

ASSEMBLY BILL NO. 328—ASSEMBLYWOMAN
BENITEZ-THOMPSON

MARCH 21, 2011

Referred to Committee on Transportation

SUMMARY—Enacts provisions relating to vulnerable highway users. (BDR 43-844)

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 motor vehicles; providing an enhanced penalty for motorists who seriously injure or cause the death of a vulnerable highway user; revising provisions related to the duties required of a person involved in a serious accident involving a vehicle; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Section 1** of this bill provides for an additional penalty to be imposed on a
2 person convicted of a violation of certain traffic laws if the person was the
3 proximate cause of substantial bodily injury to or the death of a vulnerable highway
4 user. The additional penalty includes completion of a course of traffic safety,
5 performance of community service, a fine and the revocation of a person’s driver’s
6 license for 1 year. The court must suspend the fine and revocation pending
7 completion of the course of traffic safety and community service. The term
8 “vulnerable highway user” is defined as a pedestrian, a person performing highway
9 construction or maintenance, a person riding an animal, a person operating a farm
10 tractor, or a person on a skateboard, roller skates, a bicycle or an electric bicycle
11 who is on or near a highway.

12 Existing law requires a person involved in an accident involving a vehicle
13 resulting in injury or death to any person to report certain information to the other
14 driver and any investigating police officer, to provide reasonable assistance to any
15 person injured in the accident and, if no police officer is present, to report the
16 accident to the nearest office of a police authority. (NRS 484E.030) **Section 35** of
17 this bill requires the driver of a vehicle to report an accident involving, and provide
18 assistance to, the rider of a bicycle.



* A B 3 2 8 *

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

1 **Section 1.** Chapter 484B of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *A person who is convicted of a violation of NRS 484B.150,*
4 *484B.163, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227,*
5 *484B.280, 484B.283, 484B.300, 484B.303, 484B.317, 484B.327 to*
6 *484B.353, inclusive, 484B.363, 484B.403, 484B.580, 484B.587,*
7 *484B.600 to 484B.613, inclusive, 484B.650, 484B.653, 484B.657,*
8 *484C.110 or 484C.120 and as a result of the violation proximately*
9 *causes the death of or substantial bodily harm to a vulnerable*
10 *highway user, shall, in addition to the term of imprisonment or*
11 *amount of the fine, or both, that the court imposes for the primary*
12 *offense, be punished by:*

13 (a) *A fine of not more than \$12,500;*

14 (b) *The revocation of his or her driver's license for 1 year;*

15 (c) *The performance of not less than 50 hours or more than*
16 *200 hours of community service; and*

17 (d) *Completion, at the person's expense, of a course of traffic*
18 *safety approved by the Department.*

19 2. *Subsection 1 does not create a separate offense, but*
20 *provides an additional penalty for the primary offense, imposition*
21 *of which is contingent upon the finding of the prescribed fact, and*
22 *is to be imposed in addition to the penalty which may be imposed*
23 *pursuant to NRS 484B.130.*

24 3. *The court imposing the penalties required pursuant to*
25 *subsection 1 shall suspend the fine and the revocation of the*
26 *driver's license of the person on the condition that the person*
27 *presents proof to the court, within the time specified by the court,*
28 *of completion of the community service and the course of traffic*
29 *safety.*

30 4. *If the person is already subject to an order requiring*
31 *completion, at the person's expense, of a course of traffic safety*
32 *approved by the Department, the court shall allow the completion*
33 *of one such course to satisfy the requirements of this section.*

34 5. *If the court issues an order revoking the driver's license of*
35 *the driver pursuant to this section, the court shall require the*
36 *driver to surrender all driver's licenses then held by the driver.*
37 *The court shall, within 5 days after issuing the order, forward a*
38 *copy of the order to the Department.*

39 6. *If the person is already subject to any other order*
40 *suspending or revoking his or her driver's license, the court shall*
41 *order the additional period of revocation to apply consecutively*
42 *with the previous order.*



1 7. *As used in this section, “vulnerable highway user” means*
2 *a pedestrian, a person performing highway construction or*
3 *maintenance, a person riding an animal, a person operating a*
4 *farm tractor, or a person riding on or operating something other*
5 *than a motor vehicle, including, without limitation:*

- 6 (a) *A skateboard;*
- 7 (b) *Roller skates;*
- 8 (c) *A bicycle; and*
- 9 (d) *An electric bicycle;*

10 ↪ *who is on or near a highway.*

11 **Sec. 2.** NRS 484B.130 is hereby amended to read as follows:

12 484B.130 1. Except as otherwise provided in subsections 2
13 and 6, a person who is convicted of a violation of a speed limit, or of
14 NRS 484B.150, 484B.163, 484B.200 to 484B.217, inclusive,
15 484B.223, 484B.227, 484B.300, 484B.303, 484B.317, 484B.320,
16 484B.327, 484B.330, 484B.403, 484B.587, 484B.600, 484B.603,
17 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120, that
18 occurred:

19 (a) In an area designated as a temporary traffic control zone; and

20 (b) At a time when the workers who are performing
21 construction, maintenance or repair of the highway or other work
22 are present, or when the effects of the act may be aggravated
23 because of the condition of the highway caused by construction,
24 maintenance or repair, including, without limitation, reduction in
25 lane width, reduction in the number of lanes, shifting of lanes from
26 the designated alignment and uneven or temporary surfaces,
27 including, without limitation, modifications to road beds, cement-
28 treated bases, chip seals and other similar conditions,

29 ↪ shall be punished by imprisonment or by a fine, or both, for a
30 term or an amount equal to and in addition to the term of
31 imprisonment or amount of the fine, or both, that the court imposes
32 for the primary offense. Any term of imprisonment imposed
33 pursuant to this subsection runs consecutively with the sentence
34 prescribed by the court for the crime. This subsection does not
35 create a separate offense, but provides an additional penalty for the
36 primary offense, whose imposition is contingent upon the finding of
37 the prescribed fact **[H]** *and is to be imposed in addition to the*
38 *penalty which may be imposed pursuant to section 1 of this act.*

39 2. The additional penalty imposed pursuant to subsection 1
40 must not exceed a total of \$1,000, 6 months of imprisonment or 120
41 hours of community service.

42 3. Except as otherwise provided in subsection 5, a
43 governmental entity that designates an area or authorizes the
44 designation of an area as a temporary traffic control zone in which
45 construction, maintenance or repair of a highway or other work is



1 conducted, or the person with whom the governmental entity
2 contracts to provide such service, shall cause to be erected:

3 (a) A sign located before the beginning of such an area stating
4 "DOUBLE PENALTIES IN WORK ZONES" to indicate a double
5 penalty may be imposed pursuant to this section;

6 (b) A sign to mark the beginning of the temporary traffic control
7 zone; and

8 (c) A sign to mark the end of the temporary traffic control zone.

