

Amendment No. 147

Assembly Amendment to Assembly Bill No. 21 (BDR 43-364)

Proposed by: Assembly Committee on Transportation

Amendment Box: Replaces Amendment No. 50.

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.

AMI/JRS



Date: 4/5/2013

A.B. No. 21—Revises provisions relating to public safety. (BDR 43-364)



ASSEMBLY BILL NO. 21—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF THE DEPARTMENT OF TRANSPORTATION)

PREFILED DECEMBER 19, 2012

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to public safety. (BDR 43-364)

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; revising provisions prohibiting open containers of alcoholic beverages in motor vehicles; revising provisions governing the requirements and procedures for reporting motor vehicle accidents; transferring certain duties relating to the reporting of those accidents from the Department of Motor Vehicles to the Department of Public Safety; ~~revising provisions relating to the security that must be deposited when a report of certain motor vehicle accidents involving injury, death or damage to property is received by the Department of Motor Vehicles;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from having an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is on a highway. Existing law provides an exception to that prohibition for 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. (NRS 484B.150) **Section 1** of this bill provides that the exception ~~applies only to a passenger, but not the driver, within:~~ (1) applies to the passenger area of such a motor vehicle; for (2) the living quarters of the house coach or house trailer; **but (2) does not apply to a driver of such a motor vehicle who is in possession or control of an open container of an alcoholic beverage.**

Section 2 of this bill ~~increases the threshold from \$750 to \$1,500 in apparent damages for determining when the~~ allows: (1) a driver of a vehicle which is involved in an accident is required, with apparent damages of \$750 or more to forward a **submit electronically the accident report the driver is required to submit** to the Department of Motor Vehicles ~~within 10 days after the accident. Section 2 further allows: (1) the driver to submit the report electronically;~~ and (2) a driver who is required to submit a supplemental report to do so electronically. (NRS 484E.070) **Section 2 further requires the Department of Motor Vehicles to approve the format of the forms for those accident reports and make the forms available to persons who are required to submit the reports to the Department.**

Section 4 of this bill allows a police officer who investigates a vehicle accident for which a report must be made by the officer, or who otherwise prepares a written **or electronic** report as a result of the investigation, to forward the report of the accident in writing or electronically. In addition, **section 4** requires the report to be submitted to the Department of

Public Safety rather than the Department of Motor Vehicles. ~~(NRS 484E.110)~~ Section 4 requires the data collected by the Department of Public Safety from those reports to be recorded in a central repository created by the Department of Public Safety to track data electronically concerning vehicle accidents on a statewide basis. Section 4 further requires a police officer to prepare a report of an investigation which is conducted of a vehicle accident which results in bodily injury to or the death of any person or which involves apparent damage of ~~(\$1,500)~~ \$750 or more to a vehicle or other property. ~~(NRS 484E.110)~~

Section 5 of this bill transfers from the Department of Motor Vehicles to the Department of Public Safety the duty to prepare certain forms for preparing written accident reports that are supplied to police departments, sheriffs and other appropriate agencies or persons. (NRS 484E.120) Section 5 further requires certain accident reports that are required to be prepared by a police officer to be made on the appropriate form approved by the Department of Public Safety rather than the Department of Motor Vehicles and requires any other accident reports to be made on forms approved by the Department of Motor Vehicles.

~~Section 6 of this bill increases the threshold for damage to property as a result of a motor vehicle accident which requires a driver to deposit security from \$750 to \$1,500. If such security is not filed in a timely manner and the driver remains liable for the amount, under existing law, the Department of Motor Vehicles will hold a hearing to suspend the driver's license of the driver of the motor vehicle and any motor vehicle registrations of the owner of the motor vehicle or, if the operator or owner of the motor vehicle is a nonresident, to suspend his or her privilege to drive in this State. (NRS 485.100)~~

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

Section 1. 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 ~~to a passenger, but applies to the driver, within:~~

(a) The passenger area of a motor vehicle which is designed, maintained or used primarily for the transportation of persons for compensation; ~~or~~ ~~to the~~

(b) The living quarters of a house coach or house trailer. ~~or~~
but does apply to the driver of such a motor vehicle who is in possession or control of an open container of an alcoholic beverage.

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

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.

Sec. 2. NRS 484E.070 is hereby amended to read as follows:

484E.070 1. The Department shall:

(a) Approve the format of the forms for accident reports made pursuant to this section; and

(b) Make those forms available to persons who are required to forward the reports to the Department pursuant to this section.

