

ASSEMBLY BILL NO. 328—ASSEMBLYWOMAN
BENITEZ-THOMPSON

MARCH 21, 2011

Referred to Committee on Transportation

SUMMARY—Enacts provisions relating to vulnerable highway users. (BDR 43-844)

FISCAL NOTE: Effect on Local Government: No.
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 motor vehicles; providing that a person who, while violating certain rules of the road, causes a collision with a pedestrian or person riding a bicycle has committed reckless driving; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides that certain conduct by a driver of a vehicle constitutes
2 reckless driving. (NRS 484B.653) **Section 31** of this bill provides that a person
3 who, while violating certain rules of the road relating to bicycles, pedestrians,
4 crosswalks, school crossing guards, school zones or speeding, is the proximate
5 cause of a collision with a pedestrian or person riding a bicycle has committed
6 reckless driving.

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

1 **Section 1.** (Deleted by amendment.)
2 **Sec. 2.** (Deleted by amendment.)
3 **Sec. 3.** (Deleted by amendment.)
4 **Sec. 4.** (Deleted by amendment.)
5 **Sec. 5.** (Deleted by amendment.)
6 **Sec. 6.** (Deleted by amendment.)
7 **Sec. 7.** (Deleted by amendment.)
8 **Sec. 8.** (Deleted by amendment.)
9 **Sec. 9.** (Deleted by amendment.)



Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 12.3. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his or her conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection ~~5~~ 6 of NRS 484B.653.

(2) A third or subsequent violation within 7 years of NRS 484C.110 or 484C.120.

(3) A violation of NRS 484C.110 or 484C.120 resulting in a felony conviction pursuant to NRS 484C.400 or 484C.410.

(4) A violation of NRS 484C.430 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430.

➔ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume when the Department is notified pursuant to NRS 209.517 or 213.12185 that the person has completed the period of imprisonment or that the person has been placed on residential confinement or parole.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484B.657, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle accident resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.



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(5) A second violation within 7 years of NRS 484C.110 or 484C.120 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484B.550.

(c) For a period of 90 days, if the offense is a first violation within 7 years of NRS 484C.110 or 484C.120.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484C.110 or 484C.120 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a first violation within 7 years of NRS 484C.110 has been permitted to enter a program of treatment pursuant to NRS 484C.320, the Department shall reduce by one-half the period during which the person is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that the person was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484C.460 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his or her first such offense during the period of required use of the device.

(b) For 5 years, if it is his or her second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064 or 206.330, chapters 484A to 484E, inclusive, of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.

Sec. 12.5. NRS 483.490 is hereby amended to read as follows:
483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a second violation within 7 years of NRS 484C.110, and



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1 one-half of the period during which the driver is not eligible for a
2 license has expired, the Department may, unless the statute
3 authorizing the suspension prohibits the issuance of a restricted
4 license, issue a restricted driver's license to an applicant permitting
5 the applicant to drive a motor vehicle:

6 (a) To and from work or in the course of his or her work, or
7 both; or

8 (b) To acquire supplies of medicine or food or receive regularly
9 scheduled medical care for himself, herself or a member of his or
10 her immediate family.

11 ➔ Before a restricted license may be issued, the applicant must
12 submit sufficient documentary evidence to satisfy the Department
13 that a severe hardship exists because the applicant has no alternative
14 means of transportation and that the severe hardship outweighs the
15 risk to the public if the applicant is issued a restricted license.

16 2. A person who has been ordered to install a device in a motor
17 vehicle pursuant to NRS 484C.460:

18 (a) Shall install the device not later than 21 days after the date
19 on which the order was issued; and

20 (b) May not receive a restricted license pursuant to this section
21 until:

22 (1) After at least 1 year of the period during which the person
23 is not eligible for a license, if the person was convicted of:

24 (I) A violation of NRS 484C.430 or a homicide resulting
25 from driving or being in actual physical control of a vehicle while
26 under the influence of intoxicating liquor or a controlled substance
27 or resulting from any other conduct prohibited by NRS 484C.110,
28 484C.130 or 484C.430; or

29 (II) A violation of NRS 484C.110 that is punishable as a
30 felony pursuant to NRS 484C.410 or 484C.420;

31 (2) After at least 180 days of the period during which the
32 person is not eligible for a license, if the person was convicted of a
33 violation of subsection ~~5~~ 6 of NRS 484B.653; or

34 (3) After at least 45 days of the period during which the
35 person is not eligible for a license, if the person was convicted of a
36 first violation within 7 years of NRS 484C.110.

