

Amendment No. 377

Assembly Amendment to Assembly Bill No. 504

(BDR 43-461)

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 dashed underlining*** is newly added transitory language.

SJA/MSM



Date: 4/20/2009

A.B. No. 504—Authorizes local governmental agencies to use automated systems to enforce traffic laws. (BDR 43-461)



ASSEMBLY BILL NO. 504—COMMITTEE ON TRANSPORTATION

MARCH 23, 2009

Referred to Committee on Transportation

SUMMARY—~~[Authorizes local governmental agencies to use automated systems to enforce traffic laws.]~~ Adds provisions relating to exchange and reporting of information relating to motor vehicle insurance. (BDR 43-461)

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; ~~[authorizing the use by a local governmental agency of an automated enforcement system for gathering evidence to be used for the issuance of a traffic citation;]~~ requiring the Department of Motor Vehicles to contract with an outside party to establish, maintain and operate a system for the exchange of information relating to the insurance status of motor vehicles; providing for components that must be included in the system; requiring insurers of motor vehicles to provide information each day to the Department regarding insurance policies issued, amended or terminated; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law prohibits a governmental entity and any agent thereof from using photographic, video or digital equipment to gather evidence for issuing traffic citations unless the equipment is handheld or installed in a vehicle or facility of a law enforcement agency. (NRS 484.010) This bill authorizes a local governmental agency to use an automated enforcement system, including a red light camera, for gathering evidence to be used for the issuance of a traffic citation.]~~ Existing law requires the owner of a motor vehicle registered, or required to be registered, in this State to provide insurance for the motor vehicle. (NRS 485.185) Existing law also provides a means by which nonresident owners of motor vehicles not registered in this State may provide proof of financial responsibility. (NRS 485.309) Section 3 of this bill requires the Department of Motor Vehicles to contract with an outside party to establish, maintain and operate a system for the exchange of information relating to the insurance status of motor vehicles. Section 3 also lists the components that must be included in the system. Section 4 of this bill requires insurers of motor vehicles to provide information daily to the Department regarding insurance policies that have been issued, amended or terminated.

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

Section 1. ~~[NRS 484.910 is hereby amended to read as follows:~~
~~484.910 [A]~~

~~1. Except as otherwise provided in subsection 2, a governmental entity and any agent thereof shall not use photographic, video or digital equipment for gathering evidence to be used for the issuance of a traffic citation for a violation of this chapter unless the equipment is held in the hand or installed temporarily or permanently within a vehicle or facility of a law enforcement agency.~~

~~2. A local governmental agency may use an automated enforcement system for gathering evidence to be used for the issuance of a traffic citation for:~~

~~(a) A violation of this chapter.~~

~~(b) A violation of an ordinance, rule or regulation of the local governmental agency.~~

~~3. A local governmental agency that wishes to use an automated enforcement system pursuant to subsection 2 must:~~

~~(a) Provide for a public information campaign regarding the implementation of the automated enforcement system at least 30 days before the commencement of the use of the automated enforcement system.~~

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

~~4. A citation issued through the use of an automated enforcement system must:~~

~~(a) Insofar as practicable, comply with the applicable provisions of NRS 484.700,~~

~~(b) Be issued to the registered owner of the vehicle;~~

~~(c) Include or be accompanied by a photograph of the driver of the vehicle;~~

~~(d) Be mailed or otherwise delivered to the registered owner of the vehicle within 10 working days after the date of the incident; and~~

~~(e) Afford the person cited:~~

~~(1) The opportunity to appeal or otherwise challenge the citation by appearance before a magistrate, justice or judge, as appropriate; or~~

~~(2) 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 of the vehicle 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 which receives an affidavit and photocopy pursuant to this subparagraph shall dismiss the citation without requiring a court appearance by the registered owner if it finds that there is reason to believe the registered owner was not the driver of the vehicle at the time of the incident.~~

~~5. A contract between a local governmental agency 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 prescribed in paragraph (d) of subsection 4; 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.~~

~~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 moving traffic violation without operation by a person. The term includes, without limitation, a red-light camera.~~

~~(b) "Red light camera" means a camera which:~~

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

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

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

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

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

~~(IV) The date and time. (Deleted by amendment.)~~

Sec. 2. Chapter 485 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. 1. The Department shall contract with an outside party to establish, maintain and operate a system for the electronic exchange of information relating to the insurance status of a motor vehicle with federal law enforcement agencies and with state and local law enforcement agencies outside of this State.

