

ASSEMBLY BILL NO. 417—ASSEMBLYMEN
KIRKPATRICK, ATKINSON; AND PIERCE

MARCH 16, 2009

Referred to Committee on Transportation

SUMMARY—Revises provisions governing the operation of vehicles. (BDR 43-946)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
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; revising provisions governing the operation of vehicles on highways and controlled-access highways; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the conditions under which the driver of a vehicle may pass another vehicle on the right. (NRS 484.297) **Section 1** of this bill authorizes a driver to pass another vehicle on the right on a highway with unobstructed pavement which is not marked as a traffic lane and which is not occupied by parked vehicles, if the vehicle that is passing: (1) does not travel more than 200 feet in the section of pavement not marked as a traffic lane; or (2) while being driven in the section of pavement not marked as a traffic lane, does not travel through an intersection or past any private driveway that is used to enter or exit the highway.

Existing law prohibits certain driving maneuvers on a controlled-access highway. (NRS 484.311) **Section 2** of this bill provides that, unless required to do so because of an emergency, the driver of a vehicle is prohibited from driving the vehicle: (1) upon any portion of a controlled-access highway that lies outside of marked traffic lanes or marked entrance or exit lanes; or (2) across any solid white line that separates an entrance or exit lane from a marked traffic lane.

A person who violates any provision of this bill is guilty of a misdemeanor. (NRS 484.999) In addition, the penalty is doubled if the violation occurs in a work zone. (NRS 484.3667)



* A B 4 1 7 *

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

Section 1. NRS 484.297 is hereby amended to read as follows:
484.297 1. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the driver of the vehicle overtaken is making or signaling to make a left turn.

(b) Upon a highway with unobstructed pavement ~~and~~ *which is* not occupied by parked vehicles ~~and~~ *and which is* of sufficient width for two or more lines of moving vehicles in each direction.

(c) *Upon a highway with unobstructed pavement which is not marked as a traffic lane and which is not occupied by parked vehicles, if the vehicle that is overtaking and passing another vehicle:*

(1) Does not travel more than 200 feet in the section of pavement not marked as a traffic lane; or

(2) While being driven in the section of pavement not marked as a traffic lane, does not travel through an intersection or past any private way that is used to enter or exit the highway.

(d) Upon any highway on which traffic is restricted to one direction of movement, where the highway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

2. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety.

3. The driver of a vehicle shall not overtake and pass another vehicle upon the right when such movement requires driving off the paved portion of the highway.

4. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484.3667.

Sec. 2. NRS 484.311 is hereby amended to read as follows:

484.311 1. When official traffic-control devices are erected giving notice thereof, a person shall not drive a vehicle onto or from any controlled-access highway except at those entrances and exits which are indicated by such devices.

2. *Except if required by an emergency, a person shall not drive a vehicle on a controlled-access highway:*

(a) Upon any portion of the highway that lies outside of a marked traffic lane or marked entrance or exit lane; or

(b) Across any solid white line that separates an entrance or exit lane from a marked traffic lane.

3. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484.3667.



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1 **Sec. 3.** This act becomes effective on July 1, 2009.

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