37 3. If the Department has received a copy of an order requiring a
38 person to install a device in a motor vehicle pursuant to NRS
39 484C.460, the Department shall not issue a restricted driver's
40 license to such a person pursuant to this section unless the applicant
41 has submitted proof of compliance with the order and subsection 2.

42 4. After a driver's license has been revoked or suspended
43 pursuant to title 5 of NRS, the Department may issue a restricted
44 driver's license to an applicant permitting the applicant to drive a
45 motor vehicle:



(a) If applicable, to and from work or in the course of his or her work, or both; or

(b) If applicable, to and from school.

5. After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his or her work, or both;

(b) To receive regularly scheduled medical care for himself, herself or a member of his or her immediate family; or

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

6. A driver who violates a condition of a restricted license issued pursuant to subsection 1 or by another jurisdiction is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

(a) A violation of NRS 484C.110, 484C.210 or 484C.430;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

→ the driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

7. The periods of suspensions and revocations required pursuant to this chapter and NRS 484C.210 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

8. Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

Sec. 12.7. NRS 484B.270 is hereby amended to read as follows:

484B.270 1. The driver of a motor vehicle shall not:

(a) Intentionally interfere with the movement of a person lawfully riding a bicycle or an electric bicycle; or

(b) Overtake and pass a person riding a bicycle or an electric bicycle unless the driver can do so safely without endangering the person riding the bicycle or electric bicycle.

2. The driver of a motor vehicle shall yield the right-of-way to any person riding a bicycle or an electric bicycle on the pathway or lane. The driver of a motor vehicle shall not enter, stop, stand, park



1 or drive within a pathway or lane provided for bicycles or electric
2 bicycles except:

- 3 (a) When entering or exiting an alley or driveway;
- 4 (b) When operating or parking a disabled vehicle;
- 5 (c) To avoid conflict with other traffic;
- 6 (d) In the performance of official duties;
- 7 (e) In compliance with the directions of a police officer; or
- 8 (f) In an emergency.

9 3. Except as otherwise provided in subsection 2, the driver of a
10 motor vehicle shall not enter or proceed through an intersection
11 while driving within a pathway or lane provided for bicycles or
12 electric bicycles.

13 4. The driver of a motor vehicle shall:

14 (a) Exercise due care to avoid a collision with a person riding a
15 bicycle or an electric bicycle; and

16 (b) Give an audible warning with the horn of the vehicle if
17 appropriate and when necessary to avoid such a collision.

18 5. *If, while violating any provision of subsections 1 to 4,*
19 *inclusive, the driver of a motor vehicle is the proximate cause of a*
20 *collision with a person riding a bicycle, the driver is subject to the*
21 *additional penalty set forth in subsection 4 of NRS 484B.653.*

22 6. The operator of a bicycle or an electric bicycle shall not:

23 (a) Intentionally interfere with the movement of a motor vehicle;
24 or

25 (b) Overtake and pass a motor vehicle unless the operator can do
26 so safely without endangering himself or herself or the occupants of
27 the motor vehicle.

28 **Sec. 13.** NRS 484B.280 is hereby amended to read as follows:

29 484B.280 1. A driver of a motor vehicle shall:

30 ~~[1-]~~ (a) Exercise due care to avoid a collision with a pedestrian;

31 ~~[2-]~~ (b) Give an audible warning with the horn of the vehicle if
32 appropriate and when necessary to avoid such a collision; and

33 ~~[3-]~~ (c) Exercise proper caution upon observing a pedestrian
34 ~~[on]~~ :

35 (1) *On* or near a highway, street or road ;

36 (2) *At or near a bus stop or bench, shelter or transit stop for*
37 *passengers of public mass transportation or in the act of boarding*
38 *a bus or other public transportation vehicle; or* ~~[in]~~

39 (3) *In* or near a school crossing zone marked in accordance
40 with NRS 484B.363 or a marked or unmarked crosswalk.

41 2. *If, while violating any provision of this section, the driver*
42 *of a motor vehicle is the proximate cause of a collision with a*
43 *pedestrian, the driver is subject to the additional penalty set forth*
44 *in subsection 4 of NRS 484B.653.*



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Sec. 14. NRS 484B.283 is hereby amended to read as follows:

484B.283 **1.** Except as otherwise provided in NRS 484B.287, 484B.290 and 484B.350:

~~1-1~~ **(a)** When official traffic-control devices are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be so to yield, to a pedestrian crossing the highway within a crosswalk when the pedestrian is upon the half of the highway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the highway as to be in danger.

