

**THE FIFTY-NINTH DAY**

CARSON CITY (Wednesday), April 1, 2015

Senate called to order at 12:13 p.m.

President Hutchison presiding.

Roll called.

All present except Senator Smith, who was excused.

Prayer by the Chaplain, Lieutenant Mark Cyr.

My Heavenly Father, we come to You with thankfulness for the blessings You give us. We thank You for our State Senators and their faithfulness. We ask You to be with them and guide them. We ask that You fill them with your wisdom and understanding. Guide them as they lead us and unite them together as a single voice for what is best for our State and its people. Give them courage, vision, wisdom and truth.

Father, we pray these things in the Name of Your Son, Jesus.

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

REPORTS OF COMMITTEES

*Mr. President:*

Your Committee on Commerce, Labor and Energy, to which was referred Senate Bill No. 193, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce, Labor and Energy, to which was re-referred Senate Bill No. 113, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES A. SETTELMAYER, *Chair*

*Mr. President:*

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 147, 158, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PETE GOICOECHEA, *Chair*

*Mr. President:*

Your Committee on Health and Human Services, to which was referred Senate Bill No. 172, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 189, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Finance.

JOSEPH P. HARDY, *Chair*

*Mr. President:*

Your Committee on Judiciary, to which was referred Senate Bill No. 40, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GREG BROWER, *Chair*

*Mr. President:*

Your Committee on Natural Resources, to which was referred Senate Bill No. 44, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DONALD G. GUSTAVSON, *Chair*

*Mr. President:*

Your Committee on Revenue and Economic Development, to which was referred Senate Bill No. 74, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL ROBERSON, *Chair*

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Kieckhefer has approved the addition of Senator Woodhouse as a sponsor of Senate Bill No. 227.

Senator Roberson moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press table and allowed the use of appropriate media facilities: AMERICAN BRIDGE: Brandon Turner; KLAS-TV: Lauren Rozyla, Kyle Zuelke; KOLO-TV: Sarah Johns, Rebecca Kitchen; KTNV-TV 13: Bryan Callahan, James Flint; LET'S TALK NEVADA: William Hurd, Rudy Moertl; NORTHERN NEVADA HOPES: Clinton Demeritt.

Motion carried.

Senator Roberson moved that Senate Bill No. 240 be taken from the General File and placed on the Secretary's desk.

Motion carried.

#### SECOND READING AND AMENDMENT

Senate Bill No. 2.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 142.

SUMMARY—Increases the maximum speed at which a person may drive or operate a vehicle. (BDR 43-13)

AN ACT relating to vehicles; increasing the maximum speed at which a person may drive or operate a vehicle; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it unlawful for a person to drive or operate a vehicle of any kind at certain speeds in certain conditions and, in any event, at a rate of speed greater than 75 miles per hour. (NRS 484B.600) Existing law also allows the Department of Transportation to establish a speed limit on the highways it constructs or maintains of not more than 75 miles per hour. (NRS 484B.613) Sections 1 and 2 of this bill increase the maximum speed at which a person may drive or operate a vehicle from 75 miles per hour to ~~75~~ 80 miles per hour, subject to the existing limitations.

Existing law provides further for the imposition of a limited \$25 fine for certain speeding violations that are within certain incremental parameters. (NRS 484B.617) Section 3 of this bill expands the incremental parameters up to ~~90~~ 85 miles per hour.

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

Section 1. NRS 484B.600 is hereby amended to read as follows:

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

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

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

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

(d) In any event, a rate of speed greater than ~~75-85~~ 80 miles per hour.

2. If, while violating any provision of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.130.

Sec. 2. NRS 484B.613 is hereby amended to read as follows:

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

2. Except as otherwise provided by federal law, the Department of Transportation may establish a speed limit on such highways not to exceed ~~75-85~~ 80 miles per hour and may establish a lower speed limit:

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

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

3. A person who violates any speed limit established pursuant to this section may be subject to the additional penalty set forth in NRS 484B.130.

Sec. 3. NRS 484B.617 is hereby amended to read as follows:

484B.617 1. Except as otherwise provided in subsection 3, a person driving a motor vehicle during the hours of daylight at a speed in excess of the speed limit posted by a public authority for the portion of highway being traversed shall be punished by a fine of \$25 if:

(a) The posted speed limit is 60 miles per hour and the person is not exceeding a speed of 70 miles per hour.

(b) The posted speed limit is 65 miles per hour and the person is not exceeding a speed of 75 miles per hour.

(c) The posted speed limit is 70 miles per hour and the person is not exceeding a speed of 75 miles per hour.

(d) *The posted speed limit is 75 miles per hour and the person is not exceeding a speed of 80 miles per hour.*

(e) *The posted speed limit is 80 miles per hour and the person is not exceeding a speed of 85 miles per hour.*

~~[(f) *The posted speed limit is 85 miles per hour and the person is not exceeding a speed of 90 miles per hour.*]~~

2. A violation of the speed limit under any of the circumstances set forth in subsection 1 must not be recorded by the Department on a driver's record and shall not be deemed a moving traffic violation.

3. The provisions of this section do not apply to a violation specified in subsection 1 that occurs in a county whose population is 100,000 or more if the portion of highway being traversed is in:

(a) An urban area; or

(b) An area which is adjacent to an urban area and which has been designated by the public authority that established the posted speed limit for the portion of highway being traversed as an area that requires strict observance of the posted speed limit to protect public health and safety.

Senator Gustavson moved the adoption of the amendment.

Remarks by Senator Gustavson.

Amendment No. 142 to Senate Bill No. 2 reduces the maximum speed at which a person may drive or operate a vehicle from 85 miles per hour to 80 miles per hour and authorizes the Department of Transportation to set speed limits up to 80 miles per hour, rather than 85 miles per hour.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 50.

Bill read second time.

The following amendment was proposed by the Committee on Commerce, Labor and Energy:

Amendment No. 12.

SUMMARY—Makes various changes to the regulation of contractors by the State Contractors' Board. (BDR 54-387)

AN ACT relating to contractors; deleting the requirement that the State Contractors' Board establish an advisory committee concerning the classification of licensure of persons who install or maintain building shell insulation or thermal system insulation; revising the circumstances under which a natural person may qualify on behalf of another for more than one active contractor's license; requiring such a person to possess good character; expanding the acts which constitute cause for disciplinary action against a licensee to include certain international codes; expanding the circumstances under which an injured person is not eligible for recovery from the Recovery Fund; and providing other matters properly relating thereto.

## Legislative Counsel's Digest:

Existing law requires that the State Contractors' Board establish an advisory committee to make recommendations to the Board concerning the licensure of persons who install and maintain building shell or thermal system installation. (NRS 624.100) Section 1 of this bill deletes this requirement.

Existing law requires an applicant for a license as a contractor to demonstrate certain experience or knowledge. Existing law also provides that an applicant may qualify in regard to such knowledge and experience by the appearance of another person on behalf of the applicant. ~~[but, subject to certain exceptions, another person may only do so on behalf of one active license.]~~ (NRS 624.260) Section 2 of this bill ~~[provides that this limitation does not apply to a licensee that is a corporation for public benefit.]~~ authorizes the Board to inquire into and consider that other person's previous experience and certain legal actions against them.

Existing law requires that the Board establish the financial responsibility of an applicant or licensee seeking renewal. (NRS 624.236) Section 3 of this bill allows the Board to inquire into and consider the financial responsibility of a person who qualifies on behalf of the applicant or licensee in making a determination of financial responsibility. Existing law requires that the Board establish the good character of an applicant or licensee seeking renewal. (NRS 624.265) Section 4 of this bill allows the Board to request certain information from any person who qualifies on behalf of an applicant or licensee in making a determination of good character.

Existing law provides that workmanship by a licensee that is not commensurate with certain codified standards is grounds for disciplinary action. (NRS 624.3017) Section 5 of this bill adds certain international building codes to those standards.

Existing law provides that, subject to certain exceptions, certain persons who suffer actual damages as a result of the acts or omissions of a licensee may be eligible to recover damages from the Recovery Fund maintained by the Board. (NRS 624.510) Section 6 of this bill adds certain exceptions to the eligibility to recover from the Recovery Fund.

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

Section 1. NRS 624.100 is hereby amended to read as follows:

624.100 1. The Board may appoint such committees and make such reasonable bylaws, rules of procedure and regulations as are necessary to carry out the provisions of this chapter.

2. ~~[Except as otherwise provided in subsection 3, the]~~ *The* Board may establish advisory committees composed of its members or employees, homeowners, contractors or other qualified persons to provide assistance with respect to fraud in construction, or in any other area that the Board considers necessary.

~~3. [The Board shall establish an advisory committee to make recommendations to the Board concerning the classification of licensure of persons who install or maintain building shell insulation or thermal system insulation, including, without limitation, recommendations relating to training and continuing education.~~

~~4.]~~ If an advisory committee is established, the Board shall:

(a) Select five members for the committee from a list of volunteers approved by the Board; and

(b) Adopt rules of procedure for informal conferences of the committee.

~~{5.}~~ 4. If an advisory committee is established, the members:

(a) Serve at the pleasure of the Board.

(b) Serve without compensation, but must be reimbursed for travel expenses necessarily incurred in the performance of their duties. The rate must not exceed the rate provided for state officers and employees generally.

(c) Shall provide a written summary report to the Board, within 15 days after the final informal conference of the committee, that includes recommendations with respect to actions that are necessary to reduce and prevent the occurrence of fraud in construction, or on such other issues as requested by the Board.

~~{6.}~~ 5. The Board is not bound by any recommendation made by an advisory committee.

~~{7.}~~ As used in this section:

~~(a) "Building shell insulation" means a product that is used as part of the building which insulates a boundary between indoor and outdoor space or conditioned and unconditioned space, including, without limitation, walls, ceilings or floors.~~

~~(b) "Thermal system insulation" means a product that is used in a heating, ventilating, cooling, plumbing or refrigeration system to insulate any hot or cold surface, including, without limitation, a pipe, duct, valve, boiler, flue or tank, or equipment on or in a building.]~~

Sec. 2. NRS 624.260 is hereby amended to read as follows:

624.260 1. The Board shall require an applicant or licensee to show such a degree of experience, financial responsibility and such general knowledge of the building, safety, health and lien laws of the State of Nevada and the administrative principles of the contracting business as the Board deems necessary for the safety and protection of the public.

2. An applicant or licensee may qualify in regard to his or her experience and knowledge in the following ways:

(a) If a natural person, the applicant or licensee may qualify by personal appearance or by the appearance of his or her responsible managing employee.

(b) If a copartnership, a corporation or any other combination or organization, it may qualify by the appearance of the responsible managing officer or member of the personnel of the applicant firm.

↪ If an applicant or licensee intends to qualify pursuant to this subsection by the appearance of another person, the applicant or licensee shall submit to the Board such information as the Board determines is necessary to demonstrate the duties and responsibilities of the other person so appearing with respect to the supervision and control of the operations of the applicant or licensee relating to construction.

3. The natural person qualifying on behalf of another natural person or firm under paragraphs (a) and (b) of subsection 2 must prove that he or she is a bona fide member or employee of that person or firm and when his or her principal or employer is actively engaged as a contractor shall exercise authority in connection with the principal or employer's contracting business in the following manner:

(a) To make technical and administrative decisions;

(b) To hire, superintend, promote, transfer, lay off, discipline or discharge other employees and to direct them, either by himself or herself or through others, or effectively to recommend such action on behalf of the principal or employer; and

(c) To devote himself or herself solely to the principal or employer's business and not to take any other employment which would conflict with his or her duties under this subsection.

4. If, pursuant to subsection 2, an applicant or licensee intends to qualify by the appearance of another person, the Board may inquire into and consider any previous business experience of, and any prior and pending lawsuits, liens and judgments against, the other person.

~~5.~~ 5. A natural person may not qualify on behalf of another for more than one active license unless:

(a) One person owns at least 25 percent of each licensee for which the person qualifies; or

(b) One licensee owns at least 25 percent of the other licensee ~~or~~

~~(c) One licensee is a corporation for public benefit.~~

~~5.~~ 6. Except as otherwise provided in subsection 6, in addition to the other requirements set forth in this section, each applicant for licensure as a contractor must have had, within the 10 years immediately preceding the filing of the application for licensure, at least 4 years of experience as a journeyman, foreman, supervising employee or contractor in the specific classification in which the applicant is applying for licensure. Training received in a program offered at an accredited college or university or an equivalent program accepted by the Board may be used to satisfy not more than 3 years of experience required pursuant to this subsection.

~~6.~~ 7. If the applicant who is applying for licensure has previously qualified for a contractor's license in the same classification in which the applicant is applying for licensure, the experience required pursuant to subsection 5 need not be accrued within the 10 years immediately preceding the application.

~~7.~~ 8. As used in this section, "journeyman" ~~is~~

~~(a) "Corporation for public benefit" has the meaning ascribed to it in NRS 82.021.~~

~~(b) "Journeyman" means a person who:~~

~~(a) ~~(1)~~ Is fully qualified to perform, without supervision, work in the classification in which the person is applying for licensure; or~~

~~(b) ~~(2)~~ Has successfully completed:~~

~~(1) ~~(A)~~ A program of apprenticeship for the classification in which the person is applying for licensure that has been approved by the State Apprenticeship Council; or~~

~~(2) ~~(B)~~ An equivalent program accepted by the Board.~~

Sec. 3. NRS 624.263 is hereby amended to read as follows:

624.263 1. The financial responsibility of a licensee or an applicant for a contractor's license must be established independently of and without reliance on any assets or guarantees of any owners or managing officers of the licensee or applicant ~~or any person who qualifies on behalf of the licensee or applicant pursuant to subsection 2 of NRS 624.260~~, but the financial responsibility of ~~any owners or managing officers of the licensee or applicant~~ *the following persons* may be inquired into and considered as a criterion in determining the financial responsibility of the licensee or applicant ~~or applicant~~ ~~or applicant~~ :

*(a) Any owner of the licensee or applicant;*

*(b) Any managing officer of the licensee or applicant; or*

*(c) Any person who qualifies on behalf of the licensee or applicant pursuant to subsection 2 of NRS 624.260.*

2. The financial responsibility of an applicant for a contractor's license or of a licensed contractor may be determined by using the following standards and criteria in connection with each applicant or contractor and each associate or partner thereof:

(a) Amount of net worth.

(b) Amount of liquid assets.

(c) Amount of current assets.

(d) Amount of current liabilities.

(e) Amount of working capital.

(f) Ratio of current assets to current liabilities.

(g) Fulfillment of bonding requirements pursuant to NRS 624.270.

(h) Prior payment and credit records.

(i) Previous business experience.

(j) Prior and pending lawsuits.

(k) Prior and pending liens.

(l) Adverse judgments.

(m) Conviction of a felony or crime involving moral turpitude.

(n) Prior suspension or revocation of a contractor's license in Nevada or elsewhere.

(o) An adjudication of bankruptcy or any other proceeding under the federal bankruptcy laws, including:



- (1) A composition, arrangement or reorganization proceeding;
- (2) The appointment of a receiver of the property of the applicant or contractor or any officer, director, associate or partner thereof under the laws of this State or the United States; or
- (3) The making of an assignment for the benefit of creditors.
- (p) Form of business organization, corporate or otherwise.
- (q) Information obtained from confidential financial references and credit reports.
- (r) Reputation for honesty and integrity of the applicant or contractor or any officer, director, associate or partner thereof.

3. A licensed contractor shall, as soon as it is reasonably practicable, notify the Board in writing upon the filing of a petition or application relating to the contractor that initiates any proceeding, appointment or assignment set forth in paragraph (o) of subsection 2. The written notice must be accompanied by:

- (a) A copy of the petition or application filed with the court; and
- (b) A copy of any order of the court which is relevant to the financial responsibility of the contractor, including any order appointing a trustee, receiver or assignee.