9 4. A person who otherwise would be subject to an additional
10 penalty pursuant to this section is not relieved of any criminal
11 liability because signs are not erected as required by subsection 3 if
12 the violation results in injury to any person performing highway
13 construction or maintenance or other work in the temporary traffic
14 control zone or in damage to property in an amount equal to \$1,000
15 or more.

16 5. The requirements of subsection 3 do not apply to an area
17 designated as a temporary traffic control zone:

18 (a) Pursuant to an emergency which results from a natural or
19 other disaster and which threatens the health, safety or welfare of
20 the public; or

21 (b) On a public highway where the posted speed limit is 25
22 miles per hour or less and that provides access to or is appurtenant
23 to a residential area.

24 6. A person who would otherwise be subject to an additional
25 penalty pursuant to this section is not subject to an additional
26 penalty if the violation occurred in a temporary traffic control zone
27 for which signs are not erected pursuant to subsection 5, unless the
28 violation results in injury to any person performing highway
29 construction or maintenance or other work in the temporary traffic
30 control zone or in damage to property in an amount equal to \$1,000
31 or more.

32 **Sec. 3.** NRS 484B.150 is hereby amended to read as follows:

33 484B.150 1. It is unlawful for a person to drink an alcoholic
34 beverage while the person is driving or in actual physical control of
35 a motor vehicle upon a highway.

36 2. Except as otherwise provided in this subsection, it is
37 unlawful for a person to have an open container of an alcoholic
38 beverage within the passenger area of a motor vehicle while the
39 motor vehicle is upon a highway. This subsection does not apply to
40 a motor vehicle which is designed, maintained or used primarily for
41 the transportation of persons for compensation, or to the living
42 quarters of a house coach or house trailer.

43 3. A person who violates any provision of this section may be
44 subject to the additional ~~[penalty]~~ *penalties* set forth in NRS
45 484B.130 ~~[]~~ *and section 1 of this act.*



1 4. As used in this section:

2 (a) "Alcoholic beverage" has the meaning ascribed to it in
3 NRS 202.015.

4 (b) "Open container" means a container which has been opened
5 or the seal of which has been broken.

6 (c) "Passenger area" means that area of a vehicle which is
7 designed for the seating of the driver or a passenger.

8 **Sec. 4.** NRS 484B.163 is hereby amended to read as follows:

9 484B.163 1. A person shall not drive a vehicle when it is so
10 loaded, or when there are in the front seat such number of persons,
11 exceeding three, as to obstruct the view of the driver to the front or
12 sides of the vehicle or as to interfere with the driver's control over
13 the driving mechanism of the vehicle.

14 2. A passenger in a vehicle shall not ride in such position as to
15 interfere with the driver's view ahead or to the sides, or to interfere
16 with the driver's control over the driving mechanism of the vehicle.

17 3. Except as otherwise provided in NRS 484D.440, a vehicle
18 must not be operated upon any highway unless the driver's vision
19 through any required glass equipment is normal.

20 4. A person who violates any provision of this section may be
21 subject to the additional ~~{penalty}~~ *penalties* set forth in NRS
22 484B.130 ~~H~~ *and section 1 of this act.*

23 **Sec. 5.** NRS 484B.200 is hereby amended to read as follows:

24 484B.200 1. Upon all highways of sufficient width a vehicle
25 must be driven upon the right half of the highway, except as
26 follows:

27 (a) When overtaking and passing another vehicle proceeding in
28 the same direction under the laws governing such movements;

29 (b) When the right half of the highway is closed to traffic;

30 (c) Upon a highway divided into three lanes for traffic under the
31 laws applicable thereon;

32 (d) Upon a highway designated and posted for one-way traffic;
33 or

34 (e) When the highway is not of sufficient width.

35 2. A person who violates any provision of this section may be
36 subject to the additional ~~{penalty}~~ *penalties* set forth in NRS
37 484B.130 ~~H~~ *and section 1 of this act.*

38 **Sec. 6.** NRS 484B.203 is hereby amended to read as follows:

39 484B.203 1. Drivers of vehicles proceeding in opposite
40 directions shall pass each other keeping to the right, and upon
41 highways having width for not more than one line of traffic in each
42 direction, each driver shall give to the other at least one-half of the
43 paved portion of the highway as nearly as possible.



1 2. A person who violates any provision of this section may be
2 subject to the additional ~~penalty~~ *penalties* set forth in NRS
3 484B.130 ~~and section 1 of this act.~~

4 **Sec. 7.** NRS 484B.207 is hereby amended to read as follows:

5 484B.207 1. The driver of a vehicle overtaking another
6 vehicle proceeding in the same direction shall pass to the left thereof
7 at a safe distance and shall not again drive to the right side of the
8 highway until safely clear of the overtaken vehicle.

9 2. Except when overtaking and passing on the right is
10 permitted, the driver of an overtaken vehicle shall give way to the
11 right in favor of the overtaking vehicle upon observing the
12 overtaking vehicle or hearing a signal. The driver of an overtaken
13 vehicle shall not increase the speed of the vehicle until completely
14 passed by the overtaking vehicle.

15 3. A person who violates any provision of this section may be
16 subject to the additional ~~penalty~~ *penalties* set forth in NRS
17 484B.130 ~~and section 1 of this act.~~

18 **Sec. 8.** NRS 484B.210 is hereby amended to read as follows:

19 484B.210 1. The driver of a vehicle may overtake and pass
20 upon the right of another vehicle only under the following
21 conditions:

22 (a) When the driver of the vehicle overtaken is making or
23 signaling to make a left turn.

24 (b) Upon a highway with unobstructed pavement which is not
25 occupied by parked vehicles and which is of sufficient width for two
26 or more lines of moving vehicles in each direction.

27 (c) Upon a highway with unobstructed pavement which is not
28 marked as a traffic lane and which is not occupied by parked
29 vehicles, if the vehicle that is overtaking and passing another
30 vehicle:

31 (1) Does not travel more than 200 feet in the section of
32 pavement not marked as a traffic lane; or

33 (2) While being driven in the section of pavement not
34 marked as a traffic lane, does not travel through an intersection or
35 past any private way that is used to enter or exit the highway.

36 (d) Upon any highway on which traffic is restricted to one
37 direction of movement, where the highway is free from obstructions
38 and of sufficient width for two or more lines of moving vehicles.

