

Amendment No. 251

Assembly Amendment to Assembly Bill No. 328

(BDR 43-844)

Proposed by: Assembly Committee on Transportation**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

DLJ/SLP



Date: 4/20/2011

A.B. No. 328—Enacts provisions relating to vulnerable highway users.
(BDR 43-844)



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 an enhanced penalty for motorists who seriously injure or cause the death of a vulnerable highway user; revising provisions related to the duties required of a person involved in a serious accident involving a vehicle;~~ 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:

~~[Section 1 of this bill provides for an additional penalty to be imposed on a person convicted of a violation of certain traffic laws if the person was the proximate cause of substantial bodily injury to or the death of a vulnerable highway user. The additional penalty includes completion of a course of traffic safety, performance of community service, a fine and the revocation of a person's driver's license for 1 year. The court must suspend the fine and revocation pending completion of the course of traffic safety and community service. The term "vulnerable highway user" is defined as a pedestrian, a person performing highway construction or maintenance, a person riding an animal, a person operating a farm tractor, or a person on a skateboard, roller skates, a bicycle or an electric bicycle who is on or near a highway.]~~

~~Existing law requires a person involved in an accident involving a vehicle resulting in injury or death to any person to report certain information to the other driver and any investigating police officer, to provide reasonable assistance to any person injured in the accident and, if no police officer is present, to report the accident to the nearest office of a police authority. (NRS 484E.030) Section 35 of this bill requires the driver of a vehicle to report an accident involving, and provide assistance to, the rider of a bicycle.]~~ Existing law provides that certain conduct by a driver of a vehicle constitutes reckless driving. (NRS 484B.653) Section 31 of this bill provides that a person who, while violating certain rules of the road relating to bicycles, pedestrians, crosswalks, school crossing guards, school zones or speeding, is the proximate cause of a collision with a pedestrian or person riding a bicycle has committed reckless driving.

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

1 **Section 1.** ~~[Chapter 484B of NRS is hereby amended by adding thereto a~~
2 ~~new section to read as follows:~~

3 ~~1. A person who is convicted of a violation of NRS 484B.150, 484B.163,~~
4 ~~484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.280, 484B.283,~~
5 ~~484B.300, 484B.303, 484B.317, 484B.327 to 484B.353, inclusive, 484B.363,~~
6 ~~484B.403, 484B.580, 484B.587, 484B.600 to 484B.613, inclusive, 484B.650,~~
7 ~~484B.653, 484B.657, 484C.110 or 484C.120 and as a result of the violation~~
8 ~~proximately causes the death of or substantial bodily harm to a vulnerable~~
9 ~~highway user, shall, in addition to the term of imprisonment or amount of the~~
10 ~~fine, or both, that the court imposes for the primary offense, be punished by:~~

11 ~~— (a) A fine of not more than \$12,500;~~

12 ~~— (b) The revocation of his or her driver's license for 1 year;~~

13 ~~— (c) The performance of not less than 50 hours or more than 200 hours of~~
14 ~~community service; and~~

15 ~~— (d) Completion, at the person's expense, of a course of traffic safety~~
16 ~~approved by the Department.~~

17 ~~2. Subsection 1 does not create a separate offense, but provides an~~
18 ~~additional penalty for the primary offense, imposition of which is contingent~~
19 ~~upon the finding of the prescribed fact, and is to be imposed in addition to the~~
20 ~~penalty which may be imposed pursuant to NRS 484B.130.~~

21 ~~3. The court imposing the penalties required pursuant to subsection 1 shall~~
22 ~~suspend the fine and the revocation of the driver's license of the person on the~~
23 ~~condition that the person presents proof to the court, within the time specified by~~
24 ~~the court, of completion of the community service and the course of traffic safety.~~

25 ~~4. If the person is already subject to an order requiring completion, at the~~
26 ~~person's expense, of a course of traffic safety approved by the Department, the~~
27 ~~court shall allow the completion of one such course to satisfy the requirements of~~
28 ~~this section.~~

29 ~~5. If the court issues an order revoking the driver's license of the driver~~
30 ~~pursuant to this section, the court shall require the driver to surrender all driver's~~
31 ~~licenses then held by the driver. The court shall, within 5 days after issuing the~~
32 ~~order, forward a copy of the order to the Department.~~

33 ~~6. If the person is already subject to any other order suspending or revoking~~
34 ~~his or her driver's license, the court shall order the additional period of~~
35 ~~revocation to apply consecutively with the previous order.~~

36 ~~7. As used in this section, "vulnerable highway user" means a pedestrian, a~~
37 ~~person performing highway construction or maintenance, a person riding an~~
38 ~~animal, a person operating a farm tractor, or a person riding on or operating~~
39 ~~something other than a motor vehicle, including, without limitation:~~

