

**Amendment No. 880**

Assembly Amendment to Senate Bill No. 304 First Reprint (BDR 43-774)

**Proposed by:** Assemblywoman Fiore

**Amendment Box:** Consistent with Amendment No. 862.

**Amends:** Summary: Yes 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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

MNM/BAW



Date: 5/19/2015

S.B. No. 304—Revises provisions relating to the use of safety belts in taxicabs.  
(BDR 43-774)



## SENATE BILL NO. 304—SENATOR ROBERSON

MARCH 16, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to ~~the use of safety belts in taxicabs.~~  
motor vehicles. (BDR 43-774)

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 motor vehicles; revising provisions relating to the use of safety belts in taxicabs; creating the Subcommittee on Criminal and Civil Violations of Traffic Laws of the Advisory Commission on the Administration of Justice; revising the duties of the Advisory Commission to include the evaluation of issues relating to certain traffic and motor vehicle laws; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, with certain exceptions, each adult passenger who rides in a taxicab in this State is required to wear a safety belt. Existing law also provides that a violation of this requirement may not be considered: (1) as negligence or as causation in any civil action or as negligent or reckless driving; or (2) as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product. (NRS 484D.500) ~~[[This]~~ Section 1 of this bill removes the preceding legal limitations and expressly allows a violation of the requirement to wear a safety belt while riding in a taxicab to be considered for those purposes.

Section 2.5 of this bill creates the Subcommittee on Criminal and Civil Violations of Traffic Laws of the Advisory Commission on the Administration of Justice. Section 2.5 also: (1) requires the Chair of the Advisory Commission to appoint the members of the Subcommittee; (2) requires the Subcommittee to study issues relating to certain traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, and the treatment of violations of such laws as criminal offenses or civil infractions; and (3) sets forth the salaries and per diem allowance that members of the Subcommittee may receive.

Existing law directs the Advisory Commission to study certain elements of this State's criminal justice system. (NRS 176.0125) Section 4 of this bill requires the Advisory Commission to evaluate certain laws relating to criminal violations of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, and whether the State may treat such violations as civil matters.

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

**Section 1.** NRS 484D.500 is hereby amended to read as follows:  
484D.500 1. Any passenger 18 years of age or older who rides in the front or back seat of any taxicab on any highway, road or street in this State shall wear a safety belt if one is available for the seating position of the passenger, except that this subsection does not apply:

(a) To a passenger who possesses a written statement by a physician certifying that the passenger is unable to wear a safety belt for medical or physical reasons; or

(b) If the taxicab was not required by federal law at the time of initial sale to be equipped with safety belts.

2. A citation must be issued to any passenger who violates the provisions of subsection 1. A citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. Any person who violates the provisions of subsection 1 shall be punished by a fine of not more than \$25 or by a sentence to perform a certain number of hours of community service.

3. A violation of subsection 1:

(a) Is not a moving traffic violation under NRS 483.473.

(b) May ~~not~~ be considered as negligence or as causation in any civil action or as negligent or reckless driving under NRS 484B.653.

(c) May ~~not~~ be considered as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product.

4. An owner or operator of a taxicab shall post a sign within each of his or her taxicabs advising passengers that they must wear safety belts while being transported by the taxicab. Such a sign must be placed within the taxicab so as to be visible to and easily readable by passengers, except that this subsection does not apply if the taxicab was not required by federal law at the time of initial sale to be equipped with safety belts.

**Sec. 2.5. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:**

**1. There is hereby created the Subcommittee on Criminal and Civil Violations of Traffic Laws of the Commission.**

**2. The Chair of the Commission shall appoint the members of the Subcommittee and designate one of the members of the Subcommittee as Chair of the Subcommittee. The Chair of the Subcommittee must be a member of the Commission.**

**3. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the Subcommittee.**

**4. The Subcommittee shall consider issues relating to:**

**(a) The existing laws of this State concerning the violation of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, and the treatment of violations of such laws as criminal offenses;**

**(b) The related laws of other states concerning violations of such laws and their treatment of violations of such laws as criminal offenses or civil infractions;**

**(c) The appropriate and necessary elements of a system to treat violations of such laws as civil infractions in this State, including, without limitation, computer systems, court procedures, training and staffing; and**

(d) The anticipated fiscal effects of a system to treat violations of such laws as civil infractions in this State, including, without limitation, the effects on this State and its political subdivisions,

↪ and shall evaluate, review and submit a report to the Commission with recommendations concerning such issues.

5. Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the immediately preceding session for each day's attendance at a meeting of the Subcommittee.

6. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 3. NRS 176.0121 is hereby amended to read as follows:

176.0121 As used in NRS 176.0121 to 176.0129, inclusive, and section 2.5 of this act, "Commission" means the Advisory Commission on the Administration of Justice.

Sec. 4. NRS 176.0125 is hereby amended to read as follows:

176.0125 The Commission shall:

1. Identify and study the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.

2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, but not limited to, the use of plea bargaining, probation, programs of intensive supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, structured or tiered sentencing, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, but not limited to, the following:

(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.

