

Amendment No. 678

Senate Amendment to Assembly Bill No. 403 First Reprint	(BDR 43-42)
Proposed by: Senate Committee on Growth and Infrastructure	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: Yes Digest: No	

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. 403—ASSEMBLYMEN ELLISON,
KRAMER, ROBERTS; LEAVITT, TITUS AND WHEELER

MARCH 21, 2019

**JOINT SPONSORS: SENATORS BROOKS, CANCELA, DENIS, HAMMOND, HARDY,
SETTELMAYER, SPEARMAN AND WASHINGTON**

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:

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

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 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 , ~~for~~ to which persons have access as invitees or
licensees ~~or~~ *or such other premises as provided by statute.*

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 highway or premises to which the public has access*.

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

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

2 *↪* A violation of paragraph (a) or (b) of this subsection or subsection 1 of NRS
3 484B.550 constitutes reckless driving.

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

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

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

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

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

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

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

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

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

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

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

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

27 (a) For the first offense:

28 (1) Shall be punished by a fine of not less than \$250 but not more than
29 \$1,000;

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

32 (3) May be punished by imprisonment in the county jail for not more than
33 6 months.

34 (b) For the second offense:

35 (1) Shall be punished by a fine of not less than \$1,000 but not more than
36 \$1,500;

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

39 (3) May be punished by imprisonment in the county jail for not more than
40 6 months.

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

42 (1) Shall be punished by a fine of not less than \$1,500 but not more than
43 \$2,000;

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

45 (3) May be punished by imprisonment in the county jail for not more than
46 6 months.

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

49 (a) Shall issue an order suspending the driver's license of the person for a
50 period of not less than 6 months but not more than 2 years and requiring the person
51 to surrender all driver's licenses then held by the person;
52

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

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

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

10 6. Unless a greater penalty is provided pursuant to subsection 4 of NRS
11 484B.550, a person who does any act or neglects any duty imposed by law while
12 driving or in actual physical control of any vehicle *on a highway or premises to*
13 *which the public has access* in willful or wanton disregard of the safety of persons
14 or property, if the act or neglect of duty proximately causes the death of or
15 substantial bodily harm to another person, is guilty of a category B felony and shall
16 be punished by imprisonment in the state prison for a minimum term of not less
17 than 1 year and a maximum term of not more than 6 years and by a fine of not less
18 than \$2,000 but not more than \$5,000.

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

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

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

27 484B.657 1. A person who, while driving or in actual physical control of
28 any vehicle ~~on~~ *on a highway or premises to which the public has access*,
29 proximately causes the death of another person through an act or omission that
30 constitutes simple negligence is guilty of vehicular manslaughter and shall be
31 punished for a misdemeanor.

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

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

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