

SENATE BILL NO. 145—SENATOR MANENDO

FEBRUARY 10, 2011

Referred to Committee on Transportation

SUMMARY—Prohibits a minor from using a cellular telephone or other handheld wireless communications device while operating a motor vehicle, except in certain emergency situations. (BDR 43-385)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to traffic laws; prohibiting a minor from using a cellular telephone or other handheld wireless communications device while operating a motor vehicle, except in certain emergency situations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law designates certain violations of traffic laws by a child to be minor
2 traffic offenses. (NRS 62A.220) Existing law further authorizes a court to take
3 various actions when a child is found to have committed a minor traffic offense.
4 Those actions include payment of a fine, suspension of the driver's license of the
5 child, attendance at a traffic survival course, payment for attendance at the traffic
6 survival course or probation, or any combination of those actions. In addition, the
7 minor traffic offense is reported to the Department of Motor Vehicles. (NRS
8 62E.700) **Section 1** of this bill makes it a minor traffic offense for a child to use a
9 cellular telephone or other handheld wireless communications device to talk, access
10 the Internet or engage in nonvoice communications such as texting, electronic
11 messaging or instant messaging, except in certain emergency situations. **Section 1**
12 provides that any report of such an offense to the Department of Motor Vehicles
13 will not be treated as a moving violation. **Section 2** of this bill further requires the
14 justice court to treat any such violation as more serious when determining the
15 action to take with respect to the child if the violation occurred in an area
16 designated as a temporary traffic control zone, a school crossing zone or a school
17 zone.



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

Section 1. Chapter 484B of NRS is hereby amended to read as follows:

1. Except as otherwise provided in this section, a person who is under the age of 18 years shall not, while operating a motor vehicle:

(a) Manually type or enter text into a cellular telephone or other handheld wireless communications device, or send or read data using any such device to access or search the Internet or to engage in nonvoice communication with another person, including, without limitation, texting, electronic messaging and instant messaging.

(b) Use a cellular telephone or other handheld wireless communications device to engage in voice communication with another person, regardless of whether an accessory is used which allows the person to communicate without using his or her hands.

2. The provisions of this section do not apply if the person is using the cellular telephone or other handheld wireless communications device to respond to a situation requiring immediate action to protect the health, welfare or safety of the driver or another person and stopping the vehicle would be inadvisable, impractical or dangerous.

3. The provisions of this section do not prohibit the use of a voice-activated global positioning or navigation system that is affixed to the vehicle.

4. A violation of this section is not a moving traffic violation for the purposes of NRS 483.473.

5. As used in this section, "handheld wireless communications device" means a handheld device for the transfer of information without the use of electrical conductors or wires and includes, without limitation, a cellular telephone, a personal digital assistant, a pager and a text messaging device.

Sec. 2. NRS 62E.700 is hereby amended to read as follows:

62E.700 1. If a child is found to have committed a minor traffic offense, the juvenile court may do any or all of the following:

(a) Order the child to pay a fine. If the juvenile court orders the child to pay a fine, the juvenile court shall order the child to pay an administrative assessment pursuant to NRS 62E.270, unless the offense involved a violation of a law or ordinance governing metered parking. If, because of financial hardship, the child is unable to pay the fine, the juvenile court may order the child to perform community service.



(b) Recommend to the Department of Motor Vehicles the suspension of the driver's license of the child.

(c) Order the child to attend and complete a traffic survival course.

(d) Order the child or the parent or guardian of the child, or both, to pay the reasonable cost for the child to attend the traffic survival course.

(e) Order the child placed on probation and impose such conditions as the juvenile court deems proper.

2. *When determining the actions to take with respect to a child who violated the provisions of section 1 of this act, the juvenile court shall treat the violation as more serious if the violation occurred in an area designated as a temporary traffic control zone, a school crossing zone or a school zone.*

3. The juvenile court shall forward to the Department of Motor Vehicles, in the form required by NRS 483.450, a record of the minor traffic offense, unless the offense involved a violation of a law or ordinance governing standing or parking.

~~3.~~ 4. As used in this section, "juvenile court" means:

(a) The juvenile court; or

(b) The Justice Court or municipal court if the juvenile court has transferred the case and record to the Justice Court or municipal court pursuant to NRS 62B.380.

Sec. 3. NRS 707.375 is hereby amended to read as follows:

707.375 1. ~~Any~~ *Except as otherwise provided pursuant to section 1 of this act, an* agency, board, commission or political subdivision of this State, including, without limitation, any agency, board, commission or governing body of a local government, shall not regulate the use of a telephonic device by a person who is operating a motor vehicle.

2. As used in subsection 1, "telephonic device" means a cellular phone, satellite phone, portable phone or any other similar electronic device that is handheld and designed or used to communicate with ~~the~~ *another* person.

