a review of the same  
17 issues in district court in the same manner as provided by chapter 233B of NRS.  
18 The court shall notify the Department upon the issuance of a stay, and the  
19 Department shall issue an additional temporary license for a period which is  
20 sufficient to complete the review.

21 4. If a hearing officer grants a continuance of a hearing at the request of the  
22 person whose license was revoked, or a court does so after issuing a stay of the  
23 revocation, the officer or court shall notify the Department, and the Department  
24 shall cancel the temporary license and notify the holder by mailing the order of  
25 cancellation to his last known address.

26 **Sec. 6.** NRS 484.387 is hereby amended to read as follows:

27 484.387 1. At any time while a person is not eligible for a license, permit or  
28 privilege to drive following an order of revocation issued pursuant to NRS 484.385,  
29 he may request in writing a hearing by the Department to review the order of  
30 revocation, but he is only entitled to one hearing. The hearing must be conducted  
31 within 15 days after receipt of the request, or as soon thereafter as is practicable, in  
32 the county where the requester resides unless the parties agree otherwise. The  
33 Director or his agent may issue subpoenas for the attendance of witnesses and the  
34 production of relevant books and papers and may require a reexamination of the  
35 requester. ~~He~~ *Unless the person is ineligible for a temporary license pursuant*  
36 *to NRS 484.385, the* Department shall issue an additional temporary license for a  
37 period which is sufficient to complete the administrative review.

38 2. The scope of the hearing must be limited to the issue of whether the person,  
39 at the time of the test, had a concentration of alcohol of 0.10 or more in his blood or  
40 breath or a detectable amount of a prohibited substance in his blood or urine. Upon  
41 an affirmative finding on this issue, the Department shall affirm the order of  
42 revocation. Otherwise, the order of revocation must be rescinded.

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44 license, privilege or permit has been revoked is entitled to a review of the same  
45 issues in district court in the same manner as provided by chapter 233B of NRS.  
46 The court shall notify the Department upon the issuance of a stay, and the  
47 Department shall issue an additional temporary license for a period which is  
48 sufficient to complete the review.

49 4. If a hearing officer grants a continuance of a hearing at the request of the  
50 person whose license was revoked, or a court does so after issuing a stay of the  
51 revocation, the officer or court shall notify the Department, and the Department  
52 shall cancel the temporary license and notify the holder by mailing the order of  
53 cancellation to his last known address.

SECOND  
PARALLEL  
SECTION



1       **Sec. 7.** NRS 485.185 is hereby amended to read as follows:

2       485.185 Every owner of a motor vehicle which is registered or required to be  
3 registered in this State shall continuously provide, while the motor vehicle is  
4 present or registered in this State, insurance ~~to~~ *provided by an insurance company*  
5 *licensed by the Division of Insurance of the Department of Business and Industry*  
6 *and approved to do business in this State:*

7       1. In the amount of \$15,000 for bodily injury to or death of one person in any  
8 one accident;

9       2. Subject to the limit for one person, in the amount of \$30,000 for bodily  
10 injury to or death of two or more persons in any one accident; and

11       3. In the amount of \$10,000 for injury to or destruction of property of others  
12 in any one accident,

13       ☞ for the payment of tort liabilities arising from the maintenance or use of the  
14 motor vehicle.

15       **Sec. 8.** NRS 485.190 is hereby amended to read as follows:

16       485.190 1. If 20 days after the receipt of a report of an accident involving a  
17 motor vehicle within this State which has resulted in bodily injury or death, or  
18 damage to the property of any one person in excess of \$750, the Department does  
19 not have on file evidence satisfactory to it that the person who would otherwise be  
20 required to file security under subsection 2 ~~[of this section]~~ has been released from  
21 liability, has been finally adjudicated not to be liable or has executed an  
22 acknowledged written agreement providing for the payment of an agreed amount in  
23 installments with respect to all claims for injuries or damages resulting from the  
24 accident, the Department shall upon request set the matter for a hearing as provided  
25 in NRS 485.191.