40 ~~— (a) A skateboard;~~

41 ~~— (b) Roller skates;~~

42 ~~— (c) A bicycle; and~~

43 ~~— (d) An electric bicycle;~~

44 ~~— who is on or near a highway. (Deleted by amendment.)~~

45 **Sec. 2.** ~~[NRS 484B.130 is hereby amended to read as follows:~~

46 ~~484B.130. 1. Except as otherwise provided in subsections 2 and 6, a person~~
47 ~~who is convicted of a violation of a speed limit, or of NRS 484B.150, 484B.163,~~
48 ~~484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.300, 484B.303,~~

~~484B.317, 484B.320, 484B.327, 484B.330, 484B.403, 484B.587, 484B.600, 484B.603, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120, that occurred:~~

~~— (a) In an area designated as a temporary traffic control zone; and~~

~~— (b) At a time when the workers who are performing 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 [.] and is to be imposed in addition to the penalty which may be imposed pursuant to section 1 of this act.~~

~~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. 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 other 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.] (Deleted by amendment.)~~

Sec. 3. [NRS 484B.150 is hereby amended to read as follows:]

~~484B.150 1. It is unlawful for a person to drink an alcoholic beverage while the person is driving or in actual physical control of a motor vehicle upon a highway.~~

~~2. Except as otherwise provided in this subsection, it is unlawful for a person to have an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is upon a highway. This subsection does not apply to a motor vehicle which is designed, maintained or used primarily for the transportation of persons for compensation, or to the living quarters of a house coach or house trailer.~~

~~3. A person who violates any provision of this section may be subject to the additional [penalty] penalties set forth in NRS 484B.130 [.] and section 1 of this act.~~

~~4. As used in this section:~~

~~(a) "Alcoholic beverage" has the meaning ascribed to it in NRS 202.015;~~

~~(b) "Open container" means a container which has been opened or the seal of which has been broken;~~

~~(c) "Passenger area" means that area of a vehicle which is designed for the seating of the driver or a passenger.] (Deleted by amendment.)~~

Sec. 4. [NRS 484B.163 is hereby amended to read as follows:

~~484B.163 1. A person shall not drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.~~

~~2. A passenger in a vehicle shall not ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.~~

~~3. Except as otherwise provided in NRS 484D.440, a vehicle must not be operated upon any highway unless the driver's vision through any required glass equipment is normal.~~

~~4. A person who violates any provision of this section may be subject to the additional [penalty] penalties set forth in NRS 484B.130 [.] and section 1 of this act.] (Deleted by amendment.)~~

Sec. 5. [NRS 484B.200 is hereby amended to read as follows:

~~484B.200 1. Upon all highways of sufficient width a vehicle must be driven upon the right half of the highway, except as follows:~~

~~(a) When overtaking and passing another vehicle proceeding in the same direction under the laws governing such movement;~~

~~(b) When the right half of the highway is closed to traffic;~~

~~(c) Upon a highway divided into three lanes for traffic under the laws applicable thereon;~~

~~(d) Upon a highway designated and posted for one-way traffic; or~~

~~(e) When the highway is not of sufficient width.~~

~~2. A person who violates any provision of this section may be subject to the additional [penalty] penalties set forth in NRS 484B.130 [.] and section 1 of this act.] (Deleted by amendment.)~~

Sec. 6. [NRS 484B.203 is hereby amended to read as follows:

~~484B.203 1. Drivers of vehicles proceeding in opposite directions shall pass each other keeping to the right, and upon highways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the paved portion of the highway as nearly as possible.~~

~~2. A person who violates any provision of this section may be subject to the additional [penalty] penalties set forth in NRS 484B.130 [.] and section 1 of this act.] (Deleted by amendment.)~~

Sec. 7. [NRS 484B.207 is hereby amended to read as follows:

~~484B.207 1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not~~

~~again drive to the right side of the highway until safely clear of the overtaken vehicle.~~

~~2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle upon observing the overtaking vehicle or hearing a signal. The driver of an overtaken vehicle shall not increase the speed of the vehicle until completely passed by the overtaking vehicle.~~

~~3. A person who violates any provision of this section may be subject to the additional [penalty] penalties set forth in NRS 484B.130 [.] and section 1 of this act. (Deleted by amendment.)~~

Sec. 8. ~~[NRS 484B.210 is hereby amended to read as follows:~~

~~484B.210 1. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:~~

~~(a) When the driver of the vehicle overtaken is making or signaling to make a left turn.~~

~~(b) Upon a highway with unobstructed pavement which is not occupied by parked vehicles and which is of sufficient width for two or more lines of moving vehicles in each direction.~~

