

Amendment No. 840

Assembly Amendment to Senate Bill No. 43 First Reprint (BDR 43-435)

Proposed by: Assembly Committee on Transportation**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

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/BAW



Date: 5/20/2007

S.B. No. 43—Revises provisions relating to an unauthorized speed contest on a public highway. (BDR 43-435)



SENATE BILL NO. 43—COMMITTEE ON TRANSPORTATION
AND HOMELAND SECURITY

(ON BEHALF OF THE CITY OF RENO)

PREFILED JANUARY 26, 2007

Referred to Committee on Transportation and Homeland Security

SUMMARY—Revises provisions relating ~~to an unauthorized speed contest on a public highway;~~ **certain traffic offenses.** (BDR 43-435)

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

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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; prohibiting a person from organizing an unauthorized speed contest on a public highway; **increasing the penalty for driving a vehicle in willful or wanton disregard of the safety of persons or property;** increasing the penalty for driving a vehicle in an unauthorized speed contest on a public highway; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who drives a vehicle in **willful or wanton disregard of the safety of persons or property or who drives a vehicle in** an unauthorized speed contest on a public highway is guilty of a misdemeanor and may be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment. In lieu of all or a part of the punishment, the convicted person may be sentenced to perform a fixed period of community service. (NRS 193.150, 484.377) **Section 3** of this bill increases the penalty for committing ~~such an~~ **either** offense by establishing, in addition to the possibility of imprisonment in the county jail, a minimum fine of ~~(\$400)~~ **\$250** for the first offense, ~~(\$750)~~ **\$1,000** for the second offense and ~~(\$1,000)~~ **\$1,500** for the third and each subsequent offense. ~~As well as requiring a~~ **A** person convicted of ~~such an offense~~ **driving a vehicle in an unauthorized speed contest on a public highway is also required** to perform a minimum number of hours of community service. In addition to any fine, community service and imprisonment **imposed upon a person convicted of driving a vehicle in an unauthorized speed contest on a public highway,** the court must issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and, **for the first offense, must issue an order impounding for 15 days any vehicle registered to the person convicted of such an offense if the vehicle is used in the commission of the offense. For the second and each subsequent offense, the court must issue an order impounding for 30 days any vehicle registered to the person convicted of such an offense if the vehicle is used in the commission of the offense. Section 3** also prohibits a person from organizing an unauthorized speed contest on a public highway

and imposes the same penalties for such a violation as for a person who drives a vehicle in an unauthorized speed contest on a public highway.

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

Section 1. 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~~ 5 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

1 treatment pursuant to NRS 484.37937, the Department shall reduce by one-half the
2 period during which he is not eligible for a license, permit or privilege to drive, but
3 shall restore that reduction in time if notified that he was not accepted for or failed
4 to complete the treatment.

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

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

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

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

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

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

22 **Sec. 2.** NRS 483.490 is hereby amended to read as follows:

23 483.490 1. Except as otherwise provided in this section, after a driver's
24 license has been suspended or revoked for an offense other than a violation of NRS
25 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS
26 484.3792, and one-half of the period during which the driver is not eligible for a
27 license has expired, the Department may, unless the statute authorizing the
28 suspension prohibits the issuance of a restricted license, issue a restricted driver's
29 license to an applicant permitting the applicant to drive a motor vehicle:

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

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

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

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

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

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

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

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

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

50 (2) After at least 180 days of the period during which he is not eligible for
51 a license, if he was convicted of a violation of subsection ~~2~~ 5 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. 3. NRS 484.377 is hereby amended to read as follows:

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.

(c) Organize an unauthorized speed contest on a public highway.

A violation of *paragraph (a) or (b)* of this subsection or subsection 1 of NRS 484.348 constitutes reckless driving.

2. *A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment.;*

(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. A person who violates paragraph (b) or (c) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense:
(1) Shall be punished by a fine of not less than ~~(\$400)~~ \$250 but not more than \$1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:
(1) Shall be punished by a fine of not less than ~~(\$750)~~ \$1,000 but not more than ~~(\$1,000)~~ \$1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense:
(1) Shall be punished by a fine of ~~(\$1,000)~~ not less than \$1,500 but not more than \$2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

4. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 3, the court shall:

(a) Issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), forward to the Department any licenses, together with a copy of the order; ~~and~~

(c) For the first offense, issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

5. 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, ~~for~~ and by a fine of not less than \$2,000 but not more than \$5,000, ~~for or by both fine and imprisonment.~~

1 ~~3-1~~ 6. A person who violates any provision of this section may be subject to
2 the additional penalty set forth in NRS 484.3667 unless the person is subject to the
3 penalty provided pursuant to subsection 4 of NRS 484.348.

4 7. *As used in this section, "organize" means to plan, schedule or promote,*
5 *or assist in the planning, scheduling or promotion of, an unauthorized speed*
6 *contest on a public highway, regardless of whether a fee is charged for attending*
7 *the unauthorized speed contest.*