26       2. The Department shall ~~[, at any time]~~, *immediately* after a determination  
27 adverse to an operator or owner *is made in a hearing* pursuant to NRS 485.191,  
28 suspend the license of each operator and all registrations of each owner of a motor  
29 vehicle involved in such an accident, and, if the operator is a nonresident, the  
30 privilege of operating a motor vehicle within this State, and, if the owner is a  
31 nonresident, the privilege of the use within this State of any motor vehicle owned  
32 by him, unless the operator or owner, or both, *immediately* deposit security in the  
33 sum so determined by the Department ~~[. Notice of such a suspension must be sent~~  
34 ~~by the Department to the operator and owner not less than 10 days before the~~  
35 ~~effective date of the suspension and must state the amount required as security.]~~ *at*  
36 *the hearing.* If erroneous information is given to the Department with respect to the  
37 matters set forth in paragraph (a), (b) or (c) of subsection 1 of NRS 485.200, the  
38 Department shall take appropriate action as provided in this section after it receives  
39 correct information with respect to those matters.

40       **Sec. 9.** NRS 485.301 is hereby amended to read as follows:

41       485.301 1. Whenever any person fails within 60 days to satisfy any  
42 judgment ~~to~~ *that was entered as a result of an accident involving a motor vehicle,*  
43 the judgment creditor or his attorney may forward to the Department immediately  
44 after the expiration of the 60 days a certified copy of the judgment.

45       2. If the defendant named in any certified copy of a judgment *that was*  
46 *entered as a result of an accident involving a motor vehicle and* reported to the  
47 Department is a nonresident, the Department shall transmit a certified copy of the  
48 judgment to the officer in charge of the issuance of licenses and registration  
49 certificates of the state in which the defendant is a resident.

50       **Sec. 10.** NRS 485.3099 is hereby amended to read as follows:

51       485.3099 1. The Department shall, upon request, consent to the immediate  
52 cancellation of any certificate of financial responsibility or waive the requirement  
53 of filing proof of financial responsibility, in ~~[any of]~~ the following events:



(a) ~~{At any time after 3 years after the date the proof of financial responsibility was required when, during the 3-year period preceding the request, the Department has not received a record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license, registration or nonresident's operating privilege of the person by or for whom the proof of financial responsibility was furnished;~~

~~—(b)}~~ The death of the person on whose behalf the proof of financial responsibility was filed or the permanent incapacity of the person to operate a motor vehicle; or

~~{(e)}~~ (b) If the person who is required to file proof of financial responsibility surrenders his license and registration to the Department.

2. If a person who surrenders his license and registration pursuant to paragraph ~~{(e)}~~ (b) of subsection 1 applies for a license or registration within a period of 3 years after the date proof of financial responsibility was originally required, the application must be refused unless the applicant reestablishes proof of financial responsibility for the remainder of the 3-year period.

**Sec. 11.** Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

*The Director shall notify the Department of Motor Vehicles when a driver who has had his license, permit or privilege to drive revoked pursuant to NRS 483.460 has completed a period of imprisonment or is placed on residential confinement. The notification process must conform to the guidelines provided in regulation by the Department of Motor Vehicles pursuant to NRS 483.460. The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment or when the person is placed on residential confinement.*

**Sec. 12.** Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

*The Chief shall notify the Department of Motor Vehicles when a driver who has had his license, permit or privilege to drive revoked pursuant to NRS 483.460 is placed on parole. The notification process must conform to the guidelines provided in regulation by the Department of Motor Vehicles pursuant to NRS 483.460. The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment or when the person is placed on residential confinement.*

**Sec. 12.5.** 1. Notwithstanding the provisions of NRS 484.910, the Department of Transportation shall adopt regulations establishing a pilot program for the City of North Las Vegas to acquire and use an automated enforcement system to gather evidence that may be used for the issuance of a traffic citation:

(a) For a violation of chapter 484 of NRS; or

(b) For a violation of a municipal ordinance.

2. The regulations adopted pursuant to subsection 1 must set forth, without limitation:

(a) That the penalty for a violation evidenced through the use of an automated enforcement system will be the lowest penalty imposed for the violation of a law or ordinance governing parking which the Department of Transportation determines is sufficient to pay the costs of administering the pilot program.