~~(c) Upon a highway with unobstructed pavement which is not marked as a traffic lane and which is not occupied by parked vehicles, if the vehicle that is overtaking and passing another vehicle:~~

~~(1) Does not travel more than 200 feet in the section of pavement not marked as a traffic lane; or~~

~~(2) While being driven in the section of pavement not marked as a traffic lane, does not travel through an intersection or past any private way that is used to enter or exit the highway.~~

~~(d) Upon any highway on which traffic is restricted to one direction of movement, where the highway is free from obstructions and of sufficient width for two or more lines of moving vehicles.~~

~~2. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety.~~

~~3. The driver of a vehicle shall not overtake and pass another vehicle upon the right when such movement requires driving off the paved portion of the highway.~~

~~4. A person who violates any provision of this section may be subject to the additional [penalty] penalties set forth in NRS 484B.130 [.] and section 1 of this act. (Deleted by amendment.)~~

Sec. 9. ~~[NRS 484B.213 is hereby amended to read as follows:~~

~~484B.213 1. A vehicle must not be driven to the left side of the center of a two-lane, two-directional highway and overtaking and passing another vehicle proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.~~

~~2. A vehicle must not be driven to the left side of the highway at any time:~~

~~(a) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.~~

~~(b) When approaching within 100 feet or traversing any intersection or railroad grade crossing.~~

~~(c) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.~~

~~3. Subsection 2 does not apply upon a one-way highway.~~

~~4. A person who violates any provision of this section may be subject to the additional [penalty] penalties set forth in NRS 484B.130 [.] and section 1 of this act. (Deleted by amendment.)~~

Sec. 10. ~~[NRS 484B.217 is hereby amended to read as follows:~~

~~484B.217 1. The Department of Transportation with respect to highways constructed under the authority of chapter 408 of NRS, and local authorities with respect to highways under their jurisdiction, may determine those zones of highways where overtaking and passing to the left or making a left-hand turn would be hazardous, and may by the erection of official traffic control devices indicate such zones. When such devices are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.~~

~~2. Except as otherwise provided in subsections 3 and 4, a driver shall not drive on the left side of the highway within such zone or drive across or on the left side of any pavement striping designed to mark such zone throughout its length.~~

~~3. A driver may drive across a pavement striping marking such zone to an adjoining highway if the driver has first given the appropriate turn signal and there will be no impediment to oncoming or following traffic.~~

~~4. Except where otherwise provided, a driver may drive across a pavement striping marking such a zone to make a left-hand turn if the driver has first given the appropriate turn signal in compliance with NRS 484B.413, if it is safe and if it would not be an impediment to oncoming or following traffic.~~

~~5. A person who violates any provision of this section may be subject to the additional [penalty] penalties set forth in NRS 484B.130 [.] and section 1 of this act. (Deleted by amendment.)~~

Sec. 11. ~~[NRS 484B.223 is hereby amended to read as follows:~~

~~484B.223 1. If a highway has two or more clearly marked lanes for traffic traveling in one direction, vehicles must~~

~~(a) Be driven as nearly as practicable entirely within a single lane; and~~

~~(b) Not be moved from that lane until the driver has given the appropriate turn signal and ascertained that such movement can be made with safety.~~

~~2. Upon a highway which has been divided into three clearly marked lanes, a vehicle must not be driven in the extreme left lane at any time. A vehicle on such a highway must not be driven in the center lane except:~~

~~(a) When overtaking and passing another vehicle where the highway is clearly visible and the center lane is clear of traffic for a safe distance;~~

~~(b) In preparation for a left turn; or~~

~~(c) When the center lane is allocated exclusively to traffic moving in the direction in which the vehicle is proceeding and a sign is posted to give notice of such allocation.~~

~~3. If a highway has been designed to provide a single center lane to be used only for turning by traffic moving in both directions, the following rules apply:~~

~~(a) A vehicle may be driven in the center turn lane only for the purpose of making a left-hand turn onto or from the highway;~~

~~(b) A vehicle must not travel more than 200 feet in a center turn lane before making a left-hand turn from the highway;~~

~~(c) A vehicle must not travel more than 50 feet in a center turn lane after making a left-hand turn onto the highway before merging with traffic.~~

~~4. If a highway has been designed to provide a single right lane to be used only for turning, a vehicle must:~~

~~(a) Be driven in the right turn lane only for the purpose of making a right turn; and~~

~~(b) While being driven in the right turn lane, not travel through an intersection.~~

~~5. A person who violates any provision of this section may be subject to the additional [penalty] penalties set forth in NRS 484B.130 [.] and section 1 of this act. (Deleted by amendment.)~~

Sec. 12. ~~[NRS 484B.227 is hereby amended to read as follows:~~

~~484B.227 1. Every vehicle driven upon a divided highway must be driven only upon the right hand roadway and must not be driven over, across or within any dividing space, barrier or section or make any left turn, semicircular turn or U turn, except through an opening in the barrier or dividing section or space or at a crossover or intersection established by a public authority.~~

~~2. A person who violates any provision of this section may be subject to the additional [penalty] penalties set forth in NRS 484B.130 [.] and section 1 of this act. (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.

