

Amendment No. 209

Assembly Amendment to Assembly Bill No. 456	(BDR 58-974)
<b>Proposed by:</b> Assembly Committee on Growth and Infrastructure	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will REMOVE the unfunded mandate from A.B. 456.
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ASSEMBLY ACTION			Initial and Date		SENATE ACTION			Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

JDK/JFD



Date: 4/20/2023

A.B. No. 456—Revises provisions relating to railroads. (BDR 58-974)





ASSEMBLY BILL NO. 456—COMMITTEE  
ON GROWTH AND INFRASTRUCTURE

MARCH 27, 2023

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to railroads. (BDR 58-974)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

~~[CONTAINS UNFUNDED MANDATE (§ 4)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)]~~

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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 railroads; ~~prohibiting the operation in this State of certain trains that are more than 7,500 feet long on certain railroad tracks; establishing provisions governing the duty hours of yardmasters; requiring a local authority or the Department of Transportation to install traffic control devices and automated traffic enforcement systems at certain railroad grade crossings; providing civil penalties; establishing provisions governing the issuance of a civil infraction citation based on evidence detected by an automated traffic enforcement system;~~ establishing requirements for the installation and operation of wayside detector systems; requiring a stopped train or other equipment to be cut, separated or moved to clear a railroad grade crossing upon the approach of an emergency vehicle; providing a civil penalty; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law establishes provisions governing the operation of railroads in this State. (Chapter 705 of NRS) ~~[Section 1 of this bill: (1) prohibits a railroad doing business in this State from running or allowing to be run on certain railroad tracks a work or freight train that exceeds 7,500 feet in length; and (2) provides that a person who violates this prohibition is liable to the Public Utilities Commission of Nevada for a civil penalty.~~

— Existing law limits the total hours and consecutive hours that certain railroad employees are permitted to be on duty in any 24-hour period. (NRS 705.210) Section 2 of this bill restricts the duty hours which a yardmaster may be required or permitted to work and prohibits a yardmaster from being required or permitted to remain on duty or go on duty if he or she has not had a certain number of consecutive hours off duty.

— Existing law prohibits a governmental entity or its agent from using photographic, video or digital equipment to gather evidence in order to issue a traffic citation or civil infraction citation, unless that equipment is: (1) a portable camera or event recording device worn or held by a peace officer; (2) installed within a vehicle or facility of a law enforcement agency;

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15 or (3) privately owned by a nongovernmental entity. (NRS 484A.600) Section 5 of this bill  
 16 provides for an exception to this prohibition, and section 4 of this bill requires a local  
 17 authority or the Department of Transportation to install and maintain at certain railroad grade  
 18 crossings where there has been an impact between a motor vehicle and a train or other on-  
 19 track equipment or a near-miss incident: (1) an official traffic-control device; and (2) an  
 20 automated traffic enforcement system to enforce the laws governing obedience to such a  
 21 traffic control device. Section 4 requires a peace officer of a traffic enforcement agency with  
 22 jurisdiction over the location of the automated traffic enforcement system to review the  
 23 evidence of a violation detected by an automatic traffic enforcement system before a citation  
 24 is issued. Section 4 establishes requirements for the contents and delivery of a civil infraction  
 25 citation issued based upon evidence collected by an automated traffic enforcement system.  
 26 Section 4 creates a rebuttable presumption that the registered owner of a vehicle is the driver of  
 27 the vehicle at the time of a violation detected by an automated traffic enforcement system  
 28 and provides a method for rebutting this presumption. Section 4 provides that a violation  
 29 detected by an automated traffic enforcement system is not a moving traffic violation.  
 30 Sections 3, 6 and 7 of this bill make conforming changes to: (1) exclude traffic violations  
 31 detected by an automated traffic enforcement system from the assessment of demerit points;  
 32 and (2) provide for the issuance of civil infraction citations for violations detected by an  
 33 automated traffic enforcement system.] Section 1.18 of this bill prohibits a person from  
 34 installing a wayside detector system in this State unless the wayside detector system has  
 35 certain features. Section 1.18 requires a person who installs a wayside detector system  
 36 alongside or on a railroad to ensure such systems are located within a certain distance of  
 37 each other and requires the operator of any train, rolling stock or on-track equipment to  
 38 take certain actions when passing wayside detector systems which are not located in this  
 39 manner. Section 1.2 of this bill establishes requirements for the alarm on a wayside  
 40 detector system. Section 1.22 of this bill requires the operator of any train, rolling stock  
 41 or on-track equipment to take certain action when notified by a wayside detector system  
 42 of a defect or that the number of axles on a train is more or less than the reported  
 43 number. Sections 1.1-1.16 of this bill define terms related to wayside detector systems.  
 44 Section 1.24 of this bill requires a railroad company to ensure the employees of the  
 45 company are aware of and understand the provisions of sections 1.1-1.22 of this bill and  
 46 imposes a penalty for the knowing violation of those provisions.  
 47 Section 1.26 of this bill requires, except in the case of a mechanical failure, a train,  
 48 rolling stock or other on-track equipment which has come to a complete stop and is  
 49 blocking a railroad grade crossing to be cut, separated or moved upon the approach of  
 50 an authorized emergency vehicle.

