

ASSEMBLY BILL NO. 341—ASSEMBLYMAN ELLISON

MARCH 21, 2011

Referred to Committee on Transportation

SUMMARY—Revises provisions governing penalties for violations of certain traffic laws. (BDR 43-941)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 motor vehicles; revising provisions relating to the offense of speeding; providing that violations of certain provisions prohibiting speeding are subject only to a fine; prohibiting the recording of certain violations on a driver's record; prohibiting an insurer from imposing an increase in rates or cancelling or refusing to renew a policy of motor vehicle insurance for such a violation; prohibiting a local authority from enacting an ordinance that provides a penalty for a speeding violation which is greater than the penalty provided by statute; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides for limits on the maximum speed at which a motor
2 vehicle may be operated in certain circumstances, authorizes the establishment by
3 the Department of Transportation and certain local governing bodies of such limits
4 and provides that a violation of those limits is a misdemeanor. (NRS 484A.400,
5 484B.600, 484B.621) Existing law also requires the Department of Motor Vehicles
6 to establish a uniform system of demerit points for various traffic violations that
7 affect the driving privilege of any person who holds a driver's license issued by this
8 State. (NRS 483.473) **Section 1** of this bill provides that a violation of certain laws
9 prohibiting speeding is not considered a traffic violation for the purposes of the
10 demerit point system established by the Department. **Sections 3-8** of this bill
11 provide that such violations are punishable only by a fine of not more than \$500
12 and that such violations must not be recorded on a driver's record or deemed a
13 moving violation. **Section 9** of this bill provides that such a violation may not be
14 used by an insurer to raise rates for a policy of motor vehicle insurance or to cancel
15 or refuse to renew a policy of motor vehicle insurance.

16 Existing law provides that a local authority may enact by ordinance certain
17 traffic regulations which cover the same subject matter as set forth in existing law,



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provided that the ordinance does not conflict with the corresponding sections of existing law. (NRS 484A.400) **Section 2** of this bill prohibits a local authority from providing a penalty for any offense described in **sections 3-8** that is greater than the penalty provided for in **sections 3-8**.

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

Section 1. NRS 483.473 is hereby amended to read as follows:
483.473 1. As used in this section, "traffic violation" means conviction of a moving traffic violation in any municipal court, justice court or district court in this State. The term includes a finding by a juvenile court that a child has violated a traffic law or ordinance other than one governing standing or parking. ~~{The term does not include a conviction or a finding by a juvenile court of a violation of the speed limit posted by a public authority under the circumstances described in subsection 1 of NRS 484B.617.}~~

2. The Department shall establish a uniform system of demerit points for various traffic violations occurring within this State affecting the driving privilege of any person who holds a driver's license issued by the Department and persons deemed to have future driving privileges pursuant to NRS 483.447. The system must be based on the accumulation of demerits during a period of 12 months.

3. The system must be uniform in its operation, and the Department shall set up a schedule of demerits for each traffic violation, depending upon the gravity of the violation, on a scale of one demerit point for a minor violation of any traffic law to eight demerit points for an extremely serious violation of the law governing traffic violations. If a conviction of two or more traffic violations committed on a single occasion is obtained, points must be assessed for one offense, and if the point values differ, points must be assessed for the offense having the greater point value. Details of the violation must be submitted to the Department by the court where the conviction is obtained. The Department may provide for a graduated system of demerits within each category of violations according to the extent to which the traffic law was violated.

Sec. 2. NRS 484A.400 is hereby amended to read as follows:
484A.400 1. The provisions of chapters 484A to 484E, inclusive, of NRS are applicable and uniform throughout this State on all highways to which the public has a right of access or to which persons have access as invitees or licensees.