4. Before issuing a license to an applicant who will engage in residential construction or renewing the license of a contractor who engages in residential construction, the Board may require the applicant or licensee to establish financial responsibility by submitting to the Board:

- (a) A financial statement that is:
  - (1) Prepared by a certified public accountant; or
  - (2) Submitted on a form or in a format prescribed by the Board together with an affidavit which verifies the accuracy of the financial statement; and
- (b) A statement setting forth the number of building permits issued to and construction projects completed by the licensee during the immediately preceding year and any other information required by the Board. The statement submitted pursuant to this paragraph must be provided on a form approved by the Board.

5. In addition to the requirements set forth in subsection 4, the Board may require a licensee to establish financial responsibility at any time.

6. An applicant for an initial contractor's license or a licensee applying for the renewal of a contractor's license has the burden of demonstrating financial responsibility to the Board, if the Board requests the applicant or licensee to do so.

Sec. 4. NRS 624.265 is hereby amended to read as follows:

624.265 1. An applicant for a contractor's license or a licensed contractor, ~~and~~ each officer, director, partner and associate thereof, *and any person who qualifies on behalf of the applicant pursuant to subsection 2 of NRS 624.260* must possess good character. Lack of character may be established by showing that the applicant or licensed contractor, ~~or~~ any

officer, director, partner or associate thereof, *or any person who qualifies on behalf of the applicant* has:

- (a) Committed any act which would be grounds for the denial, suspension or revocation of a contractor's license;
- (b) A bad reputation for honesty and integrity;
- (c) Entered a plea of guilty, guilty but mentally ill or nolo contendere to, been found guilty or guilty but mentally ill of, or been convicted, in this State or any other jurisdiction, of a crime arising out of, in connection with or related to the activities of such person in such a manner as to demonstrate his or her unfitness to act as a contractor, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal; or
- (d) Had a license revoked or suspended for reasons that would preclude the granting or renewal of a license for which the application has been made.

2. Upon the request of the Board, an applicant for a contractor's license, ~~and~~ any officer, director, partner or associate of the applicant ~~and~~ *any person who qualifies on behalf of the applicant pursuant to subsection 2 of NRS 624.260* must submit to the Board completed fingerprint cards and a form authorizing an investigation of the applicant's background and the submission of the fingerprints to the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation. The fingerprint cards and authorization form submitted must be those that are provided to the applicant by the Board. The applicant's fingerprints may be taken by an agent of the Board or an agency of law enforcement.

3. Except as otherwise provided in NRS 239.0115, the Board shall keep the results of the investigation confidential and not subject to inspection by the general public.

4. The Board shall establish by regulation the fee for processing the fingerprints to be paid by the applicant. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

5. The Board may obtain records of a law enforcement agency or any other agency that maintains records of criminal history, including, without limitation, records of:

- (a) Arrests;
- (b) Guilty and guilty but mentally ill pleas;
- (c) Sentencing;
- (d) Probation;
- (e) Parole;
- (f) Bail;
- (g) Complaints; and
- (h) Final dispositions,

→ for the investigation of a licensee or an applicant for a contractor's license.

Sec. 5. NRS 624.3017 is hereby amended to read as follows:

624.3017 The following acts, among others, constitute cause for disciplinary action under NRS 624.300:

1. Workmanship which is not commensurate with standards of the trade in general or which is below the standards in the building or construction codes adopted by the city or county in which the work is performed. If no applicable building or construction code has been adopted locally, then workmanship must meet the standards prescribed in the ~~Uniform Building Code,~~ Uniform Plumbing Code , ~~for~~ National Electrical Code , International Building Code or International Residential Code in the form of the code most recently approved by the Board. The Board shall review each edition of the ~~Uniform Building Code,~~ Uniform Plumbing Code , ~~for~~ National Electrical Code , International Building Code or International Residential Code that is published after the 1996 edition to ensure its suitability. Each new edition of the code shall be deemed approved by the Board unless the edition is disapproved by the Board within 60 days of the publication of the code.

2. Advertising projects of construction without including in the advertisements the name and license number of the licensed contractor who is responsible for the construction.

3. Advertising projects of construction beyond the scope of the license.

Sec. 6. NRS 624.510 is hereby amended to read as follows:

624.510 1. Except as otherwise provided in NRS 624.490 and subsection 2, an injured person is eligible for recovery from the account if the Board or its designee finds that the injured person suffered actual damages as a result of an act or omission of a residential contractor that is in violation of this chapter or the regulations adopted pursuant thereto.

2. An injured person is not eligible for recovery from the account if:

(a) The injured person is ~~the spouse of~~ cohabitating with the licensee, is related to the licensee by blood or marriage to the licensee, or by blood in the first or second degree of consanguinity, or is a personal representative of ~~the spouse of~~ a person cohabitating with the licensee or related to the licensee by blood or marriage to the licensee, or by blood in the first or second degree of consanguinity;

(b) The injured person was associated in a business relationship with the licensee other than the contract at issue; ~~or~~

(c) At the time of contracting with the residential contractor, the license of the residential contractor was suspended or revoked pursuant to NRS 624.300 ~~+~~;

(d) *The injured person:*

(1) *Applied for and obtained any building permit for the single-family residence at which the act or omission occurred and for which the injured person wishes to recover actual damages from the account; or*

(2) *Constructed the residence as the owner-builder of the residence;*

(e) *The claim submitted by the injured person for recovery from the account contains:*

(1) *A false or misleading statement; or*

(2) *A forged or altered receipt or other document which includes an improvement, upgrade or work that exceeds the scope of the contract at issue;*

(f) *The injured person is a lien claimant who has not filed a lien in accordance with the provisions of NRS 108.221 to 108.246, inclusive; or*

(g) *The single-family residence at which the act or omission occurred and for which the injured person wishes to recover actual damages from the account was constructed, remodeled, repaired or improved with the intent of renting, leasing or selling the residence within 1 year after the date of completion of the construction, remodeling, repair or improvement. The offering of the residence for rent, lease or sale within 1 year after that date creates a rebuttable presumption that the construction, remodeling, repair or improvement was performed with the intent to rent, lease or sell the residence.*

3. If the Board or its designee determines that an injured person is eligible for recovery from the account pursuant to this section or NRS 624.490, the Board or its designee may pay out of the account:

(a) The amount of actual damages suffered, but not to exceed \$35,000; or

(b) If a judgment was obtained as set forth in NRS 624.490, the amount of actual damages included in the judgment and remaining unpaid, but not to exceed \$35,000.

4. The decision of the Board or its designee regarding eligibility for recovery and all related issues is final and not subject to judicial review.

5. If the injured person has recovered a portion of his or her loss from sources other than the account, the Board shall deduct the amount recovered from the other sources from the amount payable upon the claim and direct the difference to be paid from the account.

6. To the extent of payments made from the account, the Board is subrogated to the rights of the injured person, including, without limitation, the right to collect from a surety bond or a cash bond. The Board and the Attorney General shall promptly enforce all subrogation claims.

7. The amount of recovery from the account based upon claims made against any single contractor must not exceed \$400,000.

8. As used in this section, "actual damages" includes attorney's fees or costs in contested cases appealed to the appellate court of competent jurisdiction. The term does not include any other attorney's fees or costs.

Sec. 7. 1. This section and section 1 of this act become effective upon passage and approval.

2. Sections 2 to 6, inclusive, of this act become effective on October 1, 2015.

Senator Settlemeyer moved the adoption of the amendment.

Remarks by Senator Settlemeyer.

Amendment No. 12 makes three changes to Senate Bill No. 50. The amendment, 1) removes the provision in the bill that allows a natural person to qualify for an active contractor's license

on behalf of a corporation for public benefit; 2) adds additional information the Board may use to consider whether an applicant or licensee is qualified on behalf of another for more than one active license; 3) clarifies the relationship between an injured person and the licensee regarding ineligibility for recovery of damages from the Recovery Fund.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 66.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 107.

SUMMARY—Revises provisions governing local governmental agreements for the development of land. (BDR 22-422)

AN ACT relating to local government planning; revising provisions relating to agreements for the development of land entered into between the governing body of a local government and one or more persons having a legal or equitable interest in the land; ~~providing for the extension of the period within which construction must commence pursuant to such an agreement;~~ establishing a procedure for the amendment or cancellation of such an agreement by the governing body; revising provisions governing the contents and scope of such an agreement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing body of a local government to enter into an agreement for the development of land with one or more persons who hold a legal or equitable interest in the land. (NRS 278.0201-278.0207) Section 2 of this bill defines the term "undeveloped land" and section 6 of this bill revises the definition of the terms "infrastructure" and "public facilities" for the purpose of such agreements. Section 8 of this bill revises the scope and contents of an agreement for the development of land.

Existing law provides that an agreement for the development of land may establish a deadline by which construction must commence and may provide for an extension of that deadline. The extended deadline is itself subject to an extension by the governing body under certain circumstances. (NRS 278.0201) ~~Sections 3 and 4 of this bill reorganize the provisions for the extension of~~ Section 8 of this bill reorganizes the provisions for the extension of eliminates the authority to extend such a deadline.

Existing law provides for the amendment or cancellation of an agreement for the development of land by mutual consent of the parties to the agreement or their successors in interest. Existing law also authorizes the governing body to amend or cancel the agreement without the consent of the other parties to the agreement under certain circumstances. (NRS 278.0205) Section 4 of this bill provides that, under certain circumstances, the governing body must give notice and an opportunity for a party in breach to

cure the breach. Sections 4 and 9 of this bill require a governing body that proposes unilaterally to amend or cancel an agreement to hold a public hearing before taking such action. Section 4 provides that any person having a legal or equitable interest in the land subject to the agreement or any other interested person may present oral or written testimony at the hearing. Section 4 requires the governing body to consider all the testimony presented at the hearing. ~~[and, in the resolution or ordinance in which the governing body makes its determination concerning the proposed amendment to or cancellation of the agreement, pass upon the merits of each complaint, protest or objection set forth in the testimony. Section 4 also provides for judicial review of the decision of the governing body concerning the unilateral amendment to or cancellation of the agreement.]~~

Sections 5, 7 and 10-17 of this bill make conforming changes.

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

Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *"Undeveloped land" means land in its unused, natural or reclaimed state and on which little or no infrastructure exists.*

Sec. 3. ~~[1. For an agreement entered into pursuant to NRS 278.0201 for the residential or commercial development of land, the governing body may extend the period within which construction must commence, beyond any deadline provided by the agreement, if the person:~~

~~— (a) Applies for an extension before July 1, 2013, subject to any applicable ordinances adopted by the governing body;~~

~~— (b) Demonstrates to the satisfaction of the governing body that:~~

~~— (1) Financing for the residential or commercial project is not available;~~  
~~and~~

~~— (2) The land will be leased for a renewable energy generation project;~~  
~~and~~

~~— (c) Submits with his or her application for an extension an affidavit showing that due diligence has been used to obtain financing for the residential or commercial project. The affidavit must include, without limitation, evidence that:~~

~~— (1) The project was denied financing by at least two lenders; or~~

~~— (2) The person was unable to issue bonds or other securities to finance the project.~~

~~2. An agreement must not be extended pursuant to subsection 1:~~

~~— (a) For more than 15 years after the original deadline or, if the deadline is extended pursuant to the agreement, after that extension; or~~

~~— (b) If the land ceases to be leased for a renewable energy generation project, after the period established pursuant to subsection 3.~~

~~3. If a governing body extends a deadline pursuant to subsection 1, the governing body shall establish the maximum duration of the period for which~~

~~the agreement will remain valid if the land is no longer leased for a renewable energy generation project.~~

~~4. Notwithstanding the provisions of subsection 4 of NRS 278.0201, if the governing body extends a deadline pursuant to this section, changes to ordinances, resolutions or regulations that:~~

~~(a) Are made after the extension is granted; and~~

~~(b) Enforce environmental, life or safety standards against land that the governing body determines are similar to the land for which an agreement was made pursuant to NRS 278.0201,~~

~~apply to the land for which the agreement was made.~~

~~5. The provisions of subsection 2 of NRS 278.315 and NRS 278.350 and 278.360 do not apply if an agreement entered into pursuant to NRS 278.0201 contains provisions which are contrary to the respective sections.~~

~~6. As used in this section, "environmental, life or safety standards" includes, without limitation:~~

~~(a) Standards and codes relating to the usage of water; and~~

~~(b) Any specialized or uniform code related to environmental, life or safety standards.~~ (Deleted by amendment.)

Sec. 4. 1. ~~Before~~ If a governing body makes a determination described in paragraph (b) of subsection 1 of NRS 278.0205, before the governing body may amend or cancel an agreement for development of land entered into pursuant to NRS 278.0201 without the consent of the other parties to the agreement or their successors in interest, the governing body must ~~not~~

~~(a) Based upon the review of the development of the land required by paragraph (b) of subsection 1 of NRS 278.0205, make the determination required by that paragraph; and~~

~~(b) Hold~~ hold a public hearing concerning the proposed amendment to or cancellation of the agreement that complies with the provisions of this section. Not less than 60 days' notice of the date and time of the public hearing must be given to the parties to the agreement or their successors in interest and any property owner of record that is subject to the agreement.

2. On the date and at the time and place fixed for the hearing, any person having a legal or equitable interest in the land or any other interested person may give oral or written testimony to the governing body concerning the proposed amendment to or cancellation of the agreement.

3. The governing body shall consider all the testimony presented at the hearing and any other relevant information presented at the hearing and, after the conclusion of the hearing, ~~by resolution or ordinance, pass upon the merits of each complaint, protest or objection set forth in the testimony and~~ make a determination concerning whether to amend or cancel the agreement.

4. ~~If the governing body determines that the proposed amendment to or cancellation of the agreement is not in the public interest, the governing body~~

~~shall adopt a resolution that provides for the cessation of any actions relating to the proposed amendment to or cancellation of the agreement.~~

~~5.] Any complaint, protest or objection to:~~

~~(a) The proposed amendment to or cancellation of the agreement;~~

~~(b) The effect of the proposed amendment to or cancellation of the agreement on the zoning or entitlements related to the property that is subject to the agreement; or~~

~~(c) The regularity, validity or correctness of any proceedings relating to or actions taken with respect to the hearing on or before the date of the hearing,~~

~~↪ shall be deemed waived unless presented at the hearing or received in writing by the clerk of the governing body at least 3 business days before the date of the hearing.~~

~~6. Any person who timely sets forth a complaint, protest or objection described in subsection 5 and is aggrieved by the decision of the governing body may, not later than 25 days after the date on which the governing body passes upon the complaint, protest or objection pursuant to subsection 3, commence an action in a court of competent jurisdiction to set aside the decision of the governing body.~~

~~7. Any person who commences an action pursuant to subsection 6 must plead with particularity and prove the facts upon which he or she relies to establish that the actions taken at the hearing by the governing body to amend or cancel the agreement were fraudulent, arbitrary or not supported by substantial evidence. Conclusory allegations of fact or law are insufficient to comply with the requirements of this subsection.~~

~~8. In an action brought pursuant to subsection 6, judicial review of the proceedings is confined to the record before the governing body. Evidence that has not been presented to the governing body must not be considered by the court.]~~

Sec. 5. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, and sections 2, 3 and 4 of this act, unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, and section 2 of this act have the meanings ascribed to them in those sections.

Sec. 6. NRS 278.0157 is hereby amended to read as follows:

278.0157 "Infrastructure" or "public facilities" means facilities and the structure or network used for the delivery of goods, services and public safety. The term includes, without limitation, communications facilities, facilities for the transmission and distribution of electricity and natural gas, water [ ] systems, sanitary sewer [ ] systems, storm sewer [ , street, ] systems, streets and roads, traffic control systems, sidewalks, parks [ ] and trails, recreational facilities, fire, police and flood protection [ ] and all related appurtenances, equipment and employee costs.