~~1-2~~ **(b)** A pedestrian shall not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

~~1-3~~ **(c)** Whenever a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at an intersection, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle until the driver has determined that the vehicle being overtaken was not stopped for the purpose of permitting a pedestrian to cross the highway.

~~1-4~~ **(d)** Whenever signals exhibiting the words "Walk" or "Don't Walk" are in place, such signals indicate as follows:

~~1-5~~ **(1)** While the "Walk" indication is illuminated, pedestrians facing the signal may proceed across the highway in the direction of the signal and must be given the right-of-way by the drivers of all vehicles.

~~1-6~~ **(2)** While the "Don't Walk" indication is illuminated, either steady or flashing, a pedestrian shall not start to cross the highway in the direction of the signal, but any pedestrian who has partially completed the crossing during the "Walk" indication shall proceed to a sidewalk, or to a safety zone if one is provided.

~~1-7~~ **(3)** Whenever the word "Wait" still appears in a signal, the indication has the same meaning as assigned in this section to the "Don't Walk" indication.

~~1-8~~ **(4)** Whenever a signal system provides a signal phase for the stopping of all vehicular traffic and the exclusive movement of pedestrians, and "Walk" and "Don't Walk" indications control pedestrian movement, pedestrians may cross in any direction between corners of the intersection offering the shortest route within the boundaries of the intersection when the "Walk" indication is exhibited, and when signals and other official traffic-control devices direct pedestrian movement in the manner provided in this section and in NRS 484B.307.

2. *If, while violating paragraph (a) or (c) of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with*



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a pedestrian, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. NRS 484B.350 is hereby amended to read as follows:
484B.350 1. The driver of a vehicle:

(a) Shall stop in obedience to the direction or traffic-control signal of a school crossing guard; and

(b) Shall not proceed until the highway is clear of all persons, including, without limitation, the school crossing guard.

2. A person who violates ~~any of the provisions of this section~~ *subsection 1* is guilty of a misdemeanor.

3. *If, while violating subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.*

4. As used in this section, "school crossing guard" means a volunteer or paid employee of a local authority, local law enforcement agency or school district whose duties include assisting pupils to cross a highway.

Sec. 20. (Deleted by amendment.)

Sec. 21. NRS 484B.363 is hereby amended to read as follows:

484B.363 1. A person shall not drive a motor vehicle at a speed in excess of 15 miles per hour in an area designated as a school zone except:

(a) On a day on which school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone indicates that the speed limit is not in effect.

2. A person shall not drive a motor vehicle at a speed in excess of 25 miles per hour in an area designated as a school crossing zone except:

(a) On a day on which school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class



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1 and the yellow lights of the speed limit beacon are not flashing in
2 the manner which indicates that the speed limit is in effect; or

3 (d) If the zone is not designated by an operational speed limit
4 beacon, during the times when the sign designating the school zone
5 indicates that the speed limit is not in effect.

6 3. The governing body of a local government or the
7 Department of Transportation shall designate school zones and
8 school crossing zones. An area must not be designated as a school
9 zone if imposing a speed limit of 15 miles per hour would be unsafe
10 because of higher speed limits in adjoining areas.

11 4. Each such governing body and the Department shall provide
12 signs to mark the beginning and end of each school zone and school
13 crossing zone which it respectively designates. Each sign marking
14 the beginning of such a zone must include a designation of the hours
15 when the speed limit is in effect or that the speed limit is in effect
16 when children are present.

17 5. With respect to each school zone and school crossing zone
18 in a school district, the superintendent of the school district or his or
19 her designee, in conjunction with the Department of Transportation
20 and the governing body of the local government that designated the
21 school zone or school crossing zone and after consulting with the
22 principal of the school and the agency that is responsible for
23 enforcing the speed limit in the zone, shall determine the times
24 when the speed limit is in effect.

25 6. *If, while violating subsection 1 or 2, the driver of a motor*
26 *vehicle is the proximate cause of a collision with a pedestrian or a*
27 *person riding a bicycle, the driver is subject to the additional*
28 *penalty set forth in subsection 4 of NRS 484B.653.*

29 7. As used in this section, "speed limit beacon" means a device
30 which is used in conjunction with a sign and equipped with two or
31 more yellow lights that flash alternately to indicate when the speed
32 limit in a school zone or school crossing zone is in effect.

33 **Sec. 22.** (Deleted by amendment.)

34 **Sec. 23.** (Deleted by amendment.)

35 **Sec. 24.** (Deleted by amendment.)

