

Amendment No. 382

Senate Amendment to Senate Bill No. 394

(BDR 43-991)

Proposed by: Senate Committee on Transportation and Homeland Security**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from S.B. 394.

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.

DY/KEL



Date: 4/17/2007

S.B. No. 394—Makes changes relating to certain traffic violations. (BDR 43-991)



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; ~~providing for the imposition of an additional fee for a license renewal under certain circumstances; establishing provisions relating to 911 emergency telephone calls regarding certain traffic violations;~~ 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 1 of this bill requires the Department of Motor Vehicles to charge a \$50 fee for the third and each subsequent conviction of a moving traffic violation that occurred between the date of a person's last license renewal and the date of his most current application for renewal. Section 1 also apportions any amount collected from the fees for deposit in the State Highway Fund and the State General Fund for use by the Department of Motor Vehicles.~~

~~Section 6 of this bill provides that a 911 emergency telephone dispatcher may inform a caller who is reporting that a vehicle is being operated in a reckless, aggressive or dangerous manner that the caller may appear personally at the local law enforcement agency to file a sworn complaint regarding the incident. Section 6 also provides that a local law enforcement agency may issue a citation to a person presumably operating a vehicle without further proof if two or more persons have filed complaints regarding the same incident of that vehicle being operated in a reckless, aggressive or dangerous manner.~~

Section 7 of this bill ~~increases the penalty from a misdemeanor to a category D felony for refusal to stop a vehicle or to elude a peace officer when given a signal to stop. (NRS 484.348) Section 7 also~~ 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. ~~for any such violation that results in the death or bodily harm of another person.] (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)

Section 9 of this bill establishes penalties for reckless driving. (NRS 484.377) **Section 9** also increases the penalty for reckless driving that results in the death or substantial bodily harm of another person from a term of imprisonment between 1 and 6 years, a fine, or both, to mandatory imprisonment and a fine of not less than \$2,000.

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. ~~[Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. The Department shall charge and collect a fee of \$50, in addition to the fees set forth in NRS 483.410 and 483.415, for the third and each subsequent conviction of a moving traffic violation that occurred between the date of a person's last license renewal and the date of his most current application for renewal. Any fines imposed pursuant to this subsection must be paid before a renewal license may be issued.~~

~~2. The money collected pursuant to subsection 1 must be deposited in the following manner:~~

~~(a) Eighty percent for credit to the State Highway Fund; and~~

~~(b) Twenty percent for credit to the State General Fund for use by the Department.~~

~~3. As used in this section, "moving traffic violation" means an act that is a moving traffic violation for the purposes of NRS 483.473.] (Deleted by amendment.)~~

Sec. 2. ~~[NRS 483.410 is hereby amended to read as follows:~~

~~483.410 1. Except as otherwise provided in subsection 6 and NRS 483.417, for every driver's license, including a motorcycle driver's license, issued and service performed, the following fees must be charged:~~

~~An original or renewal license issued to a person 65 years of age or older.....\$13.50~~

~~An original or renewal license issued to any person less than 65 years of age.....18.50~~

~~Reinstatement of a license after suspension, revocation or cancellation, except a revocation for a violation of NRS 484.379, 484.3795 or 484.37955, or pursuant to NRS 484.384 and 484.385.....\$40.00~~

~~Reinstatement of a license after revocation for a violation of NRS 484.379, 484.3795 or 484.37955, or pursuant to NRS 484.384 and 484.385.....65.00~~

~~A new photograph, change of name, change of other information, except address, or any combination.....5.00~~

~~A duplicate license.....14.00~~

~~2. For every motorcycle endorsement to a driver's license, a fee of \$5 must be charged.~~

~~3. If no other change is requested or required, the Department shall not charge a fee to convert the number of a license from the licensee's social security number, or a number that was formulated by using the licensee's social security number as a basis for the number, to a unique number that is not based on the licensee's social security number.~~

~~4. Except as otherwise provided in NRS 483.417, the increase in fees authorized by NRS 483.347 and the fees charged pursuant to NRS 483.415 must be paid in addition to the fees charged pursuant to subsections 1 and 2.~~

~~5. A penalty of \$10 must be paid by each person renewing his license after it has expired for a period of 30 days or more as provided in NRS 483.386 unless he is exempt pursuant to that section.~~

~~6. The Department may not charge a fee for the reinstatement of a driver's license that has been:~~

~~(a) Voluntarily surrendered for medical reasons; or~~

~~(b) Cancelled pursuant to NRS 483.340.~~

~~7. All fees and penalties are payable to the Administrator at the time a license or a renewal license is issued.~~

~~8. Except as otherwise provided in NRS 483.340, subsection 3 of NRS 483.3485, NRS 483.415 and 483.840, and subsection 3 of NRS 483.863, and section 1 of this act, all money collected by the Department pursuant to this chapter must be deposited in the State Treasury for credit to the Motor Vehicle Fund.]~~

(Deleted by amendment.)

