

ASSEMBLY BILL NO. 93—COMMITTEE
ON GROWTH AND INFRASTRUCTURE

(ON BEHALF OF THE JOINT INTERIM STANDING COMMITTEE
ON GROWTH AND INFRASTRUCTURE)

PREFILED JANUARY 30, 2023

Referred to Committee on Judiciary

SUMMARY—Authorizes the installation and use of automated traffic enforcement systems in school zones and school crossing zones. (BDR 43-108)

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.

AN ACT relating to traffic laws; authorizing a local authority to authorize the installation and use of an automated traffic enforcement system to enforce certain provisions of law; requiring a peace officer of a traffic enforcement agency having jurisdiction over the location of an automated traffic enforcement system to review certain evidence detected by the automated traffic enforcement system before a citation is issued; establishing requirements relating to the issuance of a civil infraction citation based on evidence detected by an automated traffic enforcement system; creating a rebuttable presumption that the registered owner of a vehicle is the driver of the vehicle at the time of a violation detected by an automated traffic enforcement system; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prohibits a governmental entity or its agent from using
2 photographic, video or digital equipment to gather evidence in order to issue a
3 traffic citation or civil infraction citation, unless that equipment is: (1) a portable
4 camera or event recording device worn or held by a peace officer; (2) installed
5 within a vehicle or facility of a law enforcement agency; or (3) privately owned by
6 a nongovernmental entity. (NRS 484A.600) **Sections 2 and 3** of this bill create an



exception to this prohibition, authorizing a local authority to allow for the installation and use of an automated traffic enforcement system to enforce provisions of law governing the speed limits in school zones and school crossing zones as well as provisions prohibiting U-turns and overtaking another vehicle in school zones and school crossing zones. **Section 2** requires a peace officer of a traffic enforcement agency with jurisdiction over the location of the automated traffic enforcement system to review the evidence of a violation detected by an automatic traffic enforcement system before a citation is issued. **Section 2** establishes requirements for the contents and delivery of a civil infraction citation issued based upon evidence collected by an automated traffic enforcement system. **Section 2** creates a rebuttable presumption that the registered owner of a vehicle is the driver of the vehicle at the time of a violation detected by an automated traffic enforcement system and provides a method for rebutting this presumption. **Section 2** provides that a violation detected by an automated traffic enforcement system is not a moving traffic violation.

Sections 1, 4 and 5 of this bill make conforming changes to: (1) exclude traffic violations detected by an automated traffic enforcement system from the assessment of demerit points; and (2) provide for the issuance of civil infraction citations for violations detected by an automated traffic enforcement system.

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 or a finding by any municipal court or justice court in this State that a person has committed a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive. 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 ~~fat~~:

(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 ~~H~~; or

(b) *A citation issued 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 or civil infraction, and if the point values differ, points must be assessed for the offense or civil infraction having the greater point value. Details of the violation must be submitted to the Department by the court where the conviction or finding 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 local authority may authorize the installation and use of an automated traffic enforcement system to enforce the provisions of NRS 484B.363, and any corresponding traffic regulation, within the jurisdiction of the local authority.

2. Before a civil infraction citation is issued pursuant to NRS 484A.7033 for a violation of the provisions of NRS 484B.363 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 a peace officer of a traffic enforcement agency with jurisdiction over the location of the automated traffic enforcement system.

3. A civil infraction citation issued pursuant to NRS 484A.7033 for a violation described in subsection 2 must be sent by the traffic enforcement agency described in subsection 2 by first class mail to the address listed with the Department for the registered owner of the vehicle identified by the automated traffic enforcement system.

4. In addition to the information required pursuant to subsection 1 of NRS 484A.7035, a civil infraction citation issued pursuant to NRS 484A.7033 for a violation described in subsection 2 must include:

(a) The date and time of the violation;

(b) An image taken by the automated traffic enforcement system showing the vehicle involved in the violation or the address of the Internet website on which such an image may be viewed; and

(c) A statement summarizing the provisions of subsection 5.