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

1 **Section 1.** Chapter 705 of NRS is hereby amended by adding thereto ~~a new~~  
 2 ~~section to read as follows:~~  
 3 ~~1. It shall be unlawful for any railroad doing business in this State to run or~~  
 4 ~~allow to be run on any part of a main line or branch line a work or freight train~~  
 5 ~~that exceeds 7,500 feet in length.~~  
 6 ~~2. Any railroad doing business in this State which violates the provisions of~~  
 7 ~~this section is liable to the Public Utilities Commission of Nevada for a penalty~~  
 8 ~~of:~~  
 9 ~~(a) Not less than \$5,000 for the first violation;~~  
 10 ~~(b) Not more than \$10,000 for the second violation within 3 years of the first~~  
 11 ~~violation; and~~  
 12 ~~(c) Not more than \$25,000 for a third and any subsequent violation within 3~~  
 13 ~~years of the first violation.~~  
 14 ~~3. As used in this section:~~

~~1 (a) "Branch line" means a secondary railroad track that branches off from a  
2 main line.~~

~~3 (b) "Main line" means:~~

~~4 (1) A segment or route of railroad tracks over which 5,000,000 gross tons  
5 or more of freight railroad traffic is transported annually; and~~

~~6 (2) Such other tracks as the Commission may prescribe by regulation,]  
7 the provisions set forth as sections 1.1 to 1.26, inclusive, of this act.~~

8 Sec. 1.1. As used in sections 1.1 to 1.26, inclusive, of this act, unless the  
9 context otherwise requires, the words and terms defined in sections 1.12, 1.14 and  
10 1.16 of this act have the meanings ascribed to them in those sections.

11 Sec. 1.12. "Defect" includes, without limitation, hot wheel bearings, hot  
12 wheels, defective bearings that are detected through acoustics, dragging  
13 equipment, excessive height or weight, shifted loads, low hose, rail temperature  
14 and wheel condition.

15 Sec. 1.14. "Wayside detector communications system" means technology  
16 that uses wireless communications systems or algorithms to allow communication  
17 between one wayside detector system with another wayside detector system in  
18 order to predict and detect defects.

19 Sec. 1.16. "Wayside detector system" means an electronic device or a series  
20 of connected devices that scan passing trains, rolling stock, on-track equipment  
21 and their component equipment and parts for defects.

22 Sec. 1.18. 1. No person shall install or operate a wayside detector system  
23 in this State unless it is equipped with:

24 (a) A hot box detector;

25 (b) A hot wheel detector;

26 (c) A dragging equipment detector;

27 (d) An audible alarm that operates in accordance with section 1.22 of this  
28 act.

29 2. Except as otherwise provided in this subsection, any person responsible  
30 for the installation of a wayside detector system alongside or on a railroad shall  
31 ensure that each wayside detector system location is not more than 10 miles from  
32 the adjacent wayside detector system location. If the natural terrain does not  
33 allow for the placement of the next adjacent wayside detector system location  
34 within 10 miles from the prior wayside detector system location, the next adjacent  
35 wayside detector system location shall be installed not more than 15 miles from  
36 the prior wayside detector system location.

37 3. If the wayside detector systems installed on or alongside a railroad do not  
38 comply with the requirements of subsection 2 and are further than 15 miles apart,  
39 the operator of any train, rolling stock or on-track equipment passing between  
40 the noncompliant wayside detector systems shall reduce speed to not more than  
41 10 miles per hour until the train, rolling stock or on-track equipment passes the  
42 next available wayside detector system and is issued a "no defects" message from  
43 the wayside detector system.