2. Except as otherwise provided in subsection 3 and unless otherwise provided by specific statute, any local authority may enact



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1 by ordinance traffic regulations which cover the same subject matter
2 as the various sections of chapters 484A to 484E, inclusive, of NRS
3 if the provisions of the ordinance are not in conflict with chapters
4 484A to 484E, inclusive, of NRS, or regulations adopted pursuant
5 thereto. It may also enact by ordinance regulations requiring the
6 registration and licensing of bicycles.

7 3. A local authority shall not enact an ordinance:

8 (a) Governing the registration of vehicles and the licensing of
9 drivers;

10 (b) Governing the duties and obligations of persons involved in
11 traffic accidents, other than the duties to stop, render aid and provide
12 necessary information;

13 (c) Providing a penalty for an offense for which the penalty
14 prescribed by chapters 484A to 484E, inclusive, of NRS is greater
15 than that imposed for a misdemeanor; ~~for~~

16 (d) *Providing a penalty for any offense described in NRS*
17 *484B.600, 484B.603, 484B.610, 484B.613, 484B.617 or 484B.620*
18 *that is greater than the penalty provided in that section; or*

19 (e) Requiring a permit for a vehicle, or to operate a vehicle, on a
20 highway in this State.

21 4. No person convicted or adjudged guilty or guilty but
22 mentally ill of a violation of a traffic ordinance may be charged or
23 tried in any other court in this State for the same offense.

24 **Sec. 3.** NRS 484B.600 is hereby amended to read as follows:

25 484B.600 1. It is unlawful for any person to drive or operate
26 a vehicle of any kind or character at:

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

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

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

34 (d) In any event, a rate of speed greater than 75 miles per hour.

35 2. *Except as otherwise provided in subsection 4, a person who*
36 *violates any provision of this section shall be punished by a fine of*
37 *not more than \$500.*

38 3. *A violation of any provision of this section:*

39 (a) *Must not be recorded by the Department on a driver's*
40 *record; and*

41 (b) *Is not a moving traffic violation for the purposes of*
42 *NRS 483.473.*

43 4. A person who violates any provision of this section may be
44 subject to the additional penalty set forth in NRS 484B.130.



Sec. 4. NRS 484B.603 is hereby amended to read as follows:

484B.603 1. The fact that the speed of a vehicle is lower than the prescribed limits does not relieve a driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding highway, or when special hazards exist or may exist with respect to pedestrians or other traffic, or by reason of weather or other highway conditions, and speed must be decreased as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering a highway in compliance with legal requirements and the duty of all persons to use due care.

2. *Except as otherwise provided in subsection 4, a person who fails to use due care as required by subsection 1 shall be punished by a fine of not more than \$500.*

3. *A violation of subsection 1:*

(a) *Must not be recorded by the Department on a driver's record; and*

(b) *Is not a moving traffic violation for the purposes of NRS 483.473.*

4. Any person who fails to use due care as required by subsection 1 may be subject to the additional penalty set forth in NRS 484B.130.

Sec. 5. NRS 484B.610 is hereby amended to read as follows:

484B.610 1. Except as otherwise provided in subsection 2 and pursuant to the power granted in NRS 269.185, the town board or board of county commissioners may, by ordinance, limit the speed of motor vehicles in any unincorporated town in the county as may be deemed proper.

2. The Department of Transportation may establish the speed limits for motor vehicles on highways within the boundaries of any unincorporated town which are constructed and maintained under the authority granted by chapter 408 of NRS.

3. *Except as otherwise provided in subsection 5, a person who violates any speed limit established pursuant to this section shall be punished by a fine of not more than \$500.*

4. *A violation of this section:*

(a) *Must not be recorded by the Department of Motor Vehicles on a driver's record; and*

(b) *Is not a moving traffic violation for the purposes of NRS 483.473.*

5. A person who violates any speed limit established pursuant to this section may be subject to the additional penalty set forth in NRS 484B.130.



1 **Sec. 6.** NRS 484B.613 is hereby amended to read as follows:

2 484B.613 1. The Department of Transportation may establish
3 the speed limits for motor vehicles on highways which are
4 constructed and maintained by the Department of Transportation
5 under the authority granted to it by chapter 408 of NRS.

