

SENATE BILL NO. 43—COMMITTEE ON  
GROWTH AND INFRASTRUCTURE

(ON BEHALF OF THE OFFICE OF TRAFFIC SAFETY  
OF THE DEPARTMENT OF PUBLIC SAFETY)

PREFILED NOVEMBER 19, 2018

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Referred to Committee on Growth and Infrastructure

**SUMMARY**—Authorizes the installation and use of an automated traffic enforcement system under certain circumstances. (BDR 43-358)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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**AN ACT** relating to traffic laws; authorizing the installation and use of an automated traffic enforcement system by a governmental entity under certain circumstances; setting forth the requirements for the installation and use of an automated traffic enforcement system; requiring a law enforcement agency having jurisdiction over the location of an automated traffic enforcement system to review certain evidence detected by the automated traffic enforcement system; requiring the registered owner of a vehicle to pay an administrative fine for certain violations detected by an automated traffic enforcement system; authorizing the registered owner of a vehicle to appeal a citation received for those violations; providing for the use of any money received from an administrative fine incurred for those violations; requiring the Department of Transportation to adopt certain regulations; prohibiting an insurer from increasing rates for motor vehicle insurance under certain circumstances; and providing other matters properly relating thereto.



**Legislative Counsel's Digest:**

Existing law prohibits a governmental entity and any agent thereof from using photographic, video or digital equipment for gathering evidence to be used for the issuance of a traffic violation, unless the equipment is handheld or installed within a vehicle or facility of a law enforcement agency. (NRS 484A.600) **Section 3** of this bill provides for an exception to this prohibition, and **section 2** of this bill sets forth the requirements for a governmental entity to authorize the installation and use of an automated traffic enforcement system to enforce the laws governing speeding and obedience to traffic control devices. Such a governmental entity must: (1) make certain findings about the location where the automated traffic enforcement system will be installed; (2) provide for or undertake a public information campaign about the automated traffic enforcement system; (3) establish an administrative fine of not less than \$50 for a violation detected by the automated traffic enforcement system and an administrative fine of not less than \$100 for a person who fails to respond to such a citation; and (4) establish or otherwise provide an appeal process for a person who receives a citation for a violation detected by an automated traffic enforcement system. **Section 2** also requires that an automated traffic enforcement system must meet the requirements set forth in regulations adopted by the Department of Transportation, including warning signs that must be installed not more than 300 feet from the location of an automated traffic enforcement system. Before a citation may be issued for a violation detected by an automated traffic enforcement system, an employee of a law enforcement agency must review the evidence from the automated traffic enforcement system. A citation must be mailed to the registered owner of the vehicle, and the registered owner is liable for any administrative fine incurred unless he or she appeals the citation or provides an affidavit stating: (1) the name and address of the person having care, custody and control of the vehicle at the time of the violation; or (2) that the vehicle was stolen at the time of the violation. **Section 2** further provides that a violation detected by an automated traffic enforcement system: (1) must not be recorded by the Department of Motor Vehicles on a driver's record; and (2) shall not be deemed a moving violation. Finally, **section 2** requires that money received from administrative fines incurred for violations detected by an automated traffic enforcement system must be spent: (1) to install or maintain the automated traffic enforcement system and administer the citation and appeals process; or (2) on traffic safety programs. **Section 1** of this bill makes conforming changes, and **section 4** of this bill provides that a citation for a violation detected by an automated traffic enforcement system may not be used by an insurer to raise insurance rates or cancel or refuse to renew a policy of insurance. (NRS 690B.028)

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

**Section 1.** NRS 483.473 is hereby amended to read as follows:  
483.473 1. As used in this section, "traffic violation" means conviction of a moving traffic violation in any municipal court, justice court or district court in this State. The term includes a finding by a juvenile court that a child has violated a traffic law or ordinance other than one governing standing or parking. The term does not include ~~the~~:



(a) A conviction or a finding by a juvenile court of a violation of the speed limit posted by a public authority under the circumstances described in subsection 1 of NRS 484B.617.

*(b) A citation received for a violation detected by an automated traffic enforcement system pursuant to section 2 of this act.*

2. The Department shall establish a uniform system of demerit points for various traffic violations occurring within this State affecting the driving privilege of any person who holds a driver's license issued by the Department and persons deemed to have future driving privileges pursuant to NRS 483.447. The system must be based on the accumulation of demerits during a period of 12 months.

