Assembly Bill No. 417–Assemblymembers Hunt; Considine, D'Silva, Flanagan, González, Karris and Nadeem

CHAPTER.....

AN ACT relating to public safety; establishing provisions relating to the inspection of certain vehicles; revising provisions relating to the rescission and cancellation of the registration of a vehicle under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it unlawful to drive a vehicle in an unauthorized speed contest or in an unauthorized trick driving display on a highway or premises to which the public has access. (NRS 484B.653) **Section 3** of this bill provides that if a peace officer, while investigating an act that may constitute driving in an unauthorized speed contest or in an unauthorized trick driving display, has reasonable cause to believe that the vehicle used or suspected of being used in the unauthorized speed contest or unauthorized trick driving display fails to comply with certain requirements related to vehicle equipment or is unsafe under certain circumstances, the peace officer must inspect the vehicle to determine whether those conditions exist. **Section 3** authorizes the peace officer to issue a citation to the registered owner of the vehicle if the peace officer determines from the inspection that the conditions exist.

Existing law provides that a court may, in addition to certain other penalties, order the impoundment of a vehicle used in the commission of certain offenses related to unauthorized speed contests or unauthorized trick driving displays. (NRS 484B.653) If a court issues an order for impoundment, **section 5** of this bill also requires the court to issue an order requiring the Department of Motor Vehicles to rescind and cancel the registration of the vehicle unless the registered owner completes an inspection of the vehicle in the manner prescribed by **section 1** of this bill. **Section 5** requires the court to forward a copy of the order for impoundment and the order for recission and cancellation of registration to the Department.

Existing law requires the Department to rescind and cancel the registration of a vehicle if the registered owner of the vehicle is issued a citation or notice of violation for failure to comply with certain requirements concerning emissions and the owner does not provide proof to the Department that the condition has been corrected within 30 days after the issuance of the citation or notice of violation. (NRS 482.460) **Section 1** additionally requires the Department to rescind and cancel the registration of a vehicle if the registered owner of the vehicle: (1) is issued a citation or notice of a violation pursuant to **section 3** and the owner does not provide proof to the Department that the condition has been corrected within 30 days after the issuance of the citation or notice of violation; or (2) is the subject of an order of impoundment and order for rescission and cancellation of registration pursuant to **section 5** and the owner does not prove through an inspection of the vehicle that the vehicle complies with certain requirements related to vehicle equipment or is otherwise not in an unsafe condition within 30 days of the last date of impound.

Finally, **section 1** authorizes the Department to extend the time by which the registered owner must provide the specified proof to the Department before the rescission and cancellation of the registration.

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

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

Section 1. NRS 482.460 is hereby amended to read as follows:

482.460 1. The Department shall rescind and cancel the registration of any vehicle which the Department determines is unsafe, unfit to be operated or not equipped as required by law.

2. [~~The~~] ***Except as provided in subsection 4, the*** Department shall rescind and cancel the registration of any vehicle if the registered owner of the vehicle is issued a citation or notice of violation ***pursuant to section 3 of this act or*** for operating a motor vehicle in violation of subsection 2 of NRS 484D.415, unless the owner provides, within 30 days after the citation or notice is issued, proof to the Department that the condition for which he or she was issued the notice or citation has been corrected.

3. Except as provided in subsection 4, the Department shall rescind and cancel the registration of any vehicle for which it receives an order to impound and an order to rescind and cancel registration pursuant to subsection 5 or 8 of NRS 484B.653, unless the registered owner within 30 days after the last date of impound indicated on the order to impound the vehicle, proves through an inspection in a manner prescribed by the Department that the vehicle is:

(a) Equipped in the manner required by chapter 484D of NRS, and any regulations adopted pursuant thereto; and

(b) Not in such an unsafe condition as to endanger the driver or other occupant of the vehicle or any person upon a public highway or premises to which the public has access.

4. The Department may extend the period prescribed by subsection 2 or 3 for not more than an additional 60 days if:

(a) The vehicle is registered with the Department; and

(b) The owner of the vehicle proves to the Department that the work is being performed that is necessary, as applicable, to:

(1) Equip the car in the manner required by chapter 484D of NRS, and any regulations adopted pursuant thereto; or

(2) Repair any unsafe condition that endangers the driver or other occupant of the vehicle or any person upon a public highway or premises to which the public has access.

