

Amendment No. 400

Assembly Amendment to Assembly Bill No. 434	(BDR 14-428)
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. 434—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE COMMITTEE TO STUDY THE
ADVISABILITY AND FEASIBILITY OF TREATING
CERTAIN TRAFFIC AND RELATED
VIOLATIONS AS CIVIL INFRACTIONS)

MARCH 25, 2019

Referred to Committee on Judiciary

SUMMARY—Revises various provisions relating to offenses. (BDR 14-428)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 offenses; removing the time limitation on the imposition of certain administrative assessments for the provision of court facilities; revising provisions relating to imprisonment or community service ordered for a convicted person; ~~creating a new class of misdemeanor called a petty misdemeanor and providing the punishment therefor; reducing the punishment for~~ establishing various provisions relating to the commission of certain traffic ~~and related~~ offenses ; ~~from a misdemeanor to a petty misdemeanor;~~ revising provisions relating to the payment of administrative assessments, fines and court fees ~~and~~ and the collection of delinquent assessments, fines and fees; requiring any fine paid or forfeiture of bail by a person who commits certain offenses to be credited to the State Permanent School Fund; revising provisions relating to speeding violations; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a county or city may authorize, by ordinance, the justices or judges of the justice or municipal courts within its jurisdiction to impose for a period of not longer than 50 years an administrative assessment for the provision of court facilities. (NRS 176.0611) Section 1 of this bill removes the 50-year limitation on the imposition of such an administrative assessment.

Existing law authorizes a state or local entity that is responsible for collecting a delinquent fine, administrative assessment, fee or restitution owed by a defendant to contract with a licensed collection agency to collect the delinquent amount. (NRS 176.064) Section 1.3 of this bill provides that a state or local entity may take such action if the defendant has been found guilty of the offense for which the fine, administrative assessment, fee or restitution was imposed.

Existing law provides that if a person other than an indigent person is delinquent in the payment of an administrative assessment, fine or forfeiture, the court may order the person to be imprisoned for a period of 1 day for each \$75 of the amount owed. (NRS 176.065, 176.075) ~~Sections 1.7 and 2 of this bill increase the amount of credit received for each day of imprisonment to \$150 and establish the circumstances in which a person is considered to be indigent. Section 1.7 also authorizes the imprisonment of an indigent person if he or she was provided with the opportunity to perform community service to satisfy the entire amount owed and failed to perform such community service.~~

Existing law authorizes a court to order a convicted person to perform supervised community service in certain circumstances. (NRS 176.087) ~~Section 3 of this bill provides that for each hour of community service performed by a person, the court is required to provide a credit of [not less than] \$10 or the amount of the state minimum wage if health insurance is not offered, whichever is greater, toward the payment of any fine that was imposed against the person for the commission of the offense for which community service was ordered.~~

~~[Section 4 of this bill creates a new misdemeanor class called a petty misdemeanor and provides that: (1) the punishment therefor is a fine of not more than \$1,000; and (2) in lieu of all or part of such a fine, a person may be sentenced to perform a fixed period of community service. Section 3 provides that the period of community service fixed by the court for a petty misdemeanor must not exceed 100 hours. Sections 11-27, 29-31 and 33-41 of this bill reduce the punishment for various specified traffic offenses from a misdemeanor to a petty misdemeanor. Sections 10 and 32 of this bill make conforming changes.]~~

~~Section 5.1 of this bill establishes the intent of the Legislature to provide that the incarceration of a person for failing to appear in court or failing to pay any administrative assessment, fine or court fee imposed for the commission of a traffic violation should generally be disfavored unless failing to incarcerate such a person would substantially jeopardize public safety.~~

~~Section 5.3 of this bill establishes a presumption that a person arrested for the commission of certain traffic violations should be released on his or her own recognizance.~~

~~Section 5.5 of this bill provides that certain convictions for a traffic violation are not criminal convictions for the purpose of applying for employment, a professional license or any educational opportunities.~~

~~Section 5.7 of this bill requires that a grace period of not less than 30 calendar days must be provided to a person who has failed to appear in court or failed to pay any administrative assessment, fine or court fee imposed for certain traffic violations before a warrant can be issued for such a failure to appear or failure to pay. Section 5.8 of this bill prohibits a warrant from being issued for such a failure to pay unless the person has been provided with the opportunity to perform community service to satisfy the entire amount owed and has failed to perform such community service.~~

~~Sections 1.3 and 5.9 of this bill require collection fees imposed for certain delinquent amounts owed by a defendant and certain fees assessed by a court to be assessed on a per case basis and not on a per charge basis.~~

~~Section 6 of this bill provides that if a court imposes upon a person an administrative assessment, fine or court fee for a violation of any provision of chapters 484A to 484E, inclusive, of NRS, and the court allows any such administrative assessment, fine or court fee to be paid in installments, the payments must be applied first to the unpaid balance of an administrative assessment, then to the unpaid balance of a fine and finally to the unpaid balance of a court fee. Section 7 of this bill provides that if a traffic citation issued to a person contains more than one offense charged, or if a person has been issued more than one traffic citation that is outstanding, any payment made by the person must be applied to one offense or one citation, as applicable, in [the] chronological order [set forth] beginning with the citation that was issued first and in accordance with section 6, until all administrative assessments, fines and court fees due for the offense or citation are paid in full. Section 7 provides that payments must continue to be applied in such a manner until all administrative assessments, fines and court fees due for all offenses charged or all outstanding traffic citations are paid in full.~~

~~Section 8 of this bill establishes provisions relating to fees which courts authorize a defendant to pay in lieu of requiring the defendant to complete a course of traffic safety for~~

the purpose of reducing the demerit points accumulated by the defendant and sets forth the purposes for which such money must be used. ~~[by a court.]~~

Existing law prohibits a local authority from enacting certain ordinances relating to traffic offenses. (NRS 484A.400) **Section 9** of this bill provides that if a person commits any offense for which a local authority is prohibited from enacting an ordinance, any fine paid or forfeiture of bail by the person must be paid into the State Treasury for credit to the State Permanent School Fund.

Existing law prohibits a person from driving or operating a vehicle at a rate of speed that exceeds the posted speed limit or is otherwise improper under the circumstances. (NRS 484B.600) **Section 28** of this bill **additionally prohibits a person from driving or operating a vehicle at a rate of speed that results in the injury of another person or of any property. Section 28** generally provides that if a person is issued a traffic citation for speeding, **the court has the discretion to reduce** the violation ~~[must be reduced]~~ from a moving traffic violation to a violation that is not a moving traffic violation. **Section 28 establishes a presumption in favor of reducing the violation** if the person pays the entire amount of the fine due before the date on which the person is **first** required to ~~[appear in court.]~~ **make an appearance relating to the citation, but also provides that such a presumption can be overcome if the person's driving record demonstrates a pattern of moving traffic violations. Section 28** also requires that any fine imposed **for speeding, other than speeding that results in the injury of another person or of any property,** must not exceed ~~[\$10]~~ **\$20** for each mile per hour a person travels above the posted speed limit or the proper rate of speed at which the person should be traveling, as applicable.

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

Section 1. NRS 176.0611 is hereby amended to read as follows:

176.0611 1. A county or a city, upon recommendation of the appropriate court, may, by ordinance, authorize the justices or judges of the justice or municipal courts within its jurisdiction to impose ~~[for not longer than 50 years.]~~ in addition to the administrative assessments imposed pursuant to NRS 176.059, 176.0613 and 176.0623, an administrative assessment for the provision of court facilities.

2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of \$10 as an administrative assessment for the provision of court facilities and render a judgment against the defendant for the assessment. If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

- (a) An ordinance regulating metered parking; or
- (b) An ordinance that is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of court facilities must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 6 or 7. If the

1 defendant is found not guilty or the charges are dismissed, the money deposited
2 with the court must be returned to the defendant. If the justice or judge cancels a
3 fine because the fine has been determined to be uncollectible, any balance of the
4 fine and the administrative assessment remaining unpaid shall be deemed to be
5 uncollectible and the defendant is not required to pay it. If a fine is determined to be
6 uncollectible, the defendant is not entitled to a refund of the fine or administrative
7 assessment the defendant has paid and the justice or judge shall not recalculate the
8 administrative assessment.

9 5. If the justice or judge permits the fine and administrative assessment for the
10 provision of court facilities to be paid in installments, the payments must be applied
11 in the following order:

12 (a) To pay the unpaid balance of an administrative assessment imposed
13 pursuant to NRS 176.059;

14 (b) To pay the unpaid balance of an administrative assessment for the provision
15 of court facilities pursuant to this section;

16 (c) To pay the unpaid balance of an administrative assessment for the provision
17 of specialty court programs pursuant to NRS 176.0613;

18 (d) To pay the unpaid balance of an administrative assessment for obtaining a
19 biological specimen and conducting a genetic marker analysis pursuant to NRS
20 176.0623; and

21 (e) To pay the fine.

22 6. The money collected for administrative assessments for the provision of
23 court facilities in municipal courts must be paid by the clerk of the court to the city
24 treasurer on or before the fifth day of each month for the preceding month. The city
25 treasurer shall deposit the money received in a special revenue fund. The city may
26 use the money in the special revenue fund only to:

27 (a) Acquire land on which to construct additional facilities for the municipal
28 courts or a regional justice center that includes the municipal courts.

29 (b) Construct or acquire additional facilities for the municipal courts or a
30 regional justice center that includes the municipal courts.

31 (c) Renovate or remodel existing facilities for the municipal courts.

32 (d) Acquire furniture, fixtures and equipment necessitated by the construction
33 or acquisition of additional facilities or the renovation of an existing facility for the
34 municipal courts or a regional justice center that includes the municipal courts. This
35 paragraph does not authorize the expenditure of money from the fund for furniture,
36 fixtures or equipment for judicial chambers.

37 (e) Acquire advanced technology for use in the additional or renovated
38 facilities.

39 (f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS
40 350.020 for the acquisition of land or facilities or the construction or renovation of
41 facilities for the municipal courts or a regional justice center that includes the
42 municipal courts.