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

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

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

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

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

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

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

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

(I) 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; or

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

(2) After at least 180 days of the period during which the person is not eligible for a license, if the person was convicted of a violation of subsection ~~4~~ 6 of NRS 484B.653; or

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

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

4. After a driver's license has been revoked or suspended pursuant to title 5 of NRS, 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; 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 or drive within a pathway or lane provided for bicycles or electric bicycles except:

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

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

4. The driver of a motor vehicle shall:

- (a) Exercise due care to avoid a collision with a person riding a bicycle or an electric bicycle; and
- (b) Give an audible warning with the horn of the vehicle if appropriate and when necessary to avoid such a collision.

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

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

- (a) Intentionally interfere with the movement of a motor vehicle; or
- (b) Overtake and pass a motor vehicle unless the operator can do so safely without endangering himself or herself or the occupants of the motor vehicle.

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

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

- ~~1-1~~ (a) Exercise due care to avoid a collision with a pedestrian;
- ~~2-2~~ (b) Give an audible warning with the horn of the vehicle if appropriate and when necessary to avoid such a collision; and
- ~~3-3~~ (c) Exercise proper caution upon observing a pedestrian on or near a highway, street or road or in or near a school crossing zone marked in accordance with NRS 484B.363 or a marked or unmarked crosswalk.

2. ~~[A person who violates]~~ If, while violating any provision of this section [may be], the driver of a motor vehicle is the proximate cause of a collision with a pedestrian, the driver is subject to the additional penalty set forth in [section 4 of this act.] subsection 4 of NRS 484B.653.

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.

~~2-2~~ (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.

~~3-3~~ (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.

~~(4)~~ (d) Whenever signals exhibiting the words “Walk” or “Don’t Walk” are in place, such signals indicate as follows:

~~(a)~~ (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.

~~(b)~~ (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.

~~(c)~~ (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.

~~(d)~~ (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. ~~[A driver who violates]~~ If, while violating paragraph (a) or (c) of subsection 1 [may be], the driver of a motor vehicle is the proximate cause of a collision with a pedestrian, the driver is subject to the additional penalty set forth in ~~section 1 of this act]~~ subsection 4 of NRS 484B.653.

Sec. 15. ~~[NRS 484B.300 is hereby amended to read as follows:~~

~~484B.300 1. It is unlawful for any driver to disobey the instructions of any official traffic-control device placed in accordance with the provisions of chapters 484A to 484E, inclusive, of NRS, unless at the time otherwise directed by a police officer.~~

~~2. No provision of chapters 484A to 484E, inclusive, of NRS for which such devices are required may be enforced against an alleged violator if at the time and place of the alleged violation the device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular provision of chapters 484A to 484E, inclusive, of NRS does not state that such devices are required, the provision is effective even though no devices are erected or in place.~~

~~3. Whenever devices are placed in position approximately conforming to the requirements of chapters 484A to 484E, inclusive, of NRS, such devices are presumed to have been so placed by the official act or direction of a public authority, unless the contrary is established by competent evidence.~~

~~4. Any device placed pursuant to the provisions of chapters 484A to 484E, inclusive, of NRS and purporting to conform to the lawful requirements pertaining to such devices is presumed to comply with the requirements of chapters 484A to 484E, inclusive, of NRS unless the contrary is established by competent evidence.~~

~~5. A person who violates any provision of subsection 1 may be subject to the additional [penalty] penalties set forth in NRS 484B.130 [.] and section 1 of this act.] (Deleted by amendment.)~~

Sec. 16. ~~[NRS 484B.303 is hereby amended to read as follows:~~

~~484B.303 1. Whenever official traffic-control devices are erected indicating that no right or left turn is permitted, it is unlawful for any driver of a vehicle to disobey the directions of any such devices.~~

~~2. A person who violates any provision of this section may be subject to the additional [penalty] penalties set forth in NRS 484B.120 [.] and section 1 of this act.] (Deleted by amendment.)~~

1 **Sec. 17.** ~~[NRS 484B.327 is hereby amended to read as follows:~~
2 ~~484B.327 1. It is unlawful for any person to remove any barrier or sign~~
3 ~~stating that a highway is closed to traffic;~~
4 ~~2. It is unlawful to pass over a highway that is marked, signed or barricaded~~
5 ~~to indicate that it is closed to traffic. A person who violates any provision of this~~
6 ~~subsection may be subject to the additional [penalty] penalties set forth in NRS~~
7 ~~484B.130 [.] and section 1 of this act.] (Deleted by amendment.)~~

