

Amendment No. 347

Senate Amendment to Senate Bill No. 322	(BDR 43-934)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

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.



SENATE BILL NO. 322—SENATORS STONE, SEEVERS GANSERT, GOICOECHEA;
HAMMOND, HANSEN, NGUYEN AND TITUS

MARCH 20, 2023

JOINT SPONSORS: ASSEMBLYMEN YUREK,
HARDY, GRAY, GALLANT; AND GURR

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to reckless driving. (BDR 43-934)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to crimes; revising the penalties for engaging in reckless driving under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law makes it unlawful for a person to drive a vehicle in willful or wanton disregard of the safety of persons or property. Existing law provides that certain unlawful acts, such as driving a vehicle in willful or wanton disregard of the safety of persons or property, constitute reckless driving. (NRS 484B.653) Under existing law, if a driver commits reckless driving and proximately causes substantial bodily harm to or the death of another person, the driver: (1) is guilty of a category B felony; (2) 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 (3) may be subject to certain additional penalties if the violation is committed in a pedestrian safety zone or a temporary traffic control zone. (NRS 484B.130, 484B.135, 484B.653)

Section 3 of this bill revises the penalty for committing such a violation ~~[by increasing] under certain circumstances. Specifically, section 3 increases the [term of imprisonment to: (1) a minimum term of not less than 1 year and a] maximum term of imprisonment for the commission of [not more than] such a violation from 6 years to 10 years, [if the violation does not involve operating a vehicle at a rate of speed that is 50 miles per hour or more over the posted speed limit; or (2) a minimum term of 8 years and a maximum term of 20 years.]~~ if the violation **;(1)** involves operating a vehicle at a rate of speed that is 50 miles per hour or more over the posted speed limit ~~[. Section 3 also prohibits the court from granting probation to or suspending the sentence of a person convicted of such a violation.~~

~~Sections 1-3 of this bill provide that a person who commits such a violation in a pedestrian safety zone or temporary traffic control zone is subject to an additional penalty of imprisonment for a minimum term of not less than 1 year and a maximum term of not more than 5 years, as determined by the court. Sections 1-3 require the court to consider certain information in determining the length of the additional penalty imposed and state on the record that it has considered that information in determining the length of the additional~~

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~~penalty imposed; (2) is committed in a pedestrian safety zone, school zone or school crossing zone. This bill is known as "Rex's Law" after Rex Patchett.~~

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

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Section 1. ~~NRS 484B.130 is hereby amended to read as follows:~~
~~484B.130 1. Except as otherwise provided in this subsection and~~
~~subsections 2 and 6, a person who is found to have committed a violation of a speed~~
~~limit, or convicted of or found to have committed a violation of NRS 484B.150,~~
~~484B.163, 484B.165, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227,~~
~~484B.300, 484B.303, 484B.317, 484B.320, 484B.327, 484B.330, 484B.403,~~
~~484B.587, 484B.600, 484B.603, 484B.650, 484B.653, 484B.657, 484C.110 or~~
~~484C.120, that occurred:~~
~~(a) In an area designated as a temporary traffic control zone; and~~
~~(b) At a time when the workers who are performing construction, maintenance~~
~~or repair of the highway or other work are present, or when the effects of the act~~
~~may be aggravated because of the condition of the highway caused by construction,~~
~~maintenance or repair, including, without limitation, reduction in lane width,~~
~~reduction in the number of lanes, shifting of lanes from the designated alignment~~
~~and uneven or temporary surfaces, including, without limitation, modifications to~~
~~road beds, cement treated bases, chip seals and other similar conditions,~~
~~shall, if the violation is a criminal offense, 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 or shall, if the violation is a civil infraction punishable pursuant to NRS~~
~~484A.703 to 484A.705, inclusive, be punished by a civil penalty in an amount~~
~~equal to and in addition to the civil penalty that the court imposes for the primary~~
~~civil infraction. If the violation is a criminal offense punishable pursuant to~~
~~subsection 9 of NRS 484B.653, the person shall be punished as provided in~~
~~subsection 10 of NRS 484B.653. 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 or civil infraction, but~~
~~provides an additional penalty for the primary offense or civil infraction, whose~~
~~imposition is contingent upon the finding of the prescribed fact.~~
~~2. [1] Except as otherwise provided in subsection 1, if a violation described~~
~~in subsection 1 is:~~
~~(a) A criminal offense, 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.~~
~~(b) A civil infraction punishable pursuant to NRS 484A.703 to 484A.705,~~
~~inclusive, the additional penalty imposed pursuant to subsection 1 must not exceed~~
~~a total of \$250.~~
~~3. Except as otherwise provided in subsection 5, a governmental entity that~~
~~designates an area or authorizes the designation of an area as a temporary traffic~~
~~control zone in which construction, maintenance or repair of a highway or other~~
~~work is conducted, or the person with whom the governmental entity contracts to~~
~~provide such service, shall cause to be erected:~~
~~(a) A sign located before the beginning of such an area stating "DOUBLE~~
~~PENALTIES IN WORK ZONES" to indicate a double penalty may be imposed~~
~~pursuant to this section;~~