43 ➤ Any money remaining in the special revenue fund after 5 fiscal years must be
44 deposited in the municipal general fund for the continued maintenance of court
45 facilities if it has not been committed for expenditure pursuant to a plan for the
46 construction or acquisition of court facilities or improvements to court facilities.
47 The city treasurer shall provide, upon request by a municipal court, monthly reports
48 of the revenue credited to and expenditures made from the special revenue fund.

49 7. The money collected for administrative assessments for the provision of
50 court facilities in justice courts must be paid by the clerk of the court to the county
51 treasurer on or before the fifth day of each month for the preceding month. The
52 county treasurer shall deposit the money received to a special revenue fund. The
53 county may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the justice courts or a regional justice center that includes the justice courts.

(b) Construct or acquire additional facilities for the justice courts or a regional justice center that includes the justice courts.

(c) Renovate or remodel existing facilities for the justice courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justice courts or a regional justice center that includes the justice courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the justice courts or a regional justice center that includes the justice courts.

Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the county general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

8. If money collected pursuant to this section is to be used to acquire land on which to construct a regional justice center, to construct a regional justice center or to pay debt service on bonds issued for these purposes, the county and the participating cities shall, by interlocal agreement, determine such issues as the size of the regional justice center, the manner in which the center will be used and the apportionment of fiscal responsibility for the center.

Sec. 1.3. NRS 176.064 is hereby amended to read as follows:

176.064 1. If a fine, administrative assessment, fee or restitution is imposed upon a defendant pursuant to this chapter, whether or not the fine, administrative assessment, fee or restitution is in addition to any other punishment, and the fine, administrative assessment, fee or restitution or any part of it remains unpaid after the time established by the court for its payment, the defendant is liable for a collection fee, to be imposed by the court at the time it finds that the fine, administrative assessment, fee or restitution is delinquent, of:

(a) Not more than \$100, if the amount of the delinquency is less than \$2,000.

(b) Not more than \$500, if the amount of the delinquency is \$2,000 or greater, but is less than \$5,000.

(c) Ten percent of the amount of the delinquency, if the amount of the delinquency is \$5,000 or greater.

2. A state or local entity that is responsible for collecting a delinquent fine, administrative assessment, fee or restitution may, in addition to attempting to collect the fine, administrative assessment, fee or restitution through any other lawful means, take any or all of the following actions:

(a) Report the delinquency to reporting agencies that assemble or evaluate information concerning credit.

(b) Request that the court take appropriate action pursuant to subsection 3.

(c) ~~Contract~~ **If the defendant has been found guilty of the offense for which the fine, administrative assessment, fee or restitution was imposed, contract** with a collection agency licensed pursuant to NRS 649.075 to collect the delinquent amount and the collection fee. The collection agency must be paid as compensation

1 for its services an amount not greater than the amount of the collection fee imposed
2 pursuant to subsection 1, in accordance with the provisions of the contract.

3 3. The court may, on its own motion or at the request of a state or local entity
4 that is responsible for collecting the delinquent fine, administrative assessment, fee
5 or restitution, take any or all of the following actions, in the following order of
6 priority if practicable:

7 (a) Enter a civil judgment for the amount due in favor of the state or local
8 entity that is responsible for collecting the delinquent fine, administrative
9 assessment, fee or restitution. A civil judgment entered pursuant to this paragraph
10 may be enforced and renewed in the manner provided by law for the enforcement
11 and renewal of a judgment for money rendered in a civil action. If the court has
12 entered a civil judgment pursuant to this paragraph and the person against whom
13 the judgment is entered is not indigent and has not satisfied the judgment within the
14 time established by the court, the person may be dealt with as for contempt of court.

15 (b) Request that a prosecuting attorney undertake collection of the
16 delinquency, including, without limitation, the original amount of the civil
17 judgment entered pursuant to paragraph (a) and the collection fee, by attachment or
18 garnishment of the defendant's property, wages or other money receivable.

19 (c) Order the suspension of the driver's license of the defendant. If the
20 defendant does not possess a driver's license, the court may prohibit the defendant
21 from applying for a driver's license for a specified period. If the defendant is
22 already the subject of a court order suspending or delaying the issuance of the
23 defendant's driver's license, the court may order the additional suspension or delay,
24 as appropriate, to apply consecutively with the previous order. At the time the court
25 issues an order suspending the driver's license of a defendant pursuant to this
26 paragraph, the court shall require the defendant to surrender to the court all driver's
27 licenses then held by the defendant. The court shall, within 5 days after issuing the
28 order, forward to the Department of Motor Vehicles the licenses, together with a
29 copy of the order. At the time the court issues an order pursuant to this paragraph
30 delaying the ability of a defendant to apply for a driver's license, the court shall,
31 within 5 days after issuing the order, forward to the Department of Motor Vehicles
32 a copy of the order. The Department of Motor Vehicles shall report a suspension
33 pursuant to this paragraph to an insurance company or its agent inquiring about the
34 defendant's driving record, but such a suspension must not be considered for the
35 purpose of rating or underwriting.

36 (d) For a delinquent fine or administrative assessment, order the confinement
37 of the person in the appropriate prison, jail or detention facility, as provided in NRS
38 176.065 and 176.075.

39 4. Money collected from a collection fee imposed pursuant to subsection 1
40 must be distributed in the following manner:

41 (a) Except as otherwise provided in paragraph (d), if the money is collected by
42 or on behalf of a municipal court, the money must be deposited in a special fund in
43 the appropriate city treasury. The city may use the money in the fund only to
44 develop and implement a program for the collection of fines, administrative
45 assessments, fees and restitution and to hire additional personnel necessary for the
46 success of such a program.

47 (b) Except as otherwise provided in paragraph (d), if the money is collected by
48 or on behalf of a justice court or district court, the money must be deposited in a
49 special fund in the appropriate county treasury. The county may use the money in
50 the special fund only to:

51 (1) Develop and implement a program for the collection of fines,
52 administrative assessments, fees and restitution and to hire additional personnel
53 necessary for the success of such a program; or

(2) Improve the operations of a court by providing funding for:

(I) A civil law self-help center; or

(II) Court security personnel and equipment for a regional justice center that includes the justice courts of that county.

(c) Except as otherwise provided in paragraph (d), if the money is collected by a state entity, the money must be deposited in an account, which is hereby created in the State Treasury. The Court Administrator may use the money in the account only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution in this State and to hire additional personnel necessary for the success of such a program.

(d) If the money is collected by a collection agency, after the collection agency has been paid its fee pursuant to the terms of the contract, any remaining money must be deposited in the state, city or county treasury, whichever is appropriate, to be used only for the purposes set forth in paragraph (a), (b) or (c) of this subsection.

5. Any collection fee imposed pursuant to subsection 1 must be assessed on a per case basis and not on a per charge basis. The provisions of this subsection must not be construed to apply to any credit card processing fees that are assessed solely for the purpose of recouping any costs incurred to process a credit card payment.

~~[Section 1.]~~ Sec. 1.7. NRS 176.065 is hereby amended to read as follows:

176.065 1. Except as otherwise provided in subsection 2, when a person is sentenced to both fine and imprisonment, or to pay a forfeiture in addition to imprisonment, the court may, pursuant to NRS 62B.420 or 176.064, order that the person be confined in the state prison, the city or county jail or a detention facility, whichever is designated in the person's sentence of imprisonment, for an additional period of 1 day for each ~~[\$75]~~ \$150 of the amount until the administrative assessment and the fine or forfeiture are satisfied or the maximum term of imprisonment prescribed by law for the offense committed has elapsed, whichever is earlier, but the person's eligibility for parole is governed only by the person's sentence of imprisonment.

2. The provisions of this section do not apply to indigent persons ~~[.]~~ unless an indigent person has been provided with the opportunity to perform community service to satisfy the entire amount owed and has failed to perform such community service. For the purposes of this subsection, a person is indigent if the person:

(a) Receives public assistance, as that term is defined in NRS 422A.065;

(b) Resides in public housing, as that term is defined in NRS 315.021; or

(c) Has a household income that is less than 200 percent of the federally designated level signifying poverty. ~~[.] or~~

~~(d) Is housed in a public or private mental health facility.]~~

Sec. 2. NRS 176.075 is hereby amended to read as follows:

176.075 1. Except as otherwise provided in subsection 2, when a person is sentenced to pay a fine or forfeiture without an accompanying sentence of imprisonment, the court may, pursuant to NRS 62B.420 or 176.064, order that the person be confined in the city or county jail or detention facility for a period of not more than 1 day for each ~~[\$75]~~ \$150 of the amount until the administrative assessment and the fine or forfeiture are satisfied.

2. The provisions of this section do not apply to indigent persons. For the purposes of this subsection, a person is indigent if the person:

(a) Receives public assistance, as that term is defined in NRS 422A.065;

(b) Resides in public housing, as that term is defined in NRS 315.021;

(c) Has a household income that is less than 200 percent of the federally designated level signifying poverty; or

1 *(d) Is housed in a public or private mental health facility.*

2 **Sec. 3.** NRS 176.087 is hereby amended to read as follows:

3 176.087 1. Except where the imposition of a specific criminal penalty is
4 mandatory, a court may order a convicted person to perform supervised community
5 service:

6 (a) In lieu of all or a part of ~~any fine that may be imposed for the commission~~
7 ~~of a petty misdemeanor or~~ any fine or imprisonment that may be imposed for the
8 commission of a misdemeanor; or

9 (b) As a condition of probation granted for another offense.

10 2. The community service must be performed for and under the supervising
11 authority of a county, city, town or other political subdivision or agency of the State
12 of Nevada or a charitable organization that renders service to the community or its
13 residents.

14 3. The court may require the convicted person to deposit with the court a
15 reasonable sum of money to pay for the cost of policies of insurance against
16 liability for personal injury and damage to property or for industrial insurance, or
17 both, during those periods in which the person performs the community service,
18 unless, in the case of industrial insurance, it is provided by the authority for which
19 the person performs the community service.