3. The system must be uniform in its operation, and the Department shall set up a schedule of demerits for each traffic violation, depending upon the gravity of the violation, on a scale of one demerit point for a minor violation of any traffic law to eight demerit points for an extremely serious violation of the law governing traffic violations. If a conviction of two or more traffic violations committed on a single occasion is obtained, points must be assessed for one offense, and if the point values differ, points must be assessed for the offense having the greater point value. Details of the violation must be submitted to the Department by the court where the conviction is obtained. The Department may provide for a graduated system of demerits within each category of violations according to the extent to which the traffic law was violated.

**Sec. 2.** Chapter 484A of NRS is hereby amended by adding thereto a new section to read as follows:

*1. A governmental entity may authorize the installation and use of an automated traffic enforcement system to enforce the provisions of NRS 484B.300, 484B.307 and 484B.600, and any corresponding traffic regulation, as provided in this section.*

*2. Before a governmental entity may authorize the installation and use of an automated traffic enforcement system, the governmental entity must make a finding that each location selected for the use of the automated traffic enforcement system is a location where:*

*(a) Traditional traffic enforcement methods have failed to deter violations of NRS 484B.300, 484B.307 or 484B.600 or any corresponding traffic regulation;*

*(b) There is a high rate of violations of NRS 484B.300, 484B.307 or 484B.600 or any corresponding traffic regulation; or*

*(c) There is a high rate of traffic crashes due to violation of NRS 484B.300, 484B.307 or 484B.600 or any corresponding traffic regulation.*



3. An automated traffic enforcement system may not be used to enforce the provisions of NRS 484B.300, 484B.307 and 484B.600 and any corresponding traffic regulation unless:

(a) The governmental entity that authorized the installation and use of the automated traffic enforcement system:

(1) Provides for or undertakes, for not less than 30 days before any citation is issued for a violation detected by the automated traffic enforcement system, a public information campaign designed to inform persons of the presence of the automated traffic enforcement system; and

(2) Establishes the manner in which a person who receives a citation or incurs an administrative fine pursuant to this section may appeal the citation or administrative fine at a hearing before a designee of the governmental entity.

(b) The automated traffic enforcement system meets the requirements for such a system set forth in regulations adopted by the Department of Transportation.

(c) There are warning signs installed not more than 300 feet from the location of the automated traffic enforcement system. The signs must meet the requirements for such signs set forth in regulations adopted by the Department of Transportation.

4. Before a citation is issued for a violation of the provisions of NRS 484B.300, 484B.307 or 484B.600 or any corresponding traffic regulation which was detected by an automated traffic enforcement system, the evidence of the violation from the automated traffic enforcement system must be reviewed for accuracy by an employee of a law enforcement agency with jurisdiction over the location of the automated traffic enforcement system.

5. A citation issued pursuant to this section must be sent by the law enforcement agency by first class mail to the address listed with the Department of Motor Vehicles for the registered owner of the vehicle identified by the automated traffic enforcement system not more than 30 days after the date of the alleged violation. A notice must be included with the citation which informs the registered owner of the vehicle of the provisions of this subsection and subsections 6 to 9, inclusive, including, without limitation, the manner in which the person may:

(a) Pay the administrative fine listed on the citation;

(b) Provide an affidavit and other evidence, as applicable, pursuant to subsection 6; and

(c) Appeal the citation.

6. The registered owner of a vehicle who receives a citation pursuant to this section is responsible for the administrative fine set pursuant to subsection 8 unless the registered owner, not more



1 *than 30 days after receipt of the citation, appeals the citation or*  
2 *provides to the law enforcement agency that sent the citation an*  
3 *affidavit stating:*

4 *(a) The name and address of the person having care, custody*  
5 *and control of the vehicle at the time of the violation; or*

6 *(b) That the vehicle, at the time of the violation, was stolen.*  
7 *Such an affidavit must be accompanied by evidence that supports*  
8 *the affidavit, including, without limitation, a police report or an*  
9 *insurance report.*

10 *7. A person who:*

11 *(a) Receives a citation pursuant to this section;*

12 *(b) Provides an affidavit and supporting evidence, if*  
13 *applicable, pursuant to subsection 6 but is not relieved of liability*  
14 *for the citation; or*