44 Sec. 1.2. 1. No person shall install or operate a wayside detector system in  
45 this State unless the audible alarm for the system:

46 (a) Is assigned to the "AAR Frequency" that is assigned to the specific  
47 territory in which the wayside detector system is located; and

48 (b) In the event of a defect, sounds over the assigned radio channel or  
49 frequency not less than three consecutive times with each audible signal lasting  
50 not less than 5 seconds and with not less than 5 seconds of silence between each  
51 audible alarm.

52 2. No person shall install or operate a wayside detector system in this State  
53 unless:

1 (a) The inspection results generated by the wayside detector system provide  
2 an audible message, delivered over the applicable radio channel or frequency that  
3 contains the following information delivered to the operator of the train, rolling  
4 stock or on-track equipment:

5 (1) The wayside detector system location milepost and name;

6 (2) The track number, if applicable;

7 (3) The total number of axles on the train, including, without limitation,  
8 motive power;

9 (4) If a defect is found, the location of the defect within the train, rolling  
10 stock or on-track equipment or the component parts or equipment of the train,  
11 rolling stock or on-track equipment; and

12 (5) If no defect is found, the speed of the train, rolling stock or on-track  
13 equipment and a message that no defects were found.

14 (b) If a defect is found by the wayside detector system, in addition to the  
15 audible alarm signal required pursuant to paragraph (b) of subsection 1, the  
16 audible message required to be provided pursuant to paragraph (a) is repeated  
17 not less than three times over the applicable radio channel or frequency with 20  
18 seconds of silence between each iteration of the audible message.

19 Sec. 1.22. 1. If the operator of a train, rolling stock or other on-track  
20 equipment receives a message pursuant to section 1.2 of this act indicating that a  
21 defect was found, the operator shall:

22 (a) Stop the train, rolling stock or other on-track equipment in accordance  
23 with the safety procedures issued by the managing railroad company;

24 (b) Inspect the location of the defect from a position on the ground;

25 (c) Note and present all inspection results to the appropriate officer of the  
26 railroad company, a local dispatcher or another qualified person based on  
27 company protocol; and

28 (d) Based on the inspection results:

29 (1) If the operator believes it is safe to do so, proceed along the route at a  
30 speed not exceeding 10 miles per hour if carrying hazardous materials or 30  
31 miles per hour if not carrying hazardous materials; and

32 (2) If the operator believes continued operation is not safe, have the  
33 train, rolling stock or on-track equipment, or the applicable component or  
34 equipment of the train, rolling stock or on-track equipment, fully inspected by a  
35 qualified person to make a determination of whether it is safe to proceed.

36 2. If the operator of a train, rolling stock or other on-track equipment  
37 receives a message from a wayside detector system pursuant to section 1.2 of this  
38 act indicating that a defect was found and that defect was previously detected by a  
39 prior wayside detector system, the operator shall:

40 (a) Stop the train, rolling stock or on-track equipment in accordance with the  
41 safety procedures issued by the managing railroad company;

42 (b) Have the train, rolling stock or on-track equipment, or the applicable  
43 component or equipment of the train, rolling stock or on-track equipment, fully  
44 inspected by a qualified person to make a determination of whether it is safe to  
45 proceed; and

46 (c) Not allow the train, rolling stock or on-track equipment to proceed unless  
47 and until a qualified person has thoroughly inspected the defect, made any  
48 necessary repairs and declared it safe to proceed.

49 3. All inspections performed pursuant to this section must be performed on  
50 the ground. A person must not perform any inspection pursuant to this section  
51 from within or on a vehicle or any other mode of transportation.

52 4. If the operator of a train receives a message pursuant to section 1.2 of  
53 this act indicating that the number of axles on a train is less than the reported

1 number of axles for that train, the operator shall report the discrepancy to the  
2 proper railroad authority.

3 5. If the operator of a train receives a message pursuant to section 1.2 of  
4 this act indicating that the number of axles on a train is more than the reported  
5 number of axles for that train, the operator shall report the discrepancy to the  
6 proper railroad authority. If the discrepancy is not resolved within 5 miles of  
7 receiving the message pursuant to section 1.22 of this act the operator shall stop  
8 the train. The operator shall not proceed until the discrepancy is resolved, all  
9 extra equipment or cars are identified and any necessary documentation is  
10 issued.

