

Amendment No. 387

Assembly Amendment to Assembly Bill No. 201	(BDR 43-604)
Proposed by: Assembly Committee on Judiciary	
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) 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.



ASSEMBLY BILL NO. 201—ASSEMBLYMEN ROBERTS, LEAVITT; CARLTON, CARRILLO,
HAFEN, KRAMER AND TOLLES

FEBRUARY 18, 2019

JOINT SPONSORS: SENATORS HAMMOND; AND SETTELMAYER

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing certain traffic laws. (BDR 43-604)

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 traffic laws; providing that a person who ~~facilitates or~~ drives
a vehicle in certain trick driving displays is guilty of a gross
misdemeanor; providing that a person who facilitates certain trick
driving displays is guilty of a misdemeanor or a gross
misdemeanor; defining trick driving display; providing a penalty; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who drives a vehicle in an unauthorized speed contest on a
public highway is guilty of reckless driving, which is a misdemeanor and is subject to
graduated penalties depending on whether the offense is a first, second or third or subsequent
offense that may include: (1) a fine; (2) imprisonment for up to 6 months in the county jail; (3)
suspension of the driver's license of the person; (4) the requirement to perform community
service; and (5) impoundment of the vehicle used by the person for a certain period.
Organizing such a speed contest is also a misdemeanor with commensurate penalties. (NRS
484B.653)

Section 3 of this bill makes it unlawful to drive a vehicle in an unauthorized trick driving
display on a public highway or to facilitate an unauthorized trick driving display. Under
section 3, driving a vehicle in an unauthorized trick driving display constitutes reckless
driving and is punishable as a gross misdemeanor, with graduated penalties depending on
whether the offense is a first, ~~a~~ second or ~~third or~~ a subsequent offense that may include: (1)
a fine; (2) imprisonment for up to 364 days in the county jail; (3) suspension of the driver's
license of the person; (4) the requirement to perform community service; and (5)
impoundment of the vehicle used by the person for a certain period. ~~[Additionally, the court
may order criminal forfeiture of the vehicle used in the commission of the offense.]~~ **Section 3**
provides ~~[similar penalties for]~~ that a person who facilitates an unauthorized trick driving
display, ~~[except that such a person's vehicle is not subject to criminal forfeiture.]~~ is guilty of
a misdemeanor for the first offense, and a gross misdemeanor for a second or
subsequent offense, with graduated penalties that may include: (1) a fine; (2)

imprisonment for up to 364 days in the county jail; (3) suspension of the driver's license of the person; (4) the requirement to perform community service; and (5) impoundment of the vehicle used by the person for a specified period.

Sections 1 and 2 of this bill make conforming changes.

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

Section 1. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his or her conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection ~~6~~ 9 of NRS 484B.653.

(2) A third or subsequent violation within 7 years of NRS 484C.110 or 484C.120.

(3) A violation of NRS 484C.110 or 484C.120 resulting in a felony conviction pursuant to NRS 484C.400 or 484C.410.

(4) A violation of NRS 484C.430 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430.

↳ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume when the Department is notified pursuant to NRS 209.517 or 213.12185 that the person has completed the period of imprisonment or that the person has been placed on residential confinement or parole.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484B.657, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle crash resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A second violation within 7 years of NRS 484C.110 or 484C.120 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484B.550.

(c) For a period of not less than 185 days, if the offense is a first violation within 7 years of NRS 484C.110 or 484C.120.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484C.110 or 484C.120 who fails to complete the educational course on the use of alcohol and controlled substances within the time

ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a first violation within 7 years of NRS 484C.110 has been permitted to enter a program of treatment pursuant to NRS 484C.320, the Department shall reduce by one-half the period during which the person is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that the person was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484C.210 or 484C.460 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his or her first such offense during the period of required use of the device.

(b) For 5 years, if it is his or her second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064, 206.330 or 392.148, chapters 484A to 484E, inclusive, of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.

Sec. 2. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a violation of NRS 484C.110, and one-half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his or her work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself, herself or a member of his or her immediate family.

➤ Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if the applicant is issued a restricted license.

2. A person who is required to install a device in a motor vehicle pursuant to NRS 484C.210 or 484C.460:

(a) Shall install the device not later than 14 days after the date on which the order was issued; and

(b) May not receive a restricted license pursuant to this section until:

(1) After at least 1 year of the period during which the person is not eligible for a license, if the person was convicted of:

(I) A violation of NRS 484C.430 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

1 (II) A violation of NRS 484C.110 that is punishable as a felony
2 pursuant to NRS 484C.410 or 484C.420; or

3 (2) After at least 180 days of the period during which the person is not
4 eligible for a license, if the person was convicted of a violation of subsection ~~6~~ 9
5 of NRS 484B.653.

6 3. If the Department has received a copy of an order requiring a person to
7 install a device in a motor vehicle pursuant to NRS 484C.460 or following an order
8 of revocation issued pursuant to NRS 484C.220, the Department shall not issue a
9 restricted driver's license to such a person pursuant to this section unless the
10 applicant has submitted proof of compliance with the order and subsection 2.

