

ASSEMBLY BILL NO. 408—ASSEMBLYWOMAN BROWN-MAY

MARCH 27, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to reckless driving. (BDR 43-95)

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: No.

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

AN ACT relating to motor vehicles; authorizing the removal of a vehicle or part of a vehicle from the highway following the issuance of a citation for reckless driving; revising provisions relating to the applicability of certain traffic laws concerning reckless driving; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes a law enforcement officer to remove, or cause to be
2 removed, a vehicle or part of a vehicle found on the highway to a place of
3 safekeeping under certain circumstances. (NRS 484B.443) **Section 1** of this bill
4 authorizes a law enforcement officer to take such action if the person driving or in
5 actual physical control of the vehicle is issued a citation for reckless driving.
6 **Section 3** of this bill provides that the provisions of law requiring a tow car
7 operator to allow the owner, or agent of the owner, of a motor vehicle that has been
8 connected to a tow car to obtain the release of the vehicle at the point of origination
9 of the towing do not apply if the towing was requested by a law enforcement officer
10 pursuant to the amendatory provisions of **section 1**.

11 Existing law makes it unlawful for a person to drive a vehicle in an
12 unauthorized trick driving display or to facilitate an unauthorized trick driving
13 display on a public highway. (NRS 484B.653) **Section 2** of this bill additionally
14 prohibits a person from driving a vehicle in an unauthorized trick driving display or
15 facilitating an unauthorized trick driving display on premises to which the public
16 has access.



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

1     **Section 1.** NRS 484B.443 is hereby amended to read as  
2 follows:

3     484B.443 1. Except as otherwise provided in subsection 2,  
4 whenever any law enforcement officer finds a vehicle standing upon  
5 a highway in violation of any of the provisions of chapters 484A to  
6 484E, inclusive, of NRS, the officer may move the vehicle, or  
7 require the driver or person in charge of the vehicle to move it, to a  
8 position off the paved, improved or main-traveled part of the  
9 highway.

10    2. Whenever any law enforcement officer finds a vehicle, the  
11 cargo of a vehicle or other property unattended, disabled or spilled  
12 upon any highway, bridge or causeway, or in any tunnel, where the  
13 vehicle, cargo or property constitutes an obstruction to traffic,  
14 interferes with the normal flow of traffic or otherwise endangers  
15 public safety, the officer or the law enforcement agency employing  
16 the officer, in coordination with unified command, if applicable,  
17 may provide for the immediate removal of the vehicle, cargo or  
18 property to a position where the vehicle, cargo or property no longer  
19 constitutes an obstruction to traffic, interferes with the normal flow  
20 of traffic or otherwise endangers public safety.

21    3. Except as otherwise provided in subsection 2, any law  
22 enforcement officer may, subject to the requirements of subsection  
23 4, remove any vehicle or part of a vehicle found on the highway, or  
24 cause it to be removed, to a garage or other place of safekeeping if:

25    (a) The vehicle has been involved in a crash and is so disabled  
26 that its normal operation is impossible or impractical and the person  
27 or persons in charge of the vehicle are incapacitated by reason of  
28 physical injury or other reason to such an extent as to be unable to  
29 provide for its removal or custody, or are not in the immediate  
30 vicinity of the disabled vehicle;

31    (b) The person driving or in actual physical control of the  
32 vehicle is arrested for any alleged offense for which the officer is  
33 required by law to take the person arrested before a proper  
34 magistrate without unnecessary delay; ~~for~~

35    (c) *The person driving or in actual physical control of the*  
36 *vehicle has been issued a citation for reckless driving pursuant to*  
37 *NRS 484B.653; or*

38    (d) The person in charge of the vehicle is unable to provide for  
39 its custody or removal within:

40    (1) Twenty-four hours after abandoning the vehicle on any  
41 freeway, United States highway or other primary arterial highway.



1 (2) Seventy-two hours after abandoning the vehicle on any  
2 other highway.

3 4. Unless a different course of action is necessary to preserve  
4 evidence of a criminal offense, a law enforcement officer who  
5 wishes to have a vehicle or part of a vehicle removed from a  
6 highway pursuant to subsection 3 shall, in accordance with any  
7 applicable protocol such as a rotational schedule regarding the  
8 selection and use of towing services, cause the vehicle or part of a  
9 vehicle to be removed by a tow car operator. The tow car operator  
10 shall, to the extent practicable and using the shortest and most direct  
11 route, remove the vehicle or part of a vehicle to the garage of the  
12 tow car operator unless directed otherwise by the officer. The tow  
13 car operator is liable for any loss of or damage to the vehicle or its  
14 contents that occurs while the vehicle is in the possession or control  
15 of the tow car operator.