Sec. 7. NRS 278.016 is hereby amended to read as follows:



278.016 "Local ordinance" means an ordinance enacted by the governing body of any city or county, pursuant to the powers granted in NRS 278.010 to 278.630, inclusive ~~[ ]~~, and sections 2, 3 and 4 of this act.

Sec. 8. NRS 278.0201 is hereby amended to read as follows:

278.0201 1. In the manner prescribed by ordinance, a governing body may, upon application of any person having a legal or equitable interest in land, enter into an agreement with that person concerning the development of that land. ~~[This agreement must describe]~~

2. *An agreement entered into pursuant to this section:*

(a) *Must contain provisions ~~[describing]~~ :*

~~(1) Describing the land which is the subject of the agreement ~~[and specify specifying]~~ ;~~

~~(2) Specifying the duration of the agreement ~~[, the]~~ ;~~

~~(3) Specifying what events will constitute breach of the agreement; and~~

~~(4) Providing periods during which any breach may be cured ; and~~

(b) *May contain provisions specifying or relating to:*

~~(1) The permitted uses of the land ~~[, the]~~ ;~~

~~(2) The density or intensity of ~~[its use,]~~ the use of the land;~~

~~(3) The maximum height and size of ~~[the]~~ any proposed buildings ; ~~[and any provisions for the]~~~~

~~(4) The reservation or dedication of any portion of the land for public use ~~[. The agreement may fix the period within which construction must commence and provide for an extension of that deadline.~~~~

~~2. For an agreement entered into for the residential or commercial development of land, the governing body may extend, beyond the original deadline and beyond any extension of that deadline pursuant to subsection 1, the period within which construction must commence if the person:~~

~~(a) Applies for an extension before July 1, 2013, subject to any applicable ordinances adopted by the governing body;~~

~~(b) Demonstrates to the satisfaction of the governing body that:~~

~~(1) Financing for the residential or commercial project is not available; and~~

~~(2) The land will be leased for a renewable energy generation project; and~~

~~(c) Submits with his or her application for an extension an affidavit showing that due diligence has been used to obtain financing for the residential or commercial project. The affidavit must include, without limitation, evidence that:~~

~~(1) The project was denied financing by at least two lenders; or~~

~~(2) The person was unable to issue bonds or other securities to finance the project.~~

~~3. An agreement must not be extended pursuant to subsection 2:~~

~~(a) For more than 15 years after the original deadline or, if the deadline is extended pursuant to subsection 1, after that extension; or~~

~~—(b) If the land ceases to be leased for a renewable energy generation project, after the period established pursuant to subsection 4.~~

~~—4— If a governing body extends a deadline pursuant to subsection 2, the governing body shall establish the maximum duration of the period for which the agreement will remain valid if the land is no longer leased for a renewable energy generation project.~~

~~—5.} or for the payment of fees in lieu thereof;~~

~~(5) The protection of environmentally sensitive lands;~~

~~(6) The preservation and restoration of historic structures;~~

~~(7) The phasing or timing of construction or development on the land, including, without limitation, the dates on which all or any part of the construction or development must commence and be completed, and the terms on which any deadline may be extended;~~

~~(8) The conditions, terms, restrictions and requirements for infrastructure on the land and the financing of the public infrastructure by a person having a legal or equitable interest in the land;~~

~~(9) The conditions, terms, restrictions and requirements for annexation of land by the city or county and the phasing or timing of annexation by the city or county;~~

~~(10) ~~The conditions, terms, restrictions and requirements for deannexation of land from one city or county to another city or county and the phasing or timing of deannexation from one city or county to another city or county;~~~~

~~—(11)} The conditions, terms, restrictions and requirements relating to the intent of the governing body to include the land in an improvement district created pursuant to chapter 271 of NRS;~~

~~~~{(12)}~~ (11) A schedule of fees and charges; and~~

~~~~{(13)}~~ (12) Any other matters relating to the development of the land.~~

3. Unless the agreement otherwise provides and except as otherwise provided in subsection ~~{7,}~~ 4, the ordinances, resolutions or regulations applicable to that land and governing the permitted uses of that land, density and standards for design, improvements and construction are those in effect at the time the agreement is made.

~~{6.}~~ 4. This section does not prohibit the governing body from adopting new ordinances, resolutions or regulations applicable to that land which do not conflict with those ordinances, resolutions and regulations in effect at the time the agreement is made, except that any subsequent action by the governing body must not prevent the development of the land as set forth in the agreement. The governing body is not prohibited from denying or conditionally approving any other plan for development pursuant to any ordinance, resolution or regulation in effect at the time of that denial or approval.

~~{7.} Notwithstanding the provisions of subsection 6, if the governing body extends a deadline pursuant to subsection 2, changes to ordinances, resolutions or regulations that:~~

~~— (a) Are made after the extension is granted; and~~  
~~— (b) Enforce environmental, life or safety standards against land that the governing body determines are similar to the land for which an agreement was made pursuant to this section;~~

~~→ apply to the land for which the agreement was made.~~

~~— 8. The provisions of subsection 2 of NRS 278.315 and NRS 278.350 and 278.360 do not apply if an agreement entered into pursuant to this section contains provisions which are contrary to the respective sections.~~

~~— 9. As used in this section, "environmental, life or safety standards" includes, without limitation:~~

~~— (a) Standards and codes relating to the usage of water; and~~

~~— (b) Any specialized or uniform code related to environmental, life or safety standards.~~

~~— 5. Except as specifically set forth in this section, an agreement entered into pursuant to this section does not limit the authority of a governing body, pursuant to the provisions of this title, to regulate the development of land.]~~

Sec. 9. NRS 278.0205 is hereby amended to read as follows:

278.0205 1. ~~[The]~~ An agreement for development of land entered into pursuant to NRS 278.0201 may be amended or cancelled, in whole or in part, by ~~[mutual]~~ :

(a) Mutual consent of the parties to the agreement or their successors in interest ~~[, except that]~~ ; or

(b) ~~[The]~~ Subject to the requirements of this section and section 4 of this act, the governing body without the consent of the other parties to the agreement or their successors in interest, if the governing body determines, upon a review of the development of the land held at least once every 24 months ~~[and after a hearing is conducted pursuant to section 4 of this act, that the other parties]~~ that:

(1) A party to the agreement or ~~[their successors]~~ a successor in interest ~~[are not complying in good faith with]~~ is in breach of any of the terms or conditions of the agreement ~~[are not being complied with, it may cancel or amend the agreement without the consent of the breaching party.]~~ and:

(I) Any applicable period set forth in the agreement for curing the breach has passed; or ~~[that any other]~~

(II) If the agreement does not contain an applicable period for curing the breach, the governing body has provided the party in breach with notice that the party is in breach and has provided the party not less than 30 days to cure the breach; or

(2) Any event has occurred ~~[through which another party to the agreement or his or her successor in interest is in breach of the agreement, including, without limitation, because of]~~ which demonstrates that a party to the agreement or a successor in interest is unable to perform his or her duties set forth in the agreement, including, without limitation, the insolvency or bankruptcy of the party or his or her successor in interest, the

*appointment of a receiver for the party or his or her successor in interest or the commission of fraud by the party or his or her successor in interest.*

2. ~~Notice~~ *In addition to the notice requirement set forth in subsection 1 of section 4 of this act, notice of intention to amend or cancel any portion of the agreement must be given by publication in a newspaper of general circulation in the applicable city or county. The governing body may approve cancellation of the agreement by ordinance or approve any amendment to the agreement by ordinance if the amendment is consistent with the master plan. The original of the notice of cancellation or the amendment must be filed for recording with the county recorder or the recorder of Carson City.*

~~3. An amendment to an agreement entered into pursuant to NRS 278.0201 may include, without limitation, the removal of one or more parcels of land from the scope of the agreement. Such an amendment may be made for the purpose of restricting the scope of the existing agreement or for the purpose of entering into a new agreement pursuant to NRS 278.0201 for the development of the parcel or parcels.~~

~~4. If an agreement entered into pursuant to NRS 278.0201 is cancelled or an amendment to the agreement removes one or more parcels of land from the agreement, the governing body may regulate the land and the uses of the land consistent with the provisions of this title and without regard to the conditions, terms, restrictions and requirements set forth in the agreement.~~

Sec. 10. NRS 278.0235 is hereby amended to read as follows:

278.0235 ~~No~~ *Except as otherwise provided in section 4 of this act, no* action or proceeding may be commenced for the purpose of seeking judicial relief or review from or with respect to any final action, decision or order of any governing body, commission or board authorized by NRS 278.010 to 278.630, inclusive, *and sections 2, 3 and 4 of this act* unless the action or proceeding is commenced within 25 days after the date of filing of notice of the final action, decision or order with the clerk or secretary of the governing body, commission or board.

Sec. 11. NRS 278.02591 is hereby amended to read as follows:

278.02591 1. A governing body may establish, independently or in conjunction with another governing body, an analysis of the cost to construct infrastructure in an area which is ~~relatively~~ undeveloped *land* and which is likely to become developed.

2. The analysis of the cost to construct infrastructure in an area that is ~~relatively~~ undeveloped *land* must include, without limitation:

(a) A precise description of the area, either in the form of a legal description or by reference to roadways, lakes and waterways, railroads or similar landmarks, and township, county or city boundaries;

(b) An estimate of the expected total population of the area when the land becomes fully developed;

(c) An assessment of the infrastructure that will be necessary to support the area when it becomes fully developed according to the master plan adopted by the governing body pursuant to NRS 278.220; and

(d) A plan for the development of the infrastructure which includes, without limitation:

(1) Any minimum requirements for the development of infrastructure that have been determined by the regional planning coalition;

(2) A plan to meet the anticipated needs of the area for police and fire protection, parks, roads, regional transportation and flood control facilities when the land becomes fully developed;

(3) An estimate of the date on which each phase of the development will occur;

(4) The manner in which the plan for the development of the infrastructure will be implemented; and

(5) An economic analysis of the cost to plan and develop fully the infrastructure for the area.

3. The governing body may, if it finds that the analysis of the projected need for infrastructure is consistent with the master plan, approve the analysis by ordinance.

4. The governing body shall provide the necessary copies of the analysis to the regional planning coalition for review and information.

Sec. 12. NRS 278.02598 is hereby amended to read as follows:

278.02598 1. A governing body may carry out the plan for infrastructure by negotiating master development agreements, independently or in conjunction with an interlocal agreement for the area.

2. As used in this section, "master development agreement" means a written agreement:

(a) Between a governing body and a person who has a legal or equitable interest in land that is entered into upon the application of the person who wishes to develop that land;

(b) To enable the governing body to distribute equitably the costs to develop infrastructure for an area of land that is ~~largely undeveloped;~~ *undeveloped land*; and

(c) That is based on an analysis of the need for infrastructure that is prepared pursuant to NRS 278.02591.

Sec. 13. NRS 278.02788 is hereby amended to read as follows:

278.02788 1. If a city has a sphere of influence that is designated in the comprehensive regional plan, the city shall adopt a master plan concerning the territory within the sphere of influence. The master plan and any ordinance required by the master plan must be consistent with the comprehensive regional plan. After adoption and certification of a master plan concerning the territory within the sphere of influence and after adopting the ordinances required by the master plan, if any, the city may exercise any power conferred pursuant to NRS 278.010 to 278.630, inclusive, *and sections 2, 3 and 4 of this act* within its sphere of influence.

2. If the comprehensive regional plan designates that all or part of the sphere of influence of a city is a joint planning area, the master plan and any

ordinance adopted by the city pursuant to subsection 1 must be consistent with the master plan that is adopted for the joint planning area.

3. Before certification of the master plan for the sphere of influence pursuant to NRS 278.028, any action taken by the county pursuant to NRS 278.010 to 278.630, inclusive, *and sections 2, 3 and 4 of this act* within the sphere of influence of a city must be consistent with the comprehensive regional plan.

4. A person, county or city that is represented on the governing board and is aggrieved by a final determination of the county or, after the certification of the master plan for a sphere of influence, is aggrieved by a final determination of the city, concerning zoning, a subdivision map, a parcel map or the use of land within the sphere of influence may appeal the decision to the regional planning commission within 30 days after the determination. A person, county or city that is aggrieved by the determination of the regional planning commission may appeal the decision to the governing board within 30 days after the determination. A person, county or city that is aggrieved by the determination of the governing board may seek judicial review of the decision within 25 days after the determination.

Sec. 14. NRS 278.160 is hereby amended to read as follows:

278.160 1. Except as otherwise provided in this section and NRS 278.150 and 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following elements or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) A conservation element, which must include:

(1) A conservation plan for the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The conservation plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The conservation plan must also indicate the maximum tolerable level of air pollution.

(2) A solid waste disposal plan showing general plans for the disposal of solid waste.

(b) A historic preservation element, which must include:

(1) A historic neighborhood preservation plan which:

(I) Must include, without limitation, a plan to inventory historic neighborhoods and a statement of goals and methods to encourage the preservation of historic neighborhoods.

(II) May include, without limitation, the creation of a commission to monitor and promote the preservation of historic neighborhoods.

(2) A historical properties preservation plan setting forth an inventory of significant historical, archaeological, paleontological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(c) A housing element, which must include, without limitation:

(1) An inventory of housing conditions and needs, and plans and procedures for improving housing standards and providing adequate housing to individuals and families in the community, regardless of income level.

(2) An inventory of existing affordable housing in the community, including, without limitation, housing that is available to rent or own, housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government, and housing that is accessible to persons with disabilities.

(3) An analysis of projected growth and the demographic characteristics of the community.

(4) A determination of the present and prospective need for affordable housing in the community.

(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

(6) An analysis of the characteristics of the land that is suitable for residential development. The analysis must include, without limitation:

(I) A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and

(II) An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land-use planning restrictions that affect such parcels.

(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.

(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community for a period of at least 5 years.

(d) A land use element, which must include:

(1) Provisions concerning community design, including standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(2) A land use plan, including an inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:

(I) Must, if applicable, address mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts. The land use plan must also, if applicable, address the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.

(II) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

(3) In any county whose population is 700,000 or more, a rural neighborhoods preservation plan showing general plans to preserve the character and density of rural neighborhoods.

(e) A public facilities and services element, which must include:

(1) An economic plan showing recommended schedules for the allocation and expenditure of public money to provide for the economical and timely execution of the various components of the plan.

(2) A population plan setting forth an estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

(3) An aboveground utility plan that shows corridors designated for the construction of aboveground utilities and complies with the provisions of NRS 278.165.

(4) Provisions concerning public buildings showing the locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(5) Provisions concerning public services and facilities showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145. If a public utility which provides electric service notifies the planning commission that a new transmission line or substation will be required to support the master plan, those facilities must be included in the master plan. The utility is not required to obtain an easement for any such transmission line as a prerequisite to the inclusion of the transmission line in the master plan.

(6) A school facilities plan showing the general locations of current and future school facilities based upon information furnished by the appropriate county school district.

(f) A recreation and open space element, which must include a recreation plan showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(g) A safety element, which must include:



(1) In any county whose population is 700,000 or more, a safety plan identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The safety plan may set forth policies for avoiding or minimizing the risks from those hazards.

(2) A seismic safety plan consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

(h) A transportation element, which must include:

(1) A streets and highways plan showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

(2) A transit plan showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.

(3) A transportation plan showing a comprehensive transportation system, including, without limitation, locations of rights-of-way, terminals, viaducts and grade separations. The transportation plan may also include port, harbor, aviation and related facilities.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other elements as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, *and sections 2, 3 and 4 of this act* prohibits the preparation and adoption of any such element as a part of the master plan.