Sec. 3. [NRS 483.415 is hereby amended to read as follows:

~~483.415 1. The Department shall charge and collect a fee of 50 cents, in addition to the fees set forth in NRS 483.410 [.] and section 1 of this act, for every driver's license, including a motorcycle driver's license, issued or renewed.~~

~~2. The Department shall deposit the money into the Highway and Safety Administrative Account which is hereby created in the State Highway Fund. The money in the Account may be used only as follows:~~

~~(a) Thirty-five percent of the money must be used for the support of the position of Motor Vehicle Recovery and Transportation Planner created within the Department of Transportation pursuant to NRS 408.234; and~~

~~(b) Sixty-five percent of the money must be used for the support of the position of Drivers' Education and Safety Officer created pursuant to NRS 483.203, and to carry out the provisions of that section.]~~ **(Deleted by amendment.)**

Sec. 4. 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~~ 3 of NRS 484.377.

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

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

➤ 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 and the period of revocation must resume upon completion of the period of imprisonment or when the person is placed on residential confinement.

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

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

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

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

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

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

(6) A violation of NRS 484.348.

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

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

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

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

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

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

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in 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. 5. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792, and one-half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself or a member of his immediate family.

➤ Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if he is issued a restricted license.

2. A person who has been ordered to install a device in a motor vehicle pursuant to NRS 484.3943:

(a) Shall install the device not later than 21 days after the date on which the order was issued; and

(b) May not receive a restricted license pursuant to this section until:

(1) After at least 1 year of the period during which he is not eligible for a license, if he was convicted of:

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

(II) A violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792;

(2) After at least 180 days of the period during which he is not eligible for a license, if he was convicted of a violation of subsection ~~2~~ 3 of NRS 484.377; or

(3) After at least 45 days of the period during which he is not eligible for a license, if he was convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792.

3. If the Department has received a copy of an order requiring a person to install a device in a motor vehicle pursuant to NRS 484.3943, the Department shall not issue a restricted driver's license to such a person pursuant to this section unless the applicant has submitted proof of compliance with the order and subsection 2.

4. After a driver's license has been revoked or suspended pursuant to title 5 of NRS, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his work, or both; or

(b) If applicable, to and from school.

5. After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his work, or both;

(b) To receive regularly scheduled medical care for himself or a member of his immediate family; or

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

6. A driver who violates a condition of a restricted license issued pursuant to subsection 1 or by another jurisdiction is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

(a) A violation of NRS 484.379, 484.3795 or 484.384;

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

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

➤ the driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

7. The periods of suspensions and revocations required pursuant to this chapter and NRS 484.384 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

8. Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

Sec. 6. ~~{Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. When a person places a telephone call on the 911 primary emergency telephone number or any other telephone number used in an emergency to report that a vehicle is being operated in a reckless, aggressive or dangerous manner, the dispatcher who answers the telephone call may inform the caller that he may appear personally at the local law enforcement agency in whose jurisdiction the incident occurred and file a written, sworn complaint regarding the incident.~~

~~2. If two or more persons file a written, sworn complaint pursuant to subsection 1 regarding the same incident of a vehicle being operated in a reckless, aggressive or dangerous manner, the local law enforcement agency in whose jurisdiction the incident occurred may issue a citation to the person who was presumably operating the vehicle without further proof.}~~ (Deleted by amendment.)

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

484.348 1. Except as otherwise provided in this section, the driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a peace officer in a readily identifiable vehicle of any police department or regulatory agency, when given a signal to bring his vehicle to a stop is guilty of a misdemeanor. ~~{category D felony and shall be punished as provided in NRS 193.130.}~~

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

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

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

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

the driver 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.

4. If, while violating the provisions of subsection 1, the driver of the motor vehicle is the proximate cause of the death of or bodily harm to any person other than himself, the driver 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 2 years and a maximum term of not more than ~~{15}~~ 20 years, or by a fine of not more than ~~{10,000}~~ \$50,000, or by both fine and imprisonment.

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

Sec. 8. 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 ~~and~~ **and:**

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

(1) *By a fine of not less than ~~\$500~~ \$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 ~~and~~ **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.

~~4.~~ 5. To determine whether the provisions of paragraph (a) or (b) of subsection ~~3~~ 4 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-]~~ 6. 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-]~~ 7. 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-]~~ 8. 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 483.448 or 483.475, as appropriate, unless the driver would not otherwise be entitled to have those demerit points cancelled pursuant to the provisions of that section.

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

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

Sec. 9. 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. *Except as otherwise provided in subsection 3, a person who violates subsection 1 is guilty of a misdemeanor and:*

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

(1) *By a fine of not less than ~~(\$500)~~ \$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.*

3. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484.348, 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 ~~[7- or]~~ and by a fine of *not less than \$2,000 and* not more than \$5,000. ~~[7- or by both fine and imprisonment.]~~

~~—3-]~~ 4. 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.

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

2 171.17785 1. It is unlawful for a person to violate his written promise to
3 appear given to a peace officer upon the issuance of a misdemeanor citation
4 prepared manually or electronically, regardless of the disposition of the charge for
5 which the citation was originally issued.

6 2. ~~1A~~ *Except as otherwise provided in this subsection, a* person may comply
7 with a written promise to appear in court by an appearance by counsel. *A person*
8 *who has been convicted of two or more moving traffic violations in unrelated*
9 *incidents within a 12-month period and is subsequently arrested or issued a*
10 *citation within that 12-month period shall appear personally in court with or*
11 *without counsel.*

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