

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 a person operating a motor vehicle from  
using a telephonic device to write, send or read a  
text-based communication while the motor vehicle 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 ~~omitted material~~ is material to be omitted.

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

**Legislative Counsel's Digest:**

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



\* S B 1 3 6 R 1 \*

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 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 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 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) "Telephonic device" has the meaning ascribed to it in NRS 707.375.*

*(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 ~~H~~, *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 ~~h~~ *another* person.