11 Sec. 1.24. 1. Any railroad company doing business in this State shall  
12 ensure that its employees are aware of and understand the requirements of  
13 sections 1.1 to 1.24, inclusive, of this act.

14 2. Any person who knowingly violates a provision of sections 1.1 to 1.24,  
15 inclusive, of this act is liable for a civil penalty of not more than \$25,000 for each  
16 violation.

17 Sec. 1.26. 1. Except for a train, rolling stock or other on-track equipment  
18 that is stopped due to mechanical failure where separation or movement is not  
19 possible, any train, rolling stock or other on-track equipment that has come to a  
20 complete stop and is blocking a railroad grade crossing must be cut, separated or  
21 moved to clear the crossing upon the approach of an authorized emergency  
22 vehicle.

23 2. As used in this section, "authorized emergency vehicle" has the meaning  
24 ascribed to it in NRS 484A.020.

25 Sec. 2. [NRS 705.210 is hereby amended to read as follows:

26 ~~705.210 1. As used in this section:~~

27 ~~(a) "Employees" means persons actually engaged in or connected with the~~  
28 ~~movement of any train [..], not including a yardmaster.~~

29 ~~(b) "Railroad" includes all bridges and ferries used or operated in connection~~  
30 ~~with any railroad, and also all the road in use by any common carrier operating a~~  
31 ~~railroad, whether owned or operated under a contract agreement or lease.~~

32 ~~(c) "Yardmaster" means a person who is responsible for supervising and~~  
33 ~~coordinating the control of trains and engines operating within a rail yard, not~~  
34 ~~including a dispatching service employee, signal employee or train employee as~~  
35 ~~those terms are defined in 49 U.S.C. § 21101.~~

36 ~~2. The provisions of this section apply to any common carrier or carriers, their~~  
37 ~~officers, agents and employees engaged in the transportation of passengers or~~  
38 ~~property by railroad in the State of Nevada.~~

39 ~~3. It is unlawful for any common carrier, its officers or agents, subject to this~~  
40 ~~section, to require or permit any employee subject to this section to be or remain on~~  
41 ~~duty for a longer period than 16 consecutive hours, and whenever any such~~  
42 ~~employee of such common carrier has been continuously on duty for 16 hours the~~  
43 ~~employee must be relieved and not required or permitted again to go on duty until~~  
44 ~~the employee has had at least 10 consecutive hours off duty. No such employee~~  
45 ~~who has been on duty 16 hours in the aggregate in any 24 hour period must be~~  
46 ~~required or permitted to continue or again go on duty without having had at least 8~~  
47 ~~consecutive hours off duty.~~

48 ~~4. No employee who, by the use of the telegraph or telephone or other~~  
49 ~~electrical device, dispatches, reports, transmits, receives or delivers orders or who~~  
50 ~~from towers, offices, places and stations operates signals or switches or similar~~  
51 ~~mechanical devices controlling, pertaining to, or affecting the movement of trains~~  
52 ~~of more than two cars must be required or permitted to be or remain on duty in any~~  
53 ~~24 hour period for a longer period than 8 hours, which must be wholly within the~~

1 limits of a continuous shift and upon the completion of that period the employee  
2 must not be required or permitted again to go on duty until the expiration of 16  
3 hours. This subsection does not apply to employees who, in case of emergency, use  
4 the telephone to obtain orders or information governing the movement of trains. In  
5 case of emergency, such employees may be permitted to be and remain on duty for  
6 4 additional hours in a 24-hour period of not exceeding 3 days in any week.

7 ~~— 5. It is unlawful for any common carrier, its officers or agents, subject to  
8 this section, to require or permit a yardmaster to be or remain on duty or go  
9 again on duty;~~

10 ~~— (a) In any calendar month where the yardmaster has spent a total of 276  
11 hours on duty, waiting for deadhead transportation or in deadhead transportation  
12 from a duty assignment to the place of final release, or in any other mandatory  
13 service for the carrier;~~

14 ~~— (b) For a longer period than 12 consecutive hours;~~

15 ~~— (c) Unless that yardmaster has had at least 10 consecutive hours off duty  
16 during the preceding 24 hours; or~~

17 ~~— (d) After the yardmaster has initiated an on-duty period each day for 6  
18 consecutive days, unless that yardmaster has had at least 48 consecutive hours  
19 off duty at the yardmaster's home terminal during which time the yardmaster is  
20 unavailable for any service.~~