~~1 (b) A sign to mark the beginning of the temporary traffic control zone; and~~

~~2 (c) A sign to mark the end of the temporary traffic control zone.~~

~~3 4. A person who otherwise would be subject to an additional penalty pursuant~~
~~4 to this section is not relieved of any criminal liability or liability for a civil~~
~~5 infraction because signs are not erected as required by subsection 3 if the violation~~
~~6 results in injury to any person performing highway construction or maintenance or~~
~~7 other work in the temporary traffic control zone or in damage to property in an~~
~~8 amount equal to \$1,000 or more.~~

~~9 5. The requirements of subsection 3 do not apply to an area designated as a~~
~~10 temporary traffic control zone:~~

~~11 (a) Pursuant to an emergency which results from a natural or other disaster and~~
~~12 which threatens the health, safety or welfare of the public; or~~

~~13 (b) On a public highway where the posted speed limit is 25 miles per hour or~~
~~14 less and that provides access to or is appurtenant to a residential area.~~

~~15 6. A person who would otherwise be subject to an additional penalty pursuant~~
~~16 to this section is not subject to an additional penalty if the violation occurred in a~~
~~17 temporary traffic control zone for which signs are not erected pursuant to~~
~~18 subsection 5, unless the violation results in injury to any person performing~~
~~19 highway construction or maintenance or other work in the temporary traffic control~~
~~20 zone or in damage to property in an amount equal to \$1,000 or more. **(Deleted by**~~
~~21 **amendment.)**~~

Sec. 2. [NRS 484B.135 is hereby amended to read as follows:

~~23 484B.135 1. Except as otherwise provided in subsections 2 and 4, a person~~
~~24 who is found to have committed a violation of a speed limit, or convicted of or~~
~~25 found to have committed a violation of NRS 484B.150, 484B.163, 484B.165,~~
~~26 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.280, 484B.283,~~
~~27 484B.300, 484B.303, 484B.307, 484B.317, 484B.320, 484B.327, 484B.403,~~
~~28 484B.600, 484B.603, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120, that~~
~~29 occurred in an area designated as a pedestrian safety zone may:~~

~~30 (a) If the violation is a criminal offense [.] **other than a violation punishable**~~
~~31 **pursuant to subsection 9 of NRS 484B.653,** be punished by imprisonment or by a~~
~~32 fine, or both, for a term or an amount equal to and in addition to the term of~~
~~33 imprisonment or amount of the fine, or both, that the court imposes for the primary~~
~~34 offense.~~

~~35 (b) **If the violation is a criminal offense punishable pursuant to subsection 9**~~
~~36 **of NRS 484B.653, be punished as provided in subsection 10 of NRS 484B.653.**~~

~~37 (c) If the violation is a civil infraction punishable pursuant to NRS 484A.703 to~~
~~38 484A.705, inclusive, be punished by a civil penalty in an amount equal to and in~~
~~39 addition to the civil penalty that the court imposes for the primary infraction.~~

~~40 Any term of imprisonment imposed pursuant to this subsection runs~~
~~41 consecutively with the sentence prescribed by the court for the crime. This~~
~~42 subsection does not create a separate offense or civil infraction but provides an~~
~~43 additional penalty for the primary offense or civil infraction, whose imposition is~~
~~44 discretionary with the court and contingent upon the finding of the prescribed fact.~~

~~45 2. [If] **Except as otherwise provided in subsection 1, if** a violation described~~
~~46 **in subsection 1 is:**~~

~~47 (a) A criminal offense, the additional penalty imposed pursuant to subsection 1~~
~~48 **must not exceed a total of \$1,000, 6 months of imprisonment or 120 hours of**~~
~~49 **community service.**~~

~~50 (b) A civil infraction punishable pursuant to NRS 484A.703 to 484A.705,~~
~~51 **inclusive, the additional penalty imposed pursuant to subsection 1 must not exceed**~~
~~52 **a total of \$250.**~~