Sec. 15. NRS 119.128 is hereby amended to read as follows:

119.128 An exemption pursuant to this chapter is not an exemption from the provisions of NRS 278.010 to 278.630, inclusive ~~[ ]~~, *and sections 2, 3 and 4 of this act*.

Sec. 16. NRS 119.340 is hereby amended to read as follows:

119.340 The provisions of this chapter are in addition to and not a substitute for NRS 278.010 to 278.630, inclusive ~~[ ]~~, *and sections 2, 3 and 4 of this act*.

Sec. 17. NRS 270.180 is hereby amended to read as follows:

270.180 NRS 270.160 and 270.170 are intended to supplement and not to supersede the existing laws relating to the vacation of city and town plats and do not apply to land divided pursuant to NRS 278.010 to 278.630, inclusive ~~[ ]~~, *and sections 2, 3 and 4 of this act*.

Sec. 17.5. 1. Except as otherwise provided in subsection 2, the amendatory provisions of this act apply to all agreements for the development of land that are entered into pursuant to NRS 278.0201 before, on or after July 1, 2015.

2. The provisions of paragraph (a) of subsection 2 of NRS 278.0201, as amended by section 8 of this act, do not apply to agreements for the development of land entered into before July 1, 2015.

Sec. 18. This act becomes effective on July 1, 2015.

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

Amendment No. 107 to Senate Bill No. 66 deletes outdated provisions relating to the extension of construction for a residential or commercial development agreement converted to a renewable energy generation projects if applied for by July 1, 2013, so clearly outdated; and further revises the process to amend or cancel local governmental agreements for the development of land. Some land development projects that have failed ended up in multiple ownership, and they wanted to be able to go back and restructure those, so, I urge your support.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 87.

Bill read second time.

The following amendment was proposed by the Committee on Commerce, Labor and Energy:

Amendment No. 34.

SUMMARY—Authorizes the Public Utilities Commission of Nevada to modify resource plans submitted by certain public utilities. (BDR 58-349)

AN ACT relating to public utilities; authorizing the Public Utilities Commission of Nevada to modify resource plans submitted by certain public utilities; authorizing a public utility to consent to or reject some or all of such modifications; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a public utility that furnishes water or sewage disposal services is required periodically to file with the Public Utilities Commission of Nevada a "resource plan" to provide sufficient water or services to meet the anticipated demands of the utility's customers. The Commission is required to issue an order accepting the plan as filed or specifying any part of the plan it finds to be inadequate. If a plan is accepted by the Commission, any facility identified in the plan for acquisition or construction by the utility is deemed to be a prudent investment and the utility is entitled to recover the costs of the facility from its customers. (NRS 704.661) Section 2 of this bill authorizes the Commission to issue an order modifying such a plan and allows the utility to file a notice consenting to or rejecting some or all of the modifications. Section 2 also requires any petition for reconsideration or rehearing of the order issued by the Commission to be filed by the utility not later than 10 business days after filing the notice of consent or rejection. For the purposes of the "prudent investment" provisions, the plan is deemed to be accepted by the Commission only as to those parts of the plan accepted as filed or modified by the Commission with the consent of the utility.

Existing law also requires certain public utilities that supply electricity to submit periodically to the Commission plans to increase their supply of

electricity or decrease the demands made on their systems by their customers. (NRS 704.741) Existing law requires the Commission to issue an order accepting such a plan as filed or specifying the parts of the plan that the Commission deems to be inadequate. (NRS 704.751) The Commission's acceptance of such a plan likewise results in certain facilities, or the elimination of certain facilities, being deemed to be a prudent investment by the utility. (NRS 704.110) Section 3 of this bill authorizes the Commission to issue an order modifying such a plan and provides that the utility may consent to or reject some or all of the modifications by filing a notice to that effect. Any petition for reconsideration or rehearing again must be filed not later than 10 business days after the notice of consent or rejection is filed. Again, for the purposes described above, section 1 of this bill provides that only the parts of the plan accepted by the Commission as filed or modified with the consent of the utility are deemed to be accepted by the Commission.

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

Section 1. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075 and 704.68861 to 704.68887, inclusive, or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097:

1. If a public utility files with the Commission an application to make changes in any schedule, including, without limitation, changes that will result in a discontinuance, modification or restriction of service, the Commission shall investigate the propriety of the proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate application or an annual deferred energy accounting adjustment application, the Consumer's Advocate shall be deemed a party of record.

2. Except as otherwise provided in subsection 3, if a public utility files with the Commission an application to make changes in any schedule, the Commission shall, not later than 210 days after the date on which the application is filed, issue a written order approving or disapproving, in whole or in part, the proposed changes.

3. If a public utility files with the Commission a general rate application, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. Except as otherwise provided in subsection 4, in determining whether to approve or disapprove any increased rates, the Commission shall consider evidence in support of the increased rates based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the Commission and changes in the costs of securities which are known and are measurable with reasonable accuracy at the time of filing and which will

become effective within 6 months after the last month of those 12 months, but the public utility shall not place into effect any increased rates until the changes have been experienced and certified by the public utility to the Commission and the Commission has approved the increased rates. The Commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the date on which the certification required by this subsection is filed with the Commission, or within the period set forth in subsection 2, whichever time is longer, the Commission shall make such order in reference to the increased rates as is required by this chapter. The following public utilities shall each file a general rate application pursuant to this subsection based on the following schedule:

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application not later than 5 p.m. on or before the first Monday in June 2010, and at least once every 36 months thereafter.

(b) An electric utility that primarily serves densely populated counties shall file a general rate application not later than 5 p.m. on or before the first Monday in June 2011, and at least once every 36 months thereafter.

(c) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of \$2,000,000 or more for at least 1 year during the immediately preceding 3 years and which had not filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2008, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission. If a public utility furnishes both water and services for the disposal of sewage, its annual gross operating revenue for each service must be considered separately for determining whether the public utility meets the requirements of this paragraph for either service.

(d) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of \$2,000,000 or more for at least 1 year during the immediately preceding 3 years and which had filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2009, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission. If a public utility furnishes both water and services for the disposal of sewage, its annual gross operating revenue for each service must be considered separately for determining whether the public utility meets the requirements of this paragraph for either service.

↪ The Commission shall adopt regulations setting forth standards for waivers pursuant to paragraphs (c) and (d) and for including the costs incurred by the public utility in preparing and presenting the general rate application before the effective date of any change in rates.

4. In addition to submitting the statement required pursuant to subsection 3, a public utility may submit with its general rate application a statement showing the effects, on an annualized basis, of all expected changes in circumstances. If such a statement is filed, it must include all increases and decreases in revenue and expenses which may occur within 210 days after the date on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable with reasonable accuracy. If a public utility submits such a statement, the public utility has the burden of proving that the expected changes in circumstances set forth in the statement are reasonably known and are measurable with reasonable accuracy. The Commission shall consider expected changes in circumstances to be reasonably known and measurable with reasonable accuracy if the expected changes in circumstances consist of specific and identifiable events or programs rather than general trends, patterns or developments, have an objectively high probability of occurring to the degree, in the amount and at the time expected, are primarily measurable by recorded or verifiable revenues and expenses and are easily and objectively calculated, with the calculation of the expected changes relying only secondarily on estimates, forecasts, projections or budgets. If the Commission determines that the public utility has met its burden of proof:

(a) The Commission shall consider the statement submitted pursuant to this subsection and evidence relevant to the statement, including all reasonable projected or forecasted offsets in revenue and expenses that are directly attributable to or associated with the expected changes in circumstances under consideration, in addition to the statement required pursuant to subsection 3 as evidence in establishing just and reasonable rates for the public utility; and

(b) The public utility is not required to file with the Commission the certification that would otherwise be required pursuant to subsection 3.

5. If a public utility files with the Commission an application to make changes in any schedule and the Commission does not issue a final written order regarding the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the Commission.

6. If a public utility files with the Commission a general rate application, the public utility shall not file with the Commission another general rate application until all pending general rate applications filed by that public utility have been decided by the Commission unless, after application and hearing, the Commission determines that a substantial financial emergency would exist if the public utility is not permitted to file another general rate

application sooner. The provisions of this subsection do not prohibit the public utility from filing with the Commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 7, a quarterly rate adjustment pursuant to subsection 8 or 10, any information relating to deferred accounting requirements pursuant to NRS 704.185 or an annual deferred energy accounting adjustment application pursuant to NRS 704.187, if the public utility is otherwise authorized to so file by those provisions.

7. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to:

(a) An electric utility which is required to adjust its rates on a quarterly basis pursuant to subsection 10; or

(b) A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis pursuant to subsection 8.

8. A public utility which purchases natural gas for resale must request approval from the Commission to adjust its rates on a quarterly basis between annual rate adjustment applications based on changes in the public utility's recorded costs of natural gas purchased for resale. A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis may request approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. The Commission shall approve or deny such a request not later than 120 days after the application is filed with the Commission. The Commission may approve the request if the Commission finds that approval of the request is in the public interest. If the Commission approves a request to make quarterly adjustments to the deferred energy accounting adjustment of a public utility pursuant to this subsection, any quarterly adjustment to the deferred energy accounting adjustment must not exceed 2.5 cents per therm of natural gas. If the balance of the public utility's deferred account varies by less than 5 percent from the public utility's annual recorded costs of natural gas which are used to calculate quarterly rate adjustments, the deferred energy accounting adjustment must be set to zero cents per therm of natural gas.

9. If the Commission approves a request to make any rate adjustments on a quarterly basis pursuant to subsection 8:

(a) The public utility shall file written notice with the Commission before the public utility makes a quarterly rate adjustment. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The public utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill. The public utility shall begin providing such written notice to its customers not later than 30 days after the date on which the

public utility files its written notice with the Commission pursuant to paragraph (a). The written notice that is included with a customer's regular monthly bill:

(1) Must be printed separately on fluorescent-colored paper and must not be attached to the pages of the bill; and

(2) Must include the following:

(I) The total amount of the increase or decrease in the public utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission;

(IV) A statement that the transactions and recorded costs of natural gas which are the basis for any quarterly rate adjustment will be reviewed for reasonableness and prudence in the next proceeding held by the Commission to review the annual rate adjustment application pursuant to paragraph (d); and

(V) Any other information required by the Commission.

(c) The public utility shall file an annual rate adjustment application with the Commission. The annual rate adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual rate adjustment application must include a review of each quarterly rate adjustment and the transactions and recorded costs of natural gas included in each quarterly filing and the annual rate adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the public utility to recover any recorded costs of natural gas which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the public utility, and the Commission shall order the public utility to adjust its rates if the Commission determines that any recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application were not reasonable or prudent.

10. An electric utility shall adjust its rates on a quarterly basis based on changes in the electric utility's recorded costs of purchased fuel or purchased power. In addition to adjusting its rates on a quarterly basis, an electric utility may request approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. The Commission shall approve or deny such a request not later than 120 days after the application is filed with

the Commission. The Commission may approve the request if the Commission finds that approval of the request is in the public interest. If the Commission approves a request to make quarterly adjustments to the deferred energy accounting adjustment of an electric utility pursuant to this subsection, any quarterly adjustment to the deferred energy accounting adjustment must not exceed 0.25 cents per kilowatt-hour of electricity. If the balance of the electric utility's deferred account varies by less than 5 percent from the electric utility's annual recorded costs for purchased fuel or purchased power which are used to calculate quarterly rate adjustments, the deferred energy accounting adjustment must be set to zero cents per kilowatt-hour of electricity.

11. A quarterly rate adjustment filed pursuant to subsection 10 is subject to the following requirements:

(a) The electric utility shall file written notice with the Commission on or before August 15, 2007, and every quarter thereafter of the quarterly rate adjustment to be made by the electric utility for the following quarter. The first quarterly rate adjustment by the electric utility will take effect on October 1, 2007, and each subsequent quarterly rate adjustment will take effect every quarter thereafter. The first quarterly adjustment to a deferred energy accounting adjustment must be made pursuant to an order issued by the Commission approving the application of an electric utility to make quarterly adjustments to its deferred energy accounting adjustment. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The electric utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill. The electric utility shall begin providing such written notice to its customers not later than 30 days after the date on which the electric utility files a written notice with the Commission pursuant to paragraph (a). The written notice that is included with a customer's regular monthly bill:

(1) Must be printed separately on fluorescent-colored paper and must not be attached to the pages of the bill; and

(2) Must include the following:

(I) The total amount of the increase or decrease in the electric utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission;

(IV) A statement that the transactions and recorded costs of purchased fuel or purchased power which are the basis for any quarterly rate adjustment will be reviewed for reasonableness and prudence in the next



proceeding held by the Commission to review the annual deferred energy accounting adjustment application pursuant to paragraph (d); and

(V) Any other information required by the Commission.

(c) The electric utility shall file an annual deferred energy accounting adjustment application pursuant to NRS 704.187 with the Commission. The annual deferred energy accounting adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual deferred energy accounting adjustment application must include a review of each quarterly rate adjustment and the transactions and recorded costs of purchased fuel and purchased power included in each quarterly filing and the annual deferred energy accounting adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application, and the electric utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the electric utility to recover any recorded costs of purchased fuel and purchased power which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the electric utility, and the Commission shall order the electric utility to adjust its rates if the Commission determines that any recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application were not reasonable or prudent.

12. If an electric utility files an annual deferred energy accounting adjustment application pursuant to subsection 11 and NRS 704.187 while a general rate application is pending, the electric utility shall:

(a) Submit with its annual deferred energy accounting adjustment application information relating to the cost of service and rate design; and

(b) Supplement its general rate application with the same information, if such information was not submitted with the general rate application.

13. A utility facility identified in a 3-year plan submitted pursuant to NRS 704.741 and accepted by the Commission for acquisition or construction pursuant to NRS 704.751 and the regulations adopted pursuant thereto, or the retirement or elimination of a utility facility identified in an emissions reduction and capacity replacement plan submitted pursuant to NRS 704.7316 and accepted by the Commission for retirement or elimination pursuant to NRS 704.751 and the regulations adopted pursuant thereto, shall be deemed to be a prudent investment. The utility may recover all just and reasonable costs of planning and constructing, or retiring or eliminating, as applicable, such a facility. *For the purposes of this subsection, a plan or an*

*amendment to a plan shall be deemed to be accepted by the Commission only as to that portion of the plan or amendment accepted as filed or modified with the consent of the utility pursuant to NRS 704.751.*

14. In regard to any rate or schedule approved or disapproved pursuant to this section, the Commission may, after a hearing:

(a) Upon the request of the utility, approve a new rate but delay the implementation of that new rate:

(1) Until a date determined by the Commission; and

(2) Under conditions as determined by the Commission, including, without limitation, a requirement that interest charges be included in the collection of the new rate; and

(b) Authorize a utility to implement a reduced rate for low-income residential customers.

15. The Commission may, upon request and for good cause shown, permit a public utility which purchases natural gas for resale or an electric utility to make a quarterly adjustment to its deferred energy accounting adjustment in excess of the maximum allowable adjustment pursuant to subsection 8 or 10.

16. A public utility which purchases natural gas for resale or an electric utility that makes quarterly adjustments to its deferred energy accounting adjustment pursuant to subsection 8 or 10 may submit to the Commission for approval an application to discontinue making quarterly adjustments to its deferred energy accounting adjustment and to subsequently make annual adjustments to its deferred energy accounting adjustment. The Commission may approve an application submitted pursuant to this subsection if the Commission finds that approval of the application is in the public interest.

17. As used in this section:

(a) "Deferred energy accounting adjustment" means the rate of a public utility which purchases natural gas for resale or an electric utility that is calculated by dividing the balance of a deferred account during a specified period by the total therms or kilowatt-hours which have been sold in the geographical area to which the rate applies during the specified period.