21 ~~— 6. Any common carrier, or any officer or agent thereof, requiring or  
22 permitting any employee to go, be or remain on duty in violation of subsections 3,  
23 [and] 4 and 5 shall be punished by a fine of not more than \$500.~~

24 ~~— [6.] 7. In all prosecutions under this section the common carrier shall be  
25 deemed to have had knowledge of all acts of its officers and agents.~~

26 ~~— [7.] 8. The provisions of this section do not apply:~~

27 ~~— (a) In any case of casualty or unavoidable accident or the act of God.~~

28 ~~— (b) Where the delay was the result of a cause not known to the carrier or its  
29 officers or agents in charge of such employee at the time the employee left the  
30 terminal and which could not have been foreseen.~~

31 ~~— (c) To the crews of wrecking or relief trains.~~

32 ~~— (d) To railroads not maintaining a regular night train schedule.~~

33 ~~— [8.] 9. The Public Utilities Commission of Nevada shall:~~

34 ~~— (a) Execute and enforce the provisions of this section, and all powers granted  
35 by law to the Public Utilities Commission of Nevada are hereby extended to it in  
36 the execution of this section.~~

37 ~~— (b) Lodge with the proper district attorneys information of any violations of  
38 this section which may come to its knowledge.] (Deleted by amendment.)~~

39 **Sec. 3.** [NRS 483.473 is hereby amended to read as follows:

40 ~~— 483.473 1. As used in this section, "traffic violation" means conviction of a  
41 moving traffic violation in any municipal court, justice court or district court in this  
42 State or a finding by any municipal court or justice court in this State that a person  
43 has committed a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive.  
44 The term includes a finding by a juvenile court that a child has violated a traffic law  
45 or ordinance other than one governing standing or parking. The term does not  
46 include [a] +~~

47 ~~— (a) A conviction or a finding by a juvenile court of a violation of the speed  
48 limit posted by a public authority under the circumstances described in subsection 1  
49 of NRS 484B.617 [ ] + or~~

50 ~~— (b) A civil infraction citation issued for a violation detected by an automated  
51 traffic enforcement system pursuant to section 4 of this act.~~

52 ~~— 2. The Department shall establish a uniform system of demerit points for  
53 various traffic violations occurring within this State affecting the driving privilege~~



1 of any person who holds a driver's license issued by the Department and persons  
2 deemed to have future driving privileges pursuant to NRS 483.447. The system  
3 must be based on the accumulation of demerits during a period of 12 months.

4 ~~3. The system must be uniform in its operation, and the Department shall set  
5 up a schedule of demerits for each traffic violation, depending upon the gravity of  
6 the violation, on a scale of one demerit point for a minor violation of any traffic law  
7 to eight demerit points for an extremely serious violation of the law governing  
8 traffic violations. If a conviction of two or more traffic violations committed on a  
9 single occasion is obtained, points must be assessed for one offense or civil  
10 infraction, and if the point values differ, points must be assessed for the offense or  
11 civil infraction having the greater point value. Details of the violation must be  
12 submitted to the Department by the court where the conviction or finding is  
13 obtained. The Department may provide for a graduated system of demerits within  
14 each category of violations according to the extent to which the traffic law was  
15 violated.] (Deleted by amendment.)~~

16 **Sec. 4.** ~~[Chapter 484A of NRS is hereby amended by adding thereto a new  
17 section to read as follows:~~

18 ~~1. A local authority or the Department of Transportation shall install and  
19 maintain at each railroad grade crossing under its jurisdiction where there has  
20 been, in the immediately preceding 5 years, an impact between a motor vehicle  
21 and a train or other on-track equipment or a near-miss incident:~~

22 ~~(a) An official traffic control device described in NRS 484B.307; and~~

23 ~~(b) An automated traffic enforcement system to enforce the provisions of  
24 NRS 484B.307, and any corresponding traffic regulation.~~

25 ~~2. Before a civil infraction citation is issued pursuant to NRS 484A.7033 for  
26 a violation of the provisions of NRS 484B.307 or any corresponding traffic  
27 regulation which was detected by an automated traffic enforcement system, the  
28 evidence of the violation from the automated traffic enforcement system must be  
29 reviewed for accuracy by a peace officer of a traffic enforcement agency with  
30 jurisdiction over the location of the automated traffic enforcement system.~~

