

SENATE BILL NO. 309—SENATORS NOLAN AND BREEDEN

MARCH 16, 2009

Referred to Committee on Energy, Infrastructure and Transportation

SUMMARY—Prohibits a person operating a motor vehicle from using a telephonic device to write, send or read a text-based communication while the motor vehicle is in motion or stopped at certain intersections. (BDR 43-533)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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

AN ACT relating to motor vehicles; prohibiting a person operating a motor vehicle from using a telephonic device to write, send or read a text-based communication while the motor vehicle is in motion or stopped at certain intersections; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 **Section 3.7** of this bill prohibits a person operating a motor vehicle from using
 - 2 a telephonic device to write, send or read a text-based communication while the
 - 3 motor vehicle is in motion or stopped at an intersection that is controlled by a
 - 4 traffic-control signal. A person who violates this provision must pay a fine of \$75.
 - 5 This bill does not create a moving violation.
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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** (Deleted by amendment.)
- 2 **Sec. 1.1.** (Deleted by amendment.)
- 3 **Sec. 1.2.** (Deleted by amendment.)
- 4 **Sec. 1.3.** (Deleted by amendment.)
- 5 **Sec. 1.5.** (Deleted by amendment.)



- 1 **Sec. 1.7.** (Deleted by amendment.)
- 2 **Sec. 1.9.** (Deleted by amendment.)
- 3 **Sec. 2.** (Deleted by amendment.)
- 4 **Sec. 3.** (Deleted by amendment.)
- 5 **Sec. 3.1.** (Deleted by amendment.)
- 6 **Sec. 3.15.** (Deleted by amendment.)
- 7 **Sec. 3.18.** (Deleted by amendment.)
- 8 **Sec. 3.2.** (Deleted by amendment.)
- 9 **Sec. 3.25.** (Deleted by amendment.)
- 10 **Sec. 3.3.** (Deleted by amendment.)
- 11 **Sec. 3.35.** (Deleted by amendment.)
- 12 **Sec. 3.4.** (Deleted by amendment.)
- 13 **Sec. 3.45.** (Deleted by amendment.)
- 14 **Sec. 3.5.** (Deleted by amendment.)
- 15 **Sec. 3.55.** (Deleted by amendment.)
- 16 **Sec. 3.6.** (Deleted by amendment.)
- 17 **Sec. 3.65.** (Deleted by amendment.)

18 **Sec. 3.7.** Chapter 484 of NRS is hereby amended by adding
19 thereto a new section to read as follows:

20 **1. Except as otherwise provided in subsection 2, a person**
21 **operating a motor vehicle shall not use a telephonic device to**
22 **write, send or read a text-based communication while the motor**
23 **vehicle is in motion or stopped at an intersection that is controlled**
24 **by a traffic-control signal.**

25 **2. The provisions of subsection 1 do not apply to a person**
26 **who reads, selects or enters a telephone number or name in a**
27 **telephonic device for the purpose of making or receiving a**
28 **telephone call.**

29 **3. A person who violates the provisions of subsection 1 shall**
30 **pay a fine of \$75.**

31 **4. A violation of subsection 1 is not a moving traffic violation**
32 **under NRS 483.473.**

33 **5. As used in this section:**

34 **(a) "Telephonic device" has the meaning ascribed to it in**
35 **NRS 707.375.**

36 **(b) "Text-based communication" includes, without limitation,**
37 **communication by text message, instant message or electronic**
38 **mail.**

39 **Sec. 3.75.** (Deleted by amendment.)

40 **Sec. 3.8.** (Deleted by amendment.)

41 **Sec. 3.85.** (Deleted by amendment.)

42 **Sec. 3.88.** (Deleted by amendment.)

43 **Sec. 3.9.** (Deleted by amendment.)

44 **Sec. 3.95.** (Deleted by amendment.)

45 **Sec. 4.** (Deleted by amendment.)



- 1 **Sec. 4.1.** (Deleted by amendment.)
2 **Sec. 4.2.** (Deleted by amendment.)
3 **Sec. 4.3.** (Deleted by amendment.)
4 **Sec. 4.4.** (Deleted by amendment.)
5 **Sec. 4.5.** (Deleted by amendment.)
6 **Sec. 4.6.** (Deleted by amendment.)
7 **Sec. 4.7.** (Deleted by amendment.)
8 **Sec. 4.8.** (Deleted by amendment.)
9 **Sec. 4.9.** (Deleted by amendment.)
10 **Sec. 5.** (Deleted by amendment.)
11 **Sec. 6.** (Deleted by amendment.)
12 **Sec. 7.** (Deleted by amendment.)
13 **Sec. 8.** (Deleted by amendment.)
14 **Sec. 9.** (Deleted by amendment.)
15 **Sec. 10.** (Deleted by amendment.)
16 **Sec. 11.** (Deleted by amendment.)
17 **Sec. 12.** (Deleted by amendment.)
18 **Sec. 13.** (Deleted by amendment.)
19 **Sec. 14.** (Deleted by amendment.)
20 **Sec. 15.** (Deleted by amendment.)
21 **Sec. 16.** NRS 707.375 is hereby amended to read as follows:
22 707.375 1. An agency, board, commission or political
23 subdivision of this State, including, without limitation, any agency,
24 board, commission or governing body of a local government, shall
25 not regulate the use of a telephonic device by a person who is
26 operating a motor vehicle ~~H~~ , *except as otherwise provided in*
27 *section 3.7 of this act.*
28 2. As used in subsection 1, “telephonic device” means a
29 cellular phone, satellite phone, portable phone or any other similar
30 electronic device that is handheld and designed or used to
31 communicate with ~~h~~ *another* person.