(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.

(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.

(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.

(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.

(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and

1 any aggravating factors, the savagery of the offense, as evidenced by the extent of  
2 any injury to the victim, and the degree of criminal sophistication demonstrated by  
3 the offender's acts before, during and after commission of the offense.

4 4. Evaluate the effectiveness and efficiency of the Department of Corrections  
5 and the State Board of Parole Commissioners with consideration as to whether it is  
6 feasible and advisable to establish an oversight or advisory board to perform  
7 various functions and make recommendations concerning:

8 (a) Policies relating to parole;

9 (b) Regulatory procedures and policies of the State Board of Parole  
10 Commissioners;

11 (c) Policies for the operation of the Department of Corrections;

12 (d) Budgetary issues; and

13 (e) Other related matters.

14 5. Evaluate the effectiveness of specialty court programs in this State with  
15 consideration as to whether such programs have the effect of limiting or precluding  
16 reentry of offenders and parolees into the community.

17 6. Evaluate the policies and practices concerning presentence investigations  
18 and reports made by the Division of Parole and Probation of the Department of  
19 Public Safety, including, without limitation, the resources relied on in preparing  
20 such investigations and reports and the extent to which judges in this State rely on  
21 and follow the recommendations contained in such presentence investigations and  
22 reports.

23 7. Evaluate, review and comment upon issues relating to juvenile justice in  
24 this State, including, but not limited to:

25 (a) The need for the establishment and implementation of evidence-based  
26 programs and a continuum of sanctions for children who are subject to the  
27 jurisdiction of the juvenile court; and

28 (b) The impact on the criminal justice system of the policies and programs of  
29 the juvenile justice system.

30 8. Compile and develop statistical information concerning sentencing in this  
31 State.

32 9. Identify and study issues relating to the application of chapter 241 of NRS  
33 to meetings held by the:

34 (a) State Board of Pardons Commissioners to consider an application for  
35 clemency; and

36 (b) State Board of Parole Commissioners to consider an offender for parole.

37 10. Identify and study issues relating to the operation of the Department of  
38 Corrections, including, without limitation, the system for allowing credits against  
39 the sentences of offenders, the accounting of such credits and any other policies and  
40 procedures of the Department which pertain to the operation of the Department.

41 11. Evaluate the policies and practices relating to the involuntary civil  
42 commitment of sexually dangerous persons.

43 12. Identify and study the impacts and effects of collateral consequences of  
44 convictions in this State. Such identification and study:

45 (a) Must cause to be identified any provision in the Nevada Constitution, the  
46 Nevada Revised Statutes and the Nevada Administrative Code which imposes a  
47 collateral sanction or authorizes the imposition of a disqualification, and any  
48 provision of law that may afford relief from a collateral consequence;

49 (b) May rely on the study of this State's collateral sanctions, disqualifications  
50 and relief provisions prepared by the National Institute of Justice described in  
51 section 510 of the Court Security Improvement Act of 2007, Public Law 110-177;  
52 and

(c) Must include the posting of a hyperlink on the Commission's website to any study of this State's collateral sanctions, disqualifications and relief provisions prepared by the National Institute of Justice described in section 510 of the Court Security Improvement Act of 2007, Public Law 110-177.

13. Evaluate the policies and practices relating to criminal violations of traffic laws and laws relating to drivers' licenses and to the registration of and insurance for motor vehicles, with consideration as to whether it is feasible and advisable to treat such violations as civil matters and, if so, the issues involved in implementing a system to treat such violations as civil matters.

14. For each regular session of the Legislature, prepare a comprehensive report including the Commission's recommended changes pertaining to the administration of justice in this State, the Commission's findings and any recommendations of the Commission for proposed legislation. The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.

**Sec. 5. NRS 176.01255 is hereby amended to read as follows:**

176.01255 1. The Chair of the Commission may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to carry out the provisions of NRS 176.0121 to 176.0129, inclusive, and section 2.5 of this act.

2. Any money received pursuant to this section must be deposited in the Special Account for the Support of the Advisory Commission on the Administration of Justice, which is hereby created in the State General Fund. Interest and income earned on money in the Account must be credited to the Account. Money in the Account may only be used for the support of the Commission and its activities pursuant to NRS 176.0121 to 176.0129, inclusive, and section 2.5 of this act.

**Sec. 6. The Subcommittee on Criminal and Civil Violations of Traffic Laws of the Advisory Commission on the Administration of Justice created by and appointed pursuant to section 2.5 of this act shall submit a report of its findings and any recommendations for legislation to the Advisory Commission not later than 30 days before the date of the meeting at which the Advisory Commission considers findings and recommendations of the Advisory Commission for proposed legislation to the 79th Session of the Nevada Legislature. At that meeting, the Advisory Commission shall consider any recommendation for proposed legislation submitted to the Advisory Commission by the Subcommittee.**

**Sec. 7. The amendatory provisions of sections 2.5 to 6, inclusive, of this act expire by limitation on July 31, 2017.**