36 **Sec. 25.** NRS 484B.600 is hereby amended to read as follows:

37 484B.600 1. It is unlawful for any person to drive or operate
38 a vehicle of any kind or character at:

39 (a) A rate of speed greater than is reasonable or proper, having
40 due regard for the traffic, surface and width of the highway, the
41 weather and other highway conditions.

42 (b) Such a rate of speed as to endanger the life, limb or property
43 of any person.

44 (c) A rate of speed greater than that posted by a public authority
45 for the particular portion of highway being traversed.



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1 (d) In any event, a rate of speed greater than 75 miles per hour.
2 2. *If, while violating any provision of subsection 1, the driver*
3 *of a motor vehicle is the proximate cause of a collision with a*
4 *pedestrian or a person riding a bicycle, the driver is subject to the*
5 *additional penalty set forth in subsection 4 of NRS 484B.653.*

6 3. A person who violates any provision of ~~[this section]~~
7 *subsection 1* may be subject to the additional penalty set forth in
8 NRS 484B.130.

9 **Sec. 26.** (Deleted by amendment.)

10 **Sec. 27.** (Deleted by amendment.)

11 **Sec. 28.** (Deleted by amendment.)

12 **Sec. 29.** (Deleted by amendment.)

13 **Sec. 30.** (Deleted by amendment.)

14 **Sec. 31.** NRS 484B.653 is hereby amended to read as follows:
15 484B.653 1. It is unlawful for a person to:

16 (a) Drive a vehicle in willful or wanton disregard of the safety of
17 persons or property.

18 (b) Drive a vehicle in an unauthorized speed contest on a public
19 highway.

20 (c) Organize an unauthorized speed contest on a public highway.

21 ➔ A violation of paragraph (a) or (b) of this subsection or
22 subsection 1 of NRS 484B.550 constitutes reckless driving.

23 2. *If, while violating the provisions of subsections 1 to 4,*
24 *inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c)*
25 *of subsection 1 of NRS 484B.283, NRS 484B.350, subsection 1 or*
26 *2 of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of*
27 *a motor vehicle is the proximate cause of a collision with a*
28 *pedestrian or a person riding a bicycle, the violation constitutes*
29 *reckless driving.*

30 3. A person who violates paragraph (a) of subsection 1 is guilty
31 of a misdemeanor and:

32 (a) For the first offense, shall be punished:

33 (1) By a fine of not less than \$250 but not more than \$1,000;
34 or

35 (2) By both fine and imprisonment in the county jail for not
36 more than 6 months.

37 (b) For the second offense, shall be punished:

38 (1) By a fine of not less than \$1,000 but not more than
39 \$1,500; or

40 (2) By both fine and imprisonment in the county jail for not
41 more than 6 months.

42 (c) For the third and each subsequent offense, shall be punished:

43 (1) By a fine of not less than \$1,500 but not more than
44 \$2,000; or



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(2) By both fine and imprisonment in the county jail for not more than 6 months.

~~[3-]~~ 4. A person who violates paragraph (b) or (c) of subsection 1 *or commits a violation which constitutes reckless driving pursuant to subsection 2* is guilty of a misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than \$250 but not more than \$1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than \$1,000 but not more than \$1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense:

(1) Shall be punished by a fine of not less than \$1,500 but not more than \$2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

~~[4-]~~ 5. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection ~~[3-]~~ 4, the court:

(a) Shall issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order;

(c) For the first offense, may issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, shall issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

~~[5-]~~ 6. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who does any act or



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1 neglects any duty imposed by law while driving or in actual physical
2 control of any vehicle in willful or wanton disregard of the safety of
3 persons or property, if the act or neglect of duty proximately causes
4 the death of or substantial bodily harm to another person, is guilty of
5 a category B felony and shall be punished by imprisonment in the
6 state prison for a minimum term of not less than 1 year and a
7 maximum term of not more than 6 years and by a fine of not less
8 than \$2,000 but not more than \$5,000.

9 ~~[6-]~~ 7. A person who violates any provision of this section may
10 be subject to the additional penalty set forth in NRS 484B.130
11 unless the person is subject to the penalty provided pursuant to
12 subsection 4 of NRS 484B.550.

13 ~~[7-]~~ 8. As used in this section, "organize" means to plan,
14 schedule or promote, or assist in the planning, scheduling or
15 promotion of, an unauthorized speed contest on a public highway,
16 regardless of whether a fee is charged for attending the unauthorized
17 speed contest.

18 **Sec. 32.** (Deleted by amendment.)

19 **Sec. 33.** (Deleted by amendment.)

20 **Sec. 34.** (Deleted by amendment.)

21 **Sec. 35.** (Deleted by amendment.)