6 2. Except as otherwise provided by federal law, the Department
7 of Transportation may establish a speed limit on such highways not
8 to exceed 75 miles per hour and may establish a lower speed limit:

9 (a) Where necessary to protect public health and safety.

10 (b) For trucks, overweight and oversized vehicles, trailers drawn
11 by motor vehicles and buses.

12 3. *Except as otherwise provided in subsection 5, a person who*
13 *violates any speed limit established pursuant to this section shall*
14 *be punished by a fine of not more than \$500.*

15 4. *A violation of this section:*

16 (a) *Must not be recorded by the Department of Motor Vehicles*
17 *on a driver's record; and*

18 (b) *Is not a moving traffic violation for the purposes of*
19 *NRS 483.473.*

20 5. A person who violates any speed limit established pursuant
21 to this section may be subject to the additional penalty set forth in
22 NRS 484B.130.

23 **Sec. 7.** NRS 484B.617 is hereby amended to read as follows:

24 484B.617 1. Except as otherwise provided in subsection 3, a
25 person driving a motor vehicle during the hours of daylight at a
26 speed in excess of the speed limit posted by a public authority for
27 the portion of highway being traversed shall be punished by a fine
28 of \$25 if:

29 (a) The posted speed limit is 60 miles per hour and the person is
30 not exceeding a speed of 70 miles per hour.

31 (b) The posted speed limit is 65 miles per hour and the person is
32 not exceeding a speed of 75 miles per hour.

33 (c) The posted speed limit is 70 miles per hour and the person is
34 not exceeding a speed of 75 miles per hour.

35 2. A violation of the speed limit under any of the circumstances
36 set forth in subsection 1 ~~{must}~~ :

37 (a) *Must* not be recorded by the Department on a driver's record
38 ; and ~~{shall}~~

39 (b) *Is* not ~~{be deemed}~~ a moving traffic violation ~~{}~~ *for the*
40 *purposes of NRS 483.473.*

41 3. The provisions of this section do not apply to a violation
42 specified in subsection 1 that occurs in a county whose population is
43 100,000 or more if the portion of highway being traversed is in:

44 (a) An urban area; or



(b) An area which is adjacent to an urban area and which has been designated by the public authority that established the posted speed limit for the portion of highway being traversed as an area that requires strict observance of the posted speed limit to protect public health and safety.

Sec. 8. NRS 484B.620 is hereby amended to read as follows:

484B.620 1. The Department of Transportation may prescribe speed zones, and install appropriate speed signs controlling vehicular traffic on the state highway system as established in chapter 408 of NRS through hazardous areas, after necessary studies have been made to determine the need therefor, and to eliminate speed zones and remove the signs therefrom whenever the need therefor ceases to exist.

2. After the establishment of a speed zone and the installation of appropriate signs to control speed, it is unlawful for any person to drive a motor vehicle upon the road and in the speed zone in excess of the speed therein authorized.

3. A person who violates any speed limit established pursuant to this section shall be punished by a fine of not more than \$500.

4. A violation of this section:

(a) Must not be recorded by the Department of Motor Vehicles on a driver's record; and

(b) Is not a moving traffic violation for the purposes of NRS 483.473.

Sec. 9. NRS 690B.028 is hereby amended to read as follows:

690B.028 An insurer shall not impose on an insured or group of insured an increase in rates for motor vehicle insurance *or cancel or refuse to renew a policy of motor vehicle insurance* because of a conviction or a finding by a ~~juvenile~~ court of a violation of ~~the speed limit under the circumstances described in subsection 1 of NRS 484B.617, nor shall an insurer cancel or refuse to renew a policy of insurance for that reason.~~ *NRS 484B.600, 484B.603, 484B.610, 484B.613, 484B.617 or 484B.620.*