39 2. The driver of a vehicle may overtake and pass another
40 vehicle upon the right only under conditions permitting such
41 movement in safety.

42 3. The driver of a vehicle shall not overtake and pass another
43 vehicle upon the right when such movement requires driving off the
44 paved portion of the highway.



1 4. A person who violates any provision of this section may be
2 subject to the additional ~~[penalty]~~ *penalties* set forth in NRS
3 484B.130 ~~[H]~~ *and section 1 of this act.*

4 **Sec. 9.** NRS 484B.213 is hereby amended to read as follows:

5 484B.213 1. A vehicle must not be driven to the left side of
6 the center of a two-lane, two-directional highway and overtaking
7 and passing another vehicle proceeding in the same direction, unless
8 such left side is clearly visible and is free of oncoming traffic for a
9 sufficient distance ahead to permit such overtaking and passing to
10 be completely made without interfering with the safe operation of
11 any vehicle approaching from the opposite direction or any vehicle
12 overtaken.

13 2. A vehicle must not be driven to the left side of the highway
14 at any time:

15 (a) When approaching the crest of a grade or upon a curve in the
16 highway where the driver's view is obstructed within such distance
17 as to create a hazard in the event another vehicle might approach
18 from the opposite direction.

19 (b) When approaching within 100 feet or traversing any
20 intersection or railroad grade crossing.

21 (c) When the view is obstructed upon approaching within 100
22 feet of any bridge, viaduct or tunnel.

23 3. Subsection 2 does not apply upon a one-way highway.

24 4. A person who violates any provision of this section may be
25 subject to the additional ~~[penalty]~~ *penalties* set forth in NRS
26 484B.130 ~~[H]~~ *and section 1 of this act.*

27 **Sec. 10.** NRS 484B.217 is hereby amended to read as follows:

28 484B.217 1. The Department of Transportation with respect
29 to highways constructed under the authority of chapter 408 of NRS,
30 and local authorities with respect to highways under their
31 jurisdiction, may determine those zones of highways where
32 overtaking and passing to the left or making a left-hand turn would
33 be hazardous, and may by the erection of official traffic-control
34 devices indicate such zones. When such devices are in place and
35 clearly visible to an ordinarily observant person, every driver of a
36 vehicle shall obey the directions thereof.

37 2. Except as otherwise provided in subsections 3 and 4, a
38 driver shall not drive on the left side of the highway within such
39 zone or drive across or on the left side of any pavement striping
40 designed to mark such zone throughout its length.

41 3. A driver may drive across a pavement striping marking such
42 zone to an adjoining highway if the driver has first given the
43 appropriate turn signal and there will be no impediment to
44 oncoming or following traffic.



1 4. Except where otherwise provided, a driver may drive across
2 a pavement striping marking such a zone to make a left-hand turn if
3 the driver has first given the appropriate turn signal in compliance
4 with NRS 484B.413, if it is safe and if it would not be an
5 impediment to oncoming or following traffic.

6 5. A person who violates any provision of this section may be
7 subject to the additional ~~[penalty]~~ *penalties* set forth in NRS
8 484B.130 ~~[]~~ *and section 1 of this act.*

9 **Sec. 11.** NRS 484B.223 is hereby amended to read as follows:

10 484B.223 1. If a highway has two or more clearly marked
11 lanes for traffic traveling in one direction, vehicles must:

12 (a) Be driven as nearly as practicable entirely within a single
13 lane; and

14 (b) Not be moved from that lane until the driver has given the
15 appropriate turn signal and ascertained that such movement can be
16 made with safety.

17 2. Upon a highway which has been divided into three clearly
18 marked lanes, a vehicle must not be driven in the extreme left lane
19 at any time. A vehicle on such a highway must not be driven in the
20 center lane except:

21 (a) When overtaking and passing another vehicle where the
22 highway is clearly visible and the center lane is clear of traffic for a
23 safe distance;

24 (b) In preparation for a left turn; or

25 (c) When the center lane is allocated exclusively to traffic
26 moving in the direction in which the vehicle is proceeding and a
27 sign is posted to give notice of such allocation.

28 3. If a highway has been designed to provide a single center
29 lane to be used only for turning by traffic moving in both directions,
30 the following rules apply:

31 (a) A vehicle may be driven in the center turn lane only for the
32 purpose of making a left-hand turn onto or from the highway.

33 (b) A vehicle must not travel more than 200 feet in a center turn
34 lane before making a left-hand turn from the highway.

35 (c) A vehicle must not travel more than 50 feet in a center turn
36 lane after making a left-hand turn onto the highway before merging
37 with traffic.

38 4. If a highway has been designed to provide a single right lane
39 to be used only for turning, a vehicle must:

40 (a) Be driven in the right turn lane only for the purpose of
41 making a right turn; and

42 (b) While being driven in the right turn lane, not travel through
43 an intersection.



1 5. A person who violates any provision of this section may be
2 subject to the additional ~~[penalty]~~ *penalties* set forth in NRS
3 484B.130 ~~[]~~ *and section 1 of this act.*

4 **Sec. 12.** NRS 484B.227 is hereby amended to read as follows:

5 484B.227 1. Every vehicle driven upon a divided highway
6 must be driven only upon the right-hand roadway and must not be
7 driven over, across or within any dividing space, barrier or section
8 or make any left turn, semicircular turn or U-turn, except through an
9 opening in the barrier or dividing section or space or at a crossover
10 or intersection established by a public authority.

11 2. A person who violates any provision of this section may be
12 subject to the additional ~~[penalty]~~ *penalties* set forth in NRS
13 484B.130 ~~[]~~ *and section 1 of this act.*

14 **Sec. 13.** NRS 484B.280 is hereby amended to read as follows:

15 484B.280 1. A driver of a motor vehicle shall:

16 ~~[1-]~~ (a) Exercise due care to avoid a collision with a pedestrian;

17 ~~[2-]~~ (b) Give an audible warning with the horn of the vehicle if
18 appropriate and when necessary to avoid such a collision; and

19 ~~[3-]~~ (c) Exercise proper caution upon observing a pedestrian on
20 or near a highway, street or road or in or near a school crossing zone
21 marked in accordance with NRS 484B.363 or a marked or unmarked
22 crosswalk.

