

ASSEMBLY BILL NO. 403—ASSEMBLYMEN ELLISON,
KRAMER, ROBERTS; LEAVITT, TITUS AND WHEELER

MARCH 21, 2019

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to certain traffic offenses.
(BDR 43-42)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
Effect on the State: Yes.

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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 applicability of certain traffic laws concerning
reckless driving and vehicular manslaughter; providing
penalties; and providing other matters properly relating
thereto.

Legislative Counsel's Digest:

1 Under existing law, traffic laws and certain other laws relating to motor
2 vehicles are applicable and uniform throughout this State on all highways to which
3 the public has a right of access or to which the persons have access to as invitees or
4 licensees. (NRS 484A.400) **Section 1** of this bill provides for exceptions to that
5 application if provided by a specific statute. Existing law makes provisions
6 governing reckless driving and vehicular manslaughter apply to a motor vehicle
7 being operated on a highway. **Sections 2-4** of this bill explicitly makes those also
8 apply on premises to which the public has access, which includes, without
9 limitation, parking lots, parking garages and other roads or ways that provide
10 access to or are appurtenant to places of business, apartment buildings, mobile
11 home parks and gated residential communities. (NRS 484A.185, 484B.550,
12 484B.653, 484B.657)



* A B 4 0 3 *

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

Section 1. NRS 484A.400 is hereby amended to read as follows:

484A.400 1. ~~[The]~~ *Except as otherwise provided by a specific statute, the* provisions of chapters 484A to 484E, inclusive, of NRS are applicable and uniform throughout this State on all highways to which the public has a right of access or to which persons have access as invitees or licensees.

2. Except as otherwise provided in subsection 3 and unless otherwise provided by specific statute, any local authority may enact by ordinance traffic regulations which cover the same subject matter as the various sections of chapters 484A to 484E, inclusive, of NRS if the provisions of the ordinance are not in conflict with chapters 484A to 484E, inclusive, of NRS, or regulations adopted pursuant thereto. It may also enact by ordinance regulations requiring the registration and licensing of bicycles.

3. A local authority shall not enact an ordinance:

(a) Governing the registration of vehicles and the licensing of drivers;

(b) Governing the duties and obligations of persons involved in traffic crashes, other than the duties to stop, render aid and provide necessary information;

(c) Providing a penalty for an offense for which the penalty prescribed by chapters 484A to 484E, inclusive, of NRS is greater than that imposed for a misdemeanor; or

(d) Requiring a permit for a vehicle, or to operate a vehicle, on a highway in this State.

4. No person convicted or adjudged guilty or guilty but mentally ill of a violation of a traffic ordinance may be charged or tried in any other court in this State for the same offense.

Sec. 2. NRS 484B.550 is hereby amended to read as follows:

484B.550 1. Except as otherwise provided in this section, the driver of a motor vehicle *on a highway or premises to which the public has access* who willfully fails or refuses to bring the vehicle to a stop, or who otherwise flees or attempts to elude a peace officer in a readily identifiable vehicle of any police department or regulatory agency, when given a signal to bring the vehicle to a stop is guilty of a misdemeanor.

2. The signal by the peace officer described in subsection 1 must be by flashing red lamp and siren.

3. Unless the provisions of NRS 484B.653 apply if, while violating the provisions of subsection 1, the driver of the motor vehicle:



(a) Is the proximate cause of damage to the property of any other person; or

(b) Operates the motor vehicle in a manner which endangers or is likely to endanger any other person or the property of any other person,

↳ the driver is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

4. If, while violating the provisions of subsection 1, the driver of the motor vehicle is the proximate cause of the death of or bodily harm to any other person, the driver is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than \$50,000, or by both fine and imprisonment.

5. If the driver of the motor vehicle is convicted of a violation of NRS 484C.110 or 484C.120 arising out of the same act or transaction as a violation of subsection 1, the driver is guilty of a category D felony and shall be punished as provided in NRS 193.130 for the violation of subsection 1.

Sec. 3. NRS 484B.653 is hereby amended to read as follows:

484B.653 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property ~~on a~~ **on a highway or premises to which the public has access.**

(b) Drive a vehicle in an unauthorized speed contest on a ~~public~~ highway ~~on~~ **or premises to which the public has access.**

(c) Organize an unauthorized speed contest on a ~~public~~ highway ~~on~~ **or premises to which the public has access.**

↳ A violation of paragraph (a) or (b) of this subsection or subsection 1 of NRS 484B.550 constitutes reckless driving.

2. If, while violating the provisions of subsections 1 to 5, inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283, NRS 484B.350, subsections 1 to 4, inclusive, of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of a motor vehicle **on a highway or premises to which the public has access** is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the violation constitutes reckless driving.

3. A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:



1 (1) By a fine of not less than \$250 but not more than \$1,000;
2 or

3 (2) By both fine and imprisonment in the county jail for not
4 more than 6 months.

5 (b) For the second offense, shall be punished:

6 (1) By a fine of not less than \$1,000 but not more than
7 \$1,500; or

8 (2) By both fine and imprisonment in the county jail for not
9 more than 6 months.

10 (c) For the third and each subsequent offense, shall be punished:

11 (1) By a fine of not less than \$1,500 but not more than
12 \$2,000; or

13 (2) By both fine and imprisonment in the county jail for not
14 more than 6 months.

15 4. A person who violates paragraph (b) or (c) of subsection 1
16 or commits a violation which constitutes reckless driving pursuant
17 to subsection 2 is guilty of a misdemeanor and:

18 (a) For the first offense:

19 (1) Shall be punished by a fine of not less than \$250 but not
20 more than \$1,000;

21 (2) Shall perform not less than 50 hours, but not more than
22 99 hours, of community service; and

23 (3) May be punished by imprisonment in the county jail for
24 not more than 6 months.

25 (b) For the second offense:

26 (1) Shall be punished by a fine of not less than \$1,000 but
27 not more than \$1,500;

28 (2) Shall perform not less than 100 hours, but not more than
29 199 hours, of community service; and

30 (3) May be punished by imprisonment in the county jail for
31 not more than 6 months.

32 (c) For the third and each subsequent offense:

33 (1) Shall be punished by a fine of not less than \$1,500 but
34 not more than \$2,000;

35 (2) Shall perform 200 hours of community service; and

36 (3) May be punished by imprisonment in the county jail for
37 not more than 6 months.

38 5. In addition to any fine, community service and
39 imprisonment imposed upon a person pursuant to subsection 4, the
40 court:

41 (a) Shall issue an order suspending the driver's license of the
42 person for a period of not less than 6 months but not more than 2
43 years and requiring the person to surrender all driver's licenses then
44 held by the person;



(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order;

(c) For the first offense, may issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, shall issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

6. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle *on a highway or premises to which the public has access* in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not less than \$2,000 but not more than \$5,000.

7. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135 unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484B.550.

8. As used in this section, "organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a public highway, regardless of whether a fee is charged for attending the unauthorized speed contest.

Sec. 4. NRS 484B.657 is hereby amended to read as follows:

484B.657 1. A person who, while driving or in actual physical control of any vehicle ~~H~~ *on a highway or premises to which the public has access*, proximately causes the death of another person through an act or omission that constitutes simple negligence is guilty of vehicular manslaughter and shall be punished for a misdemeanor.

2. A person who commits an offense of vehicular manslaughter may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

3. Upon the conviction of a person for a violation of the provisions of subsection 1, the court shall notify the Department of the conviction.



1 4. Upon receipt of notification from a court pursuant to
2 subsection 3, the Department shall cause an entry of the conviction
3 to be made upon the driving record of the person so convicted.

