

ASSEMBLY BILL NO. 201—ASSEMBLYMEN ROBERTS, LEAVITT;
CARLTON, CARRILLO, HAFEN, KRAMER AND TOLLES

FEBRUARY 18, 2019

JOINT SPONSORS: SENATORS HAMMOND; AND SETTELMAYER

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing certain traffic laws.
(BDR 43-604)

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

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

AN ACT relating to traffic laws; providing that a person who drives a vehicle in certain trick driving displays is guilty of a gross misdemeanor; providing that a person who facilitates certain trick driving displays is guilty of a misdemeanor or a gross misdemeanor; defining trick driving display; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, a person who drives a vehicle in an unauthorized speed
2 contest on a public highway is guilty of reckless driving, which is a misdemeanor
3 and is subject to graduated penalties depending on whether the offense is a first,
4 second or third or subsequent offense that may include: (1) a fine; (2) imprisonment
5 for up to 6 months in the county jail; (3) suspension of the driver’s license of the
6 person; (4) the requirement to perform community service; and (5) impoundment of
7 the vehicle used by the person for a certain period. Organizing such a speed contest
8 is also a misdemeanor with commensurate penalties. (NRS 484B.653)

9 **Section 3** of this bill makes it unlawful to drive a vehicle in an unauthorized
10 trick driving display on a public highway or to facilitate an unauthorized trick
11 driving display. Under **section 3**, driving a vehicle in an unauthorized trick driving
12 display constitutes reckless driving and is punishable as a gross misdemeanor, with
13 graduated penalties depending on whether the offense is a first, a second or a
14 subsequent offense that may include: (1) a fine; (2) imprisonment for up to 364
15 days in the county jail; (3) suspension of the driver’s license of the person; (4) the



16 requirement to perform community service; and (5) impoundment of the vehicle
17 used by the person for a certain period. **Section 3** provides that a person who
18 facilitates an unauthorized trick driving display is guilty of a misdemeanor for the
19 first offense, and a gross misdemeanor for a second or subsequent offense, with
20 graduated penalties that may include: (1) a fine; (2) imprisonment for up to 364
21 days in the county jail; (3) suspension of the driver's license of the person; (4) the
22 requirement to perform community service; and (5) impoundment of the vehicle
23 used by the person for a specified period.

24 **Sections 1 and 2** of this bill make conforming changes.

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

1 **Section 1.** NRS 483.460 is hereby amended to read as follows:
2 483.460 1. Except as otherwise provided by specific statute,
3 the Department shall revoke the license, permit or privilege of any
4 driver upon receiving a record of his or her conviction of any of the
5 following offenses, when that conviction has become final, and
6 the driver is not eligible for a license, permit or privilege to drive for
7 the period indicated:

- 8 (a) For a period of 3 years if the offense is:
9 (1) A violation of subsection ~~6~~ 9 of NRS 484B.653.
10 (2) A third or subsequent violation within 7 years of NRS
11 484C.110 or 484C.120.
12 (3) A violation of NRS 484C.110 or 484C.120 resulting in a
13 felony conviction pursuant to NRS 484C.400 or 484C.410.
14 (4) A violation of NRS 484C.430 or a homicide resulting
15 from driving or being in actual physical control of a vehicle while
16 under the influence of intoxicating liquor or a controlled substance
17 or resulting from any other conduct prohibited by NRS 484C.110,
18 484C.130 or 484C.430.

19 ↪ The period during which such a driver is not eligible for a
20 license, permit or privilege to drive must be set aside during any
21 period of imprisonment and the period of revocation must resume
22 when the Department is notified pursuant to NRS 209.517 or
23 213.12185 that the person has completed the period of
24 imprisonment or that the person has been placed on residential
25 confinement or parole.

- 26 (b) For a period of 1 year if the offense is:
27 (1) Any other manslaughter, including vehicular
28 manslaughter as described in NRS 484B.657, resulting from the
29 driving of a motor vehicle or felony in the commission of which a
30 motor vehicle is used, including the unlawful taking of a motor
31 vehicle.



1 (2) Failure to stop and render aid as required pursuant to the
2 laws of this State in the event of a motor vehicle crash resulting in
3 the death or bodily injury of another.

4 (3) Perjury or the making of a false affidavit or statement
5 under oath to the Department pursuant to NRS 483.010 to 483.630,
6 inclusive, or pursuant to any other law relating to the ownership or
7 driving of motor vehicles.

8 (4) Conviction, or forfeiture of bail not vacated, upon three
9 charges of reckless driving committed within a period of 12 months.

10 (5) A second violation within 7 years of NRS 484C.110 or
11 484C.120 and the driver is not eligible for a restricted license during
12 any of that period.

