

Amendment No. 831

Assembly Amendment to Senate Bill No. 394 First Reprint	(BDR 43-991)
Proposed by: Assembly Committee on Transportation	
Amends: Summary: No Title: No 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.

DY/KEL



Date: 5/18/2007

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; 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) ~~[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. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (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~~

1 his conviction of any of the following offenses, when that conviction has become
2 final, and the driver is not eligible for a license, permit or privilege to drive for the
3 period indicated:

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

5 (1) A violation of subsection [2] 3 of NRS 484.377;

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

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

12 The period during which such a driver is not eligible for a license, permit or
13 privilege to drive must be set aside during any period of imprisonment and the
14 period of revocation must resume upon completion of the period of imprisonment
15 or when the person is placed on residential confinement;

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

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

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

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

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

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

32 (6) A violation of NRS 484.348;

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

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

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

47 4. The Department shall revoke the license, permit or privilege to drive of a
48 person who is required to install a device pursuant to NRS 484.2943 but who
49 operates a motor vehicle without such a device;

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

52 (b) For 5 years, if it is his second such offense during the period of required
53 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.]~~ **(Deleted by amendment.)**

Sec. 5. [NRS 482.490 is hereby amended to read as follows:

~~482.490 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 483.442, 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.]~~

(Deleted by amendment.)

Sec. 6. (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.

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.

1 *5. If the driver of the motor vehicle is convicted of a violation of NRS*
2 *484.379 arising out of the same act or transaction as a violation of subsection 1,*
3 *the driver is guilty of a category D felony and shall be punished as provided in*
4 *NRS 193.130 for the violation of subsection 1.*

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

6 484.3765 1. A driver commits an offense of aggressive driving if, during
7 any single, continuous period of driving within the course of 1 mile, the driver does
8 all the following, in any sequence:

9 (a) Commits one or more acts of speeding in violation of NRS 484.361 or
10 484.366.

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

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

15 (2) Overtaking and passing another vehicle upon the right by driving off
16 the paved portion of the highway in violation of NRS 484.297.

17 (3) Improper or unsafe driving upon a highway that has marked lanes for
18 traffic in violation of NRS 484.305.

19 (4) Following another vehicle too closely in violation of NRS 484.307.

20 (5) Failing to yield the right-of-way in violation of any provision of NRS
21 484.315 to 484.323, inclusive.

22 (c) Creates an immediate hazard, regardless of its duration, to another vehicle
23 or to another person, whether or not the other person is riding in or upon the vehicle
24 of the driver or any other vehicle.

25 2. A driver may be prosecuted and convicted of an offense of aggressive
26 driving in violation of subsection 1 whether or not the driver is prosecuted or
27 convicted for committing any of the acts described in paragraphs (a) and (b) of
28 subsection 1.

29 3. A driver who commits an offense of aggressive driving in violation of
30 subsection 1 is guilty of a misdemeanor ~~and~~ *and*:

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

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

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

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

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

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

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

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

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

43 4. In addition to any other penalty ~~and~~ *pursuant to subsection 3:*

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

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

50 ~~4.~~ 5. To determine whether the provisions of paragraph (a) or (b) of
51 subsection ~~3~~ 4 apply to one or more offenses of aggressive driving, the court shall
52 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 \$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 [, or] and by a fine of not less than \$2,000 and not more than \$5,000 [, 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.] (Deleted by amendment.)~~

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.