2. Except as otherwise provided in subsections ~~2+~~ 3, 4 and ~~4+~~ 5, the driver of a vehicle which is in any manner involved in an accident on a highway or on premises to which the public has access, if the accident results in bodily injury to or the death of any person or total damage to any vehicle or item of property to an apparent extent of ~~\$750~~ ~~\$1,500~~ or more, shall, within 10 days after the accident, forward a written *or electronic* report of the accident to the Department. Whenever damage occurs to a motor vehicle, the operator shall attach to the accident report an estimate of repairs or a statement of the total loss from an established repair garage, an insurance adjuster employed by an insurer licensed to do business in this State, an adjuster licensed pursuant to chapter 684A of NRS or an appraiser licensed pursuant to chapter 684B of NRS. The Department may require the driver or owner of the vehicle to file supplemental written *or electronic* reports whenever the original report is insufficient in the opinion of the Department.

~~2+~~ 3. A report is not required from any person if the accident was investigated by a ~~law enforcement agency~~ *police officer pursuant to NRS 484E.110* and the report of the investigating officer contains:

(a) The name and address of the insurance company providing coverage to each person involved in the accident;

(b) The number of each policy; and

(c) The dates on which the coverage begins and ends.

~~2+~~ 4. The driver of a vehicle subject to the jurisdiction of the Surface Transportation Board or the Nevada Transportation Authority need not submit in his or her report the information requested pursuant to subsection 3 of NRS 484E.120 until the 10th day of the month following the month in which the accident occurred.

~~4+~~ 5. A written *or electronic* accident report is not required pursuant to this chapter from any person who is physically incapable of making a report, during the period of the person's incapacity. Whenever the driver is physically incapable of making a written *or electronic* report of an accident as required in this section and the driver is not the owner of the vehicle, the owner shall within 10 days after knowledge of the accident make the report not made by the driver.

~~5+~~ 6. All written *or electronic* reports required in this section to be forwarded to the Department by drivers or owners of vehicles involved in accidents are without prejudice to the person so reporting and are for the confidential use of the Department or other state agencies having use of the records for accident prevention, except as otherwise provided in NRS 239.0115 and except that the Department may disclose to a person involved in an accident or to his or her insurer the identity of another person involved in the accident when the person's identity is not otherwise known or when the person denies having been present at the accident. The Department may also disclose the name of the person's insurer and the number of the person's policy.

~~6+~~ 7. A written *or electronic* report forwarded pursuant to the provisions of this section may not be used as evidence in any trial, civil or criminal, arising out of an accident except that the Department shall furnish upon demand of any party to such a trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department in compliance with law, and, if the report has been made, the date, time and location of the accident, the names and addresses of the drivers, the owners of the vehicles involved and the investigating officers. The report may be used as evidence when necessary to prosecute charges filed in connection with a violation of NRS 484E.080.

Sec. 3. NRS 484E.080 is hereby amended to read as follows:

484E.080 1. If a person willfully fails, refuses or neglects to make a report of an accident in accordance with the provisions of this chapter, the person's

1 driving privilege may be suspended. Suspension action taken under this section
2 remains in effect for 1 year unless terminated by receipt of the report of the
3 accident or upon receipt of evidence that failure to report was not willful.

4 2. Any person who gives information in *electronic*, oral or written reports as
5 required in this chapter, knowing or having reason to believe that such information
6 is false, is guilty of a gross misdemeanor.

7 **Sec. 4.** NRS 484E.110 is hereby amended to read as follows:

8 484E.110 1. Every police officer who investigates a vehicle accident of
9 which a report must be made as required in this chapter, or who otherwise prepares
10 a written *or electronic* report as a result of an investigation either at the time of and
11 at the scene of the accident or thereafter by interviewing the participants or
12 witnesses, shall forward a written *or electronic* report of the accident to the
13 Department of Public Safety within 10 days after the investigation of the accident.

14 *The data collected by the Department of Public Safety pursuant to this subsection*
15 *must be recorded in a central repository created by the Department of Public*
16 *Safety to track data electronically concerning vehicle accidents on a statewide*
17 *basis.*

18 2. The written *or electronic* reports required to be forwarded by police
19 officers and the information contained therein are not privileged or confidential.