13 (6) A violation of NRS 484B.550.

14 (c) For a period of not less than 185 days, if the offense is a first
15 violation within 7 years of NRS 484C.110 or 484C.120.

16 2. The Department shall revoke the license, permit or privilege
17 of a driver convicted of violating NRS 484C.110 or 484C.120 who
18 fails to complete the educational course on the use of alcohol and
19 controlled substances within the time ordered by the court and shall
20 add a period of 90 days during which the driver is not eligible for a
21 license, permit or privilege to drive.

22 3. When the Department is notified by a court that a person
23 who has been convicted of a first violation within 7 years of NRS
24 484C.110 has been permitted to enter a program of treatment
25 pursuant to NRS 484C.320, the Department shall reduce by one-half
26 the period during which the person is not eligible for a license,
27 permit or privilege to drive, but shall restore that reduction in time if
28 notified that the person was not accepted for or failed to complete
29 the treatment.

30 4. The Department shall revoke the license, permit or privilege
31 to drive of a person who is required to install a device pursuant to
32 NRS 484C.210 or 484C.460 but who operates a motor vehicle
33 without such a device:

34 (a) For 3 years, if it is his or her first such offense during the
35 period of required use of the device.

36 (b) For 5 years, if it is his or her second such offense during the
37 period of required use of the device.

38 5. A driver whose license, permit or privilege is revoked
39 pursuant to subsection 4 is not eligible for a restricted license during
40 the period set forth in paragraph (a) or (b) of that subsection,
41 whichever applies.

42 6. In addition to any other requirements set forth by specific
43 statute, if the Department is notified that a court has ordered the
44 revocation, suspension or delay in the issuance of a license pursuant
45 to title 5 of NRS, NRS 176.064, 206.330 or 392.148, chapters 484A



1 to 484E, inclusive, of NRS or any other provision of law, the
2 Department shall take such actions as are necessary to carry out the
3 court's order.

4 7. As used in this section, "device" has the meaning ascribed to
5 it in NRS 484C.450.

6 **Sec. 2.** NRS 483.490 is hereby amended to read as follows:

7 483.490 1. Except as otherwise provided in this section, after
8 a driver's license has been suspended or revoked for an offense
9 other than a violation of NRS 484C.110, and one-half of the period
10 during which the driver is not eligible for a license has expired, the
11 Department may, unless the statute authorizing the suspension
12 prohibits the issuance of a restricted license, issue a restricted
13 driver's license to an applicant permitting the applicant to drive a
14 motor vehicle:

15 (a) To and from work or in the course of his or her work, or
16 both; or

17 (b) To acquire supplies of medicine or food or receive regularly
18 scheduled medical care for himself, herself or a member of his or
19 her immediate family.

20 ↪ Before a restricted license may be issued, the applicant must
21 submit sufficient documentary evidence to satisfy the Department
22 that a severe hardship exists because the applicant has no alternative
23 means of transportation and that the severe hardship outweighs the
24 risk to the public if the applicant is issued a restricted license.

25 2. A person who is required to install a device in a motor
26 vehicle pursuant to NRS 484C.210 or 484C.460:

27 (a) Shall install the device not later than 14 days after the date
28 on which the order was issued; and

29 (b) May not receive a restricted license pursuant to this section
30 until:

31 (1) After at least 1 year of the period during which the person
32 is not eligible for a license, if the person was convicted of:

33 (I) A violation of NRS 484C.430 or a homicide resulting
34 from driving or being in actual physical control of a vehicle while
35 under the influence of intoxicating liquor or a controlled substance
36 or resulting from any other conduct prohibited by NRS 484C.110,
37 484C.130 or 484C.430; or

38 (II) A violation of NRS 484C.110 that is punishable as a
39 felony pursuant to NRS 484C.410 or 484C.420; or

40 (2) After at least 180 days of the period during which the
41 person is not eligible for a license, if the person was convicted of a
42 violation of subsection ~~6~~ 9 of NRS 484B.653.

43 3. If the Department has received a copy of an order requiring a
44 person to install a device in a motor vehicle pursuant to NRS
45 484C.460 or following an order of revocation issued pursuant to



1 NRS 484C.220, the Department shall not issue a restricted driver's
2 license to such a person pursuant to this section unless the applicant
3 has submitted proof of compliance with the order and subsection 2.

4 4. Except as otherwise provided in NRS 62E.630, after a
5 driver's license has been revoked or suspended pursuant to title 5 of
6 NRS or NRS 392.148, the Department may issue a restricted
7 driver's license to an applicant permitting the applicant to drive a
8 motor vehicle:

9 (a) If applicable, to and from work or in the course of his or her
10 work, or both; or

11 (b) If applicable, to and from school.