31 ~~3. A civil infraction citation issued pursuant to NRS 484A.7033 for a  
32 violation described in subsection 2 must be sent by the traffic enforcement agency  
33 described in subsection 2 by first class mail to the address listed with the  
34 Department for the registered owner of the vehicle identified by the automated  
35 traffic enforcement system.~~

36 ~~4. In addition to the information required pursuant to subsection 1 of NRS  
37 484A.7035, a civil infraction citation issued pursuant to NRS 484A.7033 for a  
38 violation described in subsection 2 must include:~~

39 ~~(a) The date and time of the violation;~~

40 ~~(b) An image taken by the automated traffic enforcement system showing the  
41 vehicle involved in the violation or the address of the Internet website on which  
42 such an image may be viewed; and~~

43 ~~(c) A statement summarizing the provisions of subsection 5.~~

44 ~~5. The registered owner of a vehicle is presumed to be the driver of the  
45 vehicle at the time of a violation of the provisions of NRS 484B.307 or any  
46 corresponding traffic regulation which was detected by an automated traffic  
47 enforcement system. Such a presumption may be rebutted if the registered owner  
48 of the vehicle presents as evidence at a hearing held pursuant to subsection 3 of  
49 NRS 484A.704, an affidavit stating:~~

50 ~~(a) The name and address of the person having care, custody and control of  
51 the vehicle at the time of the violation; or~~

~~1 (b) That the vehicle was, at the time of the violation, stolen. Such an affidavit  
2 must be accompanied by evidence that supports the affidavit, including, without  
3 limitation, a police report or an insurance report.~~

~~4 6. The provisions of this section do not prohibit a peace officer from issuing  
5 a citation for a violation of any law of this State at the place where an automated  
6 traffic enforcement system is installed and in use if the peace officer witnesses a  
7 violation. A person who is issued a citation by a peace officer pursuant to this  
8 subsection must not be issued a civil infraction citation based on evidence from  
9 the automated traffic enforcement system for the same violation for which the  
10 peace officer issued the person the citation.~~

~~11 7. A violation of the provisions of NRS 484B.307 for which a civil  
12 infraction citation is issued pursuant to NRS 484A.7033 for a violation described  
13 in subsection 2:~~

~~14 (a) Is not a moving traffic violation under NRS 483.473; and~~

~~15 (b) Is punishable by an administrative fine in an amount set by the local  
16 authority, but not less than \$50.~~

~~17 8. As used in this section:~~

~~18 (a) "Automated traffic enforcement system" means a stationary electronic or  
19 digital system which creates a photograph or other recorded image of a vehicle  
20 which is used as evidence of a violation of a traffic law by the driver of the  
21 vehicle.~~

~~22 (b) "Corresponding traffic regulation" means a traffic regulation enacted by  
23 ordinance by a local authority pursuant to NRS 484A.400 that prohibits the same  
24 conduct prohibited by NRS 484B.307.~~

~~25 (c) "Near miss incident" means an occurrence that could have resulted in an  
26 impact between a motor vehicle and a train or other on track equipment but the  
27 impact was prevented.] (Deleted by amendment.)~~

~~28 Sec. 5. [NRS 484A.600 is hereby amended to read as follows:~~

~~29 484A.600 [A] Except as otherwise provided in section 4 of this act, a  
30 governmental entity and any agent thereof shall not use photographic, video or  
31 digital equipment for gathering evidence to be used for the issuance of a traffic  
32 citation or civil infraction citation pursuant to NRS 484A.7035 for a violation of  
33 chapters 484A to 484E, inclusive, of NRS unless the equipment is a portable  
34 camera or event recording device worn or held by a peace officer, the equipment is  
35 otherwise installed temporarily or permanently within a vehicle or facility of a law  
36 enforcement agency or the equipment is privately owned by a nongovernmental  
37 entity.] (Deleted by amendment.)~~

~~38 Sec. 6. [NRS 484A.640 is hereby amended to read as follows:~~

~~39 484A.640 1. Except for a citation issued pursuant to NRS 484A.700 [,] or  
40 section 4 of this act, whenever a police officer makes an arrest or issues a citation  
41 to a person for any violation of chapters 484A to 484E, inclusive, of NRS, the  
42 police officer shall record the name as given by that person, the number of the  
43 person's driver's license and a brief description of the person's physical  
44 appearance. This information must be maintained in a record for offenses kept at  
45 the traffic enforcement agency which employs that officer.~~