20 3. Every sheriff, chief of police or office of the Nevada Highway Patrol
21 receiving any report required under NRS 484E.030 to 484E.090, inclusive, shall
22 immediately prepare a copy thereof and file the copy with the Department ~~of~~ *of*
23 *Public Safety*.

24 4. *If a police officer investigates a vehicle accident resulting in bodily injury*
25 *to or the death of any person or total damage to any vehicle or item of property to*
26 *an apparent extent of ~~(\$1,500)~~ \$750 or more, the police officer shall prepare a*
27 *written or electronic report of the investigation.*

28 5. *As soon as practicable after receiving a report pursuant to this section,*
29 *the Department of Public Safety shall submit a copy of the report to the*
30 *Department of Motor Vehicles.*

31 **Sec. 5.** NRS 484E.120 is hereby amended to read as follows:

32 484E.120 1. The Department of Public Safety shall prepare ~~and upon~~
33 ~~request supply to police departments, sheriffs and other appropriate agencies or~~
34 ~~persons~~ forms for ~~written~~ accident reports ~~as~~ required ~~in this chapter,~~
35 ~~pursuant to NRS ~~484E.070 and~~ 484E.110,~~ suitable with respect to the persons
36 required to make the reports and the purposes to be served. The forms must be
37 designed to call for sufficiently detailed information to disclose with reference to an
38 accident the cause, conditions then existing, the persons and vehicles involved, the
39 name and address of the insurance company, the number of the policy providing
40 coverage and the dates on which the coverage begins and ends. *The Department of*
41 *Public Safety shall ~~fr~~*

42 ~~— (a) After the Department of Motor Vehicles approves the format of the forms~~
43 ~~for accident reports made by persons pursuant to NRS 484E.070, supply the~~
44 ~~forms to the Department of Motor Vehicles; and~~

45 ~~— (b) Upon~~ *, upon request, supply to a police department, sheriff or other*
46 *appropriate agency or person, the forms for accident reports prepared by a police*
47 *officer pursuant to NRS 484E.110.*

48 2. ~~[The form prepared for a report to be made by persons pursuant to NRS~~
49 ~~484E.070 or by a police officer pursuant to NRS 484E.110 must call for such.] *In*~~
50 ~~addition to submitting a copy of a report pursuant to NRS 484E.110, the~~
51 ~~Department of Public Safety shall provide any~~ information ~~as is~~ required by *this*
52 *section which is not included in the report to the Department of Motor Vehicles to*
53 *enable ~~the~~ the Department of Motor Vehicles* to determine whether the

requirements for the deposit of security under chapter 485 of NRS are inapplicable. The Department *of Motor Vehicles* may rely upon the accuracy of information supplied to a police officer by a driver or owner on the form unless it has reason to believe that the information is erroneous.

3. *Every accident report required pursuant to NRS 484E.070 must be made on the appropriate form approved by the Department of Motor Vehicles pursuant to that section and must contain all the information required in the form.*

4. Every accident report required ~~to be made in writing~~ pursuant to NRS 484E.110 must be made on the appropriate form approved by the Department of *Public Safety* and must contain all the information required therein unless it is not available.

Sec. 6. ~~NRS 485.190 is hereby amended to read as follows:~~

~~485.190 1. If, 20 days after the receipt of a report of an accident involving a motor vehicle within this State which has resulted in bodily injury or death, or damage to the property of any one person in excess of [\$750,] \$1,500, the Department does not have on file evidence satisfactory to it that the person who would otherwise be required to file security under subsection 2 has been released from liability, has been finally adjudicated not to be liable or has executed an acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the Department shall upon request set the matter for a hearing as provided in NRS 485.191.~~

~~2. The Department shall, immediately after a determination adverse to an operator or owner is made in a hearing pursuant to NRS 485.191, suspend the license of each operator and all registrations of each owner of a motor vehicle involved in such an accident, and, if the operator is a nonresident, the privilege of operating a motor vehicle within this State, and, if the owner is a nonresident, the privilege of the use within this State of any motor vehicle owned by him or her, unless the operator or owner, or both, immediately deposit security in the sum so determined by the Department at the hearing. If erroneous information is given to the Department with respect to the matters set forth in paragraph (a), (b) or (c) of subsection 1 of NRS 485.200, the Department shall take appropriate action as provided in this section after it receives correct information with respect to those matters.] (Deleted by amendment.)~~