

SENATE BILL NO. 134—SENATOR COFFIN

FEBRUARY 12, 2009

Referred to Committee on Energy, Infrastructure and Transportation

SUMMARY—Revises provisions concerning the increased penalty imposed for certain traffic violations occurring in work zones. (BDR 43-180)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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 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:

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



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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. ~~1A~~ *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



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1 liability because signs are not erected as required by subsection 3 if
2 the violation results in injury to any person performing highway
3 construction or maintenance *or other work* in the temporary traffic
4 control zone or in damage to property in an amount equal to \$1,000
5 or more.

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

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

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

14 *6. A person who would otherwise be subject to an additional*
15 *penalty pursuant to this section is not subject to an additional*
16 *penalty if the violation occurred in a temporary traffic control*
17 *zone for which signs are not erected pursuant to subsection 5,*
18 *unless the violation results in injury to any person performing*
19 *highway construction or maintenance or other work in the*
20 *temporary traffic control zone or in damage to property in an*
21 *amount equal to \$1,000 or more.*