23 2. *A person who violates any provision of this section may be*
24 *subject to the additional penalty set forth in section 1 of this act.*

25 **Sec. 14.** NRS 484B.283 is hereby amended to read as follows:

26 484B.283 1. Except as otherwise provided in NRS 484B.287,
27 484B.290 and 484B.350:

28 ~~[1-]~~ (a) When official traffic-control devices are not in place or
29 not in operation the driver of a vehicle shall yield the right-of-way,
30 slowing down or stopping if need be so to yield, to a pedestrian
31 crossing the highway within a crosswalk when the pedestrian is
32 upon the half of the highway upon which the vehicle is traveling, or
33 when the pedestrian is approaching so closely from the opposite half
34 of the highway as to be in danger.

35 ~~[2-]~~ (b) A pedestrian shall not suddenly leave a curb or other
36 place of safety and walk or run into the path of a vehicle which is so
37 close that it is impossible for the driver to yield.

38 ~~[3-]~~ (c) Whenever a vehicle is stopped at a marked crosswalk or
39 at an unmarked crosswalk at an intersection, the driver of any other
40 vehicle approaching from the rear shall not overtake and pass the
41 stopped vehicle until the driver has determined that the vehicle
42 being overtaken was not stopped for the purpose of permitting a
43 pedestrian to cross the highway.

44 ~~[4-]~~ (d) Whenever signals exhibiting the words "Walk" or
45 "Don't Walk" are in place, such signals indicate as follows:



1 ~~[(a)]~~ (1) While the “Walk” indication is illuminated, pedestrians
2 facing the signal may proceed across the highway in the direction of
3 the signal and must be given the right-of-way by the drivers of all
4 vehicles.

5 ~~[(b)]~~ (2) While the “Don’t Walk” indication is illuminated,
6 either steady or flashing, a pedestrian shall not start to cross the
7 highway in the direction of the signal, but any pedestrian who has
8 partially completed the crossing during the “Walk” indication shall
9 proceed to a sidewalk, or to a safety zone if one is provided.

10 ~~[(c)]~~ (3) Whenever the word “Wait” still appears in a signal, the
11 indication has the same meaning as assigned in this section to the
12 “Don’t Walk” indication.

13 ~~[(d)]~~ (4) Whenever a signal system provides a signal phase for
14 the stopping of all vehicular traffic and the exclusive movement of
15 pedestrians, and “Walk” and “Don’t Walk” indications control
16 pedestrian movement, pedestrians may cross in any direction
17 between corners of the intersection offering the shortest route within
18 the boundaries of the intersection when the “Walk” indication is
19 exhibited, and when signals and other official traffic-control devices
20 direct pedestrian movement in the manner provided in this section
21 and in NRS 484B.307.

22 *2. A driver who violates paragraph (a) or (c) of subsection 1*
23 *may be subject to the additional penalty set forth in section 1 of*
24 *this act.*

25 **Sec. 15.** NRS 484B.300 is hereby amended to read as follows:

26 484B.300 1. It is unlawful for any driver to disobey the
27 instructions of any official traffic-control device placed in
28 accordance with the provisions of chapters 484A to 484E, inclusive,
29 of NRS, unless at the time otherwise directed by a police officer.

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

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

43 4. Any device placed pursuant to the provisions of chapters
44 484A to 484E, inclusive, of NRS and purporting to conform to the
45 lawful requirements pertaining to such devices is presumed to



1 comply with the requirements of chapters 484A to 484E, inclusive,
2 of NRS unless the contrary is established by competent evidence.

3 5. A person who violates any provision of subsection 1 may be
4 subject to the additional ~~[penalty]~~ *penalties* set forth in NRS
5 484B.130 ~~[]~~ *and section 1 of this act.*

6 **Sec. 16.** NRS 484B.303 is hereby amended to read as follows:

7 484B.303 1. Whenever official traffic-control devices are
8 erected indicating that no right or left turn is permitted, it is
9 unlawful for any driver of a vehicle to disobey the directions of any
10 such devices.

11 2. A person who violates any provision of this section may be
12 subject to the additional ~~[penalty]~~ *penalties* set forth in NRS
13 484B.130 ~~[]~~ *and section 1 of this act.*

14 **Sec. 17.** NRS 484B.327 is hereby amended to read as follows:

15 484B.327 1. It is unlawful for any person to remove any
16 barrier or sign stating that a highway is closed to traffic.

17 2. It is unlawful to pass over a highway that is marked, signed
18 or barricaded to indicate that it is closed to traffic. A person who
19 violates any provision of this subsection may be subject to the
20 additional ~~[penalty]~~ *penalties* set forth in NRS 484B.130 ~~[]~~ *and*
21 *section 1 of this act.*

22 **Sec. 18.** NRS 484B.330 is hereby amended to read as follows:

23 484B.330 1. It is unlawful for a driver of a vehicle to fail or
24 refuse to comply with any signal of an authorized flagger serving in
25 a traffic control capacity in a clearly marked area of highway
26 construction or maintenance or any other area which has been
27 designated as a temporary traffic control zone.

28 2. A district attorney shall prosecute all violations of
29 subsection 1 which occur in his or her jurisdiction and which result
30 in injury to any person performing highway construction or
31 maintenance or performing other work within an area designated as
32 a temporary traffic control zone unless the district attorney has good
33 cause for not prosecuting the violation. In addition to any other
34 penalty, if a driver violates any provision of subsection 1 and the
35 violation results in injury to any person performing highway
36 construction or maintenance or performing other work within an
37 area designated as a temporary traffic control zone, or in damage to
38 property in an amount of not less than \$1,000, the driver shall be
39 punished by a fine of not less than \$1,000 or more than \$2,000, and
40 ordered to perform 120 hours of community service.

41 3. A person who violates any provision of subsection 1 may be
42 subject to the additional ~~[penalty]~~ *penalties* set forth in subsection 1
43 of NRS 484B.130 ~~[]~~ *and section 1 of this act.*

44 4. As used in this section, "authorized flagger serving in a
45 traffic control capacity" means:



1 (a) An employee of the Department of Transportation or of a
2 contractor performing highway construction or maintenance or
3 performing other work within an area designated as a temporary
4 traffic control zone for the Department of Transportation while the
5 employee is carrying out the duties of his or her employment;

6 (b) An employee of any other governmental entity or of a
7 contractor performing highway construction or maintenance or
8 performing other work within an area designated as a temporary
9 traffic control zone for the governmental entity while the employee
10 is carrying out the duties of his or her employment; or

11 (c) Any other person employed by a private entity performing
12 highway construction or maintenance or performing other work
13 within an area designated as a temporary traffic control zone while
14 the person is carrying out the duties of his or her employment if the
15 person has satisfactorily completed training as a flagger approved or
16 recognized by the Department of Transportation.

17 **Sec. 19.** NRS 484B.350 is hereby amended to read as follows:

18 484B.350 1. The driver of a vehicle:

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

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

23 2. A person who violates any of the provisions of this section is
24 guilty of a misdemeanor.