20 4. The following conditions apply to any such community service imposed by
21 the court:

22 (a) The court must fix the period of community service that is imposed as
23 punishment or a condition of probation and distribute the period over weekends or
24 over other appropriate times that will allow the convicted person to continue
25 employment and to care for the person's family. The period of community service
26 fixed by the court must not exceed, for a:

27 (1) ~~Petty misdemeanor, 100 hours;~~

28 ~~(2) Misdemeanor, 200 hours;~~

29 ~~(3) Gross misdemeanor, 600 hours; or~~

30 ~~(4) Felony, 1,000 hours.~~

31 (b) A supervising authority listed in subsection 2 must agree to accept the
32 convicted person for community service before the court may require the convicted
33 person to perform community service for that supervising authority. The
34 supervising authority must be located in or be the town or city of the convicted
35 person's residence or, if that placement is not possible, one located within the
36 jurisdiction of the court or, if that placement is not possible, the authority may be
37 located outside the jurisdiction of the court.

38 (c) Community service that a court requires pursuant to this section must be
39 supervised by an official of the supervising authority or by a person designated by
40 the authority.

41 (d) The court may require the supervising authority to report periodically to the
42 court or to a probation officer the convicted person's performance in carrying out
43 the punishment or condition of probation.

44 5. *For each hour of community service that is performed by a person*
45 *pursuant to this section, the court must provide a credit of ~~[not less than]~~ \$10 or*
46 *the amount of the state minimum wage if health insurance is not offered,*
47 *whichever is greater, toward the payment of any fine that was imposed against*
48 *the person for the commission of the offense for which the person was ordered to*
49 *perform community service.*

50 **Sec. 4.** ~~[Chapter 193 of NRS is hereby amended by adding thereto a new~~
51 ~~section to read as follows:~~

52 ~~1. Every person convicted of a petty misdemeanor shall be punished by a~~
53 ~~fine of not more than \$1,000.~~

~~2. In lieu of all or a part of the fine which may be imposed pursuant to subsection 1, the convicted person may be sentenced to perform a fixed period of community service pursuant to the conditions prescribed in NRS 176.087.~~
(Deleted by amendment.)

Sec. 5. Chapter 484A of NRS is hereby amended by adding thereto the provisions set forth as sections ~~6~~ 5.1 to 9, inclusive, of this act.

Sec. 5.1. The Legislature hereby finds and declares that the incarceration of a person for failing to appear in court or failing to pay any administrative assessment, fine or court fee imposed for the commission of a minor traffic violation should generally be disfavored unless a court determines that failing to incarcerate such a person would substantially jeopardize public safety.

Sec. 5.3. 1. Except as otherwise provided in subsection 2, after a person is arrested for the commission of a traffic violation pursuant to chapters 484A to 484E, inclusive, of NRS, there is a presumption that the person should be released on his or her own recognizance.

2. The presumption established in subsection 1 does not apply if a person is arrested for:

(a) Reckless driving in violation of NRS 484B.653;

(b) Vehicular manslaughter in violation of NRS 484B.657; or

(c) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110, 484C.120 or 488.410, as applicable.

Sec. 5.5. 1. Notwithstanding any other provision of law, and except as otherwise provided in subsection 2, any conviction for a traffic violation pursuant to chapters 484A to 484E, inclusive, of NRS is not a criminal conviction for the purpose of applying for employment, a professional license or any educational opportunity.

2. The provisions of subsection 1 do not apply if a person is convicted of:

(a) Reckless driving in violation of NRS 484B.653;

(b) Vehicular manslaughter in violation of NRS 484B.657; or

(c) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110, 484C.120 or 488.410, as applicable.

Sec. 5.7. 1. Except as otherwise provided in subsection 2, and subject to the limitation imposed by section 5.8 of this act, a grace period of not less than 30 calendar days must be provided to a person who has failed to appear in court or failed to pay any administrative assessment, fine or court fee imposed upon the person for a violation of any provision of chapters 484A to 484E, inclusive, of NRS before a warrant can be issued for such a failure to appear or failure to pay.

2. The provisions of subsection 1 do not apply if:

(a) The court determines that providing such a grace period would substantially jeopardize public safety; or

(b) The person was issued a traffic citation for:

(1) Reckless driving in violation of NRS 484B.653;

(2) Vehicular manslaughter in violation of NRS 484B.657; or

(3) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110, 484C.120 or 488.410, as applicable.

Sec. 5.8. If a person has failed to pay any administrative assessment, fine or court fee imposed upon the person for a violation of any provision of chapters

1 484A to 484E, inclusive, of NRS, a warrant must not be issued unless the person
2 has been provided with the opportunity to perform community service to satisfy
3 the entire amount due and has failed to perform such community service.

4 Sec. 5.9. 1. Any fee assessed by a court pursuant to chapters 484A to
5 484E, inclusive, of NRS that is not expressly authorized by statute or is not solely
6 for the purpose of recovering any costs incurred relating to the participation of a
7 person in a specialty court program must be assessed on a per case basis and not
8 on a per charge basis. The provisions of this subsection must not be construed to
9 apply to any credit card processing fees that are assessed solely for the purpose of
10 recouping any costs incurred to process a credit card payment.

11 2. As used in this section, "specialty court program" means a program
12 established by a court to facilitate testing, treatment and oversight of certain
13 persons over whom the court has jurisdiction and who the court has determined
14 suffer from a mental illness or who abuse alcohol or drugs. Such a program
15 includes, without limitation, a program established pursuant to NRS 176A.250 or
16 453.580.

17 Sec. 6. In accordance with section 7 of this act and any provision of law
18 that further specifies the order in which more than one administrative
19 assessment, fine or court fee that is imposed upon a person must be paid,
20 including, without limitation, NRS 176.0611 and 176.0613, if a court imposes
21 upon a person an administrative assessment, fine or court fee for a violation of
22 any provision of chapters 484A to 484E, inclusive, of NRS, and the court permits
23 any such administrative assessment, fine or court fee to be paid in installments,
24 the payments must be applied in the following order:

- 25 1. To pay the unpaid balance of an administrative assessment;
- 26 2. To pay the unpaid balance of a fine; and
- 27 3. To pay the unpaid balance of a court fee.

28 Sec. 7. 1. If a traffic citation that is issued to a person contains more than
29 one offense charged, or if a person has been issued more than one traffic citation
30 that is outstanding, any payment made by the person must be applied, in
31 accordance with the provisions of section 6 of this act, to one offense or one
32 citation, as applicable, in chronological order beginning with the citation that
33 was issued first until all administrative assessments, fines and court fees due for
34 that offense or citation are paid in full.

35 2. Once all administrative assessments, fines and court fees due for an
36 offense or citation are paid in full, any remaining portion of a payment made by a
37 person must be applied to the next offense or citation, as applicable, until all
38 administrative assessments, fines and court fees due for that offense or citation
39 are paid in full.

40 3. Payments made by a person must continue to be applied in the manner
41 set forth in this section until all administrative assessments, fines and court fees
42 due for all offenses charged or all outstanding traffic citations are paid in full.

43 Sec. 8. 1. Except as otherwise provided in this section, if a court
44 authorizes a defendant who pleads guilty, guilty but mentally ill or nolo
45 contendere to, or who is found guilty or guilty but mentally ill of, a violation of
46 chapters 484A to 484E, inclusive, of NRS to pay a fee for the purpose of reducing
47 demerit points, in lieu of requiring the defendant to complete a course of traffic
48 safety for the purpose of reducing demerit points, the court must include the fee
49 in the sentence, in addition to any other penalty or administrative assessment
50 provided by law, and render a judgment against the defendant for the fee.

51 2. The money collected for the fee imposed pursuant to this section must not
52 be deducted from any fine imposed by the court but must be collected from the
53 defendant in addition to the fine. The money collected for such a fee must be

1 *stated separately on the court's docket. If the court cancels a fine because the*
2 *fine has been determined to be uncollectible, any balance of the fine and the fee*
3 *remaining unpaid shall be deemed to be uncollectible and the defendant is not*
4 *required to pay them. If a fine is determined to be uncollectible, the defendant is*
5 *not entitled to a refund of any amount of the fine or fee that the defendant has*
6 *paid.*

7 3. A court shall, if requested by a defendant, allow a fee imposed pursuant
8 to this section to be paid in installments under terms established by the court.

9 4. The money collected for a fee pursuant to this section in municipal court
10 must be paid by the clerk of the court to the city treasurer on or before the fifth
11 day of each month for the preceding month. On or before the 15th day of that
12 month, the city treasurer shall deposit :

13 (a) Twenty-five percent of the money received for each such fee with the
14 State Controller for credit to a special account in the State General Fund
15 administered by the Office of Court Administrator.

16 (b) Seventy-five percent of the money received for each such fee in a special
17 revenue fund. The city may use the money in the special revenue fund only to:

18 (1) Fund local specialty court programs; or

19 (2) Pay for upgrades to court information technology.

20 5. The money collected for a fee pursuant to this section in justice courts
21 must be paid by the clerk of the court to the county treasurer on or before the
22 fifth day of each month for the preceding month. On or before the 15th day of
23 that month, the county treasurer shall deposit :

24 (a) Twenty-five percent of the money received for each such fee with the
25 State Controller for credit to a special account in the State General Fund
26 administered by the Office of Court Administrator.

27 (b) Seventy-five percent of the money received for each such fee in a special
28 revenue fund. The county may use the money in the special revenue fund only to:

29 (1) Fund local specialty court programs; or

30 (2) Pay for upgrades to court information technology.

31 6. Money that is apportioned to a court from specialty courts fees pursuant
32 to this section must be used by the court to:

33 (a) Pay for any level of treatment, including, without limitation, psychiatric
34 care, required for successful completion and testing of persons who participate in
35 the program; and

36 (b) Improve the operations of the specialty court program by any
37 combination of:

38 (1) Acquiring necessary capital goods;

39 (2) Providing for personnel to staff and oversee the specialty court
40 program;

41 (3) Providing training and education to personnel;

42 (4) Studying the management and operation of the program;

43 (5) Conducting audits of the program;

44 (6) Providing for district attorney and public defender representation;

45 (7) Acquiring or using appropriate technology;

46 (8) Providing capital for building facilities necessary to house persons
47 who participate in the program;

48 (9) Providing funding for employment programs for persons who
49 participate in the program; and

50 (10) Providing funding for statewide public information campaigns
51 necessary to deter driving under the influence of intoxicating liquor or a
52 controlled substance.