11 4. Except as otherwise provided in NRS 62E.630, after a driver's license has
12 been revoked or suspended pursuant to title 5 of NRS or NRS 392.148, the
13 Department may issue a restricted driver's license to an applicant permitting the
14 applicant to drive a motor vehicle:

15 (a) If applicable, to and from work or in the course of his or her work, or both;
16 or

17 (b) If applicable, to and from school.

18 5. After a driver's license has been suspended pursuant to NRS 483.443, the
19 Department may issue a restricted driver's license to an applicant permitting the
20 applicant to drive a motor vehicle:

21 (a) If applicable, to and from work or in the course of his or her work, or both;

22 (b) To receive regularly scheduled medical care for himself, herself or a
23 member of his or her immediate family; or

24 (c) If applicable, as necessary to exercise a court-ordered right to visit a child.

25 6. A driver who violates a condition of a restricted license issued pursuant to
26 subsection 1 or by another jurisdiction is guilty of a misdemeanor and, if the license
27 of the driver was suspended or revoked for:

28 (a) A violation of NRS 484C.110, 484C.210 or 484C.430;

29 (b) A homicide resulting from driving or being in actual physical control of a
30 vehicle while under the influence of intoxicating liquor or a controlled substance or
31 resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or
32 484C.430; or

33 (c) A violation of a law of any other jurisdiction that prohibits the same or
34 similar conduct as set forth in paragraph (a) or (b),

35 the driver shall be punished in the manner provided pursuant to subsection 2 of
36 NRS 483.560.

37 7. The periods of suspensions and revocations required pursuant to this
38 chapter and NRS 484C.210 must run consecutively, except as otherwise provided
39 in NRS 483.465 and 483.475, when the suspensions must run concurrently.

40 8. Whenever the Department suspends or revokes a license, the period of
41 suspension, or of ineligibility for a license after the revocation, begins upon the
42 effective date of the revocation or suspension as contained in the notice thereof.

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

44 484B.653 1. It is unlawful for a person to:

45 (a) Drive a vehicle in willful or wanton disregard of the safety of persons or
46 property.

47 (b) Drive a vehicle in an unauthorized speed contest on a public highway.

48 (c) Organize an unauthorized speed contest on a public highway.

49 *(d) Drive a vehicle in an unauthorized trick driving display on a public*
50 *highway.*

51 *(e) Facilitate an unauthorized trick driving display on a public highway.*

52 A violation of paragraph (a), ~~(b)~~ (b) or (d) of this subsection or subsection 1 of
53 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 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) By a fine of not less than \$250 but not more than \$1,000; or

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

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

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

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

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

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

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

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

(a) For the first offense:

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

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

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

(b) For the second offense:

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

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

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

(c) For the third and each subsequent offense:

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

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

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

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

(a) Shall issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then 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. *A person who violates paragraph (d) ~~for (e)~~ of subsection 1 is guilty of a gross misdemeanor and:*

(a) *For the first offense:*

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

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

(3) *May be punished by imprisonment in the county jail for not more than 364 days.*

(b) *For the second offense and each subsequent offense:*

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

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

(3) *May be punished by imprisonment in the county jail for not more than 364 days.*

7. *A person who violates paragraph (e) of subsection 1 is guilty of:*

(a) *For the first offense, a misdemeanor and:*

(1) *Shall be punished by a fine of not more than \$1,000;*

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

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

(b) *For the second offense and each subsequent offense, a gross misdemeanor and:*

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

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

(3) *May be punished by imprisonment in the county jail for not more than 364 days.*

8. *In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 6, ~~6.1~~ or 7, the court:*

(a) *May issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then 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; and*

(c) ~~*Except as otherwise provided in paragraph (d), may*~~ *May issue an order impounding, for a period of 30 days, any vehicle that is registered to the person if the vehicle is used in the commission of the offense. ~~It and~~*

~~*(d) May issue an order forfeiting any vehicle that is registered to the person who violates paragraph (d) of subsection 1 to the appropriate law enforcement agency if the vehicle is used in the commission of the offense.*~~

~~*8. If a court orders that a vehicle is forfeited pursuant to paragraph (d) of subsection 7, the law enforcement agency may:*~~

~~*(a) Retain it for official use;*~~

~~*(b) Sell it; or*~~

~~*(c) Remove it for disposal.*~~

9. 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 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-}~~ 10. 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-}~~ 11. As used in this section ~~{-“organize”-}~~:

(a) *“Facilitate” means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized trick driving display or in any other way participate in an unauthorized trick driving display, including, without limitation:*

(1) Using a vehicle to divert, slow, impede or otherwise block traffic with the intent to enable or assist an unauthorized trick driving display; or

(2) Filming or otherwise recording an unauthorized trick driving display with the intent to promote an unauthorized trick driving display.

(b) *“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.*

(c) *“Trick driving display” means using a vehicle to perform tricks, stunts or other maneuvers on a public highway upon which traffic has been diverted, slowed, impeded or blocked to enable the performing of such tricks, stunts or maneuvers or having such tricks, stunts or maneuvers filmed or otherwise recorded.*