
ASSEMBLY BILL NO. 123—ASSEMBLYMEN MUNFORD;
GRADY AND HOGAN

FEBRUARY 14, 2013

Referred to Committee on Transportation

SUMMARY—Prohibits certain pedestrians from manually typing or entering text into a cellular telephone or other handheld wireless communications device while crossing a highway. (BDR 43-489)

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 public safety; prohibiting a pedestrian from manually typing or entering text into, or sending or reading data using, a cellular telephone or other handheld wireless communications device while crossing a highway; providing exceptions for certain emergencies; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill makes it a crime for a pedestrian to manually type or enter text into, or
2 to send or read data using, a cellular telephone or other handheld wireless
3 communications device while crossing a highway. This bill also provides an
4 exception to the prohibition when the cellular telephone or other handheld wireless
5 communications device is used by certain emergency and law enforcement
6 personnel and persons designated by a sheriff or chief of police or the Director of
7 the Department of Public Safety who are acting within the course and scope of their
8 employment. Additional exceptions apply if: (1) the person is using the cellular
9 telephone or other handheld wireless communications device to report or request
10 assistance relating to a medical emergency, a safety hazard or criminal activity; or
11 (2) the person is an employee or contractor of a public utility and is responding to
12 an emergency dispatch. A violation of the provisions added by this bill is
13 punishable by a written warning for a first offense. A subsequent violation within
14 the immediately preceding 7 years is a misdemeanor and is punishable by a fine of:
15 (1) \$100 for a second offense; and (2) \$250 for a third or subsequent offense.



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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 by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a pedestrian shall not, while crossing any highway, 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 communications with another person, including, without limitation, texting, electronic messaging and instant messaging.

2. The provisions of subsection 1 do not apply to:

(a) A paid or volunteer firefighter, emergency medical technician, ambulance attendant or other person trained to provide emergency medical services who is acting within the course and scope of his or her employment.

(b) A law enforcement officer or any person designated by a sheriff or chief of police or the Director of the Department of Public Safety who is acting within the course and scope of his or her employment.

(c) A person who is reporting a medical emergency, a safety hazard or criminal activity or who is requesting assistance relating to a medical emergency, a safety hazard or criminal activity.

(d) An employee or contractor of a public utility who uses a handheld wireless communications device:

(1) That has been provided by the public utility; and

(2) While responding to a dispatch by the public utility to respond to an emergency, including, without limitation, a response to a power outage or an interruption in utility service.

3. A person who violates any provision of subsection 1:

(a) For the first offense, must be issued a written warning.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall pay a fine of \$100.

(c) For the third or subsequent offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall pay a fine of \$250.

4. As used in this section:

(a) "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, personal digital assistant, pager and text messaging device.



1 (b) “Public utility” has the meaning ascribed to it in
2 NRS 484B.165.

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