53 7. As used in this section:

1 (a) *“Office of Court Administrator” means the Office of Court Administrator*
2 *created by NRS 1.320; and*

3 (b) *“Specialty court program” means a program established by a court to*
4 *facilitate testing, treatment and oversight of certain persons over whom the court*
5 *has jurisdiction and who the court has determined suffer from a mental illness or*
6 *who abuse alcohol or drugs. Such a program includes, without limitation, a*
7 *program established pursuant to NRS 176A.250 or 453.580.*

8 **Sec. 9.** *If a person commits any offense for which a local authority is*
9 *prohibited from enacting an ordinance pursuant to subsection 3 of NRS*
10 *484A.400, any fine paid or forfeiture of bail by the person must be paid into the*
11 *State Treasury for credit to the State Permanent School Fund.*

12 **Sec. 10.** ~~NRS 484A.630 is hereby amended to read as follows:~~

13 ~~484A.630 1. Whenever a person is halted by a peace officer for any~~
14 ~~violation of chapters 484A to 484E, inclusive, of NRS punishable as a petty~~
15 ~~misdemeanor or misdemeanor and is not taken before a magistrate as required or~~
16 ~~permitted by NRS 484A.720 and 484A.730, the peace officer may prepare a traffic~~
17 ~~citation manually or electronically in the form of a complaint issuing in the name of~~
18 ~~“The State of Nevada,” containing a notice to appear in court, the name and address~~
19 ~~of the person, the state registration number of the person’s vehicle, if any, the~~
20 ~~number of the person’s driver’s license, if any, the offense charged, including a~~
21 ~~brief description of the offense and the NRS citation, the time and place when and~~
22 ~~where the person is required to appear in court, and such other pertinent~~
23 ~~information as may be necessary. The peace officer shall sign the citation and~~
24 ~~deliver a copy of the citation to the person charged with the violation. If the citation~~
25 ~~is prepared electronically, the peace officer shall sign the copy of the citation that is~~
26 ~~delivered to the person charged with the violation.~~

27 ~~2. The time specified in the notice to appear must be at least 5 days after the~~
28 ~~alleged violation unless the person charged with the violation demands an earlier~~
29 ~~hearing.~~

30 ~~3. The place specified in the notice to appear must be before a magistrate, as~~
31 ~~designated in NRS 484A.750.~~

32 ~~4. The person charged with the violation may give his or her written promise~~
33 ~~to appear in court by signing at least one copy of the traffic citation prepared by the~~
34 ~~peace officer and thereupon the peace officer shall not take the person into physical~~
35 ~~custody for the violation. If the citation is prepared electronically, the peace officer~~
36 ~~shall indicate on the electronic record of the citation whether the person charged~~
37 ~~gave his or her written promise to appear. A copy of the citation that is signed by~~
38 ~~the person charged or the electronic record of the citation which indicates that the~~
39 ~~person charged gave his or her written promise to appear suffices as proof of~~
40 ~~service.~~

41 ~~5. If the person charged with the violation refuses to sign a copy of the traffic~~
42 ~~citation but accepts a copy of the citation delivered by the peace officer:~~

43 ~~(a) The acceptance shall be deemed personal service of the notice to appear in~~
44 ~~court;~~

45 ~~(b) A copy of the citation signed by the peace officer suffices as proof of~~
46 ~~service; and~~

47 ~~(c) The peace officer shall not take the person into physical custody for the~~
48 ~~violation.) (Deleted by amendment.)~~

49 **Sec. 10.5.** NRS 484A.670 is hereby amended to read as follows:

50 484A.670 1. Regardless of the disposition of the charge for which a traffic
51 citation was originally issued, it is unlawful for a person to:

52 (a) Violate a written promise to appear in court given to a peace officer upon
53 the issuance of a traffic citation prepared by the peace officer; or

(b) Fail to appear at the time and place set forth in a notice to appear in court that is contained in a traffic citation prepared by a peace officer.

2. Except as otherwise provided in this subsection, a person may comply with a written promise to appear in court or a notice to appear in court by an appearance by counsel. A person who has been convicted of two or more moving traffic violations in unrelated incidents within a 12-month period and is subsequently arrested or issued a citation within that 12-month period shall appear personally in court with or without counsel.

3. ~~Except as otherwise provided in section 5.7 of this act, a~~ warrant may issue upon a violation of a written promise to appear in court or a failure to appear at the time and place set forth in a notice to appear in court.

Sec. 11. ~~NRS 484B.165 is hereby amended to read as follows:~~

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

~~(a) Manually type or enter text into a cellular telephone or other handheld wireless communications device, or send or read data using any such device to access or search the Internet or to engage in nonvoice communications with another person, including, without limitation, texting, electronic messaging and instant messaging;~~

~~(b) Use a cellular telephone or other handheld wireless communications device to engage in voice communications with another person, unless the device is used with an accessory which allows the person to communicate without using his or her hands, other than to activate, deactivate or initiate a feature or function on the device;~~

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

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

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

~~(c) A person who is reporting a medical emergency, a safety hazard or criminal activity or who is requesting assistance relating to a medical emergency, a safety hazard or criminal activity;~~

~~(d) A person who is responding to a situation requiring immediate action to protect the health, welfare or safety of the driver or another person and stopping the vehicle would be inadvisable, impractical or dangerous;~~

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

~~(f) An employee or contractor of a public utility who uses a handheld wireless communications device;~~

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

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

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

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

~~— (a) For the first offense within the immediately preceding 7 years, shall pay a fine of \$50.~~

~~— (b) For the second offense within the immediately preceding 7 years, shall pay a fine of \$100.~~

~~— (c) For the third or subsequent offense within the immediately preceding 7 years, shall pay a fine of \$250.~~

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

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

~~— 7. For the purposes of this section, a person shall be deemed not to be operating a motor vehicle if the motor vehicle is driven autonomously and the autonomous operation of the motor vehicle is authorized by law.~~

~~— 8. As used in this section:~~

~~— (a) "Handheld wireless communications device" means a handheld device for the transfer of information without the use of electrical conductors or wires and includes, without limitation, a cellular telephone, a personal digital assistant, a pager and a text messaging device. The term does not include a device used for two-way radio communications if:~~

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

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

~~— (b) "Public utility" means a supplier of electricity or natural gas or a provider of telecommunications service for public use who is subject to regulation by the Public Utilities Commission of Nevada.] (Deleted by amendment.)~~

Sec. 12. ~~[NRS 484B.297 is hereby amended to read as follows:~~

~~484B.297 1. Except as otherwise provided in subsection 6, where sidewalks are provided, it is unlawful for any pedestrian to walk along and upon an adjacent highway.~~

~~— 2. Except as otherwise provided in subsection 6, pedestrians walking along highways where sidewalks are not provided shall walk on the left side of those highways facing the approaching traffic.~~

~~— 3. A person shall not stand in a highway to solicit a ride or any business from the driver or any occupant of a vehicle. A person shall not, without a permit issued pursuant to NRS 244.3555 or 268.423, solicit any contribution from the driver or any occupant of a vehicle.~~

~~— 4. It is unlawful for any pedestrian who is under the influence of intoxicating liquors or any narcotic or stupefying drug to be within the traveled portion of any highway.~~

~~— 5. The provisions of this section apply to riders of animals, except that the provisions of subsections 1, 2 and 3 do not apply to a peace officer who rides an animal while performing his or her duties as a peace officer.~~

~~— 6. A pedestrian walking or otherwise traveling on a sidewalk who encounters an obstruction to his or her mobility on the sidewalk, including, without limitation, a short section of the sidewalk that is missing or impassable, may proceed with due care on the immediately adjacent highway to move around such an obstruction. Such a pedestrian:~~

~~— (a) Must walk or otherwise travel as far to the side of the highway near the sidewalk as possible;~~

~~— (b) May walk or otherwise travel on the highway in the direction he or she was walking or traveling on the sidewalk, regardless of the direction of traffic;~~
~~— (c) May walk or otherwise travel in a lane provided for bicycles or electric bicycles if the area between the lane and the sidewalk is impassable; and~~
~~— (d) Must return to the sidewalk as soon as practicable.~~

~~— 7. A person who violates the provisions of this section is guilty of a *petty misdemeanor*. **(Deleted by amendment.)**~~

Sec. 13. ~~[NRS 484B.300 is hereby amended to read as follows:]~~

~~— 484B.300 1. Except as otherwise provided in NRS 484B.307, it is unlawful for any driver to disobey the instructions of any official traffic control device placed in accordance with the provisions of chapters 484A to 484E, inclusive, of NRS, unless at the time otherwise directed by a police officer.~~

~~— 2. No provision of chapters 484A to 484E, inclusive, of NRS for which such devices are required may be enforced against an alleged violator if at the time and place of the alleged violation the device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular provision of chapters 484A to 484E, inclusive, of NRS does not state that such devices are required, the provision is effective even though no devices are erected or in place.~~

~~— 3. Whenever devices are placed in position approximately conforming to the requirements of chapters 484A to 484E, inclusive, of NRS, such devices are presumed to have been so placed by the official act or direction of a public authority, unless the contrary is established by competent evidence.~~

~~— 4. Any device placed pursuant to the provisions of chapters 484A to 484E, inclusive, of NRS and purporting to conform to the lawful requirements pertaining to such devices is presumed to comply with the requirements of chapters 484A to 484E, inclusive, of NRS unless the contrary is established by competent evidence.~~

~~— 5. A person who violates any provision of subsection 1 [may]:~~

~~— (a) *Is guilty of a petty misdemeanor.*~~

~~— (b) May be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.] **(Deleted by amendment.)**~~

Sec. 14. ~~[NRS 484B.303 is hereby amended to read as follows:]~~

~~— 484B.303 1. Whenever official traffic control devices are erected indicating that no right or left turn is permitted, it is unlawful for any driver of a vehicle to disobey the directions of any such devices.~~

~~— 2. A person who violates any provision of this section [may]:~~

~~— (a) *Is guilty of a petty misdemeanor.*~~

~~— (b) May be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.] **(Deleted by amendment.)**~~

Sec. 15. ~~[NRS 484B.320 is hereby amended to read as follows:]~~

~~— 484B.320 1. Except as otherwise provided in this section:~~

~~— (a) A person shall not operate a vehicle on the highways of this State if the vehicle is equipped with any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic control signal.~~