25 3. *A driver who violates subsection 1 may be subject to the*
26 *additional penalty set forth in section 1 of this act.*

27 4. As used in this section, "school crossing guard" means a
28 volunteer or paid employee of a local authority, local law
29 enforcement agency or school district whose duties include assisting
30 pupils to cross a highway.

31 **Sec. 20.** NRS 484B.353 is hereby amended to read as follows:

32 484B.353 1. Except as otherwise provided in subsection 2,
33 the driver of any vehicle, when meeting or overtaking, from either
34 direction, any school bus, equipped with signs and signals required
35 by law, which has stopped to receive or discharge any pupil and is
36 displaying a flashing red light signal visible from the front and rear,
37 shall bring the vehicle to an immediate stop and shall not attempt to
38 overtake or proceed past the school bus until the flashing red signal
39 ceases operation.

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



1 3. Any person who violates any of the provisions of this
2 section is guilty of a misdemeanor and:

3 (a) For a third or any subsequent offense within 2 years after the
4 most recent offense, shall be punished by a fine of not more than
5 \$1,000 and the driver's license of the person must be suspended for
6 not more than 1 year.

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

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

14 ***4. A person who violates any of the provisions of this section
15 may be subject to the additional penalty set forth in section 1 of
16 this act.***

17 **Sec. 21.** NRS 484B.363 is hereby amended to read as follows:

18 484B.363 1. A person shall not drive a motor vehicle at a
19 speed in excess of 15 miles per hour in an area designated as a
20 school zone except:

21 (a) On a day on which school is not in session;

22 (b) During the period from a half hour after school is no longer
23 in operation to a half hour before school is next in operation;

24 (c) If the zone is designated by an operational speed limit
25 beacon, during the hours when the pupils of the school are in class
26 and the yellow lights of the speed limit beacon are not flashing in
27 the manner which indicates that the speed limit is in effect; or

28 (d) If the zone is not designated by an operational speed limit
29 beacon, during the times when the sign designating the school zone
30 indicates that the speed limit is not in effect.

31 2. A person shall not drive a motor vehicle at a speed in excess
32 of 25 miles per hour in an area designated as a school crossing zone
33 except:

34 (a) On a day on which school is not in session;

35 (b) During the period from a half hour after school is no longer
36 in operation to a half hour before school is next in operation;

37 (c) If the zone is designated by an operational speed limit
38 beacon, during the hours when the pupils of the school are in class
39 and the yellow lights of the speed limit beacon are not flashing in
40 the manner which indicates that the speed limit is in effect; or

41 (d) If the zone is not designated by an operational speed limit
42 beacon, during the times when the sign designating the school zone
43 indicates that the speed limit is not in effect.

44 3. The governing body of a local government or the
45 Department of Transportation shall designate school zones and



1 school crossing zones. An area must not be designated as a school
2 zone if imposing a speed limit of 15 miles per hour would be unsafe
3 because of higher speed limits in adjoining areas.

4 4. Each such governing body and the Department shall provide
5 signs to mark the beginning and end of each school zone and school
6 crossing zone which it respectively designates. Each sign marking
7 the beginning of such a zone must include a designation of the hours
8 when the speed limit is in effect or that the speed limit is in effect
9 when children are present.

10 5. With respect to each school zone and school crossing zone
11 in a school district, the superintendent of the school district or his or
12 her designee, in conjunction with the Department of Transportation
13 and the governing body of the local government that designated the
14 school zone or school crossing zone and after consulting with the
15 principal of the school and the agency that is responsible for
16 enforcing the speed limit in the zone, shall determine the times
17 when the speed limit is in effect.

18 6. *A person who violates subsection 1 or 2 may be subject to*
19 *the additional penalty set forth in section 1 of this act.*

20 7. As used in this section, "speed limit beacon" means a device
21 which is used in conjunction with a sign and equipped with two or
22 more yellow lights that flash alternately to indicate when the speed
23 limit in a school zone or school crossing zone is in effect.

24 **Sec. 22.** NRS 484B.403 is hereby amended to read as follows:

25 484B.403 1. A U-turn may be made on any road where the
26 turn can be made with safety, except as prohibited by this section
27 and by the provisions of NRS 484B.227 and 484B.407.

28 2. If an official traffic-control device indicates that a U-turn is
29 prohibited, the driver shall obey the directions of the device.

30 3. The driver of a vehicle shall not make a U-turn in a business
31 district, except at an intersection or on a divided highway where an
32 appropriate opening or crossing place exists.

33 4. Notwithstanding the foregoing provisions of this section,
34 local authorities and the Department of Transportation may prohibit
35 U-turns at any location within their respective jurisdictions.

36 5. A person who violates any provision of this section may be
37 subject to the additional ~~penalty~~ *penalties* set forth in NRS
38 484B.130 ~~H~~ *and section 1 of this act.*

39 **Sec. 23.** NRS 484B.580 is hereby amended to read as follows:

40 484B.580 1. It is unlawful for a person to:

41 (a) Proceed or travel through an administrative roadblock or a
42 temporary roadblock without subjecting himself or herself to the
43 traffic control established at the roadblock.

44 (b) Disobey the lawful orders or directions of a police officer at
45 an administrative roadblock or a temporary roadblock.



1 2. A person who unlawfully proceeds through an
2 administrative roadblock or a temporary roadblock shall be
3 punished:

4 (a) If the person is the direct cause of a death or substantial
5 bodily harm to any person, or damage to property in excess of
6 \$1,000, for a category B felony by imprisonment in the state prison
7 for a minimum term of not less than 1 year and a maximum term of
8 not more than 6 years, or by a fine of not more than \$5,000, or by
9 both fine and imprisonment.

10 (b) If no death, substantial bodily harm or damage to property in
11 excess of \$1,000 occurs, for a gross misdemeanor.

12 **3. A person who violates subsection 1 may be subject to the**
13 **additional penalty set forth in section 1 of this act.**

14 **Sec. 24.** NRS 484B.587 is hereby amended to read as follows:

15 484B.587 1. When official traffic-control devices are erected
16 giving notice thereof, a person shall not drive a vehicle onto or from
17 any controlled-access highway except at those entrances and exits
18 which are indicated by such devices.

19 2. Except if required by an emergency, a person shall not drive
20 a vehicle on a controlled-access highway:

21 (a) Upon any portion of the highway that lies outside of a
22 marked traffic lane or marked entrance or exit lane; or

23 (b) Across any solid white line that separates an entrance or exit
24 lane from a marked traffic lane.