8 **Sec. 18.** ~~[NRS 484B.330 is hereby amended to read as follows:~~
9 ~~484B.330 1. It is unlawful for a driver of a vehicle to fail or refuse to~~
10 ~~comply with any signal of an authorized flagger serving in a traffic control capacity~~
11 ~~in a clearly marked area of highway construction or maintenance or any other area~~
12 ~~which has been designated as a temporary traffic control zone;~~
13 ~~2. A district attorney shall prosecute all violations of subsection 1 which~~
14 ~~occur in his or her jurisdiction and which result in injury to any person performing~~
15 ~~highway construction or maintenance or performing other work within an area~~
16 ~~designated as a temporary traffic control zone unless the district attorney has good~~
17 ~~cause for not prosecuting the violation. In addition to any other penalty, if a driver~~
18 ~~violates any provision of subsection 1 and the violation results in injury to any~~
19 ~~person performing highway construction or maintenance or performing other work~~
20 ~~within an area designated as a temporary traffic control zone, or in damage to~~
21 ~~property in an amount of not less than \$1,000, the driver shall be punished by a fine~~
22 ~~of not less than \$1,000 or more than \$2,000, and ordered to perform 120 hours of~~
23 ~~community service;~~
24 ~~3. A person who violates any provision of subsection 1 may be subject to the~~
25 ~~additional [penalty] penalties set forth in subsection 1 of NRS 484B.130 [.] and~~
26 ~~section 1 of this act.~~
27 ~~4. As used in this section, "authorized flagger serving in a traffic control~~
28 ~~capacity" means:~~
29 ~~(a) An employee of the Department of Transportation or of a contractor~~
30 ~~performing highway construction or maintenance or performing other work within~~
31 ~~an area designated as a temporary traffic control zone for the Department of~~
32 ~~Transportation while the employee is carrying out the duties of his or her~~
33 ~~employment;~~
34 ~~(b) An employee of any other governmental entity or of a contractor~~
35 ~~performing highway construction or maintenance or performing other work within~~
36 ~~an area designated as a temporary traffic control zone for the governmental entity~~
37 ~~while the employee is carrying out the duties of his or her employment; or~~
38 ~~(c) Any other person employed by a private entity performing highway~~
39 ~~construction or maintenance or performing other work within an area designated as~~
40 ~~a temporary traffic control zone while the person is carrying out the duties of his or~~
41 ~~her employment if the person has satisfactorily completed training as a flagger~~
42 ~~approved or recognized by the Department of Transportation.] (Deleted by~~
43 ~~amendment.)~~

44 **Sec. 19.** NRS 484B.350 is hereby amended to read as follows:
45 484B.350 1. The driver of a vehicle:
46 (a) Shall stop in obedience to the direction or traffic-control signal of a school
47 crossing guard; and
48 (b) Shall not proceed until the highway is clear of all persons, including,
49 without limitation, the school crossing guard.
50 2. A person who violates ~~[any of the provisions of this section]~~ subsection 1
51 is guilty of a misdemeanor.
52 3. ~~[A driver who violates] If, while violating subsection 1 [may be], the~~
53 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 section 1 of this act, 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. ~~NRS 484B.353 is hereby amended to read as follows:~~

~~1. Except as otherwise provided in subsection 2, the driver of any vehicle, when meeting or overtaking, from either direction, any school bus, equipped with signs and signals required by law, which has stopped to receive or discharge any pupil and is displaying a flashing red light signal visible from the front and rear, shall bring the vehicle to an immediate stop and shall not attempt to overtake or proceed past the school bus until the flashing red signal ceases operation.~~

~~2. The driver of a vehicle upon a divided highway need not stop upon meeting or passing a school bus which is positioned in the other roadway. The driver of a vehicle need not stop upon meeting or passing a school bus where traffic is controlled by a traffic officer.~~

~~3. Any person who violates any of the provisions of this section is guilty of a misdemeanor and:~~

~~(a) For a third or any subsequent offense within 2 years after the most recent offense, shall be punished by a fine of not more than \$1,000 and the driver's license of the person must be suspended for not more than 1 year;~~

~~(b) For a second offense within 1 year after the first offense, shall be punished by a fine of not less than \$250 nor more than \$500 and the driver's license of the person must be suspended for 6 months;~~

~~(c) For a first offense or any subsequent offense for which a punishment is not provided for in paragraph (a) or (b), shall be punished by a fine of not less than \$250 nor more than \$500.~~

~~4. A person who violates any of the provisions of this section may be subject to the additional penalty set forth in section 1 of this act. (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 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.