~~— (b) A person shall not operate any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic control signal.~~

~~— 2. Except as otherwise provided in this subsection, a person shall not in this State sell or offer for sale any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic control signal. The provisions of this subsection do not prohibit a person from selling or offering for sale:~~

~~1 (a) To a provider of mass transit, a signal prioritization device; or~~
~~2 (b) To a response agency, a signal preemption device or a signal prioritization~~
~~3 device, or both.~~
~~4 3. A police officer:~~
~~5 (a) Shall, without a warrant, seize any device or mechanism, including, without~~
~~6 limitation, a mobile transmitter, that is capable of interfering with or altering the~~
~~7 signal of a traffic control signal; or~~
~~8 (b) May, without a warrant, seize and take possession of a vehicle equipped~~
~~9 with any device or mechanism that is capable of interfering with or altering the~~
~~10 signal of a traffic control signal, including, without limitation, a mobile transmitter,~~
~~11 if the device or mechanism cannot be removed from the motor vehicle by the police~~
~~12 officer, and may cause the vehicle to be towed and impounded until:~~
~~13 (1) The device or mechanism is removed from the vehicle; and~~
~~14 (2) The owner claims the vehicle by paying the cost of the towing and~~
~~15 impoundment.~~
~~16 4. Neither the police officer nor the governmental entity which employs the~~
~~17 officer is civilly liable for any damage to a vehicle seized pursuant to the provisions~~
~~18 of paragraph (b) of subsection 3 that occurs after the vehicle is seized but before the~~
~~19 towing process begins.~~
~~20 5. Except as otherwise provided in subsection 9, the presence of any device or~~
~~21 mechanism, including, without limitation, a mobile transmitter, that is capable of~~
~~22 interfering with or altering the signal of a traffic control signal in or on a vehicle on~~
~~23 the highways of this State constitutes prima facie evidence of a violation of this~~
~~24 section. The State need not prove that the device or mechanism in question was in~~
~~25 an operative condition or being operated.~~
~~26 6. A person who violates the provisions of subsection 1 or 2 is guilty of a~~
~~27 petty misdemeanor.~~
~~28 7. A person who violates any provision of subsection 1 or 2 may be subject to~~
~~29 any additional penalty set forth in NRS 484B.130 or 484B.135.~~
~~30 8. A provider of mass transit shall not operate or cause to be operated a signal~~
~~31 prioritization device in such a manner as to impede or interfere with the use by~~
~~32 response agencies of signal preemption devices.~~
~~33 9. The provisions of this section do not:~~
~~34 (a) Except as otherwise provided in subsection 8, prohibit a provider of mass~~
~~35 transit from acquiring, possessing or operating a signal prioritization device.~~
~~36 (b) Prohibit a response agency from acquiring, possessing or operating a signal~~
~~37 preemption device or a signal prioritization device, or both.~~
~~38 10. As used in this section:~~
~~39 (a) "Mobile transmitter" means a device or mechanism that is:~~
~~40 (1) Portable, installed within a vehicle or capable of being installed within~~
~~41 a vehicle; and~~
~~42 (2) Designed to affect or alter, through the emission or transmission of~~
~~43 sound, infrared light, strobe light or any other audible, visual or electronic method,~~
~~44 the normal operation of a traffic control signal.~~
~~45 The term includes, without limitation, a signal preemption device and a signal~~
~~46 prioritization device.~~
~~47 (b) "Provider of mass transit" means a governmental entity or a contractor of a~~
~~48 governmental entity which operates, in whole or in part:~~
~~49 (1) A public transit system, as that term is defined in NRS 377A.016; or~~
~~50 (2) A system of public transportation referred to in NRS 277A.270.~~
~~51 (c) "Response agency" means an agency of this State or of a political~~
~~52 subdivision of this State that provides services related to law enforcement,~~
~~53 firefighting, emergency medical care or public safety. The term includes a nonprofit~~

~~organization or private company that, as authorized pursuant to chapter 450B of NRS;~~

~~_____ (1) Provides ambulance service; or~~

~~_____ (2) Provides the level of medical care provided by an advanced emergency medical technician or paramedic to sick or injured persons at the scene of an emergency or while transporting those persons to a medical facility;~~

~~_____ (d) "Signal preemption device" means a mobile transmitter that, when activated and when a vehicle equipped with such a device approaches an intersection controlled by a traffic control signal, causes:~~

~~_____ (1) The signal, in the direction of travel of the vehicle, to remain green if the signal is already displaying a green light;~~

~~_____ (2) The signal, in the direction of travel of the vehicle, to change from red to green if the signal is displaying a red light;~~

~~_____ (3) The signal, in other directions of travel, to remain red or change to red, as applicable, to prevent other vehicles from entering the intersection; and~~

~~_____ (4) The applicable functions described in subparagraphs (1), (2) and (3) to continue until such time as the vehicle equipped with the device is clear of the intersection;~~

~~_____ (e) "Signal prioritization device" means a mobile transmitter that, when activated and when a vehicle equipped with such a device approaches an intersection controlled by a traffic control signal, causes:~~

~~_____ (1) The signal, in the direction of travel of the vehicle, to display a green light a few seconds sooner than the green light would otherwise be displayed;~~

~~_____ (2) The signal, in the direction of travel of the vehicle, to display a green light for a few seconds longer than the green light would otherwise be displayed; or~~

~~_____ (3) The functions described in both subparagraphs (1) and (2);~~

~~_____ (f) "Traffic control signal" means a traffic control signal, as defined in NRS 484A.290, which is capable of receiving and responding to an emission or transmission from a mobile transmitter.] (Deleted by amendment.)~~

Sec. 16. ~~[NRS 484B.323 is hereby amended to read as follows:~~

~~_____ 484B.323 1. A person shall not operate a vehicle in a lane designated for the use of high occupancy vehicles except in conformity with the established conditions which are placed and maintained on signs and other official traffic control devices pursuant to subsection 2 of NRS 484A.460 or established by regulation.~~

~~_____ 2. A person who violates subsection 1 is guilty of a *petty* misdemeanor and shall be fined \$250 for each offense.~~

~~_____ 3. As used in this section, "high occupancy vehicle" means:~~

~~_____ (a) A vehicle that is transporting more than one person;~~

~~_____ (b) A motorcycle, regardless of the number of passengers;~~

~~_____ (c) A bus, regardless of the number of passengers; and~~

~~_____ (d) Any other vehicle designated by regulation.] (Deleted by amendment.)~~

Sec. 17. ~~[NRS 484B.350 is hereby amended to read as follows:~~

~~_____ 484B.350 1. The driver of a vehicle:~~

~~_____ (a) Shall stop in obedience to the direction or traffic control signal of a school crossing guard; and~~

~~_____ (b) Shall not proceed until the highway is clear of all persons, including, without limitation, the school crossing guard.~~

~~_____ 2. A person who violates subsection 1 is guilty of a *petty* misdemeanor.~~

~~_____ 3. If, while violating subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.~~

~~4. As used in this section, "school crossing guard" means a volunteer or paid employee of a local authority, local law enforcement agency or school district whose duties include assisting pupils to cross a highway.] (Deleted by amendment.)~~

Sec. 18. ~~[NRS 484B.353 is hereby amended to read as follows:~~

~~484B.353 1. Except as otherwise provided in subsection 2, the driver of any vehicle, when meeting or overtaking, from either direction, any school bus, equipped with signs and signals required by law, which has stopped to receive or discharge any pupil and is displaying a flashing red light signal visible from the front and rear, shall bring the vehicle to an immediate stop and shall not attempt to overtake or proceed past the school bus until the flashing red signal ceases operation.~~

~~2. The driver of a vehicle upon a divided highway need not stop upon meeting or passing a school bus which is positioned in the other roadway. The driver of a vehicle need not stop upon meeting or passing a school bus where traffic is controlled by a traffic officer.~~

~~3. Any person who violates any of the provisions of this section is guilty of~~

~~(a) For a first offense or any subsequent offense for which a punishment is not provided for in paragraph (b) or (c), of a petty misdemeanor and shall be punished by a fine of not less than \$250 nor more than \$500.~~

~~(b) For a second offense within 1 year after the first offense, of a misdemeanor and [~~

~~(c)] shall be punished by a fine of not less than \$250 nor more than \$500 and the driver's license of the person must be suspended for 6 months.~~

~~(c) For a third or any subsequent offense within 2 years after the most recent offense, of a misdemeanor and shall be punished by a fine of not more than \$1,000 and the driver's license of the person must be suspended for not more than 1 year.~~

~~[(b) For a second offense within 1 year after the first offense, shall be punished by a fine of not less than \$250 nor more than \$500 and the driver's license of the person must be suspended for 6 months.~~

~~(c) For a first offense or any subsequent offense for which a punishment is not provided for in paragraph (a) or (b), shall be punished by a fine of not less than \$250 nor more than \$500.] (Deleted by amendment.)~~

Sec. 19. ~~[NRS 484B.450 is hereby amended to read as follows:~~

~~484B.450 1. A person shall not stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or official traffic control device, in any of the following places:~~

~~(a) On a sidewalk;~~

~~(b) In front of a public or private driveway;~~

~~(c) Within an intersection;~~

~~(d) Within 15 feet of a fire hydrant in a place where parallel parking is permitted, or within 20 feet of a fire hydrant if angle parking is permitted and a local ordinance requires the greater distance;~~

~~(e) On a crosswalk;~~

~~(f) Within 20 feet of a crosswalk;~~

~~(g) Within 30 feet upon the approach to any official traffic control signal located at the side of a highway;~~

~~(h) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone;~~

~~(i) Within 50 feet of the nearest rail of a railroad;~~

~~(j) Within 20 feet of a driveway entrance to any fire station and, on the side of a highway opposite the entrance to any fire station, within 75 feet of that entrance;~~

~~— (k) Alongside or opposite any highway excavation or obstruction when stopping, standing or parking would obstruct traffic;~~

~~— (l) On the highway side of any vehicle stopped or parked at the edge of or curb of a highway;~~

~~— (m) Upon any bridge or other elevated structure or within a highway tunnel;~~