12 5. After a driver's license has been suspended pursuant to NRS
13 483.443, the Department may issue a restricted driver's license to an
14 applicant permitting the applicant to drive a motor vehicle:

15 (a) If applicable, to and from work or in the course of his or her
16 work, or both;

17 (b) To receive regularly scheduled medical care for himself,
18 herself or a member of his or her immediate family; or

19 (c) If applicable, as necessary to exercise a court-ordered right to
20 visit a child.

21 6. A driver who violates a condition of a restricted license
22 issued pursuant to subsection 1 or by another jurisdiction is guilty of
23 a misdemeanor and, if the license of the driver was suspended or
24 revoked for:

25 (a) A violation of NRS 484C.110, 484C.210 or 484C.430;

26 (b) A homicide resulting from driving or being in actual
27 physical control of a vehicle while under the influence of
28 intoxicating liquor or a controlled substance or resulting from any
29 other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;
30 or

31 (c) A violation of a law of any other jurisdiction that prohibits
32 the same or similar conduct as set forth in paragraph (a) or (b),

33 ➤ the driver shall be punished in the manner provided pursuant to
34 subsection 2 of NRS 483.560.

35 7. The periods of suspensions and revocations required
36 pursuant to this chapter and NRS 484C.210 must run consecutively,
37 except as otherwise provided in NRS 483.465 and 483.475, when
38 the suspensions must run concurrently.

39 8. Whenever the Department suspends or revokes a license, the
40 period of suspension, or of ineligibility for a license after the
41 revocation, begins upon the effective date of the revocation or
42 suspension as contained in the notice thereof.

43 **Sec. 3.** NRS 484B.653 is hereby amended to read as follows:

44 484B.653 1. It is unlawful for a person to:



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

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

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

6 ***(d) Drive a vehicle in an unauthorized trick driving display on***
7 ***a public highway.***

8 ***(e) Facilitate an unauthorized trick driving display on a public***
9 ***highway.***

10 ↪ A violation of paragraph (a) , ~~(b)~~ (b) ***or (d)*** of this subsection or
11 subsection 1 of NRS 484B.550 constitutes reckless driving.

12 2. If, while violating the provisions of subsections 1 to 5,
13 inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of
14 subsection 1 of NRS 484B.283, NRS 484B.350, subsections 1 to 4,
15 inclusive, of NRS 484B.363 or subsection 1 of NRS 484B.600, the
16 driver of a motor vehicle is the proximate cause of a collision with a
17 pedestrian or a person riding a bicycle, the violation constitutes
18 reckless driving.

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

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

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

23 or

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

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

27 (1) By a fine of not less than \$1,000 but not more than
28 \$1,500; or

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

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

32 (1) By a fine of not less than \$1,500 but not more than
33 \$2,000; or

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

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

39 (a) For the first offense:

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

42 (2) Shall perform not less than 50 hours, but not more than
43 99 hours, of community service; and

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



1 (b) For the second offense:

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

4 (2) Shall perform not less than 100 hours, but not more than
5 199 hours, of community service; and

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

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

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

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

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

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

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

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

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

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

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

34 (a) *For the first offense:*

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

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

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

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

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

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



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

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

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

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

7 (2) *Shall perform not less than 50 hours, but not more than*
8 *99 hours, of community service; and*

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

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

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

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

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

19 8. *In addition to any fine, community service and*
20 *imprisonment imposed upon a person pursuant to subsection 6 or*
21 *7, the court:*

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

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

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

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

42 ~~7~~ 10. *A person who violates any provision of this section*
43 *may be subject to any additional penalty set forth in NRS 484B.130*
44 *or 484B.135 unless the person is subject to the penalty provided*
45 *pursuant to subsection 4 of NRS 484B.550.*



1 ~~[8.]~~ 11. As used in this section [~~], “organize”~~]:

2 (a) *“Facilitate” means to plan, schedule or promote, or assist*
3 *in the planning, scheduling or promotion of, an unauthorized*
4 *trick driving display or in any other way participate in an*
5 *unauthorized trick driving display, including, without limitation:*

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

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

12 (b) *“Organize” means to plan, schedule or promote, or assist in*
13 *the planning, scheduling or promotion of, an unauthorized speed*
14 *contest on a public highway, regardless of whether a fee is charged*
15 *for attending the unauthorized speed contest.*

16 (c) *“Trick driving display” means using a vehicle to perform*
17 *tricks, stunts or other maneuvers on a public highway upon which*
18 *traffic has been diverted, slowed, impeded or blocked to enable the*
19 *performing of such tricks, stunts or maneuvers or having such*
20 *tricks, stunts or maneuvers filmed or otherwise recorded.*



