

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:**

1 Existing law makes it unlawful for a person to drive a vehicle in willful or  
2 wanton disregard of the safety of persons or property. Existing law provides that  
3 certain unlawful acts, such as driving a vehicle in willful or wanton disregard of the  
4 safety of persons or property, constitute reckless driving. (NRS 484B.653) Under  
5 existing law, if a driver commits reckless driving and proximately causes  
6 substantial bodily harm to or the death of another person, the driver: (1) is guilty of  
7 a category B felony; (2) shall be punished by imprisonment in the state prison for a  
8 minimum term of not less than 1 year and a maximum term of not more than 6  
9 years; and (3) may be subject to certain additional penalties if the violation is  
10 committed in a pedestrian safety zone or a temporary traffic control zone. (NRS  
11 484B.130, 484B.135, 484B.653)

12 **Section 3** of this bill revises the penalty for committing such a violation by  
13 increasing the term of imprisonment to: (1) a minimum term of not less than 1 year  
14 and a maximum term of not more than 10 years, if the violation does not involve  
15 operating a vehicle at a rate of speed that is 50 miles per hour or more over the  
16 posted speed limit; or (2) a minimum term of 8 years and a maximum term of 20  
17 years, if the violation involves operating a vehicle at a rate of speed that is 50 miles  
18 per hour or more over the posted speed limit. **Section 3** also prohibits the court  
19 from granting probation to or suspending the sentence of a person convicted of such  
20 a violation.



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

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

1       **Section 1.** NRS 484B.130 is hereby amended to read as  
2 follows:

3       484B.130 1. Except as otherwise provided in *this subsection*  
4 *and* subsections 2 and 6, a person who is found to have committed a  
5 violation of a speed limit, or convicted of or found to have  
6 committed a violation of NRS 484B.150, 484B.163, 484B.165,  
7 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.300,  
8 484B.303, 484B.317, 484B.320, 484B.327, 484B.330, 484B.403,  
9 484B.587, 484B.600, 484B.603, 484B.650, 484B.653, 484B.657,  
10 484C.110 or 484C.120, that occurred:

11       (a) In an area designated as a temporary traffic control zone; and

12       (b) At a time when the workers who are performing  
13 construction, maintenance or repair of the highway or other work  
14 are present, or when the effects of the act may be aggravated  
15 because of the condition of the highway caused by construction,  
16 maintenance or repair, including, without limitation, reduction in  
17 lane width, reduction in the number of lanes, shifting of lanes from  
18 the designated alignment and uneven or temporary surfaces,  
19 including, without limitation, modifications to road beds, cement-  
20 treated bases, chip seals and other similar conditions,

21       ↪ shall, if the violation is a criminal offense, be punished by  
22 imprisonment or by a fine, or both, for a term or an amount equal to  
23 and in addition to the term of imprisonment or amount of the fine, or  
24 both, that the court imposes for the primary offense or shall, if the  
25 violation is a civil infraction punishable pursuant to NRS 484A.703  
26 to 484A.705, inclusive, be punished by a civil penalty in an amount  
27 equal to and in addition to the civil penalty that the court imposes  
28 for the primary civil infraction. *If the violation is a criminal offense*  
29 *punishable pursuant to subsection 9 of NRS 484B.653, the person*  
30 *shall be punished as provided in subsection 10 of NRS 484B.653.*

31 Any term of imprisonment imposed pursuant to this subsection runs  
32 consecutively with the sentence prescribed by the court for the  
33 crime. This subsection does not create a separate offense or civil  
34 infraction, but provides an additional penalty for the primary offense



1 or civil infraction, whose imposition is contingent upon the finding  
2 of the prescribed fact.

3 2. ~~HH~~ *Except as otherwise provided in subsection 1, if* a  
4 violation described in subsection 1 is:

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

8 (b) A civil infraction punishable pursuant to NRS 484A.703 to  
9 484A.705, inclusive, the additional penalty imposed pursuant to  
10 subsection 1 must not exceed a total of \$250.

11 3. Except as otherwise provided in subsection 5, a  
12 governmental entity that designates an area or authorizes the  
13 designation of an area as a temporary traffic control zone in which  
14 construction, maintenance or repair of a highway or other work is  
15 conducted, or the person with whom the governmental entity  
16 contracts to provide such service, shall cause to be erected:

17 (a) A sign located before the beginning of such an area stating  
18 "DOUBLE PENALTIES IN WORK ZONES" to indicate a double  
19 penalty may be imposed pursuant to this section;

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

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

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

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

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

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

38 6. A person who would otherwise be subject to an additional  
39 penalty pursuant to this section is not subject to an additional  
40 penalty if the violation occurred in a temporary traffic control zone  
41 for which signs are not erected pursuant to subsection 5, unless the  
42 violation results in injury to any person performing highway  
43 construction or maintenance or other work in the temporary traffic  
44 control zone or in damage to property in an amount equal to \$1,000  
45 or more.



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

484B.135 1. Except as otherwise provided in subsections 2 and 4, 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.280, 484B.283, 484B.300, 484B.303, 484B.307, 484B.317, 484B.320, 484B.327, 484B.403, 484B.600, 484B.603, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120, that occurred in an area designated as a pedestrian safety zone may:

(a) If the violation is a criminal offense ~~§~~ *other than a violation punishable pursuant to subsection 9 of NRS 484B.653*, 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.

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

(c) 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 infraction.

➤ 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 discretionary with the court and contingent upon the finding of the prescribed fact.