(b) "Electric utility" has the meaning ascribed to it in NRS 704.187.

(c) "Electric utility that primarily serves densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is 700,000 or more than it does from customers located in counties whose population is less than 700,000.

(d) "Electric utility that primarily serves less densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is less than 700,000 than it does from customers located in counties whose population is 700,000 or more.

Sec. 2. NRS 704.661 is hereby amended to read as follows:

704.661 1. Except as otherwise provided in this section, a public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, and which had an annual gross operating revenue of \$1,000,000 or more for at least 1 year during the immediately preceding 3 years shall, on or before March 1 of every third year, in the manner specified by the Commission, submit a plan to the Commission to provide sufficient water or services for the disposal of sewage to satisfy the demand made on its system by its customers. If a public utility furnishes both water and services for the disposal of sewage, its annual gross operating revenue for each service must be considered separately for determining whether the public utility meets the requirements of this subsection for either service.

2. A public utility may request a waiver from the requirements of subsection 1 by submitting such a request in writing to the Commission not later than 180 days before the date on which the plan is required to be submitted pursuant to subsection 1. A request for a waiver must include proof satisfactory that the public utility will not experience a significant increase in demand for its services or require the acquisition or construction of additional infrastructure to meet present or future demand during the 3-year period covered by the plan which the public utility would otherwise be required to submit pursuant to subsection 1.

3. The Commission shall, not later than 45 days after receiving a request for a waiver pursuant to subsection 2, issue an order approving or denying the request. The Commission shall not approve the request of a public utility for a waiver for consecutive 3-year periods.

4. The Commission:

(a) Shall adopt regulations to provide for the contents of and the method and schedule for preparing, submitting, reviewing and approving a plan submitted pursuant to subsection 1; and

(b) May adopt regulations relating to the submission of requests for waivers pursuant to subsection 2.

5. Not later than 180 days after a public utility has filed a plan pursuant to subsection 1, the Commission shall issue an order accepting *or modifying* the plan ~~as filed~~ or specifying any portion of the plan it finds to be inadequate. *If the Commission issues an order modifying the plan, the public utility may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.*

6. If a plan submitted pursuant to subsection 1 and accepted by the Commission pursuant to subsection 5 and any regulations adopted pursuant to subsection 4 identifies a facility for acquisition or construction, the facility

shall be deemed to be a prudent investment and the public utility may recover all just and reasonable costs of planning and constructing or acquiring the facility. *For the purposes of this subsection, a plan shall be deemed to be accepted by the Commission only as to that portion of the plan accepted as filed or modified with the consent of the public utility pursuant to subsection 5.*

7. All prudent and reasonable expenditures made by a public utility to develop a plan filed pursuant to subsection 1, including, without limitation, any environmental, engineering or other studies, must be recovered from the rates charged to the public utility's customers.

Sec. 3. NRS 704.751 is hereby amended to read as follows:

704.751 1. After a utility has filed the plan required pursuant to NRS 704.741, the Commission shall issue an order accepting *or modifying* the plan ~~as filed~~ or specifying any portions of the plan it deems to be inadequate:

(a) Within 135 days for any portion of the plan relating to the energy supply plan for the utility for the 3 years covered by the plan; and

(b) Within 180 days for all portions of the plan not described in paragraph (a).

➔ *If the Commission issues an order modifying the plan, the utility may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.*

2. If a utility files an amendment to a plan, the Commission shall issue an order accepting *or modifying* the amendment ~~as filed~~ or specifying any portions of the amendment it deems to be inadequate:

(a) Within 135 days after the filing of the amendment; or

(b) Within 180 days after the filing of the amendment for all portions of the amendment which contain an element of the emissions reduction and capacity replacement plan.

➔ *If the Commission issues an order modifying the amendment, the utility may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.*

3. All prudent and reasonable expenditures made to develop the utility's plan, including environmental, engineering and other studies, must be recovered from the rates charged to the utility's customers.

4. The Commission may accept a transmission plan submitted pursuant to subsection 4 of NRS 704.741 for a renewable energy zone if the

Commission determines that the construction or expansion of transmission facilities would facilitate the utility meeting the portfolio standard, as defined in NRS 704.7805.

5. The Commission shall adopt regulations establishing the criteria for determining the adequacy of a transmission plan submitted pursuant to subsection 4 of NRS 704.741.

6. Any order issued by the Commission accepting *or modifying* an element of an emissions reduction and capacity replacement plan must include provisions authorizing the electric utility to construct or acquire and own electric generating plants necessary to meet the capacity amounts approved in, and carry out the provisions of, the plan. As used in this subsection, "capacity" means an amount of firm electric generating capacity used by the electric utility for the purpose of preparing a plan filed with the Commission pursuant to NRS 704.736 to 704.754, inclusive.

Sec. 4. This act becomes effective upon passage and approval.

Senator Settlemeyer moved the adoption of the amendment.

Remarks by Senator Settlemeyer.

Amendment No. 34 makes one change to Senate Bill No. 87. The amendment clarifies that the time frame to file a petition for reconsideration or rehearing must begin on the date the notice is filed.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 127.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 81.

SUMMARY—Revises provisions relating to the Department of Motor Vehicles. (BDR 43-601)

AN ACT relating to motor vehicles; revising provisions governing the issuance by the Department of Motor Vehicles of a refund or credit for certain fees and taxes paid upon the transfer or cancellation of vehicle registration in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who has registered his or her vehicle with the Department of Motor Vehicles may transfer that registration to another vehicle upon filing an application for transfer of registration. In computing the registration fee and governmental services tax due on the vehicle to which the registration is transferred, the Department must credit against the amounts due the portion of the registration fee and governmental services tax paid on the vehicle from which the registration is being transferred attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis. If the amount owed on the registration fee

or governmental services tax on the vehicle to which the registration is transferred is less than the credit on the registration fee or governmental services tax paid on the vehicle from which the registration is transferred, no refund may be allowed by the Department. (NRS 482.399) Section 1 of this bill provides that, if the amount owed on the registration fee or governmental services tax on the vehicle to which the registration is transferred is less than the credit on the registration fee or governmental services tax paid on the vehicle from which the registration is transferred, the person may apply the unused portion of the credit to the registration of any ~~obligation due to~~ other vehicle owned by the person ~~to the Department.~~ Any unused portion of such a credit expires ~~(1 year after)~~ on the date ~~of~~ the registration of the vehicle ~~to~~ from which the registration was transferred, ~~it~~ was due to expire.

Existing law also provides that a person who cancels his or her registration and surrenders to the Department the license plates for that vehicle under certain circumstances may be eligible for a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis. To be eligible for such a refund, the amount of the refund must exceed \$100 and the person must: (1) request the refund at the time the registration is cancelled and the license plates are returned; (2) be a resident of this State; and (3) provide evidence to the Department of extenuating circumstances. (NRS 482.399) Section 1 provides that the Department must issue to a person who is not eligible for such a refund a credit equal to the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis. Such a credit may be applied by the person to the registration of any ~~obligation due to the Department,~~ other vehicle owned by the person and any unused portion of the credit expires ~~(1 year after)~~ on the date ~~of issue,~~ the registration of the vehicle from which the person obtained the refund was due to expire.

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

Section 1. NRS 482.399 is hereby amended to read as follows:

482.399 1. Upon the transfer of the ownership of or interest in any vehicle by any holder of a valid registration, or upon destruction of the vehicle, the registration expires.

2. Except as otherwise provided in subsection 3 of NRS 482.483, the holder of the original registration may transfer the registration to another vehicle to be registered by the holder and use the same regular license plate or plates or special license plate or plates issued pursuant to NRS 482.3667 to 482.3823, inclusive, or 482.384, on the vehicle from which the registration is being transferred, if the license plate or plates are appropriate for the second vehicle, upon filing an application for transfer of registration and upon paying the transfer registration fee and the excess, if any, of the registration fee and governmental services tax on the vehicle to which the registration is

transferred over the total registration fee and governmental services tax paid on all vehicles from which he or she is transferring ownership or interest. Except as otherwise provided in NRS 482.294, an application for transfer of registration must be made in person, if practicable, to any office or agent of the Department or to a registered dealer, and the license plate or plates may not be used upon a second vehicle until registration of that vehicle is complete.

3. In computing the governmental services tax, the Department, its agent or the registered dealer shall credit the portion of the tax paid on the first vehicle attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the second vehicle or on any other vehicle of which the person is the registered owner. If any person transfers ownership or interest in two or more vehicles, the Department or the registered dealer shall credit the portion of the tax paid on all of the vehicles attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner. The certificates of registration and unused license plates of the vehicles from which a person transfers ownership or interest must be submitted before credit is given against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner.

4. In computing the registration fee, the Department or its agent or the registered dealer shall credit the portion of the registration fee paid on each vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis against the registration fee due on the vehicle to which registration is transferred.

5. If the amount owed on the registration fee or governmental services tax on the vehicle to which registration is transferred is less than the credit on the total registration fee or governmental services tax paid on all vehicles from which a person transfers ownership or interest, ~~no refund may be allowed by the Department.~~ *the person may apply the unused portion of the credit to the registration of any ~~obligation due~~ other vehicle owned by the person. ~~to the Department.~~ Any unused portion of such a credit expires ~~1~~ year after on the date ~~of~~ the registration of the vehicle ~~to~~ from which the person transferred the registration ~~it~~ was due to expire.*

6. If the license plate or plates are not appropriate for the second vehicle, the plate or plates must be surrendered to the Department or registered dealer and an appropriate plate or plates must be issued by the Department. The Department shall not reissue the surrendered plate or plates until the next succeeding licensing period.

7. If application for transfer of registration is not made within 60 days after the destruction or transfer of ownership of or interest in any vehicle, the license plate or plates must be surrendered to the Department on or before the 60th day for cancellation of the registration.

8. Except as otherwise provided in subsection 2 of NRS 371.040, ~~and~~ subsection 7 of NRS 482.260 ~~and~~ *subsection 3 of NRS 482.483*, if a person cancels his or her registration and surrenders to the Department the license plates for a vehicle, the Department shall ~~in~~ :

(a) *In accordance with the provisions of subsection 9, issue to the person a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis ~~in~~ ; or*

(b) *If the person does not qualify for a refund in accordance with the provisions of subsection 9, issue to the person a credit in the amount of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis. Such a credit may be applied by the person to the registration of any ~~obligation due to the Department~~ other vehicle owned by the person. Any unused portion of the credit expires ~~1 year~~ after being issued by the Department, on the date the registration of the vehicle from which the person obtained a refund was due to expire.*

9. The Department shall issue a refund pursuant to subsection 8 only if the request for a refund is made at the time the registration is cancelled and the license plates are surrendered, the person requesting the refund is a resident of Nevada, the amount eligible for refund exceeds \$100, and evidence satisfactory to the Department is submitted that reasonably proves the existence of extenuating circumstances. For the purposes of this subsection, the term "extenuating circumstances" means circumstances wherein:

(a) The person has recently relinquished his or her driver's license and has sold or otherwise disposed of his or her vehicle.

(b) The vehicle has been determined to be inoperable and the person does not transfer the registration to a different vehicle.

(c) The owner of the vehicle is seriously ill or has died and the guardians or survivors have sold or otherwise disposed of the vehicle.

(d) Any other event occurs which the Department, by regulation, has defined to constitute an "extenuating circumstance" for the purposes of this subsection.

Sec. 2. NRS 482.483 is hereby amended to read as follows:

482.483 In addition to any other applicable fee listed in NRS 482.480, there must be paid to the Department:

1. Except as otherwise provided in subsection 3, for every trailer or semitrailer having an unladen weight of 1,000 pounds or less, a flat registration fee of \$12.

2. Except as otherwise provided in subsection 3, for every trailer having an unladen weight of more than 1,000 pounds, a flat registration fee of \$24.

3. For any full trailer or semitrailer, other than a recreational vehicle or travel trailer, for a nontransferable registration that does not expire until the owner transfers the ownership of the full trailer or semitrailer, a flat



nonrefundable registration fee of \$24. If, pursuant to NRS 482.399, the owner of a full trailer or semitrailer that is registered pursuant to this section cancels the registration and surrenders the license plates to the Department, no portion of the flat registration fee will be refunded *or credited* to the owner.

Senator Settlemeyer moved the adoption of the amendment.

Remarks by Senator Settlemeyer.

Amendment No. 81 to Senate Bill No. 127 clarifies that unused credit from the cancellation or transfer of a motor vehicle registration expires on the expiration date of the registration of the vehicle the person surrendered or canceled, or from which the registration was transferred. It also specifies that a person may apply the unused portion of the credit only to the registration of another vehicle the person owns, rather than to any obligation due to the DMV.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 144.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 82.

SUMMARY—Revises provisions governing traffic laws. (BDR 43-72)

AN ACT relating to public safety; authorizing certain governing bodies and the Department of Transportation to designate pedestrian safety zones in certain circumstances; providing for enhanced penalties for certain traffic violations in pedestrian safety zones; revising provisions relating to vehicles and pedestrians in certain crosswalks and intersections; prohibiting a driver from making a U-turn or passing another vehicle in a school zone or a school crossing zone in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes the governing body of a local government or the Department of Transportation to designate pedestrian safety zones on a highway if certain findings are made. Section 1 also provides that a person who is convicted of a violation of a speed limit or of certain other violations is subject to a doubling of the penalty if the violation occurs in a pedestrian safety zone. Sections 2-21 and 23-30 of this bill make conforming changes to indicate the possibility of the enhanced penalty.

Existing law requires the driver of a vehicle or a pedestrian to obey certain rules at an intersection or crosswalk that is controlled by a traffic light, depending on the particular color and symbol displayed on the traffic light. (NRS 484B.307) Section 18 of this bill provides such rules for an intersection or crosswalk where the traffic light displays a flashing yellow turn arrow, displayed alone or in combination with another signal.

Existing law provides that certain maximum speed limits are in effect in school zones and school crossing zones at certain times. (NRS 484B.363) Section 22 of this bill makes it unlawful for a driver to make a U-turn or to

overtake and pass another vehicle in a school zone or a school crossing zone when the school speed limit is in effect and children are present.

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

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

1. *Except as otherwise provided in subsections 2 and 4, a person who is convicted of a violation of a speed limit, or of NRS 484B.150, 484B.163, 484B.165, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.280, 484B.283, 484B.287, 484B.300, 484B.303, 484B.307, 484B.317, 484B.320, 484B.327, 484B.403, 484B.600, 484B.603, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120, that occurred in an area designated as a pedestrian safety zone shall be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense. Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense, but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.*

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

3. *A governmental entity that designates a pedestrian safety zone shall cause to be erected:*

*(a) A sign located before the beginning of the pedestrian safety zone which provides notice that higher fines may apply in pedestrian safety zones;*

*(b) A sign to mark the beginning of the pedestrian safety zone; and*

*(c) A sign to mark the end of the pedestrian safety zone.*

4. *A person who would otherwise be subject to an additional penalty pursuant to this section is not relieved of any criminal liability because signs are not erected as required by subsection 3 if the violation results in injury to any pedestrian in the pedestrian safety zone.*

5. *The governing body of a local government or the Department of Transportation may designate a pedestrian safety zone on a highway if the governing body or the Department of Transportation:*

*(a) Makes findings as to the necessity and appropriateness of a pedestrian safety zone, including, without limitation, any circumstances on or near a highway which make an area of the highway dangerous for pedestrians; and*

*(b) Complies with the requirements of subsection 3 and NRS 484A.430 and 484A.440.*

Sec. 2. NRS 484B.150 is hereby amended to read as follows:

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

2. Except as otherwise provided in this subsection, it is unlawful for a person to have an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is upon a highway. This subsection does not apply to:

- (a) The passenger area of a motor vehicle which is designed, maintained or used primarily for the transportation of persons for compensation; or
  - (b) The living quarters of a house coach or house trailer,
- ↳ but does apply to the driver of such a motor vehicle who is in possession or control of an open container of an alcoholic beverage.