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

~~(a) A sign located before the beginning of the pedestrian safety zone which provides notice that higher fines and civil penalties 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 subject to such an additional penalty if, with respect to the pedestrian safety zone in which the violation occurred:~~

~~(a) A sign is not erected before the beginning of the pedestrian safety zone as required by paragraph (a) of subsection 3 to provide notice that higher fines and civil penalties may apply in pedestrian safety zones; or~~

~~(b) Signs are not erected as required by paragraphs (b) and (c) of subsection 3 to mark the beginning and end of 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.] **(Deleted by amendment.)**~~

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

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

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

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

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

↪ A violation of paragraph (a), (b) or (d) 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, subsections 1 to 4, inclusive, of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of a motor vehicle on a highway or premises to which the public has access is the proximate cause of a collision with a pedestrian or a person riding a bicycle, an electric bicycle or an electric scooter, 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.

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

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

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

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

8 (a) For the first offense:

9 (1) Shall be punished by a fine of not less than \$250 but not more than
10 \$1,000;

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

13 (3) May be punished by imprisonment in the county jail for not more than
14 6 months.

15 (b) For the second offense:

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

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

20 (3) May be punished by imprisonment in the county jail for not more than
21 6 months.

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

23 (1) Shall be punished by a fine of not less than \$1,500 but not more than
24 \$2,000;

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

26 (3) May be punished by imprisonment in the county jail for not more than
27 6 months.

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

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

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

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

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

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

44 (a) For the first offense:

45 (1) Shall be punished by a fine of not less than \$1,000 but not more than
46 \$1,500;

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

49 (3) May be punished by imprisonment in the county jail for not more than
50 364 days.

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

52 (1) Shall be punished by a fine of not less than \$1,500 but not more than
53 \$2,000;

1 (2) Shall perform 200 hours of community service; and
 2 (3) May be punished by imprisonment in the county jail for not more than
 3 364 days.

4 7. A person who violates paragraph (e) of subsection 1 is 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 99 hours, of
 8 community service; and

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

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

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

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

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

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

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

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

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

28 9. Unless a greater penalty is provided pursuant to subsection 4 of NRS
 29 484B.550, a person who does any act or neglects any duty imposed by law while
 30 driving or in actual physical control of any vehicle on a highway or premises to
 31 which the public has access in willful or wanton disregard of the safety of persons
 32 or property, if the act or neglect of duty proximately causes the death of or
 33 substantial bodily harm to another person, is guilty of a category B felony and shall
 34 be punished by imprisonment in the state prison for :

35 ~~(a) [If the violation does not involve operating a vehicle at a rate of speed~~
 36 ~~that is 50 miles per hour or more over the posted speed limit,] Except as otherwise~~
 37 ~~provided in paragraph (b), a minimum term of not less than 1 year and a maximum~~
 38 ~~term of not more than 6 ~~10~~ years and by a fine of not less than \$2,000 but not~~
 39 ~~more than \$5,000.~~

40 ~~(b) [If the] A minimum term of not less than 1 year and a maximum term of~~
 41 ~~not more than 10 years and by a fine of not less than \$2,000 but not more than~~
 42 ~~\$5,000 if:~~

43 ~~(1) The violation involves operating a vehicle at a rate of speed that is 50~~
 44 ~~miles per hour or more over the posted speed limit [, a minimum term of 8 years~~
 45 ~~and a maximum term of 20 years and by a fine of not less than \$2,000 but not~~
 46 ~~more than \$5,000.~~

47 ~~↪ The court shall not grant probation to or suspend the sentence of a person~~
 48 ~~punished pursuant to this subsection.] ; or~~

49 ~~(2) The violation is committed in an area designated as a pedestrian~~
 50 ~~safety zone or school zone or a school crossing zone.~~

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

~~person who violates subsection 9 and who is subject to the additional penalty set forth in NRS 484B.130 or 484B.135 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 5 years, as determined by the court. In determining the length of the additional penalty imposed, the court shall consider the following information:~~

- ~~—(a) The facts and circumstances of the crime;~~
- ~~—(b) The criminal history of the person;~~
- ~~—(c) The impact of the crime on any victim;~~
- ~~—(d) Any mitigating factors presented by the person; and~~
- ~~—(e) Any other relevant information.~~

~~→ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.]~~

~~11. [The sentence for an additional penalty imposed pursuant to subsection 10 must not exceed the sentence imposed for the crime and runs consecutively with the sentence prescribed by statute for the crime. Subsection 10 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. —12.]~~ As used in this section:

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

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

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

(b) “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.

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

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