2. ~~§~~ *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. A governmental entity that designates a pedestrian safety zone shall cause to be erected:

(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.



1 4. A person who would otherwise be subject to an additional  
2 penalty pursuant to this section is not subject to such an additional  
3 penalty if, with respect to the pedestrian safety zone in which the  
4 violation occurred:

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

9 (b) Signs are not erected as required by paragraphs (b) and (c) of  
10 subsection 3 to mark the beginning and end of the pedestrian safety  
11 zone.

12 5. The governing body of a local government or the  
13 Department of Transportation may designate a pedestrian safety  
14 zone on a highway if the governing body or the Department of  
15 Transportation:

16 (a) Makes findings as to the necessity and appropriateness of a  
17 pedestrian safety zone, including, without limitation, any  
18 circumstances on or near a highway which make an area of the  
19 highway dangerous for pedestrians; and

20 (b) Complies with the requirements of subsection 3 and NRS  
21 484A.430 and 484A.440.

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

23 484B.653 1. It is unlawful for a person to:

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

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

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

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

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

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

37 2. If, while violating the provisions of subsections 1 to 5,  
38 inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of  
39 subsection 1 of NRS 484B.283, NRS 484B.350, subsections 1 to 4,  
40 inclusive, of NRS 484B.363 or subsection 1 of NRS 484B.600, the  
41 driver of a motor vehicle on a highway or premises to which the  
42 public has access is the proximate cause of a collision with a  
43 pedestrian or a person riding a bicycle, an electric bicycle or an  
44 electric scooter, the violation constitutes reckless driving.



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

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

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

5 or

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

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

9 (1) By a fine of not less than \$1,000 but not more than  
10 \$1,500; or

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

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

14 (1) By a fine of not less than \$1,500 but not more than  
15 \$2,000; or

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

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

21 (a) For the first offense:

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

24 (2) Shall perform not less than 50 hours, but not more than  
25 99 hours, of community service; and

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

28 (b) For the second offense:

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

31 (2) Shall perform not less than 100 hours, but not more than  
32 199 hours, of community service; and

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

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

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

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

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

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

44 (a) Shall issue an order suspending the driver's license of the  
45 person for a period of not less than 6 months but not more than 2



1 years and requiring the person to surrender all driver's licenses then  
2 held by the person;

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

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

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

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

16 (a) For the first offense:

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

19 (2) Shall perform not less than 100 hours, but not more than  
20 199 hours, of community service; and

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

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

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

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

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

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

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

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

33 (2) Shall perform not less than 50 hours, but not more than  
34 99 hours, of community service; and

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

37 (b) For the second offense and each subsequent offense, a gross  
38 misdemeanor and:

39 (1) Shall be punished by a fine of not less than \$1,000 and  
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.



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

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

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

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

14 9. Unless a greater penalty is provided pursuant to subsection 4  
15 of NRS 484B.550, a person who does any act or neglects any duty  
16 imposed by law while driving or in actual physical control of any  
17 vehicle on a highway or premises to which the public has access in  
18 willful or wanton disregard of the safety of persons or property, if  
19 the act or neglect of duty proximately causes the death of or  
20 substantial bodily harm to another person, is guilty of a category B  
21 felony and shall be punished by imprisonment in the state prison for  
22 :

23 (a) *If the violation does not involve operating a vehicle at a*  
24 *rate of speed that is 50 miles per hour or more over the posted*  
25 *speed limit*, a minimum term of not less than 1 year and a maximum  
26 term of not more than ~~6~~ 10 years and by a fine of not less than  
27 \$2,000 but not more than \$5,000.

28 (b) *If the violation involves operating a vehicle at a rate of*  
29 *speed that is 50 miles per hour or more over the posted speed limit,*  
30 *a minimum term of 8 years and a maximum term of 20 years and*  
31 *by a fine of not less than \$2,000 but not more than \$5,000.*

32 *↪ The court shall not grant probation to or suspend the sentence*  
33 *of a person punished pursuant to this subsection.*

34 10. A person who violates any provision of this section may be  
35 subject to any additional penalty set forth in NRS 484B.130 or  
36 484B.135 unless the person is subject to the penalty provided  
37 pursuant to subsection 4 of NRS 484B.550. *A person who violates*  
38 *subsection 9 and who is subject to the additional penalty set forth*  
39 *in NRS 484B.130 or 484B.135 shall be punished by imprisonment*  
40 *in the state prison for a minimum term of not less than 1 year and*  
41 *a maximum term of not more than 5 years, as determined by the*  
42 *court. In determining the length of the additional penalty imposed,*  
43 *the court shall consider the following information:*

44 (a) *The facts and circumstances of the crime;*

45 (b) *The criminal history of the person;*





- 1 (c) *The impact of the crime on any victim;*
- 2 (d) *Any mitigating factors presented by the person; and*
- 3 (e) *Any other relevant information.*

4 ↪ *The court shall state on the record that it has considered the*  
5 *information described in paragraphs (a) to (e), inclusive, in*  
6 *determining the length of the additional penalty imposed.*

7 11. *The sentence for an additional penalty imposed pursuant*  
8 *to subsection 10 must not exceed the sentence imposed for the*  
9 *crime and runs consecutively with the sentence prescribed by*  
10 *statute for the crime. Subsection 10 does not create a separate*  
11 *offense but provides an additional penalty for the primary offense,*  
12 *whose imposition is contingent upon the finding of the prescribed*  
13 *fact.*

14 12. As used in this section:

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

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

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

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

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

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