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

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

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

6. ~~[A person who violates]~~ If, while violating subsection 1 or 2 [may be], 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 [section 1 of this act], subsection 4 of NRS 484B.653.

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

Sec. 22. ~~[NRS 484B.403 is hereby amended to read as follows:]~~

~~484B.403 1. A U-turn may be made on any road where the turn can be made with safety, except as prohibited by this section and by the provisions of NRS 484B.227 and 484B.407.~~

~~2. If an official traffic control device indicates that a U-turn is prohibited, the driver shall obey the directions of the device.~~

~~3. The driver of a vehicle shall not make a U-turn in a business district, except at an intersection or on a divided highway where an appropriate opening or crossing place exists.~~

~~4. Notwithstanding the foregoing provisions of this section, local authorities and the Department of Transportation may prohibit U-turns at any location within their respective jurisdictions.~~

~~5. A person who violates any provision of this section may be subject to the additional [penalty] penalties set forth in NRS 484B.130 [.] and section 1 of this act.] (Deleted by amendment.)~~

Sec. 23. ~~[NRS 484B.580 is hereby amended to read as follows:]~~

~~484B.580 1. It is unlawful for a person to:~~

~~(a) Proceed or travel through an administrative roadblock or a temporary roadblock without subjecting himself or herself to the traffic control established at the roadblock;~~

~~(b) Disobey the lawful orders or directions of a police officer at an administrative roadblock or a temporary roadblock.~~

~~2. A person who unlawfully proceeds through an administrative roadblock or a temporary roadblock shall be punished:~~

~~(a) If the person is the direct cause of a death or substantial bodily harm to any person, or damage to property in excess of \$1,000, for a category B felony by~~

~~imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.~~

~~(b) If no death, substantial bodily harm or damage to property in excess of \$1,000 occurs, for a gross misdemeanor.~~

~~3. A person who violates subsection 1 may be subject to the additional penalty set forth in section 1 of this act.~~ **(Deleted by amendment.)**

Sec. 24. ~~[NRS 484B.587 is hereby amended to read as follows:~~

~~484B.587 1. When official traffic control devices are erected giving notice thereof, a person shall not drive a vehicle onto or from any controlled access highway except at those entrances and exits which are indicated by such devices.~~

~~2. Except if required by an emergency, a person shall not drive a vehicle on a controlled access highway:~~

~~(a) Upon any portion of the highway that lies outside of a marked traffic lane or marked entrance or exit lane; or~~

~~(b) Across any solid white line that separates an entrance or exit lane from a marked traffic lane.~~

~~3. A person who violates any provision of this section may be subject to the additional [penalty] penalties set forth in NRS 484B.130 [.] and section 1 of this act.~~ **(Deleted by amendment.)**

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

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

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

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

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

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

2. **If, while violating any provision of 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.**

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

Sec. 26. ~~[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. Any person who fails to use due care as required by subsection 1 may be subject to the additional [penalty] penalties set forth in NRS 484B.130 [.] and section 1 of this act.~~ **(Deleted by amendment.)**

Sec. 27. ~~[NRS 484B.607 is hereby amended to read as follows:~~

~~484B.607 1. Upon approaching an authorized emergency vehicle which is stopped and is making use of flashing lights meeting the requirements of subsection~~

2 of NRS 484A.480 or a tow car which is stopped and is making use of flashing amber warning lights meeting the requirements of NRS 484B.748, the driver of the approaching vehicle shall, in the absence of other direction given by a peace officer:

- ~~— (a) Decrease the speed of the vehicle to a speed that is:~~
 - ~~— (1) Reasonable and proper, pursuant to the criteria set forth in subsection 1 of NRS 484B.600; and~~
 - ~~— (2) Less than the posted speed limit, if a speed limit has been posted;~~
- ~~— (b) Proceed with caution;~~
- ~~— (c) Be prepared to stop; and~~
- ~~— (d) If possible, drive in a lane that is not adjacent to the lane in which the emergency vehicle or tow car is stopped, unless roadway, traffic, weather or other conditions make doing so unsafe or impossible.~~

~~2. A person who violates subsection 1 is guilty of a misdemeanor.~~

~~3. A person who violates subsection 1 may be subject to the additional penalty set forth in section 1 of this act.~~ **(Deleted by amendment.)**

Sec. 28. ~~[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. A person who violates any speed limit established pursuant to this section may be subject to the additional [penalty] penalties set forth in NRS 484B.130 [.] and section 1 of this act.~~ **(Deleted by amendment.)**

Sec. 29. ~~[NRS 484B.613 is hereby amended to read as follows:~~

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

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

- ~~— (a) Where necessary to protect public health and safety;~~
- ~~— (b) For trucks, overweight and oversized vehicles, trailers drawn by motor vehicles and buses.~~

