

Amendment No. 659

Assembly Amendment to Senate Bill No. 322 First Reprint (BDR 43-934)

Proposed by: Assembly Committee on Judiciary

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: Yes Digest: No

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;
CANNIZZARO, DONDERO LOOP, HAMMOND, HANSEN, NGUYEN AND TITUS

MARCH 20, 2023

JOINT SPONSORS: ASSEMBLYMEN YUREK, HARDY, GRAY, GALLANT; ~~[AND]~~ BILBRAY-
AXELROD, GURR AND HANSEN

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.

~

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 under certain circumstances. Specifically, **section 3** increases the maximum term of imprisonment for the commission of such a violation from 6 years to 10 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; or (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:

Section 1. (Deleted by amendment.)

1 **Sec. 2.** (Deleted by amendment.)

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

3 484B.653 1. It is unlawful for a person to:

4 (a) Drive a vehicle in willful or wanton disregard of the safety of persons or
5 property on a highway or premises to which the public has access.

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

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

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

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

13 ➤ A violation of paragraph (a), (b) or (d) of this subsection or subsection 1 of NRS
14 484B.550 constitutes reckless driving.

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

22 3. A person who violates paragraph (a) of subsection 1 is guilty of a
23 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; or

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

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

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

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

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

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

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

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

39 (a) For the first offense:

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

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

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

46 (b) For the second offense:

47 (1) Shall be punished by a fine of not less than \$1,000 but not more than
48 \$1,500;

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

51 (3) May be punished by imprisonment in the county jail for not more than
52 6 months.

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

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

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

4 (3) May be punished by imprisonment in the county jail for not more than
5 6 months.

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

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

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

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

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

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

22 (a) For the first offense:

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

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

27 (3) May be punished by imprisonment in the county jail for not more than
28 364 days.

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

30 (1) Shall be punished by a fine of not less than \$1,500 but not more than
31 \$2,000;

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

33 (3) May be punished by imprisonment in the county jail for not more than
34 364 days.

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

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

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

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

40 (3) May be punished by imprisonment in the county jail for not more than
41 6 months.

42 (b) For the second offense and each subsequent offense, a gross misdemeanor
43 and:

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

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

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

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

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

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

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

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

15 *(a) Except as otherwise provided in paragraph (b), a minimum term of not*
16 *less than 1 year and a maximum term of not more than 6 years and by a fine of not*
17 *less than \$2,000 but not more than \$5,000.*

18 *(b) A minimum term of not less than 1 year and a maximum term of not*
19 *more than 10 years and by a fine of not less than \$2,000 but not more than*
20 *\$5,000 if:*

21 *(1) The violation involves operating a vehicle at a rate of speed that is 50*
22 *miles per hour or more over the posted speed limit; or*

23 *(2) The violation is committed in an area designated as a pedestrian*
24 *safety zone or school zone or a school crossing zone.*

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

28 11. As used in this section:

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

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

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

37 (b) "Organize" means to plan, schedule or promote, or assist in the planning,
38 scheduling or promotion of, an unauthorized speed contest on a public highway,
39 regardless of whether a fee is charged for attending the unauthorized speed contest.

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

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