25 3. A person who violates any provision of this section may be
26 subject to the additional ~~[penalty]~~ **penalties** set forth in NRS
27 484B.130 ~~[]~~ **and section 1 of this act.**

28 **Sec. 25.** NRS 484B.600 is hereby amended to read as follows:

29 484B.600 1. It is unlawful for any person to drive or operate
30 a vehicle of any kind or character at:

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

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

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

38 (d) In any event, a rate of speed greater than 75 miles per hour.

39 2. A person who violates any provision of this section may be
40 subject to the additional ~~[penalty]~~ **penalties** set forth in NRS
41 484B.130 ~~[]~~ **and section 1 of this act.**

42 **Sec. 26.** NRS 484B.603 is hereby amended to read as follows:

43 484B.603 1. The fact that the speed of a vehicle is lower than
44 the prescribed limits does not relieve a driver from the duty to
45 decrease speed when approaching and crossing an intersection,



1 when approaching and going around a curve, when approaching a
2 hill crest, when traveling upon any narrow or winding highway, or
3 when special hazards exist or may exist with respect to pedestrians
4 or other traffic, or by reason of weather or other highway conditions,
5 and speed must be decreased as may be necessary to avoid colliding
6 with any person, vehicle or other conveyance on or entering a
7 highway in compliance with legal requirements and the duty of all
8 persons to use due care.

9 2. Any person who fails to use due care as required by
10 subsection 1 may be subject to the additional ~~[penalty]~~ *penalties* set
11 forth in NRS 484B.130 ~~[]~~ *and section 1 of this act.*

12 **Sec. 27.** NRS 484B.607 is hereby amended to read as follows:

13 484B.607 1. Upon approaching an authorized emergency
14 vehicle which is stopped and is making use of flashing lights
15 meeting the requirements of subsection 3 of NRS 484A.480 or a tow
16 car which is stopped and is making use of flashing amber warning
17 lights meeting the requirements of NRS 484B.748, the driver of the
18 approaching vehicle shall, in the absence of other direction given by
19 a peace officer:

20 (a) Decrease the speed of the vehicle to a speed that is:

21 (1) Reasonable and proper, pursuant to the criteria set forth
22 in subsection 1 of NRS 484B.600; and

23 (2) Less than the posted speed limit, if a speed limit has been
24 posted;

25 (b) Proceed with caution;

26 (c) Be prepared to stop; and

27 (d) If possible, drive in a lane that is not adjacent to the lane in
28 which the emergency vehicle or tow car is stopped, unless roadway,
29 traffic, weather or other conditions make doing so unsafe or
30 impossible.

31 2. A person who violates subsection 1 is guilty of a
32 misdemeanor.

33 *3. A person who violates subsection 1 may be subject to the*
34 *additional penalty set forth in section 1 of this act.*

35 **Sec. 28.** NRS 484B.610 is hereby amended to read as follows:

36 484B.610 1. Except as otherwise provided in subsection 2
37 and pursuant to the power granted in NRS 269.185, the town board
38 or board of county commissioners may, by ordinance, limit the
39 speed of motor vehicles in any unincorporated town in the county as
40 may be deemed proper.

41 2. The Department of Transportation may establish the speed
42 limits for motor vehicles on highways within the boundaries of any
43 unincorporated town which are constructed and maintained under
44 the authority granted by chapter 408 of NRS.



1 3. A person who violates any speed limit established pursuant
2 to this section may be subject to the additional ~~[penalty]~~ *penalties*
3 set forth in NRS 484B.130 ~~[]~~ *and section 1 of this act.*

4 **Sec. 29.** NRS 484B.613 is hereby amended to read as follows:

5 484B.613 1. The Department of Transportation may establish
6 the speed limits for motor vehicles on highways which are
7 constructed and maintained by the Department of Transportation
8 under the authority granted to it by chapter 408 of NRS.

9 2. Except as otherwise provided by federal law, the Department
10 of Transportation may establish a speed limit on such highways not
11 to exceed 75 miles per hour and may establish a lower speed limit:

12 (a) Where necessary to protect public health and safety.

13 (b) For trucks, overweight and oversized vehicles, trailers drawn
14 by motor vehicles and buses.

15 3. A person who violates any speed limit established pursuant
16 to this section may be subject to the additional ~~[penalty]~~ *penalties*
17 set forth in NRS 484B.130 ~~[]~~ *and section 1 of this act.*

18 **Sec. 30.** NRS 484B.650 is hereby amended to read as follows:

19 484B.650 1. A driver commits an offense of aggressive
20 driving if, during any single, continuous period of driving within the
21 course of 1 mile, the driver does all the following, in any sequence:

22 (a) Commits one or more acts of speeding in violation of NRS
23 484B.363 or 484B.600.

24 (b) Commits two or more of the following acts, in any
25 combination, or commits any of the following acts more than once:

26 (1) Failing to obey an official traffic-control device in
27 violation of NRS 484B.300.

28 (2) Overtaking and passing another vehicle upon the right by
29 driving off the paved portion of the highway in violation of
30 NRS 484B.210.

31 (3) Improper or unsafe driving upon a highway that has
32 marked lanes for traffic in violation of NRS 484B.223.

33 (4) Following another vehicle too closely in violation of
34 NRS 484B.127.

35 (5) Failing to yield the right-of-way in violation of any
36 provision of NRS 484B.250 to 484B.267, inclusive.

37 (c) Creates an immediate hazard, regardless of its duration, to
38 another vehicle or to another person, whether or not the other person
39 is riding in or upon the vehicle of the driver or any other vehicle.

40 2. A driver may be prosecuted and convicted of an offense of
41 aggressive driving in violation of subsection 1 whether or not the
42 driver is prosecuted or convicted for committing any of the acts
43 described in paragraphs (a) and (b) of subsection 1.