~~3. A person who violates any speed limit established pursuant to this section may be subject to the additional [penalty] penalties set forth in NRS 484B.130 [.] and section 1 of this act.~~ **(Deleted by amendment.)**

Sec. 30. ~~[NRS 484B.650 is hereby amended to read as follows:~~

~~484B.650 1. A driver commits an offense of aggressive driving if, during any single, continuous period of driving within the course of 1 mile, the driver does all the following, in any sequence:~~

- ~~— (a) Commits one or more acts of speeding in violation of NRS 484B.263 or 484B.600;~~
- ~~— (b) Commits two or more of the following acts, in any combination, or commits any of the following acts more than once:~~
 - ~~— (1) Failing to obey an official traffic control device in violation of NRS 484B.300;~~
 - ~~— (2) Overtaking and passing another vehicle upon the right by driving off the paved portion of the highway in violation of NRS 484B.210;~~

~~(3) Improper or unsafe driving upon a highway that has marked lanes for traffic in violation of NRS 484B.223;~~

~~(4) Following another vehicle too closely in violation of NRS 484B.127;~~

~~(5) Failing to yield the right of way in violation of any provision of NRS 484B.250 to 484B.267, inclusive;~~

~~(c) Creates an immediate hazard, regardless of its duration, to another vehicle or to another person, whether or not the other person is riding in or upon the vehicle of the driver or any other vehicle;~~

~~2. A driver may be prosecuted and convicted of an offense of aggressive driving in violation of subsection 1 whether or not the driver is prosecuted or convicted for committing any of the acts described in paragraphs (a) and (b) of subsection 1;~~

~~3. A driver who commits an offense of aggressive driving in violation of subsection 1 is guilty of a misdemeanor and:~~

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

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

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

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

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

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

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

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

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

~~4. In addition to any other penalty pursuant to subsection 3:~~

~~(a) For the first offense within 2 years, the court shall order the driver to attend, at the driver's own expense, a course of traffic safety approved by the Department and may issue an order suspending the driver's license of the driver for a period of not more than 30 days;~~

~~(b) For a second or subsequent offense within 2 years, the court shall issue an order revoking the driver's license of the driver for a period of 1 year;~~

~~5. To determine whether the provisions of paragraph (a) or (b) of subsection 4 apply to one or more offenses of aggressive driving, the court shall use the date on which each offense of aggressive driving was committed;~~

~~6. If the driver is already the subject of any other order suspending or revoking his or her driver's license, the court shall order the additional period of suspension or revocation, as appropriate, to apply consecutively with the previous order;~~

~~7. If the court issues an order suspending or revoking the driver's license of the driver pursuant to this section, the court shall require the driver to surrender to the court all driver's licenses then held by the driver. The court shall, within 5 days after issuing the order, forward the driver's licenses and a copy of the order to the Department;~~

~~8. If the driver successfully completes a course of traffic safety ordered pursuant to this section, the Department shall cancel three demerit points from his or her driving record in accordance with NRS 483.448 or 483.475, as appropriate, unless the driver would not otherwise be entitled to have those demerit points cancelled pursuant to the provisions of that section;~~

~~9. This section does not preclude the suspension or revocation of the driver's license of the driver, or the suspension of the future driving privileges of a person, pursuant to any other provision of law;~~

~~10. A person who violates any provision of subsection 1 may be subject to the additional [penalty] penalties set forth in NRS 484B.130 [.] and section 1 of this act. (Deleted by amendment.)~~

Sec. 31. NRS 484B.653 is hereby amended to read as follows:

484B.653 1. It is unlawful for a person to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~4.~~ 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.

~~4.4~~ 5. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection ~~4.3~~ 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.

~~5.5~~ 6. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not less than \$2,000 but not more than \$5,000.

~~6.6~~ 7. A person who violates any provision of this section may be subject to the additional ~~penalty~~ ~~penalties~~ set forth in NRS 484B.130 ~~and section 1 of this act~~ unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484B.550.

~~7.7~~ 8. As used in this section, "organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a public highway, regardless of whether a fee is charged for attending the unauthorized speed contest.