Sec. 2. Chapter 484B of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. ***1. If a peace officer, while investigating a violation of paragraph (b) or (d) of subsection 1 of NRS 484B.653, has reasonable cause to believe that a vehicle used or suspected of being used in the violation is not equipped as required by chapter 484D of NRS, or any regulations adopted pursuant thereto, or is in such unsafe condition as to endanger the driver or other occupant of the vehicle or any person upon a public highway or premises to which the public has access, the peace officer shall inspect the vehicle to determine whether the vehicle:***

(a) Is not equipped as required by chapter 484D of NRS, or any regulations adopted pursuant thereto; or

(b) Is in such unsafe condition as to endanger the driver or other occupant of the vehicle or any person upon a public highway or premises to which the public has access.

2. If, after performing an inspection pursuant to subsection 1, the peace officer determines that the vehicle is in a condition described in paragraph (a) or (b) of subsection 1, the peace officer may issue a citation to the registered owner of the vehicle.

3. A peace officer who issues a citation pursuant to subsection 2 shall, not later than 5 days after issuing the citation, deliver or cause to be delivered to the Department a copy of the citation.

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 484B.653 is hereby amended to read as follows:

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

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property on a highway or premises to which the public has access.

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

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

(d) Drive a vehicle in an unauthorized trick driving display on a highway or premises to which the public has access.

(e) Facilitate an unauthorized trick driving display on a highway or premises to which the public has access.

➥ A violation of paragraph (a), (b) or (d) of this subsection or subsection 1 of NRS 484B.550 constitutes reckless driving.

2. If, while violating the provisions of subsections 1 to 5, inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283, NRS 484B.350, subsections 1 to 4,

inclusive, of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of a motor vehicle on a highway or premises to which the public has access is the proximate cause of a collision with a pedestrian or a person riding a bicycle, an electric bicycle or an electric scooter, the violation constitutes reckless driving.

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

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

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

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

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

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

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

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

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

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

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

(a) For the first offense:

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

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

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

(b) For the second offense:

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

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

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

(c) For the third and each subsequent offense:

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

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

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

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

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

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

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

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

(e) If the court issues an order for impoundment pursuant to paragraph (c) or (d), shall require the Department to rescind and cancel the registration of the vehicle unless the registered owner completes an inspection of the vehicle as prescribed by subsection 3 of NRS 482.460; and

(f) Within 5 days after issuing an order pursuant to paragraph (c) or (d) and paragraph (e), shall forward to the Department the number of the license plate of the vehicle and the year, make and model of the vehicle to be impounded, together with a copy of the orders.

6. A person who violates paragraph (d) of subsection 1 is guilty of a gross misdemeanor and:

(a) For the first offense:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) May issue an order impounding, for a period of 30 days, any vehicle that is registered to the person if the vehicle is used in the commission of the offense ~~[.]~~ ***;***

(d) If the court issues an order for impoundment pursuant to paragraph (c), shall require the Department to rescind and cancel the registration of the vehicle unless the registered owner completes an inspection of the vehicle as prescribed by subsection 3 of NRS 482.460; and

(e) Within 5 days after issuing an order pursuant to paragraphs (c) and (d), shall forward to the Department the number of the license plate of the vehicle and the year, make and model of the vehicle to be impounded, together with a copy of the orders.

9. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on a highway or premises to which the public has access in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for:

(a) Except as otherwise provided in paragraph (b), a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not less than $2,000 but not more than $5,000.

(b) A minimum term of not less than 1 year and a maximum term of not more than 10 years and by a fine of not less than $2,000 but not more than $5,000 if:

(1) The violation involves operating a vehicle at a rate of speed that is 50 miles per hour or more over the posted speed limit; or

(2) The violation is committed in an area designated as a pedestrian safety zone or school zone or a school crossing zone.

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

11. As used in this section:

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

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

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

(b) "Organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a highway or premises to which the public has access, regardless of whether a fee is charged for attending the unauthorized speed contest.

(c) "Trick driving display" means using a vehicle to perform tricks, stunts or other maneuvers on a highway, or premises to which the public has access, upon which traffic has been diverted, slowed,

impeded or blocked to enable the performing of such tricks, stunts or maneuvers or having such tricks, stunts or maneuvers filmed or otherwise recorded.

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