

Senate Bill No. 134–Senator Coffin

CHAPTER.....

AN ACT relating to traffic laws; revising provisions concerning the increased penalty imposed for certain traffic violations that occur in work zones; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the doubling of the penalty imposed against a person convicted of speeding or convicted of certain other traffic offenses that occur in a highway construction zone if: (1) workers are present; or (2) the effects of the offense are otherwise aggravated because of certain highway conditions that exist as a result of the highway construction. (NRS 484.3667) **Section 1** of this bill provides that the additional penalty must also be imposed if the offense occurs within a temporary traffic control zone in which workers are performing work other than highway maintenance or construction. **Section 2** of this bill removes the requirement that a governmental entity or person with whom the governmental entity contracts post signs to mark the beginning and end of a temporary traffic control zone under certain circumstances. **Section 2** also provides that a person is not subject to the additional penalty if the violation occurred in a temporary traffic control zone which is not required to be marked, unless the violation results in injury to any person performing highway construction or maintenance or other work in the temporary traffic control zone or in damage to property in an amount equal to \$1,000 or more.

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

Section 1. NRS 484.254 is hereby amended to read as follows:
484.254 1. It is unlawful for a driver of a vehicle to fail or refuse to comply with any signal of an authorized flagman serving in a traffic control capacity in a clearly marked area of highway construction or maintenance ~~or~~ *or any other area which has been designated as a temporary traffic control zone.*

2. A district attorney shall prosecute all violations of subsection 1 which occur in his jurisdiction and which result in injury to any person performing highway construction or maintenance *or performing other work within an area designated as a temporary traffic control zone* unless the district attorney has good cause for not prosecuting the violation. In addition to any other penalty, if a driver violates any provision of subsection 1 and the violation results in injury to any person performing highway construction or maintenance ~~or~~ *or performing other work within an area designated as a temporary traffic control zone,* or in damage to property in an amount of not less than \$1,000, the driver shall be



punished by a fine of not less than \$1,000 or more than \$2,000, and ordered to perform 120 hours of community service.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in *subsection 1 of NRS 484.3667*.

4. As used in this section, "authorized flagman serving in a traffic control capacity" means:

(a) An employee of the Department of Transportation or of a contractor performing highway construction or maintenance *or performing other work within an area designated as a temporary traffic control zone* for the Department of Transportation while he is carrying out the duties of his employment;

(b) An employee of any other governmental entity or of a contractor performing highway construction or maintenance *or performing other work within an area designated as a temporary traffic control zone* for the governmental entity while he is carrying out the duties of his employment; or

(c) Any other person employed by a private entity performing highway construction or maintenance *or performing other work within an area designated as a temporary traffic control zone* while he is carrying out the duties of his employment if the person has satisfactorily completed training as a flagman approved or recognized by the Department of Transportation.

Sec. 2. NRS 484.3667 is hereby amended to read as follows:

484.3667 1. Except as otherwise provided in ~~subsection 2,~~ *subsections 2 and 6*, a person who is convicted of a violation of a speed limit, or of NRS 484.254, 484.278, 484.289, 484.2895, 484.291 to 484.301, inclusive, 484.305, 484.309, 484.311, 484.335, 484.337, 484.361, 484.363, 484.3765, 484.377, 484.3775, 484.379, 484.379778, 484.448, 484.453 or 484.479, that occurred:

(a) In an area designated as a temporary traffic control zone ; ~~in which construction, maintenance or repair of a highway is conducted;~~ and

(b) At a time when the workers who are performing ~~the~~ construction, maintenance or repair of the highway *or other work* are present, or when the effects of the act may be aggravated because of the condition of the highway caused by construction, maintenance or repair, including, without limitation, reduction in lane width, reduction in the number of lanes, shifting of lanes from the designated alignment and uneven or temporary surfaces, including, without limitation, modifications to road beds, cement-treated bases, chip seals and other similar conditions,



↪ shall be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense. Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense, but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

2. The additional penalty imposed pursuant to subsection 1 must not exceed a total of \$1,000, 6 months of imprisonment or 120 hours of community service.

3. ~~[A]~~ *Except as otherwise provided in subsection 5, a governmental entity that designates an area **or authorizes the designation of an area** as a temporary traffic control zone in which construction, maintenance or repair of a highway **or other work** is conducted, or the person with whom the governmental entity contracts to provide such service, shall cause to be erected:*

(a) A sign located before the beginning of such an area stating "DOUBLE PENALTIES IN WORK ZONES" to indicate a double penalty may be imposed pursuant to this section;

(b) A sign to mark the beginning of the temporary traffic control zone; and

(c) A sign to mark the end of the temporary traffic control zone.

4. A person who otherwise would be subject to an additional penalty pursuant to this section is not relieved of any criminal liability because signs are not erected as required by subsection 3 if the violation results in injury to any person performing highway construction or maintenance **or other work** in the temporary traffic control zone or in damage to property in an amount equal to \$1,000 or more.

5. *The requirements of subsection 3 do not apply to an area designated as a temporary traffic control zone:*

(a) *Pursuant to an emergency which results from a natural or man-made disaster and which threatens the health, safety or welfare of the public; or*

(b) *On a public highway where the posted speed limit is 25 miles per hour or less and that provides access to or is appurtenant to a residential area.*

6. *A person who would otherwise be subject to an additional penalty pursuant to this section is not subject to an additional penalty if the violation occurred in a temporary traffic control zone for which signs are not erected pursuant to subsection 5,*



unless the violation results in injury to any person performing highway construction or maintenance or other work in the temporary traffic control zone or in damage to property in an amount equal to \$1,000 or more.

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