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

4. As used in this section:

- (a) "Alcoholic beverage" has the meaning ascribed to it in NRS 202.015.
- (b) "Open container" means a container which has been opened or the seal of which has been broken.
- (c) "Passenger area" means that area of a vehicle which is designed for the seating of the driver or a passenger.

Sec. 3. NRS 484B.163 is hereby amended to read as follows:

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

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

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

4. A person who violates any provision of this section may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 ~~or section 1 of this act.~~

Sec. 4. NRS 484B.165 is hereby amended to read as follows:

484B.165 1. Except as otherwise provided in this section, a person shall not, while operating a motor vehicle on a highway in this State:

- (a) Manually type or enter text into a cellular telephone or other handheld wireless communications device, or send or read data using any such device to access or search the Internet or to engage in nonvoice communications with another person, including, without limitation, texting, electronic messaging and instant messaging.

- (b) Use a cellular telephone or other handheld wireless communications device to engage in voice communications with another person, unless the device is used with an accessory which allows the person to communicate without using his or her hands, other than to activate, deactivate or initiate a feature or function on the device.

2. The provisions of this section do not apply to:

(a) A paid or volunteer firefighter, emergency medical technician, advanced emergency medical technician, paramedic, ambulance attendant or other person trained to provide emergency medical services who is acting within the course and scope of his or her employment.

(b) A law enforcement officer or any person designated by a sheriff or chief of police or the Director of the Department of Public Safety who is acting within the course and scope of his or her employment.

(c) A person who is reporting a medical emergency, a safety hazard or criminal activity or who is requesting assistance relating to a medical emergency, a safety hazard or criminal activity.

(d) A person who is responding to a situation requiring immediate action to protect the health, welfare or safety of the driver or another person and stopping the vehicle would be inadvisable, impractical or dangerous.

(e) A person who is licensed by the Federal Communications Commission as an amateur radio operator and who is providing a communication service in connection with an actual or impending disaster or emergency, participating in a drill, test, or other exercise in preparation for a disaster or emergency or otherwise communicating public information.

(f) An employee or contractor of a public utility who uses a handheld wireless communications device:

(1) That has been provided by the public utility; and

(2) While responding to a dispatch by the public utility to respond to an emergency, including, without limitation, a response to a power outage or an interruption in utility service.

3. The provisions of this section do not prohibit the use of a voice-operated global positioning or navigation system that is affixed to the vehicle.

4. A person who violates any provision of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense within the immediately preceding 7 years, shall pay a fine of \$50.

(b) For the second offense within the immediately preceding 7 years, shall pay a fine of \$100.

(c) For the third or subsequent offense within the immediately preceding 7 years, shall pay a fine of \$250.

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

6. The Department of Motor Vehicles shall not treat a first violation of this section in the manner statutorily required for a moving traffic violation.

7. For the purposes of this section, a person shall be deemed not to be operating a motor vehicle if the motor vehicle is driven autonomously through the use of artificial-intelligence software and the autonomous operation of the motor vehicle is authorized by law.

8. As used in this section:

(a) "Handheld wireless communications device" means a handheld device for the transfer of information without the use of electrical conductors or wires and includes, without limitation, a cellular telephone, a personal digital assistant, a pager and a text messaging device. The term does not include a device used for two-way radio communications if:

(1) The person using the device has a license to operate the device, if required; and

(2) All the controls for operating the device, other than the microphone and a control to speak into the microphone, are located on a unit which is used to transmit and receive communications and which is separate from the microphone and is not intended to be held.

(b) "Public utility" means a supplier of electricity or natural gas or a provider of telecommunications service for public use who is subject to regulation by the Public Utilities Commission of Nevada.

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle upon observing the overtaking vehicle or hearing a signal.

The driver of an overtaken vehicle shall not increase the speed of the vehicle until completely passed by the overtaking vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a

hazard in the event another vehicle might approach from the opposite direction.

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

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

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

4. A person who violates any provision of this section may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 ~~or section 1 of this act.~~

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

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

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

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

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

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

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

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

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

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

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

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

(b) In preparation for a left turn; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Exercise due care to avoid a collision with a pedestrian;

(b) Give an audible warning with the horn of the vehicle if appropriate and when necessary to avoid such a collision; and

(c) Exercise proper caution upon observing a pedestrian:

(1) On or near a highway, street or road;

(2) At or near a bus stop or bench, shelter or transit stop for passengers of public mass transportation or in the act of boarding a bus or other public transportation vehicle; or

(3) In or near a *school zone* or a school crossing zone marked in accordance with NRS 484B.363 or a marked or unmarked crosswalk.



2. If, while violating any provision of this section, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

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

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

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

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

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

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

(d) Whenever signals exhibiting the words "Walk" or "Don't Walk" are in place, such signals indicate as follows:

(1) While the "Walk" indication is illuminated, pedestrians facing the signal may proceed across the highway in the direction of the signal and must be given the right-of-way by the drivers of all vehicles.

(2) While the "Don't Walk" indication is illuminated, either steady or flashing, a pedestrian shall not start to cross the highway in the direction of the signal, but any pedestrian who has partially completed the crossing during the "Walk" indication shall proceed to a sidewalk, or to a safety zone if one is provided.

(3) Whenever the word "Wait" still appears in a signal, the indication has the same meaning as assigned in this section to the "Don't Walk" indication.

(4) Whenever a signal system provides a signal phase for the stopping of all vehicular traffic and the exclusive movement of pedestrians, and "Walk" and "Don't Walk" indications control pedestrian movement, pedestrians may cross in any direction between corners of the intersection offering the shortest route within the boundaries of the intersection when the "Walk" indication is exhibited, and when signals and other official traffic-control devices direct pedestrian movement in the manner provided in this section and in NRS 484B.307.

2. If, while violating paragraph (a) or (c) of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian, the

driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

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

Sec. 15. NRS 484B.287 is hereby amended to read as follows:

484B.287 1. Except as provided in NRS 484B.290:

~~{1-}~~ (a) Every pedestrian crossing a highway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the highway.

~~{2-}~~ (b) Any pedestrian crossing a highway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the highway.

~~{3-}~~ (c) Between adjacent intersections at which official traffic-control devices are in operation pedestrians shall not cross at any place except in a marked crosswalk.

~~{4-}~~ (d) A pedestrian shall not cross an intersection diagonally unless authorized by official traffic-control devices.

~~{5-}~~ (e) When authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

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

Sec. 16. NRS 484B.300 is hereby amended to read as follows:

484B.300 1. Except as otherwise provided in NRS 484B.307, it is unlawful for any driver to disobey the instructions of any official traffic-control device placed in accordance with the provisions of chapters 484A to 484E, inclusive, of NRS, unless at the time otherwise directed by a police officer.

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

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

4. Any device placed pursuant to the provisions of chapters 484A to 484E, inclusive, of NRS and purporting to conform to the lawful requirements pertaining to such devices is presumed to comply with the requirements of chapters 484A to 484E, inclusive, of NRS unless the contrary is established by competent evidence.

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

Sec. 17. NRS 484B.303 is hereby amended to read as follows:

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

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

Sec. 18. NRS 484B.307 is hereby amended to read as follows:

484B.307 1. Whenever traffic is controlled by official traffic-control devices exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination as declared in the manual and specifications adopted by the Department of Transportation, only the colors green, yellow and red may be used, except for special pedestrian-control devices carrying a word legend as provided in NRS 484B.283. The lights, arrows and combinations thereof indicate and apply to drivers of vehicles and pedestrians as provided in this section.

2. When the signal is circular green alone:

(a) Vehicular traffic facing the signal may proceed straight through or turn right or left unless another device at the place prohibits either or both such turns. Such vehicular traffic, including vehicles turning right or left, must yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) Pedestrians facing such a signal may proceed across the highway within any marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

3. Where the signal is circular green with a green turn arrow:

(a) Vehicular traffic facing the signal may proceed to make the movement indicated by the green turn arrow or such other movement as is permitted by the circular green signal, but the traffic must yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection at the time the signal is exhibited. Drivers turning in the direction of the arrow when displayed with the circular green are thereby advised that so long as a turn arrow is illuminated, oncoming or opposing traffic simultaneously faces a steady red signal.

(b) Pedestrians facing such a signal may proceed across the highway within any marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

4. Where the signal is a green turn arrow alone:

(a) Vehicular traffic facing the signal may proceed only in the direction indicated by the arrow signal so long as the arrow is illuminated, but the traffic must yield the right-of-way to pedestrians lawfully within the adjacent crosswalk and to other traffic lawfully using the intersection.

(b) Pedestrians facing such a signal shall not enter the highway until permitted to proceed by another device as provided in NRS 484B.283.

5. Where the signal is a green straight-through arrow alone:

(a) Vehicular traffic facing the signal may proceed straight through, but must not turn right or left. Such vehicular traffic must yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(b) Pedestrians facing such a signal may proceed across the highway within the appropriate marked or unmarked crosswalk, unless directed otherwise by another device as provided in NRS 484B.283.

6. Where the signal is a steady yellow signal alone:

(a) Vehicular traffic facing the signal is thereby warned that the related green movement is being terminated or that a steady red indication will be exhibited immediately thereafter, and such vehicular traffic must not enter the intersection when the red signal is exhibited.

(b) Pedestrians facing such a signal, unless otherwise directed by another device as provided in NRS 484B.283, are thereby advised that there is insufficient time to cross the highway.

7. *Where the signal is a flashing yellow turn arrow, displayed alone or in combination with another signal:*

*(a) Vehicular traffic facing the signal is permitted to cautiously enter the intersection only to make the movement indicated by the arrow signal, or other such movement as is permitted by other signal indications displayed at the same time. Such vehicular traffic must ~~stop for~~ yield the right-of-way to pedestrians lawfully within the intersection or an adjacent crosswalk and yield the right-of-way to other traffic lawfully within the intersection.*

*(b) Pedestrians facing such a signal, unless otherwise directed by another device as provided in NRS 484B.283, are thereby advised that there may be insufficient time to cross the highway, but may proceed across the highway within the appropriate marked or unmarked crosswalk.*

8. Where the signal is a steady red signal alone:

(a) Vehicular traffic facing the signal must stop before entering the crosswalk on the nearest side of the intersection where the sign or pavement marking indicates where the stop must be made, or in the absence of any such crosswalk, sign or marking, then before entering the intersection, and, except as otherwise provided in paragraphs (c) and (d), must remain stopped or standing until the green signal is shown.

(b) Pedestrians facing such a signal shall not enter the highway, unless permitted to proceed by another device as provided in NRS 484B.283.

(c) After complying with the requirement to stop, vehicular traffic facing such a signal and situated on the extreme right of the highway may proceed into the intersection for a right turn only when the intersecting highway is two-directional or one-way to the right, or vehicular traffic facing such a signal and situated on the extreme left of a one-way highway may proceed into the intersection for a left turn only when the intersecting highway is

one-way to the left, but must yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection.

(d) After complying with the requirement to stop, a person driving a motorcycle, moped or trimobile or riding a bicycle or an electric bicycle may proceed straight through or turn right or left if:

(1) The person waits for two complete cycles of the lights or lighted arrows of the applicable official traffic-control device and the signal does not change because of a malfunction or because the signal failed to detect the presence of the motorcycle, moped, trimobile, bicycle or electric bicycle;

(2) No other device at the place prohibits either or both such turns, if applicable; and

(3) The person yields the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection.

(e) Vehicular traffic facing the signal may not proceed on or through any private or public property to enter the intersecting street where traffic is not facing a red signal to avoid the red signal.

~~{8.}~~ 9. Where the signal is a steady red with a green turn arrow:

(a) Except as otherwise provided in paragraph (b), vehicular traffic facing the signal may enter the intersection only to make the movement indicated by the green turn arrow, but must yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. Drivers turning in the direction of the arrow are thereby advised that so long as the turn arrow is illuminated, oncoming or opposing traffic simultaneously faces a steady red signal.

(b) A person driving a motorcycle, moped or trimobile or riding a bicycle or an electric bicycle facing the signal may proceed straight through or turn in the direction opposite that indicated by the green turn arrow if:

(1) The person stops before entering the crosswalk on the nearest side of the intersection where the sign or pavement marking indicates where the stop must be made or, in the absence of any such crosswalk, sign or marking, before entering the intersection;

(2) The person waits for two complete cycles of the lights or lighted arrows of the applicable official traffic-control device and the signal does not change because of a malfunction or because the signal failed to detect the presence of the motorcycle, moped, trimobile, bicycle or electric bicycle;

(3) No other device at the place prohibits the turn, if applicable; and

(4) The person yields the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(c) Pedestrians facing such a signal shall not enter the highway, unless permitted to proceed by another device as provided in NRS 484B.283.

~~{9.}~~ 10. If a person violates paragraph (d) of subsection ~~{7}~~ 8 or paragraph (b) of subsection ~~{8}~~ 9 and that violation results in an injury to another person, the violation creates a rebuttable presumption of all facts necessary to impose civil liability for the injury.

~~{10}~~ 11. If a signal is erected and maintained at a place other than an intersection, the provisions of this section are applicable except as to those provisions which by their nature can have no application. Any stop required must be made at a sign or pavement marking indicating where the stop must be made, but in the absence of any such device the stop must be made at the signal.

~~{11}~~ 12. Whenever signals are placed over the individual lanes of a highway, the signals indicate, and apply to drivers of vehicles, as follows:

(a) A downward-pointing green arrow means that a driver facing the signal may drive in any lane over which the green signal is shown.

(b) A red "X" symbol means a driver facing the signal must not enter or drive in any lane over which the red signal is shown.

~~{12}~~ 13. A local authority shall not adopt an ordinance or regulation or take any other action that prohibits vehicular traffic from crossing an intersection when:

(a) The red signal is exhibited; and

(b) The vehicular traffic in question had already completely entered the intersection before the red signal was exhibited. For the purposes of this paragraph, a vehicle shall be considered to have "completely entered" an intersection when all portions of the vehicle have crossed the limit line or other point of demarcation behind which vehicular traffic must stop when a red signal is displayed.

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

Sec. 19. NRS 484B.317 is hereby amended to read as follows:

484B.317 1. A person shall not, without lawful authority, attempt to or alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insigne thereon, or any other part thereof.

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

Sec. 20. NRS 484B.320 is hereby amended to read as follows:

484B.320 1. Except as otherwise provided in this section:

(a) A person shall not operate a vehicle on the highways of this State if the vehicle is equipped with any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic-control signal.

(b) A person shall not operate any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic-control signal.

2. Except as otherwise provided in this subsection, a person shall not in this State sell or offer for sale any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering

the signal of a traffic-control signal. The provisions of this subsection do not prohibit a person from selling or offering for sale:

(a) To a provider of mass transit, a signal prioritization device; or

(b) To a response agency, a signal preemption device or a signal prioritization device, or both.

3. A police officer:

(a) Shall, without a warrant, seize any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic-control signal; or

(b) May, without a warrant, seize and take possession of a vehicle equipped with any device or mechanism that is capable of interfering with or altering the signal of a traffic-control signal, including, without limitation, a mobile transmitter, if the device or mechanism cannot be removed from the motor vehicle by the police officer, and may cause the vehicle to be towed and impounded until:

(1) The device or mechanism is removed from the vehicle; and

(2) The owner claims the vehicle by paying the cost of the towing and impoundment.

4. Neither the police officer nor the governmental entity which employs the officer is civilly liable for any damage to a vehicle seized pursuant to the provisions of paragraph (b) of subsection 3 that occurs after the vehicle is seized but before the towing process begins.