~~— (n) Except as otherwise provided in subsection 2, within 5 feet of a public or private driveway; and~~

~~— (o) At any place where official traffic control devices prohibit stopping, standing or parking.~~

~~2. The provisions of paragraph (n) of subsection 1 do not apply to a person operating a vehicle of the United States Postal Service if the vehicle is being operated for the official business of the United States Postal Service.~~

~~3. A person shall not move a vehicle not owned by the person into any prohibited area or away from a curb to a distance which is unlawful.~~

~~4. A local authority may place official traffic control devices prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in its opinion stopping, standing or parking is dangerous to those using the highway or where the vehicles which are stopping, standing or parking would unduly interfere with the free movement of traffic. It is unlawful for any person to stop, stand or park any vehicle in violation of the restrictions stated on those devices.~~

~~5. A person who violates any provision of this section is guilty of a petty misdemeanor.~~ **(Deleted by amendment.)**

Sec. 20. ~~[NRS 484B.457 is hereby amended to read as follows:~~

~~484B.457 1. Except as otherwise provided in this section, every vehicle stopped or parked upon a highway where there are adjacent curbs must be stopped or parked with the right hand wheels of the vehicle parallel to and within 18 inches of the right hand curb.~~

~~2. Local authorities may by ordinance permit parking of vehicles with the left hand wheels adjacent to and within 18 inches of the left hand curb of a one-way highway.~~

~~3. Local authorities may by ordinance permit angle parking on any highway, except that angle parking must not be permitted on any highway constructed and maintained by the Department of Transportation under the authority granted by chapter 408 of NRS unless the Department has determined that the highway is of sufficient width to permit angle parking without interfering with the free movement of traffic.~~

~~4. The Department of Transportation with respect to highways under its jurisdiction may place official traffic control devices prohibiting or restricting the stopping, standing or parking of vehicles on any such highway where, in its opinion, such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. It is unlawful for any person to stop, stand or park any vehicle in violation of the restrictions stated on those devices.~~

~~5. A person who violates any provision of this section is guilty of a petty misdemeanor.~~ **(Deleted by amendment.)**

Sec. 21. ~~[NRS 484B.467 is hereby amended to read as follows:~~

~~484B.467 1. Any parking space designated for persons who are handicapped must be indicated by a sign:~~

~~— (a) Bearing the international symbol of access with or without the words "Parking," "Handicapped Parking," "Handicapped Parking Only" or "Reserved for the Handicapped," or any other word or combination of words indicating that the space is designated for persons who are handicapped;~~

~~— (b) Stating "Minimum fine of \$250 for use by others" or equivalent words; and~~

~~1. (c) The bottom of which must be not less than 4 feet above the ground.~~
~~2. In addition to the requirements of subsection 1, a parking space designated for persons who are handicapped which:~~

~~(a) Is designed for the exclusive use of a vehicle with a side-loading wheelchair lift; and~~

~~(b) Is located in a parking lot with 60 or more parking spaces, must be indicated by a sign using a combination of words to state that the space is for the exclusive use of a vehicle with a side-loading wheelchair lift.~~

~~3. If a parking space is designed for the use of a vehicle with a side-loading wheelchair lift, the space which is immediately adjacent and intended for use in the loading and unloading of a wheelchair into or out of such a vehicle must be indicated by a sign:~~

~~(a) Stating "No Parking" or similar words which indicate that parking in such a space is prohibited;~~

~~(b) Stating "Minimum fine of \$250 for violation" or similar words indicating that the minimum fine for parking in such a space is \$250; and~~

~~(c) The bottom of which must not be less than 4 feet above the ground.~~

~~4. An owner of private property upon which is located a parking space described in subsection 1, 2 or 3 shall erect and maintain or cause to be erected and maintained any sign required pursuant to subsection 1, 2 or 3, whichever is applicable. If a parking space described in subsection 1, 2 or 3 is located on public property, the governmental entity having control over that public property shall erect and maintain or cause to be erected and maintained any sign required pursuant to subsection 1, 2 or 3, whichever is applicable.~~

~~5. A person shall not park a vehicle in a space designated for persons who are handicapped by a sign that meets the requirements of subsection 1, whether on public or privately owned property, unless the person is eligible to do so and the vehicle displays:~~

~~(a) A special license plate or plates issued pursuant to NRS 482.384;~~

~~(b) A special or temporary parking placard issued pursuant to NRS 482.384;~~

~~(c) A special or temporary parking sticker issued pursuant to NRS 482.384;~~

~~(d) A special license plate or plates, a special or temporary parking sticker, or a special or temporary parking placard displaying the international symbol of access issued by another state or a foreign country; or~~

~~(e) A special license plate or plates for a veteran with a disability issued pursuant to NRS 482.3765, 482.377, 482.3775, 482.378 or 482.3783.~~

~~6. Except as otherwise provided in this subsection, a person shall not park a vehicle in a space that is reserved for the exclusive use of a vehicle with a side-loading wheelchair lift and is designated for persons who are handicapped by a sign that meets the requirements of subsection 2, whether on public or privately owned property, unless:~~

~~(a) The person is eligible to do so;~~

~~(b) The vehicle displays the special license plate, plates or placard set forth in subsection 5; and~~

~~(c) The vehicle is equipped with a side-loading wheelchair lift.~~

~~A person who meets the requirements of paragraphs (a) and (b) may park a vehicle that is not equipped with a side-loading wheelchair lift in such a parking space if the space is in a parking lot with fewer than 60 parking spaces.~~

~~7. A person shall not park in a space which:~~

~~(a) Is immediately adjacent to a space designed for use by a vehicle with a side-loading wheelchair lift; and~~

~~(b) Is designated as a space in which parking is prohibited by a sign that meets the requirements of subsection 3,~~

~~whether on public or privately owned property.~~

~~8. A person shall not use a plate, sticker or placard set forth in subsection 5 to park in a space designated for persons who are handicapped unless he or she is a person with a permanent disability, disability of moderate duration or temporary disability, a veteran with a disability or the driver of a vehicle in which any such person is a passenger.~~

~~9. A person with a permanent disability, disability of moderate duration or temporary disability to whom a~~

~~(a) Special license plate, or a special or temporary parking sticker, has been issued pursuant to NRS 482.384 shall not allow any other person to park the vehicle, motorcycle or moped displaying the special license plate or special or temporary parking sticker in a space designated for persons who are handicapped unless the person with the permanent disability, disability of moderate duration or temporary disability is a passenger in the vehicle or on the motorcycle or moped, or is being picked up or dropped off by the driver of the vehicle, motorcycle or moped, at the time that the vehicle, motorcycle or moped is parked in the space designated for persons who are handicapped.~~

~~(b) Special or temporary parking placard has been issued pursuant to NRS 482.384 shall not allow any other person to park the vehicle which displays the special or temporary parking placard in a space designated for persons who are handicapped unless the person with the permanent disability, disability of moderate duration or temporary disability is a passenger in the vehicle, or is being picked up or dropped off by the driver of the vehicle, at the time that it is parked in the space designated for persons who are handicapped.~~

~~10. A person who violates any of the provisions of subsections 5 to 9, inclusive, is guilty of a misdemeanor and shall be punished:~~

~~(a) Upon the first offense, of a petty misdemeanor and shall be punished by a fine of \$250.~~

~~(b) Upon the second offense, of a petty misdemeanor and shall be punished by a fine of \$250 and not less than 8 hours, but not more than 50 hours, of community service.~~

~~(c) Upon the third or subsequent offense, of a misdemeanor and shall be punished by a fine of not less than \$500, but not more than \$1,000 and not less than 25 hours, but not more than 100 hours, of community service.] (Deleted by amendment.)~~

Sec. 22. [NRS 484B.520 is hereby amended to read as follows:

~~484B.520 1. A local authority may erect, pursuant to ordinance, official traffic control devices regulating the stopping, standing or parking of vehicles on any highway under its jurisdiction.~~

~~2. When devices are erected giving notice thereof, it is unlawful for any person to stop, stand or park a vehicle for longer than the time designated by any such sign.~~

~~3. A person who violates any provision of subsection 2 is guilty of a petty misdemeanor.] (Deleted by amendment.)~~

Sec. 23. [NRS 484B.523 is hereby amended to read as follows:

~~484B.523 1. When parking meters are erected by any local authority pursuant to an adopted ordinance giving notice thereof, it is unlawful for any person to stop, stand or park a vehicle in any metered parking zone for a period of time longer than designated by such parking meters upon a deposit of a coin of United States currency of the designated denomination.~~

~~2. Every vehicle shall be parked wholly within the metered parking space for which the meter shows parking privilege has been granted.~~

~~2. It is unlawful for any unauthorized person to remove, deface, tamper with, open, willfully break, destroy or damage any parking meter, or willfully to manipulate any parking meter in such a manner that the indicator will fail to show the correct amount of unexpired time before a violation occurs.~~

~~4. A person who violates the provisions of:~~

~~(a) Subsection 1 or 2 is guilty of a petty misdemeanor.~~

~~(b) Subsection 3 is guilty of a misdemeanor.~~ (Deleted by amendment.)

Sec. 24. ~~[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 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 petty 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.]~~ (Deleted by amendment.)