16 5. A person or entity, including a law enforcement officer, the  
17 law enforcement agency employing the law enforcement officer,  
18 unified command or a tow car operator who provides for the  
19 removal of a vehicle, the cargo of a vehicle or other property  
20 pursuant to subsection 2:

21 (a) Is not liable for any loss of or damage to the vehicle, the  
22 contents of the vehicle, the cargo or the property that is removed;  
23 and

24 (b) Must make a reasonable attempt, as soon as practicable, to  
25 notify the owner of the vehicle, cargo or property as to the location  
26 of the vehicle, cargo or property if the owner of the vehicle or  
27 property is not present at the time of removal and the owner of the  
28 vehicle, cargo or property is ascertainable by the officer.

29 6. All costs incurred under the provisions of subsection 2 must  
30 be borne by the owner of the vehicle, cargo or property.

31 7. As used in this section:

32 (a) "Traffic incident" has the meaning ascribed to it in  
33 NRS 484B.607.

34 (b) "Unified command" means a group of law enforcement  
35 officers or other persons organized to provide a coordinated  
36 response to a traffic incident which requires two or more responding  
37 entities within a jurisdiction or which requires responding entities  
38 from two or more jurisdictions. The responding entities may  
39 include, without limitation, police, fire or emergency medical  
40 personnel, a tow car operator, or a state or local governmental entity  
41 responsible for roadway or other infrastructure repair or  
42 maintenance.

43 **Sec. 2.** 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 on a highway or premises to which the public  
3 has access.

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

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

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

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

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

14 2. If, while violating the provisions of subsections 1 to 5,  
15 inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of  
16 subsection 1 of NRS 484B.283, NRS 484B.350, subsections 1 to 4,  
17 inclusive, of NRS 484B.363 or subsection 1 of NRS 484B.600, the  
18 driver of a motor vehicle on a highway or premises to which the  
19 public has access is the proximate cause of a collision with a  
20 pedestrian or a person riding a bicycle, an electric bicycle or an  
21 electric scooter, the violation constitutes reckless driving.

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

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

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

26 or

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

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

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

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

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

35 (1) By a fine of not less than \$1,500 but not more than  
36 \$2,000; or

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

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

42 (a) For the first offense:

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



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

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

5 (b) For the second offense:

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

8 (2) Shall perform not less than 100 hours, but not more than  
9 199 hours, of community service; and

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

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

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

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

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

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

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

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

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

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

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

38 (a) For the first offense:

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

41 (2) Shall perform not less than 100 hours, but not more than  
42 199 hours, of community service; and

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

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



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

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

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

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

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

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

10 (2) Shall perform not less than 50 hours, but not more than  
11 99 hours, of community service; and

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

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

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

18 (2) Shall perform not less than 100 hours, but not more than  
19 199 hours, of community service; and

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

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

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

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

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

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



1 10. A person who violates any provision of this section may be  
2 subject to any additional penalty set forth in NRS 484B.130 or  
3 484B.135 unless the person is subject to the penalty provided  
4 pursuant to subsection 4 of NRS 484B.550.

5 11. As used in this section:

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

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

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

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

21 (c) "Trick driving display" means using a vehicle to perform  
22 tricks, stunts or other maneuvers on a ~~public~~ highway , *or*  
23 *premises to which the public has access*, upon which traffic has  
24 been diverted, slowed, impeded or blocked to enable the performing  
25 of such tricks, stunts or maneuvers or having such tricks, stunts or  
26 maneuvers filmed or otherwise recorded.

27 **Sec. 3.** NRS 706.4469 is hereby amended to read as follows:

28 706.4469 1. The operator shall allow the owner, or agent of  
29 the owner, of a motor vehicle that has been connected to a tow car to  
30 obtain the release of the vehicle at the point of origination of the  
31 towing if:

32 (a) A request is made to release the vehicle; and

33 (b) Except as otherwise provided in subsection 2, the owner or  
34 agent pays a fee established by the operator for releasing the  
35 vehicle.

36 2. If a vehicle that has been connected to a tow car was  
37 requested to be towed pursuant to subparagraph (2) of paragraph (b)  
38 of subsection 2 of NRS 706.4477 and the owner, or agent of the  
39 owner, provides proof that the vehicle is registered pursuant to this  
40 chapter or chapter 482 of NRS or in any other state:

41 (a) The operator shall immediately release the motor vehicle to  
42 the owner or agent; and

43 (b) The owner or agent is not responsible for paying the fee  
44 established by the operator for releasing the vehicle.



1       3. *The provisions of this section do not apply if a vehicle that*  
2 *has been connected to a tow car was requested to be towed by a*  
3 *law enforcement officer pursuant to paragraph (c) of subsection 3*  
4 *of NRS 484B.443.*

5       4. As used in this section, “provide proof” includes, without  
6 limitation, providing current registration documents in a physical  
7 format or in an electronic format as set forth in NRS 482.255 that  
8 predate the date on which the vehicle was connected to the tow car.

