

SENATE BILL NO. 216—SENATORS WOODHOUSE, MANENDO,
PARKS, CANCELA; DENIS AND SEGERBLOM

FEBRUARY 27, 2017

Referred to Committee on Transportation

SUMMARY—Makes various changes governing the use of a cellular telephone or other handheld or mounted wireless communications device while operating a motor vehicle. (BDR 43-757)

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

~

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 person who is less than 18 years of age from using a cellular telephone or other handheld or mounted wireless communications device while operating a motor vehicle; revising provisions relating to use of a cellular telephone or other handheld or mounted wireless communications device for voice communications while operating a motor vehicle; increasing the amount of fines for certain violations relating to the use of a cellular telephone or other handheld or mounted wireless communications device while operating a motor vehicle; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person who is operating a motor vehicle on a highway in this State from using a cellular telephone or other handheld wireless communications device to enter text, send or read data or search the Internet or for any nonvoice communications. However, a person may use the device to engage in voice communications if the device is used with an accessory which allows the person to communicate without using his or her hands. (NRS 484B.165) This bill amends existing law by prohibiting a driver who is under the age of 18 years from using the device to engage in voice communications, even with such an accessory. This bill also prohibits a person who is 18 years of age or older from using the device to engage in voice communications using such an accessory while operating a motor vehicle if the device is mounted inside the motor vehicle in such a manner that the person must leave his or her seated position or remove his or her safety belt



* S B 2 1 6 *

13 to activate the device. Finally, this bill increases the amount of the fine imposed
14 under existing law for a violation of the provisions governing the use of the device
15 while operating a motor vehicle on a highway in this State.

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

1 **Section 1.** NRS 484B.165 is hereby amended to read as
2 follows:

3 484B.165 1. Except as otherwise provided in this section, a
4 person shall not, while operating a motor vehicle on a highway in
5 this State:

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

12 (b) Use a cellular telephone or other handheld *or mounted*
13 wireless communications device to engage in voice communications
14 with another person, unless the *person operating the motor vehicle*
15 *is 18 years of age or older and:*

16 *(1) The device is used with an accessory which allows the*
17 *person to communicate without using his or her hands, other than to*
18 *activate, deactivate or initiate a feature or function on the device* ~~H~~ ;
19 *and*

20 *(2) If the device is mounted in the vehicle, the device is*
21 *reachable by the person operating the vehicle while:*

22 *(I) Remaining in his or her seated driving position; and*

23 *(II) Wearing his or her safety belt.*

24 2. The provisions of this section do not apply to:

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

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

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

37 (d) A person who is responding to a situation requiring
38 immediate action to protect the health, welfare or safety of the



* S B 2 1 6 *

1 driver or another person and stopping the vehicle would be
2 inadvisable, impractical or dangerous.

3 (e) A person who is licensed by the Federal Communications
4 Commission as an amateur radio operator and who is providing a
5 communication service in connection with an actual or impending
6 disaster or emergency, participating in a drill, test, or other exercise
7 in preparation for a disaster or emergency or otherwise
8 communicating public information.

9 (f) An employee or contractor of a public utility who uses a
10 handheld *or mounted* wireless communications device:

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

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

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

18 4. A person who violates any provision of subsection 1 is
19 guilty of a misdemeanor and:

20 (a) For the first offense within the immediately preceding 7
21 years, shall pay a fine of ~~100~~ *100*.

22 (b) For the second offense within the immediately preceding 7
23 years, shall pay a fine of ~~100~~ *200*.

24 (c) For the third or subsequent offense within the immediately
25 preceding 7 years, shall pay a fine of ~~250~~ *500*.

26 5. A person who violates any provision of subsection 1 may be
27 subject to any additional penalty set forth in NRS 484B.130 or
28 484B.135.

29 6. The Department of Motor Vehicles shall not treat a first
30 violation of this section in the manner statutorily required for a
31 moving traffic violation.

32 7. For the purposes of this section, a person shall be deemed
33 not to be operating a motor vehicle if the motor vehicle is driven
34 autonomously through the use of artificial-intelligence software and
35 the autonomous operation of the motor vehicle is authorized by law.

36 8. As used in this section:

37 (a) "Handheld *or mounted* wireless communications device"
38 means a ~~handheld~~ device *that can be held in the hand or mounted*
39 *inside a motor vehicle and which is used* for the transfer of
40 information without the use of electrical conductors or wires. ~~and~~
41 *The term* includes, without limitation, a cellular telephone, a
42 personal digital assistant, a pager and a text messaging device. The
43 term does not include a device used for two-way radio
44 communications if:



1 (1) The person using the device has a license to operate the
2 device, if required; and

3 (2) All the controls for operating the device, other than the
4 microphone and a control to speak into the microphone, are located
5 on a unit which is used to transmit and receive communications and
6 which is separate from the microphone and is not intended to be
7 held.

8 (b) “Public utility” means a supplier of electricity or natural gas
9 or a provider of telecommunications service for public use who is
10 subject to regulation by the Public Utilities Commission of Nevada.

11 **Sec. 2.** This act becomes effective on July 1, 2017.