Sec. 25. ~~[NRS 484B.560 is hereby amended to read as follows:~~

~~484B.560 1. Except as otherwise provided in subsection 4, the driver of a bus carrying passengers, or of any school bus carrying any school child, or of any vehicle carrying hazardous materials as that term is defined in 49 C.F.R. § 383.5, before crossing at grade any track or tracks of a railroad, shall stop that vehicle within 50 feet but not less than 15 feet from the nearest rail of the railroad and while so stopped shall listen and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, and shall not proceed until the driver can do so safely.~~

~~2. After stopping as required in this section and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in a gear of the vehicle that there will be no necessity for changing gears while traversing the crossing and the driver shall not shift gears while crossing the track or tracks.~~

~~3. When stopping is required at a railroad crossing the driver shall keep as far to the right of the highway as possible and shall not form two lanes of traffic unless the highway is marked for four or more lanes of traffic.~~

~~4. No such stop need be made at a railroad crossing.~~

~~— (a) Where a police officer or official traffic control device controls the movement of traffic;~~

~~— (b) Which is marked with a device indicating that the crossing is abandoned;~~

~~— (c) Which is a streetcar crossing or is used exclusively for industrial switching purposes within an area designated as a business district;~~

~~— (d) Which is marked with a sign identifying it as an exempt crossing. Signs identifying a crossing as exempt may be erected only:~~

~~— (1) If the tracks are an industrial or spur line;~~

~~— (2) By or with the consent of the appropriate state or local authority which has jurisdiction over the road; and~~

~~— (3) After the State or the local authority has held a public hearing to determine whether the crossing should be designated an exempt crossing.~~

~~5. It is unlawful for the driver of any vehicle, when crossing at grade any track or tracks of a railroad, to fail to completely cross the track or tracks without stopping due to insufficient:~~

~~— (a) Space for the vehicle on the opposite side of the railroad crossing; or~~

~~— (b) Undercarriage clearance of the vehicle.~~

~~6. A person who violates any provision of this section is guilty of a petty misdemeanor.~~

~~7. As used in this section, "completely cross" means to travel across a railroad track or tracks in such a manner that the trailing end of the vehicle is 15 feet or more past the nearest rail of the railroad track or tracks.] (Deleted by amendment.)~~

Sec. 26. [NRS 484B.563 is hereby amended to read as follows:

~~484B.563 1. It is unlawful for any person to operate or move any crawler-type tractor, power shovel, derrick, roller, or any vehicle, equipment or structure having a normal operating speed of 10 or less miles per hour or a vertical body or load clearance of less than one half inch per foot of the distance between any two adjacent axles or in any event of less than 9 inches, measured above the level surface of a highway, upon or across any tracks at a railroad grade crossing without first complying with this section.~~

~~2. Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than 15 feet nor more than 50 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.~~

~~3. No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagger or otherwise of the immediate approach of a railroad train or car. If a flagger is provided by the railroad, movement over the crossing shall be under the direction of the flagger.~~

~~4. A person who violates any provision of this section is guilty of a petty misdemeanor.] (Deleted by amendment.)~~

Sec. 27. [NRS 484B.593 is hereby amended to read as follows:

~~484B.593 1. The Department of Transportation or a local authority, after considering the advice of the Nevada Bicycle and Pedestrian Advisory Board, may with respect to any controlled access highway under its jurisdiction:~~

~~— (a) Require a permit for the use of the highway by pedestrians, bicycles or other nonmotorized traffic or by any person operating a power cycle; or~~

~~— (b) If it determines that the use of the highway for such a purpose would not be safe, prohibit the use of the highway by pedestrians, bicycles or other nonmotorized traffic.~~

~~2. Any person who violates any prohibition or restriction enacted pursuant to subsection 1 is guilty of a petty misdemeanor.] (Deleted by amendment.)~~

1 **Sec. 28.** NRS 484B.600 is hereby amended to read as follows:

2 484B.600 1. It is unlawful for any person to drive or operate a vehicle of
3 any kind or character at:

4 (a) A rate of speed greater than is reasonable or proper, having due regard for
5 the traffic, surface and width of the highway, the weather and other highway
6 conditions.

7 (b) Such a rate of speed as to endanger the life, limb or property of any person.

8 (c) A rate of speed greater than that posted by a public authority for the
9 particular portion of highway being traversed.

10 (d) A rate of speed that results in the injury of another person or of any
11 property.

12 (e) In any event, a rate of speed greater than 80 miles per hour.

13 2. If, while violating any provision of subsection 1, the driver of a motor
14 vehicle is the proximate cause of a collision with a pedestrian or a person riding a
15 bicycle, the driver is subject to the additional penalty set forth in subsection 4 of
16 NRS 484B.653.

17 3. A person who violates any provision of subsection 1 may be subject to the
18 additional penalty set forth in NRS 484B.130 or 484B.135.

19 4. ~~[[Except as otherwise provided by law, if a person is issued a traffic~~
20 ~~citation for a violation of any provision of subsection 1 [and an additional penalty~~
21 ~~is not imposed against the person pursuant to subsection 4 of NRS 484B.653,]~~
22 ~~the court may, in its discretion, reduce the violation [must be reduced] from a~~
23 ~~moving traffic violation to a violation that is not a moving traffic violation. There~~
24 ~~is a presumption in favor of reducing the violation if the person pays the entire~~
25 ~~amount of the fine due before the date on which the person is first required to~~
26 ~~[appear in court pursuant] make an appearance relating to the citation [,-],~~
27 ~~whether by personal appearance or through his or her counsel, but such a~~
28 ~~presumption may be overcome if the driving record of the person demonstrates a~~
29 ~~pattern of moving traffic violations.~~

30 5. Any fine imposed pursuant to paragraph (a), (b), (c) or (e) of subsection
31 1 must not exceed \$20 for each mile per hour a person travels above the
32 posted speed limit or the proper rate of speed at which the person should be
33 traveling, as applicable. The provisions of this subsection apply regardless of
34 whether a person pays the entire amount of the fine in accordance with
35 subsection 4.

36 **Sec. 29.** ~~[NRS 484B.607 is hereby amended to read as follows:~~

37 ~~484B.607 1. Upon approaching any traffic incident, the driver of the~~
38 ~~approaching vehicle shall, in the absence of other direction given by a law~~
39 ~~enforcement officer:~~

40 ~~— (a) Decrease the speed of the vehicle to a speed that is reasonable and proper,~~
41 ~~pursuant to the criteria set forth in subsection 1 of NRS 484B.600;~~

42 ~~— (b) Proceed with caution;~~

43 ~~— (c) Be prepared to stop; and~~

44 ~~— (d) If possible, drive in a lane that is not adjacent to the lane or lanes where the~~
45 ~~traffic incident is located unless roadway, traffic, weather or other conditions make~~
46 ~~doing so unsafe or impossible.~~

47 ~~2. A person who violates subsection 1 is guilty of a petty misdemeanor.~~

48 ~~3. As used in this section, "traffic incident" means any vehicle, person,~~
49 ~~condition or other traffic hazard which is located on or near a roadway and which~~
50 ~~poses a danger to the flow of traffic or to a person involved in, responding to or~~
51 ~~assisting with the traffic hazard. The term includes, without limitation:~~

52 ~~— (a) An authorized emergency vehicle which is stopped and is making use of~~
53 ~~flashing lights meeting the requirements of subsection 3 of NRS 484A.480;~~

~~— (b) A tow car which is stopped and is making use of flashing amber warning lights meeting the requirements of NRS 484B.748;~~

~~— (c) An authorized vehicle used by the Department of Transportation which is stopped or moving at a speed slower than the normal flow of traffic and which is making use of flashing amber warning lights meeting the requirements of subsection 1 of NRS 484D.185 or lamps that emit nonflashing blue light meeting the requirements of NRS 484D.200;~~

~~— (d) A public utility vehicle which is stopped or moving at a speed slower than the normal flow of traffic and is making use of flashing amber warning lights meeting the requirements of NRS 484D.195;~~

~~— (e) An authorized vehicle of a local governmental agency which is stopped or moving at a speed slower than the normal flow of traffic and is making use of flashing amber warning lights meeting the requirements of NRS 484D.185;~~

~~— (f) Any vehicle which is stopped or moving at a speed slower than the normal flow of traffic and is making use of flashing amber warning lights meeting the requirements of NRS 484D.185;~~

~~— (g) A crash scene;~~

~~— (h) A stalled vehicle;~~

~~— (i) Debris on the roadway; or~~

~~— (j) A person who is out of his or her vehicle attending to a repair of the vehicle.] (Deleted by amendment.)~~

Sec. 30. [NRS 484B.630 is hereby amended to read as follows:

~~484B.630 1. On a highway that has one lane for traveling in each direction, where passing is unsafe because of traffic traveling in the opposite direction or other conditions, the driver of a slow moving vehicle, behind which five or more vehicles are formed in a line, shall, to allow the vehicles following behind to proceed, turn off the roadway;~~

~~— (a) At the nearest place designated as a turnout by signs erected by the public authority having jurisdiction over the highway; or~~

~~— (b) In the absence of such a designated turnout, at the nearest place where:~~

~~— (1) Sufficient area for a safe turnout exists; and~~

~~— (2) The circumstances and conditions are such that the driver is able to turn off the roadway in a safe manner.~~

~~2. A person who violates subsection 1 is guilty of a petty misdemeanor.~~

~~3. As used in this section, "slow moving vehicle" means a vehicle that is traveling at a rate of speed which is less than the posted speed limit for the highway or portion of the highway upon which the vehicle is traveling.] (Deleted by amendment.)~~

Sec. 31. [NRS 484B.760 is hereby amended to read as follows:

~~484B.760 1. It is a petty misdemeanor for any person to do any act forbidden or fail to perform any act required in NRS 484B.768 to 484B.783, inclusive.~~

~~2. The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any of the provisions of chapters 484A to 484E, inclusive, of NRS.~~

~~3. The provisions applicable to bicycles and electric bicycles apply whenever a bicycle or an electric bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles or electric bicycles subject to those exceptions stated herein.] (Deleted by amendment.)~~

Sec. 32. [NRS 484B.900 is hereby amended to read as follows:

~~484B.900 No automobile rental agency shall be liable for any traffic violation arising out of the use of a leased or rented motor vehicle during the period such motor vehicle is not in the possession of the agency. This section does not absolve~~

1 ~~any such agency from liability for any petty misdemeanor or misdemeanor~~
2 ~~committed by an officer, employee or agent of the agency.] (Deleted by~~
3 ~~amendment.)~~

4 **Sec. 33.** ~~[NRS 484B.920 is hereby amended to read as follows:~~

5 ~~484B.920 1. A procession, except a funeral procession, or parade, except~~
6 ~~the forces of the United States Armed Services, the military forces of this State and~~
7 ~~the forces of the police and fire departments, must not occupy, march or proceed~~
8 ~~along any highway except in accordance with the permit issued by the proper~~
9 ~~public authority.~~

10 ~~2. A sound truck or other vehicle equipped with an amplifier or loudspeaker~~
11 ~~must not be driven upon any highway for the purpose of selling, offering for sale or~~
12 ~~advertising in any fashion except in accordance with a permit issued by the proper~~
13 ~~public authority.~~