2. The system must provide for, without limitation, the following:

(a) A check by a peace officer of the insurance status of a motor vehicle;

(b) A report by the Department of the insurance status of a motor vehicle registered in this State;

(c) A check by the Department of the insurance status of a motor vehicle when the owner of a motor vehicle registers the motor vehicle with the Department;

(d) A check by an attendant or emergency medical technician, as those terms are defined in NRS 450B.050 and 450B.065, respectively, of the insurance status of a motor vehicle involved in an accident, to the scene of which the attendant or emergency medical technician has been dispatched;

(e) A check by a financial institution of the insurance status of a motor vehicle being offered or serving as collateral for a loan granted by the financial institution;

(f) A check by a court of the insurance status of a motor vehicle registered to a person appearing before the court on charges relating to the insurance status of the motor vehicle;

(g) A check by a natural person, via an automated telephone system, of the insurance status of a motor vehicle;

(h) Subject to the provisions of subsection 3, a system to allow for the photographic capture of an image of the license plate of a motor vehicle for the purpose of verifying the insurance status of the motor vehicle; and

(i) By way of secure, dedicated and electronic portals to the system, the receipt by the following entities of information determined by the Department to be appropriate, from the system, immediately upon request:

- (1) An insurance agent or broker licensed in this State;
- (2) An association of insurance agents or brokers licensed in this State;
- (3) An insurer licensed in this State;
- (4) An association of insurers licensed in this State;
- (5) A new or used motor vehicle dealer licensed in this State;
- (6) A long-term or short-term lessor of motor vehicles licensed in this State;
- (7) A financial institution with a lien on a motor vehicle registered or required to be registered in this State;
- (8) An organization that works to prevent driving under the influence of alcohol or a controlled substance;
- (9) A civil liberties or privacy advocacy group;
- (10) A civil rights advocacy group; and
- (11) A consumer organization.

3. If an image of the license plate of a motor vehicle is captured pursuant to the provisions of paragraph (h) of subsection 2 and the registered owner of the motor vehicle is providing valid insurance on the motor vehicle, the system provided for in paragraph (h) of subsection 2 shall not store, electronically or otherwise, the image or any other record of the motor vehicle for a period longer than 1 minute.

4. Any information exchanged pursuant to the provisions of this section must include only information relating to a motor vehicle and may not include any personal identifying information, including, without limitation, the name or address of any person.

5. A contract entered into by the Department pursuant to the provisions of this section must require the party with whom the Department contracts to provide all the money for the establishment of the system. The party may receive compensation for the establishment, maintenance and operation of the system only from revenues received by the State as a direct result of the operation of the system.

6. As used in this section, "insurance status of a motor vehicle" means the status of that motor vehicle regarding whether the registered owner of the motor vehicle is providing valid insurance on the motor vehicle as required pursuant to the provisions of NRS 485.185 or, for a motor vehicle not registered in this State, as required by the laws of the jurisdiction in which the motor vehicle is registered or is required to be registered.

Sec. 4. 1. In addition to any requirements of NRS 485.313 to 485.318, inclusive, each business day, each insurer that has executed a contract of insurance for a motor vehicle liability policy which may be used to meet the requirements of NRS 485.185 or 485.309 shall provide the Department with a record of each such policy issued, amended or terminated the previous day. The record must include:

- (a) The number, effective date and expiration date of the policy;
- (b) The make, model, year and vehicle identification number of each motor vehicle included in the policy; and
- (c) The zip code of residence of the holder of the policy or, if the holder is not a resident of this State, the state of residence.

2. The record provided pursuant to subsection 1 must be submitted in a form approved by the Department.

1 3. The Department shall notify the Commissioner of Insurance if an
2 insurer:

3 (a) Fails to comply with subsection 1 or 2; or

4 (b) In complying with subsection 1 or 2, provides to the Department
5 information that is false, incomplete or misleading.