

Amendment No. 146

Senate Amendment to Senate Bill No. 136	(BDR 43-776)
Proposed by: Senate Committee on Energy, Infrastructure and 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.

SJH/TMC



Date: 3/31/2009

S.B. No. 136—Prohibits certain persons from using a telephonic device to write, send or read a text-based communication while operating a motor vehicle. (BDR 43-776)



SENATE BILL NO. 136—SENATORS BREEDEN, WIENER, NOLAN, SCHNEIDER;
COPENING, PARKS AND WOODHOUSE

FEBRUARY 12, 2009

JOINT SPONSORS: ASSEMBLYMEN DENIS, HAMBRICK, KOIVISTO, MANENDO,
MUNFORD, OHRENSCHALL, PARNELL AND SEGERBLOM

Referred to Committee on Energy, Infrastructure and Transportation

SUMMARY—Prohibits ~~for certain persons~~ a person operating a motor vehicle from using a telephonic device to write, send or read a text-based communication while ~~operating a~~ the motor vehicle ~~it is in motion or stopped at certain intersections.~~ (BDR 43-776)

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 ~~for omitted material~~ is material to be omitted.

AN ACT relating to traffic laws; prohibiting ~~for certain persons~~ a person operating a motor vehicle from using a telephonic device to write, send or read a text-based communication while ~~operating a~~ the motor vehicle ~~it is in motion or stopped at certain intersections.~~ providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~This~~ ***Section 1 of this*** bill prohibits a person operating a motor vehicle from using a telephonic device to write, send or read a text-based communication while ~~operating a~~ the motor vehicle ~~except in certain circumstances.~~ is in motion or stopped at an intersection that is controlled by a traffic-control signal. A person who violates this provision must pay a fine of \$20 for a first offense, ~~and~~ a fine of \$50 for a second offense and a fine of \$100 for a third or subsequent offense. This bill does not create a moving violation.

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

Section 1. Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a person operating a motor vehicle shall not use a telephonic device to write, send or read a text-based communication while ~~operating a motor vehicle,~~ the motor vehicle is in motion or stopped at an intersection that is controlled by a traffic-control signal.

2. The provisions of subsection 1 do not apply to ~~+~~

~~(a) An emergency medical attendant, firefighter or law enforcement officer who uses a telephonic device in the course of his duties; or~~

~~(b) A person who reads, selects or enters a telephone number or name in a telephonic device for the purpose of making or receiving a telephone call.~~

3. A person who violates the provisions of subsection 1 shall:

(a) For a first offense, pay a fine of \$20.

(b) For a second ~~for subsequent~~ offense, pay a fine of \$50.

(c) For a third or subsequent offense, pay a fine of \$100.

4. A violation of subsection 1 is not a moving traffic violation under NRS 483.473.

5. As used in this section:

~~(a) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS.~~

~~(b)~~ (b) "Telephonic device" has the meaning ascribed to it in NRS 707.375.

~~(c)~~ (b) "Text-based communication" includes, without limitation, communication by text message, instant message or electronic mail.

Sec. 2. NRS 707.375 is hereby amended to read as follows:

707.375 1. An agency, board, commission or political subdivision of this State, including, without limitation, any agency, board, commission or governing body of a local government, shall not regulate the use of a telephonic device by a person who is operating a motor vehicle ~~it~~, except as provided in section 1 of this act.

2. As used in subsection 1, "telephonic device" means a cellular phone, satellite phone, portable phone or any other similar electronic device that is handheld and designed or used to communicate with ~~it~~ another person.