14 ~~3. An oversized or overweight vehicle or equipment must not be driven,~~
15 ~~occupy or proceed upon any highway except in accordance with a permit issued by~~
16 ~~the Department of Transportation.~~

17 ~~4. The Department of Transportation, upon request, shall notify a city or~~
18 ~~county immediately after a permit has been issued for an oversized or overweight~~
19 ~~vehicle or equipment to be driven, occupy or proceed upon any highway under the~~
20 ~~jurisdiction of that city or county.~~

21 ~~5. Nothing in chapters 484A to 484E, inclusive, of NRS prohibits a city or~~
22 ~~county affected by the issuance of permits pursuant to this section from:~~

23 ~~(a) Recommending to the Department of Transportation the establishment of~~
24 ~~certain routes by which oversized or overweight vehicles may proceed through the~~
25 ~~city or county and any modifications to those routes; or~~

26 ~~(b) Notifying the Department of Transportation if the issuance of a permit~~
27 ~~authorizing an oversized or overweight vehicle or equipment to be driven, occupy~~
28 ~~or proceed upon a certain highway would negatively impact traffic safety or flow of~~
29 ~~traffic due to unique conditions in the city or county.~~

30 ~~6. The Department of Transportation shall adopt regulations regarding the~~
31 ~~issuance of permits for oversized or overweight vehicles or equipment to be driven,~~
32 ~~occupy or proceed upon any highway that is under the jurisdiction of a county~~
33 ~~whose population is less than 700,000, or a city in a county whose population is~~
34 ~~less than 700,000. The regulations may limit the movement of oversized or~~
35 ~~overweight vehicles to certain:~~

36 ~~(a) Routes;~~

37 ~~(b) Hours of the day; or~~

38 ~~(c) Days of the week;~~

39 ~~to ensure public safety.~~

40 ~~7. Any person who violates any provision of this section is guilty of a petty~~
41 ~~misdemeanor.] (Deleted by amendment.)~~

42 **Sec. 34.** ~~[NRS 484C.475 is hereby amended to read as follows:~~

43 ~~484C.475 Any person who provides a sample of breath for a device, with the~~
44 ~~intent to start a motor vehicle of another and for the purpose of allowing a person~~
45 ~~required to install a device pursuant to NRS 484C.210 or 484C.460 to avoid~~
46 ~~providing a sample of his or her breath, is guilty of a petty misdemeanor.] (Deleted~~
47 ~~by amendment.)~~

48 **Sec. 35.** ~~[NRS 484D.285 is hereby amended to read as follows:~~

49 ~~484D.285 1. The driver of a vehicle which is equipped with a device for~~
50 ~~braking that uses the compression of the engine of the vehicle shall not use the~~
51 ~~device at any time unless:~~

52 ~~(a) The device is equipped with an operational muffler; or~~

1 ~~— (b) The driver reasonably believes that an emergency requires the use of the~~
2 ~~device to protect the physical safety of a person or others from an immediate threat~~
3 ~~of physical injury or to protect against an immediate threat of damage to property.~~

4 ~~— 2. A person who violates the provisions of this section is guilty of a petty~~
5 ~~misdemeanor.] (Deleted by amendment.)~~

6 **Sec. 36.** ~~[NRS 484D.405 is hereby amended to read as follows:~~

7 ~~484D.405 1. It is unlawful for any person to operate or cause to be operated~~
8 ~~upon the public highways of the State of Nevada any out-of-state or foreign~~
9 ~~privately owned motor vehicle equipped with a red light or siren attached thereto as~~
10 ~~a part of the equipment of the vehicle.~~

11 ~~— 2. This section is not intended to repeal, amend or in any manner change the~~
12 ~~existing law insofar as it applies to domestic and foreign motor vehicles except in~~
13 ~~the particular instance set out in subsection 1 and this section does not apply to~~
14 ~~motor vehicles registered in foreign states having reciprocal arrangements made~~
15 ~~with the Department in relation to the use of red lights and sirens upon out-of-state~~
16 ~~motor vehicles.~~

17 ~~— 3. A [violation of] person who violates the provisions of this section is~~
18 ~~[punishable] guilty of a petty misdemeanor and shall be punished by a fine of not~~
19 ~~more than \$250.] (Deleted by amendment.)~~

20 **Sec. 37.** ~~[NRS 484D.540 is hereby amended to read as follows:~~

21 ~~484D.540 Violation of the provisions of NRS 484D.535 is a petty~~
22 ~~misdemeanor. Whenever any motor vehicle is found by any peace officer to be in~~
23 ~~violation of the provisions of NRS 484D.535, and a notice to appear or citation is~~
24 ~~issued, it may require that the person named therein shall produce in court proof~~
25 ~~that such vehicle or its equipment has been made to conform to the provisions of~~
26 ~~NRS 484D.535.] (Deleted by amendment.)~~

27 **Sec. 38.** ~~[NRS 484D.580 is hereby amended to read as follows:~~

28 ~~484D.580 Whenever the driver of a vehicle is directed by a peace officer or~~
29 ~~vehicle safety inspector in pursuance of assigned duty, to stop and submit the~~
30 ~~mechanical condition of the vehicle or its equipment to an inspection or test under~~
31 ~~conditions stated in NRS 484D.560, such driver shall stop and submit to such~~
32 ~~inspection or test. A failure or refusal so to do or to cease operation when required~~
33 ~~is a petty misdemeanor.] (Deleted by amendment.)~~

34 **Sec. 39.** ~~[NRS 484D.620 is hereby amended to read as follows:~~

35 ~~484D.620 Any person operating or moving any vehicle or equipment over~~
36 ~~any highway who violates any length limitation in this chapter is guilty of a petty~~
37 ~~misdemeanor.] (Deleted by amendment.)~~

38 **Sec. 40.** ~~[NRS 484D.675 is hereby amended to read as follows:~~

39 ~~484D.675 1. Authority for the enforcement of the provisions of NRS~~
40 ~~484D.630 to 484D.680, inclusive, is vested in certain law enforcement agencies in~~
41 ~~this State.~~

42 ~~— 2. Any category I peace officer, officer of the Nevada Highway Patrol or~~
43 ~~inspector acting within his or her jurisdiction who has reasonable suspicion that the~~
44 ~~weight of a vehicle and load is unlawful may require the driver to stop and submit to~~
45 ~~a weighing of the vehicle either by means of portable or stationary scales and~~
46 ~~may require that the vehicle be driven to the nearest public scales, if they are within~~
47 ~~5 miles. Reasonable suspicion is not required before use of any device that weighs a~~
48 ~~vehicle without requiring the driver to stop the vehicle or leave the roadway.~~

49 ~~— 3. An officer of the Nevada Highway Patrol, a category I peace officer or an~~
50 ~~inspector upon weighing a vehicle and load as provided in subsection 2 who~~
51 ~~determines that the weight is unlawful may require the driver to stop in a suitable~~
52 ~~place and remove such portion of the load as may be necessary to reduce the gross~~
53 ~~weight of the vehicle to those limits permitted under NRS 484D.630 to 484D.680,~~

1 ~~inclusive. All materials so unloaded must be cared for by the carrier of the material~~
2 ~~and at the carrier's expense. The officer of the Nevada Highway Patrol, category I~~
3 ~~peace officer or inspector may allow the driver of the inspected vehicle to continue~~
4 ~~on his or her journey if any overload does not exceed by more than 5 percent the~~
5 ~~limitations prescribed by NRS 484D.620 to 484D.680, inclusive, but the penalties~~
6 ~~provided in NRS 484D.680 must be imposed for the overload violation.~~

7 ~~4. Any driver of a vehicle who fails or refuses to stop and submit the vehicle~~
8 ~~and load to a weighing, or who fails or refuses when directed by an officer of the~~
9 ~~Nevada Highway Patrol, a category I peace officer or an inspector upon a weighing~~
10 ~~of the vehicle to stop and otherwise comply with the provisions of NRS 484D.630~~
11 ~~to 484D.680, inclusive, is guilty of a petty misdemeanor.~~

12 ~~5. As used in this section:~~

13 ~~(a) "Category I peace officer" means a peace officer, as defined in NRS~~
14 ~~289.460, who:~~

15 ~~(1) Has received specialized training concerning vehicle weight~~
16 ~~enforcement;~~

17 ~~(2) Is certified by the Commercial Vehicle Safety Alliance to perform a~~
18 ~~North American Standard Inspection; and~~

19 ~~(3) Has completed a vehicle weight enforcement training program that is~~
20 ~~specific to this State and conducted by the Nevada Highway Patrol.~~

21 ~~(b) "Inspector" means an inspector of the Department of Motor Vehicles or the~~
22 ~~Department of Public Safety who has completed a vehicle weight enforcement~~
23 ~~training program that is specific to this State and conducted by the Nevada~~
24 ~~Highway Patrol.~~

25 ~~(c) "Law enforcement agency" has the meaning ascribed to it in NRS 202.873.~~

26 ~~(d) "North American Standard Inspection" has the meaning ascribed to it in 49~~
27 ~~C.F.R. § 350.105.] (Deleted by amendment.)~~

28 **Sec. 41.** ~~[NRS 484D.745 is hereby amended to read as follows:~~

29 ~~484D.745 1. It is unlawful for any person to operate or move any vehicle or~~
30 ~~equipment described in NRS 484D.615 or 484D.685 to 484D.725, inclusive, over~~
31 ~~any highway without first obtaining a permit, or to violate or evade any of the terms~~
32 ~~or conditions of the permit when issued. A person violating any of the provisions of~~
33 ~~NRS 484D.685 to 484D.740, inclusive, is guilty of a petty misdemeanor.~~

34 ~~2. Any person operating or moving any vehicle or equipment described in~~
35 ~~NRS 484D.615 or 484D.685 to 484D.725, inclusive, over any highway under the~~
36 ~~authorization of a permit for continuous use or multiple trips over a limited time~~
37 ~~and who violates any weight limitation in excess of the weight authorized by the~~
38 ~~permit must be punished, upon conviction, as provided in NRS 484D.680.]~~

39 ~~(Deleted by amendment.)~~