15 *(c) Incurs an additional administrative fine pursuant to*  
16 *subsection 9,*

17 *↪ may appeal the citation, decision or fine in the manner*  
18 *established by the governmental entity pursuant to subsection 3.*

19 *8. A violation of the provisions of NRS 484B.300, 484B.307*  
20 *or 484B.600 for which a citation is issued pursuant to this section:*

21 *(a) Must not be recorded by the Department of Motor Vehicles*  
22 *on a driver's record;*

23 *(b) Shall not be deemed a moving traffic violation; and*

24 *(c) Is punishable by an administrative fine in an amount set by*  
25 *the governmental entity, but not less than \$50.*

26 *9. A person who receives a citation pursuant to this section*  
27 *and who fails to pay the administrative fine, provide an affidavit*  
28 *and other evidence, if applicable, pursuant to subsection 5 or*  
29 *appeal the citation within the period specified on the citation is*  
30 *deemed to have waived the right to appeal the citation and is*  
31 *subject to an additional administrative fine in an amount set by*  
32 *the governmental entity, but not less than \$100.*

33 *10. The provisions of this section do not prohibit a law*  
34 *enforcement officer from issuing a citation for a violation of any*  
35 *law of this State at the place where an automated traffic*  
36 *enforcement system is installed and in use if the law enforcement*  
37 *officer witnesses a violation. A person who is given a citation by a*  
38 *law enforcement officer pursuant to this subsection must not be*  
39 *issued a citation based on evidence from the automated traffic*  
40 *enforcement system for the same violation for which the law*  
41 *enforcement officer issued the person the citation.*

42 *11. All money received by a governmental entity for*  
43 *administrative fines incurred pursuant to this section may only be*  
44 *used by the governmental entity to defray the costs of:*



(a) *Installing and operating an automated traffic enforcement system, including, without limitation, the costs of administering the provisions of this section; and*

(b) *Traffic safety programs, including, without limitation, pedestrian safety programs, traffic enforcement and intersection improvements related to traffic safety.*

12. *The Department of Transportation shall adopt regulations setting forth requirements for an automated traffic enforcement system. Such regulations must include, without limitation:*

(a) *Standards for any photographic and other equipment used;*

(b) *The minimum yellow light duration required at an intersection where an automated traffic enforcement system is used to enforce the provisions of NRS 484B.600; and*

(c) *Standards for warning signs required by subsection 3.*

13. *As used in this section:*

(a) *“Automated traffic enforcement system” means a stationary electronic or digital system which creates a photograph or other recorded image of a vehicle which is used as evidence of a violation of a traffic law by the driver of the vehicle.*

(b) *“Corresponding traffic regulation” means a traffic regulation enacted by ordinance by the governing body of a city or county pursuant to NRS 484A.400 that prohibits the same conduct prohibited by NRS 484B.300, 484B.307 or 484B.600, respectively.*

(c) *“Governmental entity” means:*

(1) *The governing body of a city or county.*

(2) *The Department of Public Safety.*

Sec. 3. NRS 484A.600 is hereby amended to read as follows:

484A.600 ~~1A~~ *Except as otherwise provided in section 2 of this act, a governmental entity and any agent thereof shall not use photographic, video or digital equipment for gathering evidence to be used for the issuance of a traffic citation for a violation of chapters 484A to 484E, inclusive, of NRS unless the equipment is held in the hand or installed temporarily or permanently within a vehicle or facility of a law enforcement agency.*

Sec. 4. NRS 690B.028 is hereby amended to read as follows:

690B.028 An insurer shall not impose on an insured or group of insured an increase in rates for motor vehicle insurance because of ~~1a~~:

1. *A conviction or a finding by a juvenile court of a violation of the speed limit under the circumstances described in subsection 1 of NRS 484B.617 ~~1a~~; or*

2. *A citation received for a violation detected by an automated traffic enforcement system pursuant to section 2 of this act,*



1    ➡ nor shall an insurer cancel or refuse to renew a policy of  
2 insurance for ~~that~~ *either* reason.

3    **Sec. 5.** This act becomes effective:

4    1. Upon passage and approval for the purpose of adopting any  
5 regulations and performing any other preparatory administrative  
6 tasks that are necessary to carry out the provisions of this act; and

7    2. On January 1, 2020, for all other purposes.