5. Except as otherwise provided in subsection 9, the presence of any device or mechanism, including, without limitation, a mobile transmitter, that is capable of interfering with or altering the signal of a traffic-control signal in or on a vehicle on the highways of this State constitutes prima facie evidence of a violation of this section. The State need not prove that the device or mechanism in question was in an operative condition or being operated.

6. A person who violates the provisions of subsection 1 or 2 is guilty of a misdemeanor.

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

8. A provider of mass transit shall not operate or cause to be operated a signal prioritization device in such a manner as to impede or interfere with the use by response agencies of signal preemption devices.

9. The provisions of this section do not:

(a) Except as otherwise provided in subsection 8, prohibit a provider of mass transit from acquiring, possessing or operating a signal prioritization device.

(b) Prohibit a response agency from acquiring, possessing or operating a signal preemption device or a signal prioritization device, or both.

10. As used in this section:

(a) "Mobile transmitter" means a device or mechanism that is:

(1) Portable, installed within a vehicle or capable of being installed within a vehicle; and

(2) Designed to affect or alter, through the emission or transmission of sound, infrared light, strobe light or any other audible, visual or electronic method, the normal operation of a traffic-control signal.

➔ The term includes, without limitation, a signal preemption device and a signal prioritization device.

(b) "Provider of mass transit" means a governmental entity or a contractor of a governmental entity which operates, in whole or in part:

(1) A public transit system, as that term is defined in NRS 377A.016; or

(2) A system of public transportation referred to in NRS 277A.270.

(c) "Response agency" means an agency of this State or of a political subdivision of this State that provides services related to law enforcement, firefighting, emergency medical care or public safety. The term includes a nonprofit organization or private company that, as authorized pursuant to chapter 450B of NRS:

(1) Provides ambulance service; or

(2) Provides the level of medical care provided by an advanced emergency medical technician or paramedic to sick or injured persons at the scene of an emergency or while transporting those persons to a medical facility.

(d) "Signal preemption device" means a mobile transmitter that, when activated and when a vehicle equipped with such a device approaches an intersection controlled by a traffic-control signal, causes:

(1) The signal, in the direction of travel of the vehicle, to remain green if the signal is already displaying a green light;

(2) The signal, in the direction of travel of the vehicle, to change from red to green if the signal is displaying a red light;

(3) The signal, in other directions of travel, to remain red or change to red, as applicable, to prevent other vehicles from entering the intersection; and

(4) The applicable functions described in subparagraphs (1), (2) and (3) to continue until such time as the vehicle equipped with the device is clear of the intersection.

(e) "Signal prioritization device" means a mobile transmitter that, when activated and when a vehicle equipped with such a device approaches an intersection controlled by a traffic-control signal, causes:

(1) The signal, in the direction of travel of the vehicle, to display a green light a few seconds sooner than the green light would otherwise be displayed;

(2) The signal, in the direction of travel of the vehicle, to display a green light for a few seconds longer than the green light would otherwise be displayed; or

(3) The functions described in both subparagraphs (1) and (2).



(f) "Traffic-control signal" means a traffic-control signal, as defined in NRS 484A.290, which is capable of receiving and responding to an emission or transmission from a mobile transmitter.

Sec. 21. NRS 484B.327 is hereby amended to read as follows:

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

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

Sec. 22. NRS 484B.363 is hereby amended to read as follows:

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

- (a) On a day on which school is not in session;
- (b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;
- (c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or
- (d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone indicates that the speed limit is not in effect.

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

- (a) On a day on which school is not in session;
- (b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;
- (c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or
- (d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone indicates that the speed limit is not in effect.

3. *The driver of a vehicle shall not make a U-turn in an area designated as a school zone or school crossing zone except:*

- (a) When there are no children present;*
- (b) On a day on which school is not in session;*
- (c) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;*
- (d) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of*

*the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or*

*(e) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone or school crossing zone indicates that the speed limit is not in effect.*

4. *The driver of a vehicle shall not overtake and pass another vehicle traveling in the same direction in an area designated as a school zone or school crossing zone except:*

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

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

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

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

5. The governing body of a local government or the Department of Transportation shall designate school zones and school crossing zones. An area must not be designated as a school zone if imposing a speed limit of 15 miles per hour would be unsafe because of higher speed limits in adjoining areas.

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

~~{5.-6.}~~ 7. With respect to each school zone and school crossing zone in a school district, the superintendent of the school district or his or her designee, in conjunction with the Department of Transportation and the governing body of the local government that designated the school zone or school crossing zone and after consulting with the principal of the school and the agency that is responsible for enforcing the speed limit in the zone, shall determine the times when the speed limit is in effect.

~~{6.-7.}~~ 8. If, while violating ~~{subsection 1 or 2,}~~ any provision of ~~{subsection 1, 2 or 3,}~~ subsections 1 to 4, inclusive, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

~~{7.-8.}~~ 9. As used in this section, "speed limit beacon" means a device which is used in conjunction with a sign and equipped with two or more yellow lights that flash alternately to indicate when the speed limit in a school zone or school crossing zone is in effect.

Sec. 23. NRS 484B.403 is hereby amended to read as follows:

484B.403 1. A U-turn may be made on any road where the turn can be made with safety, except as prohibited by this section and by the provisions of NRS 484B.227, ~~484B.363~~ and 484B.407.

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

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

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

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

Sec. 24. NRS 484B.600 is hereby amended to read as follows:

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

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

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

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

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

2. If, while violating any provision of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

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

Sec. 25. NRS 484B.603 is hereby amended to read as follows:

484B.603 1. The fact that the speed of a vehicle is lower than the prescribed limits does not relieve a driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding highway, or when special hazards exist or may exist with respect to pedestrians or other traffic, or by reason of weather or other highway conditions, and speed must be decreased as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering a highway in compliance with legal requirements and the duty of all persons to use due care.

2. Any person who fails to use due care as required by subsection 1 may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 ~~or~~ *section 1 of this act.*

Sec. 26. NRS 484B.650 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

3. A driver who commits an offense of aggressive driving in violation 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. In addition to any other penalty pursuant to subsection 3:

(a) For the first offense within 2 years, the court shall order the driver to attend, at the driver's own expense, a course of traffic safety approved by the

Department and may issue an order suspending the driver's license of the driver for a period of not more than 30 days.

(b) For a second or subsequent offense within 2 years, the court shall issue an order revoking the driver's license of the driver for a period of 1 year.

5. To determine whether the provisions of paragraph (a) or (b) of subsection 4 apply to one or more offenses of aggressive driving, the court shall use the date on which each offense of aggressive driving was committed.

6. If the driver is already the subject of any other order suspending or revoking his or her driver's license, the court shall order the additional period of suspension or revocation, as appropriate, to apply consecutively with the previous order.

7. If the court issues an order suspending or revoking the driver's license of the driver pursuant to this section, the court shall require the driver to surrender to the court all driver's licenses then held by the driver. The court shall, within 5 days after issuing the order, forward the driver's licenses and a copy of the order to the Department.

8. If the driver successfully completes a course of traffic safety ordered pursuant to this section, the Department shall cancel three demerit points from his or her driving record in accordance with NRS 483.448 or 483.475, as appropriate, unless the driver would not otherwise be entitled to have those demerit points cancelled pursuant to the provisions of that section.

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

10. A person who violates any provision of subsection 1 may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 ~~[ ]~~ or section 1 of this act.

Sec. 27. 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.

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

(c) Organize an unauthorized speed contest on a public highway.

↪ A violation of paragraph (a) or (b) 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, subsection 1, ~~[or]~~ 2 or 3 of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, 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.

6. 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 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 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.

7. A person who violates any provision of this section may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 *or section 1 of this act* unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484B.550.

8. As used in this section, "organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a public highway, regardless of whether a fee is charged for attending the unauthorized speed contest.

Sec. 28. NRS 484B.657 is hereby amended to read as follows:

484B.657 1. A person who, while driving or in actual physical control of any vehicle, proximately causes the death of another person through an act or omission that constitutes simple negligence is guilty of vehicular manslaughter and shall be punished for a misdemeanor.

2. A person who commits an offense of vehicular manslaughter may be subject to ~~the~~ any additional penalty set forth in NRS 484B.130 ~~or section 1 of this act~~.

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

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

Sec. 29. NRS 484C.110 is hereby amended to read as follows:

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

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more 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 vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath,

→ to drive or be in actual physical control of a 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;
- (b) Is under the combined influence of intoxicating liquor and a controlled substance; or
- (c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle,  
 ↳ to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.

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

| Prohibited substance           | Urine<br>Nanograms<br>per milliliter | Blood<br>Nanograms<br>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~~ any additional penalty set forth in NRS 484B.130 ~~[-]~~ or section 1 of this act.

Sec. 30. 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;
- (b) Is under the combined influence of intoxicating liquor and a controlled substance; or
- (c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a commercial motor vehicle,

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

3. It is unlawful for any person 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 with an amount of a prohibited substance in his or her blood or urine that is equal to or greater than:

| Prohibited substance           | Urine<br>Nanograms<br>per milliliter | Blood<br>Nanograms<br>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 commercial motor vehicle, and before his or her blood

or breath was tested, to cause the defendant to have a concentration of alcohol of 0.04 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~~ any additional penalty set forth in NRS 484B.130 ~~or section 1 of this act.~~

6. As used in this section:

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

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

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

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

or

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

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

Senator Manendo moved the adoption of the amendment.

Remarks by Senator Manendo.

Amendment No. 82 to Senate Bill No. 144 does the following: 1) prohibits the driver of a motor vehicle from passing another motor vehicle in an active school zone; and 2) clarifies that where there is a flashing yellow arrow, a vehicle need not stop, but must yield the right-of-way to pedestrians lawfully within the intersection or crosswalk.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 217.

Bill read second time.

The following amendment was proposed by the Committee on Commerce, Labor and Energy:

Amendment No. 158.

SUMMARY—Revises provisions relating to policies of health insurance.  
(BDR 57-836)

AN ACT relating to health care; prohibits policies of health insurance and health care plans from denying coverage for topical ophthalmic products under certain circumstances; ~~authorizing~~ requiring a pharmacist to dispense ~~multiple~~ early refills of topical ophthalmic products under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain public and private policies of insurance and health care plans to provide coverage for certain procedures, including colorectal cancer screenings, cytological screening tests and mammograms, in certain circumstances. (NRS 287.027, 287.04335, 689A.04042, 689A.0405, 689B.0367, 689B.0374, 695B.1907, 695B.1912, 695C.1731, 695C.1735, 695G.168) Existing law also requires employers to provide certain benefits to employees, including coverage for the procedures required to be covered by insurers, if the employer provides health benefits for its employees. (NRS 608.1555) Sections 1, 3, 4, 6, 7, 10 and 11 of this bill prohibit certain public and private policies of insurance and health care plans from denying coverage for otherwise covered topical ophthalmic products, commonly known as eye drops, if ~~multiple refills are provided to the insured at one time, or if~~ refills are provided early. Section 13 of this bill ~~authorizes~~ requires a pharmacist to ~~dispense multiple refills or~~ provide early refills of topical ophthalmic products to a patient if: (1) the pharmacist believes the patient is experiencing ~~or may experience~~ inadvertent wastage of the product due to difficulty applying the product to the eye ~~[-]~~; (2) the patient requests the early refill; and (3) the early refill is dispensed pursuant to a valid prescription which bears specific authorization to refill.

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

Section 1. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *An insurer who offers or issues a policy of health insurance which provides coverage for prescription drugs shall not deny coverage for a topical ophthalmic product which is otherwise approved for coverage by the insurer when the insured, pursuant to section 13 of this act ~~is~~*

~~(a) Receives more than a 30-day supply of the product at one time; or~~

~~(b) Receives~~, receives a refill of the product:

~~[(1)]~~ (a) After 21 days or more but before 30 days after receiving any 30-day supply of the product;

~~[(2)]~~ (b) After 42 days or more but before 60 days after receiving any 60-day supply of the product; or

~~[(3)]~~ (c) After 63 days or more but before 90 days after receiving any 90-day supply of the product.

2. *The provisions of this section do not affect any deductibles, copayments or coinsurance authorized or required pursuant to the policy of health insurance.*

3. A policy of health insurance subject to the provisions of this chapter which provides coverage for prescription drugs and that is delivered, issued for delivery or renewed on or after January 1, 2016, has the legal effect of including the coverage required by this section, and any provision of the policy or renewal which is in conflict with this section is void.

4. As used in this section, "topical ophthalmic product" means a liquid prescription drug which is applied directly to the eye from a bottle or by means of a dropper.

Sec. 2. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~{ }~~, and section 1 of this act.

Sec. 3. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer who offers or issues a policy of group health insurance which provides coverage for prescription drugs shall not deny coverage for a topical ophthalmic product which is otherwise approved for coverage by the insurer when the insured, pursuant to section 13 of this act ~~+~~

~~(a) Receives more than a 30-day supply of the product at one time; or~~

~~(b) Receives~~, receives a refill of the product:

~~{(1)}~~ (a) After 21 days or more but before 30 days after receiving any 30-day supply of the product;

~~{(2)}~~ (b) After 42 days or more but before 60 days after receiving any 60-day supply of the product; or

~~{(3)}~~ (c) After 63 days or more but before 90 days after receiving any 90-day supply of the product.

2. The provisions of this section do not affect any deductibles, copayments or coinsurance authorized or required pursuant to the policy of group health insurance.

3. A policy of group health insurance subject to the provisions of this chapter which provides coverage for prescription drugs and that is delivered, issued for delivery or renewed on or after January 1, 2016, has the legal effect of including the coverage required by this section, and any provision of the policy or renewal which is in conflict with this section is void.

4. As used in this section, "topical ophthalmic product" means a liquid prescription drug which is applied directly to the eye from a bottle or by means of a dropper.

Sec. 4. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A carrier who offers or issues a health benefit plan which provides coverage for prescription drugs shall not deny coverage for a topical

ophthalmic product which is otherwise approved for coverage by the carrier when the insured, pursuant to section 13 of this act ~~is~~

~~(a) Receives more than a 30-day supply of the product at one time; or~~

~~(b) Receives~~, receives a refill of the product:

~~[(1)]~~ (a) After 21 days or more but before 30 days after receiving any 30-day supply of the product;

~~[(2)]~~ (b) After 42 days or more but before 60 days after receiving any 60-day supply of the product; or

~~[(3)]~~ (c) After 63 days or more but before 90 days after receiving any 90-day supply of the product.

2. The provisions of this section do not affect any deductibles, copayments or coinsurance established by the health benefit plan.

3. A health benefit plan subject to the provisions of this chapter which provides coverage for prescription drugs and that is delivered, issued for delivery or renewed on or after January 1, 2016, has the legal effect of including the coverage required by this section, and any provision of the plan or renewal which is in conflict with this section is void.

4. As used in this section, "topical ophthalmic product" means a liquid prescription drug which is applied directly to the eye from a bottle or by means of a dropper.

Sec. 5. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, and section 4 of this act to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 6. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A hospital or medical service corporation which offers or issues a policy of health insurance that provides coverage for prescription drugs shall not deny coverage for a topical ophthalmic product which is otherwise approved for coverage by the hospital or medical service corporation when the insured, pursuant to section 13 of this act ~~is~~

~~(a) Receives more than a 30-day supply of the product at one time; or~~

~~(b) Receives~~, receives a refill of the product:

~~[(1)]~~ (a) After 21 days or more but before 30 days after receiving any 30-day supply of the product;

~~[(2)]~~ (b) After 42 days or more but before 60 days after receiving any 60-day supply of the product; or

~~[(3)]~~ (c) After 63 days or more but before 90 days after receiving any 90-day supply of the product.