44 3. A driver who commits an offense of aggressive driving in
45 violation of subsection 1 is guilty of a misdemeanor and:



- 1 (a) For the first offense, shall be punished:
2 (1) By a fine of not less than \$250 but not more than \$1,000;
3 or
4 (2) By both fine and imprisonment in the county jail for not
5 more than 6 months.
- 6 (b) For the second offense, shall be punished:
7 (1) By a fine of not less than \$1,000 but not more than
8 \$1,500; or
9 (2) By both fine and imprisonment in the county jail for not
10 more than 6 months.
- 11 (c) For the third and each subsequent offense, shall be punished:
12 (1) By a fine of not less than \$1,500 but not more than
13 \$2,000; or
14 (2) By both fine and imprisonment in the county jail for not
15 more than 6 months.
- 16 4. In addition to any other penalty pursuant to subsection 3:
17 (a) For the first offense within 2 years, the court shall order the
18 driver to attend, at the driver's own expense, a course of traffic
19 safety approved by the Department and may issue an order
20 suspending the driver's license of the driver for a period of not more
21 than 30 days.
22 (b) For a second or subsequent offense within 2 years, the court
23 shall issue an order revoking the driver's license of the driver for a
24 period of 1 year.
- 25 5. To determine whether the provisions of paragraph (a) or (b)
26 of subsection 4 apply to one or more offenses of aggressive driving,
27 the court shall use the date on which each offense of aggressive
28 driving was committed.
- 29 6. If the driver is already the subject of any other order
30 suspending or revoking his or her driver's license, the court shall
31 order the additional period of suspension or revocation, as
32 appropriate, to apply consecutively with the previous order.
- 33 7. If the court issues an order suspending or revoking the
34 driver's license of the driver pursuant to this section, the court shall
35 require the driver to surrender to the court all driver's licenses then
36 held by the driver. The court shall, within 5 days after issuing the
37 order, forward the driver's licenses and a copy of the order to the
38 Department.
- 39 8. If the driver successfully completes a course of traffic safety
40 ordered pursuant to this section, the Department shall cancel three
41 demerit points from his or her driving record in accordance with
42 NRS 483.448 or 483.475, as appropriate, unless the driver would
43 not otherwise be entitled to have those demerit points cancelled
44 pursuant to the provisions of that section.



1 9. This section does not preclude the suspension or revocation
2 of the driver's license of the driver, or the suspension of the future
3 driving privileges of a person, pursuant to any other provision of
4 law.

5 10. A person who violates any provision of subsection 1 may
6 be subject to the additional ~~[penalty]~~ *penalties* set forth in NRS
7 484B.130 ~~H~~ *and section 1 of this act.*

8 **Sec. 31.** NRS 484B.653 is hereby amended to read as follows:
9 484B.653 1. It is unlawful for a person to:

10 (a) Drive a vehicle in willful or wanton disregard of the safety of
11 persons or property.

12 (b) Drive a vehicle in an unauthorized speed contest on a public
13 highway.

14 (c) Organize an unauthorized speed contest on a public highway.
15 ➔ A violation of paragraph (a) or (b) of this subsection or
16 subsection 1 of NRS 484B.550 constitutes reckless driving.

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

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

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

21 or

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

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

25 (1) By a fine of not less than \$1,000 but not more than
26 \$1,500; or

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

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

30 (1) By a fine of not less than \$1,500 but not more than
31 \$2,000; or

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

34 3. A person who violates paragraph (b) or (c) of subsection 1 is
35 guilty of a misdemeanor and:

36 (a) For the first offense:

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

39 (2) Shall perform not less than 50 hours, but not more than
40 99 hours, of community service; and

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

43 (b) For the second offense:

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



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

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

5 (c) For the third and each subsequent offense:

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

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

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

11 4. In addition to any fine, community service and
12 imprisonment imposed upon a person pursuant to subsection 3, the
13 court:

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

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

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

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

29 5. Unless a greater penalty is provided pursuant to subsection 4
30 of NRS 484B.550, a person who does any act or neglects any duty
31 imposed by law while driving or in actual physical control of any
32 vehicle in willful or wanton disregard of the safety of persons or
33 property, if the act or neglect of duty proximately causes the death
34 of or substantial bodily harm to another person, is guilty of a
35 category B felony and shall be punished by imprisonment in the
36 state prison for a minimum term of not less than 1 year and a
37 maximum term of not more than 6 years and by a fine of not less
38 than \$2,000 but not more than \$5,000.

39 6. A person who violates any provision of this section may be
40 subject to the additional ~~penalty~~ *penalties* set forth in NRS
41 484B.130 *and section 1 of this act* unless the person is subject to
42 the penalty provided pursuant to subsection 4 of NRS 484B.550.

43 7. As used in this section, "organize" means to plan, schedule
44 or promote, or assist in the planning, scheduling or promotion of, an
45 unauthorized speed contest on a public highway, regardless of



1 whether a fee is charged for attending the unauthorized speed
2 contest.

3 **Sec. 32.** NRS 484B.657 is hereby amended to read as follows:
4 484B.657 1. A person who, while driving or in actual
5 physical control of any vehicle, proximately causes the death of
6 another person through an act or omission that constitutes simple
7 negligence is guilty of vehicular manslaughter and shall be punished
8 for a misdemeanor.

9 2. A person who commits an offense of vehicular manslaughter
10 may be subject to the additional ~~[penalty]~~ *penalties* set forth in NRS
11 484B.130 ~~[.]~~ *and section 1 of this act.*

12 3. Upon the conviction of a person for a violation of the
13 provisions of subsection 1, the court shall notify the Department of
14 the conviction.

15 4. Upon receipt of notification from a court pursuant to
16 subsection 3, the Department shall cause an entry of the conviction
17 to be made upon the driving record of the person so convicted.

18 **Sec. 33.** NRS 484C.110 is hereby amended to read as follows:

19 484C.110 1. It is unlawful for any person who:

20 (a) Is under the influence of intoxicating liquor;

21 (b) Has a concentration of alcohol of 0.08 or more in his or her
22 blood or breath; or

23 (c) Is found by measurement within 2 hours after driving or
24 being in actual physical control of a vehicle to have a concentration
25 of alcohol of 0.08 or more in his or her blood or breath,

26 ➤ to drive or be in actual physical control of a vehicle on a highway
27 or on premises to which the public has access.

28 2. It is unlawful for any person who:

29 (a) Is under the influence of a controlled substance;

30 (b) Is under the combined influence of intoxicating liquor and a
31 controlled substance; or

32 (c) Inhales, ingests, applies or otherwise uses any chemical,
33 poison or organic solvent, or any compound or combination of any
34 of these, to a degree which renders the person incapable of safely
35 driving or exercising actual physical control of a vehicle,

36 ➤ to drive or be in actual physical control of a vehicle on a highway
37 or on premises to which the public has access. The fact that any
38 person charged with a violation of this subsection is or has been
39 entitled to use that drug under the laws of this State is not a defense
40 against any charge of violating this subsection.