(b) That a citation issued through the use of an automated enforcement system must:

(1) Insofar as practicable, comply with the applicable provisions of NRS 484.799;

- (2) Be issued to the registered owner of the vehicle;
- (3) Include or be accompanied by a photograph of the driver;
- (4) Be mailed or otherwise delivered to the registered owner of the vehicle within 10 working days after the date of the incident; and
- (5) Afford the person cited:

(I) The opportunity to appeal or otherwise challenge the citation by appearance before a magistrate, justice or judge, as appropriate; or

(II) The opportunity to respond by mail within 30 days after the mailing of the citation, by submitting to the court having jurisdiction over the alleged offense, a photocopy of the driver's license of the registered owner and a signed and notarized affidavit stating that the owner was not the driver of the vehicle. A court having jurisdiction over the alleged offense that receives an affidavit and photocopy pursuant to this sub-subparagraph shall dismiss the citation without requiring a court appearance by the registered owner if it finds there is reason to believe the registered owner was not the driver of the vehicle.

(c) The information which must be included in the report that the City of North Las Vegas is required to provide to the Department of Transportation pursuant to subsection 5.

3. The City of North Las Vegas, in implementing the pilot program, shall:

(a) Coordinate with private entities to provide for a public information campaign regarding the implementation of the pilot program at least 30 days before the commencement of the pilot program; and

(b) Identify the presence of an automated enforcement system by erecting signs which clearly indicate the presence of such a system and which are visible to traffic approaching from all directions, or erect signs at all major entrances to the City of North Las Vegas including, without limitation, freeways, bridges and state highways.

4. A contract between the City of North Las Vegas and a manufacturer or supplier of an automated enforcement system must:

(a) Require the manufacturer or supplier to provide sufficient evidence of a traffic violation in a timely manner to facilitate the issuance of a citation within the period provided for in paragraph (b) of subsection 2; and

(b) Provide that the manufacturer or supplier must not receive:

(1) Any payments or compensation based on the number of citations issued; or

(2) A percentage of the revenue generated as a result of the use of the automated enforcement system.

5. The Department of Transportation shall:

(a) Establish and maintain a clearinghouse of information on matters relating to the use of automated enforcement systems;

(b) Require the City of North Las Vegas to report to the Department of Transportation, on or before October 1, 2008, and October 1, 2010, the information required to be reported by the regulations adopted pursuant to subsection 1; and

(c) On or before January 1, 2009, and January 1, 2011, submit to the Director of the Legislative Counsel Bureau for distribution to each regular session of the Legislature a report on the use of automated enforcement systems.

6. As used in this section:

(a) "Automated enforcement system" means a contrivance, device or mechanism, or any combination thereof, which is used to obtain evidence of a

1 moving traffic violation without operation by a person. The term includes a  
2 red-light camera.

3 (b) "Red-light camera" means a camera which:

4 (1) Is adapted for use or placed at an intersection or crosswalk in  
5 which movement of vehicles or pedestrians, or both, is controlled by an official  
6 traffic-control device that is operated electrically, electronically or  
7 mechanically; and

8 (2) Is capable of photographing or otherwise capturing images or  
9 representations of the following in a simultaneous or approximately  
10 simultaneous manner:

11 (I) The license plate number of a vehicle;

12 (II) The signal displayed by or upon the official traffic-control  
13 device as the vehicle enters or exits, or both, the intersection or crosswalk;

14 (III) The position of the vehicle within the intersection or  
15 crosswalk relative to the signal displayed by or upon the official traffic-control  
16 device; and

17 (IV) The date and time.

18 **Sec. 13.** 1. This section and sections 1, 3, 5 and 7 to 10, inclusive, and 12.5  
19 of this act become effective on October 1, 2007.

20 2. Sections 2, 11 and 12 of this act become effective on March 1, 2008.

21 3. Sections 3 and 5 of this act expire by limitation on the date of the repeal of  
22 the federal law requiring each state to make it unlawful for a person to operate a  
23 motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a  
24 condition to receiving federal funding for the construction of highways in this State.

25 4. Sections 4 and 6 of this act become effective on the date of the repeal of the  
26 federal law requiring each state to make it unlawful for a person to operate a motor  
27 vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition  
28 to receiving federal funding for the construction of highways in this State.

**5. Section 12.5 of this act expires by limitation on June 30, 2011.**