~~46 2. Whenever a police officer stops a driver of a motor vehicle for any  
47 violation of chapters 484A to 484E, inclusive, of NRS and requests information  
48 from a traffic enforcement agency concerning that person's record of prior offenses,  
49 the police officer shall compare not only the driver's name but also the number of  
50 his or her driver's license and physical description with any information obtained  
51 from the agency as a result of the request. If the information received from the  
52 agency indicates that the driver's name is on an outstanding warrant for a prior  
53 offense, the officer shall not arrest the driver for that prior offense unless the~~

1 additional information used for comparison also connects the driver with that prior  
2 offense.] **(Deleted by amendment.)**

3 **Sec. 7.** ~~[NRS 484A.704 is hereby amended to read as follows:~~

4 ~~484A.704 1. Any person who receives a civil infraction citation pursuant to  
5 NRS 484A.7025 or 484A.7049, or section 4 of this act, shall respond to the  
6 citation as provided in this section not later than 90 calendar days after the date on  
7 which the citation is issued.~~

8 ~~2. If a person receiving a civil infraction citation does not contest the  
9 determination that the person has committed the civil infraction set forth in the  
10 citation, the person must respond to the citation by indicating that the person does  
11 not contest the determination and submitting full payment of the monetary penalty,  
12 the administrative assessment and any fees to the court specified in the citation, or  
13 its traffic violations bureau, in person, by mail or through the Internet or other  
14 electronic means.~~

15 ~~3. If a person receiving a civil infraction citation wishes to contest the  
16 determination that the person has committed the civil infraction set forth in the  
17 citation, the person must respond by requesting in person, by mail or through the  
18 Internet or other electronic means a hearing for that purpose. The court shall notify  
19 the person in writing of the time, place and date of the hearing, but the date of the  
20 hearing must not be earlier than 9 calendar days after the court provides notice of  
21 the hearing.~~

22 ~~4. Except as otherwise provided in this subsection, not less than 30 days  
23 before the deadline for a person to respond to a civil infraction citation, the court  
24 must send to the address or electronic mail address of the person, as indicated on  
25 the civil infraction citation issued to the person, a reminder that the person must  
26 respond to the civil infraction citation within 90 calendar days after the date on  
27 which the civil infraction citation is issued. If the person agreed to receive  
28 communications relating to the civil infraction by text message, the court may send  
29 such a notice to the telephone number of the person as indicated on the civil  
30 infraction citation. If the person does not respond to the civil infraction citation in  
31 the manner specified by subsection 2 or 3 within 90 calendar days after the date on  
32 which the civil infraction citation is issued, the court must enter an order pursuant  
33 to NRS 484A.7043 finding that the person committed the civil infraction and  
34 assessing the monetary penalty and administrative assessments prescribed for the  
35 civil infraction. A person who has been issued a civil infraction citation and who  
36 fails to respond to the civil infraction citation as required by this section may not  
37 appeal an order entered pursuant to this section.~~

38 ~~5. If any person issued a civil infraction citation fails to appear at a hearing  
39 requested pursuant to subsection 3, the court must enter an order pursuant to NRS  
40 484A.7043 finding that the person committed the civil infraction and assessing the  
41 monetary penalty and administrative assessments prescribed for the civil infraction.  
42 A person who has been issued a civil infraction citation and who fails to appear at a  
43 hearing requested pursuant to subsection 3 may not appeal an order entered  
44 pursuant to this subsection.~~

45 ~~6. In addition to any other penalty imposed, any person who is found by the  
46 court to have committed a civil infraction pursuant to subsection 5 shall pay the  
47 witness fees, per diem allowances, travel expenses and other reimbursement in  
48 accordance with NRS 50.225.~~

49 ~~7. If a court has established a system pursuant to NRS 484A.615, any person  
50 issued a civil infraction citation may, if authorized by the court, use the system to  
51 perform any applicable actions pursuant to this section.] **(Deleted by amendment.)**~~

1       **Sec. 8.** ~~{The provisions of NRS 254.599 do not apply to any additional~~  
2 ~~expenses of a local government that are related to the provisions of this act.}~~  
3 **(Deleted by amendment.)**

4       **Sec. 9.** This act becomes effective on July 1, 2023.