41 3. It is unlawful for any person to drive or be in actual physical
42 control of a vehicle on a highway or on premises to which the public
43 has access with an amount of a prohibited substance in his or her
44 blood or urine that is equal to or greater than:



| | Urine | Blood |
|--------------------------------|----------------|----------------|
| | Nanograms | Nanograms |
| Prohibited substance | per milliliter | per milliliter |
| (a) Amphetamine | 500 | 100 |
| (b) Cocaine | 150 | 50 |
| (c) Cocaine metabolite | 150 | 50 |
| (d) Heroin | 2,000 | 50 |
| (e) Heroin metabolite: | | |
| (1) Morphine | 2,000 | 50 |
| (2) 6-monoacetyl morphine | 10 | 10 |
| (f) Lysergic acid diethylamide | 25 | 10 |
| (g) Marijuana | 10 | 2 |
| (h) Marijuana metabolite | 15 | 5 |
| (i) Methamphetamine | 500 | 100 |
| (j) Phencyclidine | 25 | 10 |

4. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

5. A person who violates any provision of this section may be subject to the additional ~~penalty~~ *penalties* set forth in NRS 484B.130 ~~H~~ *and section 1 of this act.*

Sec. 34. NRS 484C.120 is hereby amended to read as follows:

484C.120 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;
(b) Has a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath; or

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a commercial motor vehicle to have a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath,

↳ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access.

2. It is unlawful for any person who:

(a) Is under the influence of a controlled substance;



1 (b) Is under the combined influence of intoxicating liquor and a
2 controlled substance; or

3 (c) Inhales, ingests, applies or otherwise uses any chemical,
4 poison or organic solvent, or any compound or combination of any
5 of these, to a degree which renders the person incapable of safely
6 driving or exercising actual physical control of a commercial motor
7 vehicle,

8 ➔ to drive or be in actual physical control of a commercial motor
9 vehicle on a highway or on premises to which the public has access.

10 The fact that any person charged with a violation of this subsection
11 is or has been entitled to use that drug under the laws of this State is
12 not a defense against any charge of violating this subsection.

13 3. It is unlawful for any person to drive or be in actual physical
14 control of a commercial motor vehicle on a highway or on premises
15 to which the public has access with an amount of a prohibited
16 substance in his or her blood or urine that is equal to or greater than:

| 17 | | Urine | Blood |
|----|--------------------------------|----------------|----------------|
| 18 | | Nanograms | Nanograms |
| 19 | | per milliliter | per milliliter |
| 20 | Prohibited substance | | |
| 21 | | | |
| 22 | (a) Amphetamine | 500 | 100 |
| 23 | (b) Cocaine | 150 | 50 |
| 24 | (c) Cocaine metabolite | 150 | 50 |
| 25 | (d) Heroin | 2,000 | 50 |
| 26 | (e) Heroin metabolite: | | |
| 27 | (1) Morphine | 2,000 | 50 |
| 28 | (2) 6-monoacetyl morphine | 10 | 10 |
| 29 | (f) Lysergic acid diethylamide | 25 | 10 |
| 30 | (g) Marijuana | 10 | 2 |
| 31 | (h) Marijuana metabolite | 15 | 5 |
| 32 | (i) Methamphetamine | 500 | 100 |
| 33 | (j) Phencyclidine | 25 | 10 |
| 34 | | | |

35 4. If consumption is proven by a preponderance of the
36 evidence, it is an affirmative defense under paragraph (c) of
37 subsection 1 that the defendant consumed a sufficient quantity of
38 alcohol after driving or being in actual physical control of the
39 commercial motor vehicle, and before his or her blood or breath was
40 tested, to cause the defendant to have a concentration of alcohol
41 of 0.04 or more in his or her blood or breath. A defendant who
42 intends to offer this defense at a trial or preliminary hearing must,
43 not less than 14 days before the trial or hearing or at such other time
44 as the court may direct, file and serve on the prosecuting attorney a
45 written notice of that intent.



1 5. A person who violates any provision of this section may be
2 subject to the additional ~~[penalty]~~ *penalties* set forth in NRS
3 484B.130 ~~[]~~ *and section 1 of this act.*

4 6. As used in this section:

5 (a) "Commercial motor vehicle" means a motor vehicle or
6 combination of motor vehicles used in commerce to transport
7 passengers or property if the motor vehicle:

8 (1) Has a gross combination weight rating of 26,001 or more
9 pounds which includes a towed unit with a gross vehicle weight
10 rating of more than 10,000 pounds;

11 (2) Has a gross vehicle weight rating of 26,001 or more
12 pounds;

13 (3) Is designed to transport 16 or more passengers, including
14 the driver; or

15 (4) Regardless of size, is used in the transportation of
16 materials which are considered to be hazardous for the purposes of
17 the federal Hazardous Materials Transportation Act, 49 U.S.C. §§
18 5101 et. seq., and for which the display of identifying placards is
19 required pursuant to 49 C.F.R. Part 172, Subpart F.

20 (b) The phrase "concentration of alcohol of 0.04 or more but
21 less than 0.08 in his or her blood or breath" means 0.04 gram or
22 more but less than 0.08 gram of alcohol per 100 milliliters of the
23 blood of a person or per 210 liters of his or her breath.

24 **Sec. 35.** NRS 484E.030 is hereby amended to read as follows:

25 484E.030 1. The driver of any vehicle involved in an
26 accident resulting in injury to or death of any person , *including,*
27 *without limitation, a person riding a bicycle,* or damage to any
28 vehicle or other property which is driven or attended by any person
29 shall:

30 (a) Give his or her name, address and the registration number of
31 the vehicle the driver is driving, and shall upon request and if
32 available exhibit his or her license to operate a motor vehicle to any
33 person injured in such accident or to the driver or occupant of or
34 person attending any vehicle or other property damaged in such
35 accident;

36 (b) *If the accident involved a bicycle, report the percentage of*
37 *liability for the accident which is attributable to the driver of the*
38 *vehicle and to the rider of the bicycle or, if the percentage of*
39 *liability is not known, report the circumstances of the accident;*

40 (c) Give such information and upon request manually surrender
41 such license to any police officer at the scene of the accident or who
42 is investigating the accident; and

43 ~~[e)]~~ (d) Render to any person injured in such accident
44 reasonable assistance, including the carrying, or the making of
45 arrangements for the carrying, of such person to a physician,



1 surgeon or hospital for medical or surgical treatment if it is apparent
2 that such treatment is necessary, or if such carrying is requested by
3 the injured person.

4 2. If no police officer is present, the driver of any vehicle
5 involved in such accident after fulfilling all other requirements of
6 subsection 1 and NRS 484E.010, insofar as possible on his or her
7 part to be performed, shall forthwith report such accident to the
8 nearest office of a police authority or of the Nevada Highway Patrol
9 and submit thereto the information specified in subsection 1.

⑩



* A B 3 2 8 *