2. The provisions of this section do not affect any deductibles, copayments or coinsurance authorized or required pursuant to the policy of health insurance.

3. A policy of health insurance subject to the provisions of this chapter which provides coverage for prescription drugs and that is delivered, issued for delivery or renewed on or after January 1, 2016, has the legal effect of including the coverage required by this section, and any provision of the policy or renewal which is in conflict with this section is void.

4. As used in this section, "topical ophthalmic product" means a liquid prescription drug which is applied directly to the eye from a bottle or by means of a dropper.

Sec. 7. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health maintenance organization which offers or issues a health care plan that provides coverage for prescription drugs shall not deny coverage for a topical ophthalmic product which is otherwise approved for coverage by the health maintenance organization when the enrollee, pursuant to section 13 of this act ~~is~~

~~(a) Receives more than a 30-day supply of the product at one time; or~~

~~(b) Receives, receives a refill of the product:~~

~~+(1)~~ (a) After 21 days or more but before 30 days after receiving any 30-day supply of the product;

~~+(2)~~ (b) After 42 days or more but before 60 days after receiving any 60-day supply of the product; or

~~+(3)~~ (c) After 63 days or more but before 90 days after receiving any 90-day supply of the product.

2. The provisions of this section do not affect any deductibles, copayments or coinsurance established by the health care plan.

3. An evidence of coverage subject to the provisions of this chapter which provides coverage for prescription drugs and that is delivered, issued for delivery or renewed on or after January 1, 2016, has the legal effect of including the coverage required by this section, and any provision of the evidence of coverage or renewal which is in conflict with this section is void.

4. As used in this section, "topical ophthalmic product" means a liquid prescription drug which is applied directly to the eye from a bottle or by means of a dropper.

Sec. 8. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170 to 695C.173, inclusive, 695C.1733 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694, 695C.1695 and 695C.1731 *and section 7 of this act* apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 9. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, *and section 7 of this act* or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080;

or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 10. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A managed care organization which offers or issues a health care plan that provides coverage for prescription drugs shall not deny coverage for a topical ophthalmic product which is otherwise approved for coverage by the managed care organization when the insured, pursuant to section 13 of this act* ~~+~~

~~(a) Receives more than a 30-day supply of the product at one time; or~~

~~(b) Receives~~ , receives a refill of the product:

~~+(1)~~ (a) After 21 days or more but before 30 days after receiving any 30-day supply of the product;

~~+(2)~~ (b) After 42 days or more but before 60 days after receiving any 60-day supply of the product; or



~~[(3)]~~ (c) *After 63 days or more but before 90 days after receiving any 90-day supply of the product.*

2. *The provisions of this section do not affect any deductibles, copayments or coinsurance authorized or required pursuant to the health care plan.*

3. *An evidence of coverage subject to the provisions of this chapter which provides coverage for prescription drugs and that is delivered, issued for delivery or renewed on or after January 1, 2016, has the legal effect of including the coverage required by this section, and any provision of the evidence of coverage or renewal which is in conflict with this section is void.*

4. *As used in this section, "topical ophthalmic product" means a liquid prescription drug which is applied directly to the eye from a bottle or by means of a dropper.*

Sec. 11. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of

NRS 687B.408, 689B.030 to 689B.050, inclusive, *and section 3 of this act* and 689B.287 apply to coverage provided pursuant to this paragraph.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 12. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.164, 695G.1645, 695G.167, 695G.170, 695G.171, 695G.173, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, and section 10 of this act, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 13. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, ~~if~~ a pharmacist, ~~in his or her professional judgment, believes~~ upon the request of a patient ~~is~~ having ~~for may have~~ difficulty with inadvertent wastage of a topical ophthalmic product, ~~he or she may~~ and pursuant to a valid prescription ~~for a topical ophthalmic product~~ which bears specific authorization to refill ~~≠~~

~~(a) Dispense one or more refills at the time the product is dispensed, not to exceed a 90-day supply; or~~

~~(b) Dispense~~, shall dispense a refill of the product:

~~(1)~~ (a) After 21 days or more but before 30 days after ~~receiving~~ the patient has received any 30-day supply of the product;

~~(2)~~ (b) After 42 days or more but before 60 days after ~~receiving~~ the patient has received any 60-day supply of the product; or

~~(3)~~ (c) After 63 days or more but before 90 days after ~~receiving~~ the patient has received any 90-day supply of the product.

2. The provisions of subsection 1 do not ~~apply to~~ :

(a) ~~Apply to any controlled substance; or~~

(b) ~~Authorize any refills in excess of the number of refills indicated on the prescription which includes a notation from~~ by the prescribing practitioner, ~~requiring that only the quantity written be dispensed.~~

3. As used in this section:

(a) "Inadvertent wastage" means loss of a topical ophthalmic product due to difficulty applying the product to the eye as directed.

(b) "Topical ophthalmic product" means a liquid prescription drug which is applied directly to the eye from a bottle or by means of a dropper.

Sec. 14. NRS 639.2397 is hereby amended to read as follows:

639.2397 Any authorization to refill a prescription issued pursuant to the provisions of NRS 639.2393 to 639.2397, inclusive, and section 13 of this act may be rescinded at any time after that authorization is given, by the original practitioner or by another practitioner acting in his or her behalf or by another practitioner who is caring for the patient for whom the original prescription was issued, by notifying the pharmacy in which the prescription was filled orally or in writing.

Sec. 15. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 16. This act becomes effective:

1. Upon passage and approval for the purposes of adopting any regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.

Senator Settlemeyer moved the adoption of the amendment.

Remarks by Senator Settlemeyer.

Amendment No. 158 makes two changes to Senate Bill No. 217. The amendment: 1) requires a pharmacist to provide early refills of eye drop products to a patient, who is experiencing wastage due to difficulty applying the product, if he or she requests an early refill and has a valid prescription; 2) provides that a pharmacist is not authorized to dispense any refills in excess of the number of refills indicated on the prescription by the prescribing practitioner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 233.

Bill read second time.

The following amendment was proposed by the Committee on Commerce, Labor and Energy:

Amendment No. 139.

SUMMARY—Revises provisions relating to occupational safety. (BDR 53-990)

AN ACT relating to occupational safety; ~~expanding the period of~~ revising provisions governing the expiration and renewal ~~for~~ of certain completion cards obtained by construction workers and supervisory employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each construction worker and supervisory employee to obtain, within 15 days after the date he or she is hired, a completion card for taking a course in construction industry safety and health hazard recognition which is: (1) developed by the Occupational Safety and Health Administration of the United States Department of Labor; and (2) approved by the Division of Industrial Relations of the Department of Business and Industry. Each completion card obtained by a construction worker or supervisory employee expires 5 years after the date it is issued and may be renewed by: (1) completing another such course in construction industry safety and health hazard recognition within the previous 5 years; or (2) completing certain requirements for continuing education within that period. (NRS 618.983) This bill provides that a completion card obtained by a construction worker does not expire or require renewal. This bill also provides that each completion card obtained by a ~~construction worker or~~ supervisory employee expires 10 years, rather than 5 years, after the date it is issued and may be renewed by completing another such course or completing those requirements for continuing education within the previous 10 years.

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

Section 1. NRS 618.983 is hereby amended to read as follows:

618.983 1. Not later than 15 days after the date a construction worker other than a supervisory employee is hired, the construction worker must obtain a completion card for an OSHA-10 course which is issued upon completion of a course approved by the Division pursuant to NRS 618.977.

2. Not later than 15 days after the date a supervisory employee is hired, the supervisory employee must obtain a completion card for an OSHA-30 course which is issued upon completion of a course approved by the Division pursuant to NRS 618.977.

3. Any completion card used to satisfy the requirements of ~~[this section]~~ subsection 2 expires ~~{5}~~ 10 years after the date it is issued and may be renewed by:

(a) Completing an ~~{OSHA 10 course or}~~ OSHA-30 course ~~{, as applicable,}~~ within the previous ~~{5}~~ 10 years; or

(b) Providing proof satisfactory to the Division that the ~~{construction worker}~~ supervisory employee has completed continuing education within the previous ~~{5}~~ 10 years consisting of job-specific training that meets the guidelines established by the Division pursuant to NRS 618.977 in an amount of ~~{~~

~~(1) For a completion card issued for an OSHA 10 course, not less than 5 hours; or~~

~~(2) For a completion card issued for an OSHA 30 course,}~~ not less than 15 hours.

Sec. 2. This act becomes effective ~~{on July 1, 2015,}~~ upon passage and approval.

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senator Settelmeyer.

Amendment No. 139 makes two changes to Senate Bill No. 233. The amendment: 1) deletes the requirement to renew a completion card for an approved OSHA-10 course by a construction worker; 2) changes the effective date to "upon passage and approval."

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 17.

Bill read third time.

Remarks by Senator Brower.

Senate Bill No. 17 allows a deputy director of the Department of Corrections to accept employment as a part-time instructor at a university or community college that is privately owned or is part of the Nevada System of Higher Education. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 17:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 17 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 26.

Bill read third time.

Remarks by Senator Parks.

Senate Bill No. 26 provides that if an agency or the State Controller obtains a judgment against a person for a debt, the State Controller may, in addition to any other manner of executing the judgment provided by law, require each employer of the person to withhold income from the person's wages and pay it over to the State Controller. The measure prohibits an employer from using the withholding of income to collect an obligation to pay money to the State Controller as a basis for refusing to hire a potential employee, discharging an employee or taking disciplinary action against an employee. Violation of this prohibition is punishable by an administrative fine of \$1,000.

The Administrator of the Employment Security Division, Department of Employment, Training and Rehabilitation, is required, upon request, to provide to the State Controller the name, address and place of employment of any person listed in the records of the Division. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 26:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 26 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 36.

Bill read third time.

Remarks by Senator Brower.

Senate Bill No. 36 provides an exemption to State business licensing requirements such that an out-of-state business that provides vehicles or equipment to assist with a wildfire, flood, earthquake or other emergency on a short-term basis need not hold a State business license and may legally pay an employee who provides services according to the provisions of the bill.

This bill is effective on July 1, 2015.

Roll call on Senate Bill No. 36:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 36 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 161.

Bill read third time.

Remarks by Senators Brower and Ford.

SENATOR BROWER:

Senate Bill No. 161 is another bill that was passed unanimously out of the Senate Judiciary Committee. It prohibits the filing or maintenance of a product liability action against a

seller who is not the manufacturer of the product and lays out specific circumstances under which such a seller is not immune from liability. This bill is effective upon passage and approval, and I would urge our colleagues' support.

SENATOR FORD:

If I am correct, Senate Bill No. 161 did not come out of Committee unanimously. I would like to double check the vote on that.

SENATOR BROWER:

I could be wrong about it being unanimous. If anyone here did not vote for it, please let me know.

SENATOR FORD:

I did not vote for this bill.

SENATOR BROWER:

We are passing so many bills unanimously out of the Senate Judiciary Committee, with a lot of hard work from the committee members, that it is hard to keep track of them. I appreciate the clarification on this bill.

Roll call on Senate Bill No. 161:

YEAS—11.

NAYS—Atkinson, Denis, Ford, Kihuen, Manendo, Parks, Segerblom, Spearman, Woodhouse—9.

EXCUSED—Smith.

Senate Bill No. 161 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 162.

Bill read third time.

Remarks by Senator Brower.

I am absolutely sure that this bill Senate Bill No. 162 passed out of the Judiciary Committee unanimously. Thank you, Committee, for your support. The bill simply repeals current Nevada law governing the provision of medical records by a claimant or a claimant's attorney upon the request of an insurer or other party who is the subject of a personal injury claim brought under a policy of motor vehicle insurance covering a passenger car. I also want to thank those who were interested in the bill and those who opposed the bill on working out this excellent compromise.

Roll call on Senate Bill No. 162:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 162 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 186.

Bill read third time.

Remarks by Senator Brower.

Thank you, Mr. President, another excellent bill that enjoyed the unanimous support of the Judiciary Committee. Senate Bill No. 186 enacts provisions modeled after federal law to enable eligible parties that prevail over the State of Nevada in a criminal action to recover some or all of their attorney's fees and litigation expenses if a court finds that the State's action was vexatious,

frivolous or in bad faith. These provisions apply to actions pending or brought on or after October 1, 2015. This bill is effective on October 1, 2015.

Roll call on Senate Bill No. 186:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 186 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 200.

Bill read third time.

Remarks by Senator Hammond.

Senate Bill No. 200 authorizes a charter school to offer enrollment preference to a child of a person who resides or is employed on a federal military installation if the charter school is located on such property. This bill is effective on July 1, 2015.

Roll call on Senate Bill No. 200:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 200 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 297.

Bill read third time.

Remarks by Senator Hardy.

Senate Bill No. 297 provides that, if a redevelopment area includes real property conveyed by the federal government which contains certain abandoned mine or milling facilities, a redevelopment plan adopted on or after January 1, 1991, must terminate not later than 45 years after the effective date of the conveyance of the land by the federal government if: 1) within 15 years after the date on which the original redevelopment plan was adopted, the State enters into one or more agreements, with respect to the real property conveyed by the federal government, for mine remediation and reclamation; and 2) before entering into any agreement for mine remediation and reclamation, the State consults with the legislative body of the city or county in which the redevelopment area is located. This has to do with the Three Kids Mine in Henderson which will be remediated in a public-private way at no expense or increase in taxes to the citizens.

Roll call on Senate Bill No. 297:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 297 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 362.

Bill read third time.



Remarks by Senator Spearman.

Senate Bill No. 362 authorizes the Director of the Department of Health and Human Services to establish, within the limits of available funding, an educational program within the Division of Public and Behavioral Health regarding the prevention of domestic violence and any medical, mental health or social services available to victims of domestic violence. The bill becomes effective on July 1, 2015.

Roll call on Senate Bill No. 362:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 362 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 449.

Bill read third time.

Remarks by Senator Brower.

Thank you, Mr. President. This is another unanimous bill out of the Senate Judiciary Committee. Senate Bill No. 449 revises the membership of the Advisory Commission on the Administration of Justice by adding as a member a municipal judge or justice of the peace appointed by the governing body of the Nevada Judges of Limited Jurisdiction.

The bill also requires the Commission to conduct an interim study concerning parole and to report its findings and any recommendations for legislation to the full Commission by September 1, 2016. I want to thank the Committee for all of its hard work on the bills that we have finished to date. I especially want thank my colleague from Clark County who was the co-sponsor along with Senate Bill No. 186. I appreciate his work on that bill. There is a lot of work to do in the week ahead for the Committee, and I appreciate all the hard work. I urge the Body's support of Senate Bill No. 449.

Roll call on Senate Bill No. 449:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 449 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Atkinson, the privilege of the floor of the Senate Chamber for this day was extended to Elisha Prusinski.

On request of Senator Farley, the privilege of the floor of the Senate Chamber for this day was extended to Monet Griffin.

On request of Senator Ford, the privilege of the floor of the Senate Chamber for this day was extended to Cathie Davenport and Nathaniel Pruninski.

On request of Senator Hardy, the privilege of the floor of the Senate Chamber for this day was extended to Terry Chandler, Chris Garvey, Candace Meyer, Ashley Mills, Kelly Taylor and Xuan-Thu Failing.

On request of Senator Harris, the privilege of the floor of the Senate Chamber for this day was extended to Cliff Marcek.

On request of Senator Kieckhefer, the privilege of the floor of the Senate Chamber for this day was extended to Syd McKenzie.

Senator Roberson moved that the Senate adjourn until Thursday, April 2, 2015, at 11:00 a.m.

Motion carried.

Senate adjourned at 12:52 p.m.

Approved:

MARK A. HUTCHISON  
*President of the Senate*

Attest: CLAIRE J. CLIFT  
*Secretary of the Senate*