5. The registered owner of a vehicle is presumed to be the driver of the vehicle at the time of a violation of the provisions of NRS 484B.363 or any corresponding traffic regulation which was detected by an automated traffic enforcement system. Such an inference may be rebutted if the registered owner of the vehicle



1 *presents as evidence at a hearing held pursuant to subsection 3 of*
2 *NRS 484A.704, an affidavit stating:*

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

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

9 6. *The provisions of this section do not prohibit a peace*
10 *officer from issuing a citation for a violation of any law of this*
11 *State at the place where an automated traffic enforcement system*
12 *is installed and in use if the peace officer witnesses a violation. A*
13 *person who is issued a citation by a peace officer pursuant to this*
14 *subsection must not be issued a civil infraction citation based on*
15 *evidence from the automated traffic enforcement system for the*
16 *same violation for which the peace officer issued the person the*
17 *citation.*

18 7. *A violation of the provisions of NRS 484B.363 for which a*
19 *civil infraction citation is issued pursuant to NRS 484A.7033 for a*
20 *violation described in subsection 2:*

21 *(a) Is not a moving traffic violation under NRS 483.473; and*

22 *(b) Is punishable by an administrative fine in an amount set by*
23 *the local authority, but not less than \$50.*

24 8. *As used in this section:*

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

29 *(b) "Corresponding traffic regulation" means a traffic*
30 *regulation enacted by ordinance by a local authority pursuant to*
31 *NRS 484A.400 that prohibits the same conduct prohibited by*
32 *NRS 484B.363.*

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

34 484A.600 ~~IA~~ *Except as otherwise provided in section 2 of*
35 *this act, a governmental entity and any agent thereof shall not use*
36 *photographic, video or digital equipment for gathering evidence to*
37 *be used for the issuance of a traffic citation or civil infraction*
38 *citation pursuant to NRS 484A.7035 for a violation of chapters*
39 *484A to 484E, inclusive, of NRS unless the equipment is a portable*
40 *camera or event recording device worn or held by a peace officer,*
41 *the equipment is otherwise installed temporarily or permanently*
42 *within a vehicle or facility of a law enforcement agency or the*
43 *equipment is privately owned by a nongovernmental entity.*



Sec. 4. NRS 484A.640 is hereby amended to read as follows:

484A.640 1. Except for a citation issued pursuant to NRS 484A.700 **H or section 2 of this act**, whenever a police officer makes an arrest or issues a citation to a person for any violation of chapters 484A to 484E, inclusive, of NRS, the police officer shall record the name as given by that person, the number of the person's driver's license and a brief description of the person's physical appearance. This information must be maintained in a record for offenses kept at the traffic enforcement agency which employs that officer.

2. Whenever a police officer stops a driver of a motor vehicle for any violation of chapters 484A to 484E, inclusive, of NRS and requests information from a traffic enforcement agency concerning that person's record of prior offenses, the police officer shall compare not only the driver's name but also the number of his or her driver's license and physical description with any information obtained from the agency as a result of the request. If the information received from the agency indicates that the driver's name is on an outstanding warrant for a prior offense, the officer shall not arrest the driver for that prior offense unless the additional information used for comparison also connects the driver with that prior offense.

Sec. 5. NRS 484A.704 is hereby amended to read as follows:

484A.704 1. Any person who receives a civil infraction citation pursuant to NRS 484A.7035 or 484A.7049 , **or section 2 of this act** shall respond to the citation as provided in this section not later than 90 calendar days after the date on which the citation is issued.

2. If a person receiving a civil infraction citation does not contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond to the citation by indicating that the person does not contest the determination and submitting full payment of the monetary penalty, the administrative assessment and any fees to the court specified in the citation, or its traffic violations bureau, in person, by mail or through the Internet or other electronic means.

3. If a person receiving a civil infraction citation wishes to contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond by requesting in person, by mail or through the Internet or other electronic means a hearing for that purpose. The court shall notify the person in writing of the time, place and date of the hearing, but the date of the hearing must not be earlier than 9 calendar days after the court provides notice of the hearing.



4. Except as otherwise provided in this subsection, not less than 30 days before the deadline for a person to respond to a civil infraction citation, the court must send to the address or electronic mail address of the person, as indicated on the civil infraction citation issued to the person, a reminder that the person must respond to the civil infraction citation within 90 calendar days after the date on which the civil infraction citation is issued. If the person agreed to receive communications relating to the civil infraction by text message, the court may send such a notice to the telephone number of the person as indicated on the civil infraction citation. If the person does not respond to the civil infraction citation in the manner specified by subsection 2 or 3 within 90 calendar days after the date on which the civil infraction citation is issued, the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to respond to the civil infraction citation as required by this section may not appeal an order entered pursuant to this section.

5. If any person issued a civil infraction citation fails to appear at a hearing requested pursuant to subsection 3, the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to appear at a hearing requested pursuant to subsection 3 may not appeal an order entered pursuant to this subsection.

6. In addition to any other penalty imposed, any person who is found by the court to have committed a civil infraction pursuant to subsection 5 shall pay the witness fees, per diem allowances, travel expenses and other reimbursement in accordance with NRS 50.225.

7. If a court has established a system pursuant to NRS 484A.615, any person issued a civil infraction citation may, if authorized by the court, use the system to perform any applicable actions pursuant to this section.

Sec. 6. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 5, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