Sec. 32. ~~NRS 484B.657 is hereby amended to read as follows:~~
~~484B.657 1. A person who, while driving or in actual physical control of any vehicle, proximately causes the death of another person through an act or omission that constitutes simple negligence is guilty of vehicular manslaughter and shall be punished for a misdemeanor.~~

~~2. A person who commits an offense of vehicular manslaughter may be subject to the additional [penalty] penalties set forth in NRS 484B.130 [.] and section 1 of this act.~~

~~3. Upon the conviction of a person for a violation of the provisions of subsection 1, the court shall notify the Department of the conviction.~~

~~4. Upon receipt of notification from a court pursuant to subsection 3, the Department shall cause an entry of the conviction to be made upon the driving record of the person so convicted.] (Deleted by amendment.)~~

Sec. 33. ~~NRS 484C.110 is hereby amended to read as follows:~~

~~484C.110 1. It is unlawful for any person who:~~

~~(a) Is under the influence of intoxicating liquor;~~

~~(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath;~~

~~or~~

~~(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath;~~

~~to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access.~~

~~2. It is unlawful for any person who:~~

~~(a) Is under the influence of a controlled substance;~~

~~(b) Is under the combined influence of intoxicating liquor and a controlled substance; or~~

~~(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle;~~

~~to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.~~

~~3. It is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access with an amount of a prohibited substance in his or her blood or urine that is equal to or greater than:~~

	Urine	Blood
	Nanograms	Nanograms
Prohibited substance	per milliliter	per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Marijuana	10	2
(h) Marijuana metabolite	15	5
(i) Methamphetamine	500	100
(j) Phenethylidine	25	10

~~4. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.~~

~~5. A person who violates any provision of this section may be subject to the additional [penalty] penalties set forth in NRS 484B.120 [.] and section 1 of this act. (Deleted by amendment.)~~

Sec. 34. ~~[NRS 484C.120 is hereby amended to read as follows:]~~

~~484C.120 1. It is unlawful for any person who:~~

~~(a) Is under the influence of intoxicating liquor;~~

~~(b) Has a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath; or~~

~~(c) Is found by measurement within 2 hours after driving or being in actual physical control of a commercial motor vehicle to have a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath;~~
~~to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access;~~

~~2. It is unlawful for any person who:~~

~~(a) Is under the influence of a controlled substance;~~

~~(b) Is under the combined influence of intoxicating liquor and a controlled substance; or~~

~~(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a commercial motor vehicle;~~

~~to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.~~

~~3. It is unlawful for any person to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access with an amount of a prohibited substance in his or her blood or urine that is equal to or greater than:~~

Prohibited substance	Urine	Blood
	Nanograms per milliliter	Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergie acid diethylamide	25	10
(g) Marijuana	10	2
(h) Marijuana metabolite	15	5
(i) Methamphetamine	500	100
(j) Phenylethidine	25	10

~~4. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the commercial motor vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.04 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.~~

~~5. A person who violates any provision of this section may be subject to the additional [penalty] penalties set forth in NRS 484B.130 [.] and section 1 of this act.~~

~~6. As used in this section:~~

~~“(a) “Commercial motor vehicle” means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:~~

~~“(1) Has a gross combination weight rating of 26,001 or more pounds which includes a towed unit with a gross vehicle weight rating of more than 10,000 pounds;~~

~~“(2) Has a gross vehicle weight rating of 26,001 or more pounds;~~

~~“(3) Is designed to transport 16 or more passengers, including the driver; or~~

~~“(4) Regardless of size, is used in the transportation of materials which are considered to be hazardous for the purposes of the federal Hazardous Materials Transportation Act, 49 U.S.C. §§ 5101 et. seq., and for which the display of identifying placards is required pursuant to 49 C.F.R. Part 172, Subpart F;~~

~~“(b) The phrase “concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath” means 0.04 gram or more but less than 0.08 gram of alcohol per 100 milliliters of the blood of a person or per 210 liters of his or her breath.” (Deleted by amendment.)~~

Sec. 35. [NRS 484E.030 is hereby amended to read as follows:]

~~“484E.030 1. The driver of any vehicle involved in an accident resulting in injury to or death of any person, **including, without limitation, a person riding a bicycle,** or damage to any vehicle or other property which is driven or attended by any person shall:~~

~~“(a) Give his or her name, address and the registration number of the vehicle the driver is driving, and shall upon request and if available exhibit his or her license to operate a motor vehicle to any person injured in such accident or to the driver or occupant of or person attending any vehicle or other property damaged in such accident;~~

~~“(b) **If the accident involved a bicycle, report the percentage of liability for the accident which is attributable to the driver of the vehicle and to the rider of the bicycle or, if the percentage of liability is not known, report the circumstances of the accident;**~~

~~“(c) Give such information and upon request manually surrender such license to any police officer at the scene of the accident or who is investigating the accident and~~

~~“(c) [d] Render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary, or if such carrying is requested by the injured person.~~

~~“2. If no police officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of subsection 1 and NRS 484E.010, insofar as possible on his or her part to be performed, shall forthwith report such accident to the nearest office of a police authority or of the Nevada Highway Patrol and submit thereto the information specified in subsection 1.” (Deleted by amendment.)~~