
ASSEMBLY BILL NO. 403—ASSEMBLYMEN ELLISON,
KRAMER, ROBERTS; LEAVITT, TITUS AND WHEELER

MARCH 21, 2019

JOINT SPONSORS: SENATORS BROOKS, CANCELA, DENIS,
HAMMOND, HARDY, SETTELMAYER, SPEARMAN AND
WASHINGTON

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to certain traffic offenses.
(BDR 43-42)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
Effect on the State: 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 motor vehicles; revising provisions relating to
the applicability of certain traffic laws concerning
reckless driving and vehicular manslaughter; providing
penalties; and providing other matters properly relating
thereto.

Legislative Counsel’s Digest:

1 Under existing law, traffic laws and certain other laws relating to motor
2 vehicles are applicable and uniform throughout this State on all highways to which
3 the public has a right of access or to which the persons have access to as invitees or
4 licensees. (NRS 484A.400) **Section 1** of this bill provides that such laws may apply
5 in other places if provided by a specific statute. Existing law makes provisions
6 governing reckless driving and vehicular manslaughter apply to a motor vehicle
7 being operated on a highway. **Sections 2-4** of this bill explicitly makes those also
8 apply on premises to which the public has access, which includes, without
9 limitation, parking lots, parking garages and other roads or ways that provide
10 access to or are appurtenant to places of business, apartment buildings, mobile
11 home parks and gated residential communities. (NRS 484A.185, 484B.550,
12 484B.653, 484B.657)



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

1 **Section 1.** NRS 484A.400 is hereby amended to read as
2 follows:

3 484A.400 1. The provisions of chapters 484A to 484E,
4 inclusive, of NRS are applicable and uniform throughout this State
5 on all highways to which the public has a right of access , ~~for~~ to
6 which persons have access as invitees or licensees ~~for~~ *or such other*
7 *premises as provided by statute.*

8 2. Except as otherwise provided in subsection 3 and unless
9 otherwise provided by specific statute, any local authority may enact
10 by ordinance traffic regulations which cover the same subject matter
11 as the various sections of chapters 484A to 484E, inclusive, of NRS
12 if the provisions of the ordinance are not in conflict with chapters
13 484A to 484E, inclusive, of NRS, or regulations adopted pursuant
14 thereto. It may also enact by ordinance regulations requiring the
15 registration and licensing of bicycles.

16 3. A local authority shall not enact an ordinance:

17 (a) Governing the registration of vehicles and the licensing of
18 drivers;

19 (b) Governing the duties and obligations of persons involved in
20 traffic crashes, other than the duties to stop, render aid and provide
21 necessary information;

22 (c) Providing a penalty for an offense for which the penalty
23 prescribed by chapters 484A to 484E, inclusive, of NRS is greater
24 than that imposed for a misdemeanor; or

25 (d) Requiring a permit for a vehicle, or to operate a vehicle, on a
26 highway in this State.

27 4. No person convicted or adjudged guilty or guilty but
28 mentally ill of a violation of a traffic ordinance may be charged or
29 tried in any other court in this State for the same offense.

30 **Sec. 2.** NRS 484B.550 is hereby amended to read as follows:

31 484B.550 1. Except as otherwise provided in this section, the
32 driver of a motor vehicle *on a highway or premises to which the*
33 *public has access* who willfully fails or refuses to bring the vehicle
34 to a stop, or who otherwise flees or attempts to elude a peace officer
35 in a readily identifiable vehicle of any police department or
36 regulatory agency, when given a signal to bring the vehicle to a stop
37 is guilty of a misdemeanor.

38 2. The signal by the peace officer described in subsection 1
39 must be by flashing red lamp and siren.

40 3. Unless the provisions of NRS 484B.653 apply if, while
41 violating the provisions of subsection 1, the driver of the motor
42 vehicle:



1 (a) Is the proximate cause of damage to the property of any
2 other person; or

3 (b) Operates the motor vehicle in a manner which endangers or
4 is likely to endanger any other person or the property of any other
5 person,

6 ↪ the driver is guilty of a category B felony and shall be punished
7 by imprisonment in the state prison for a minimum term of not less
8 than 1 year and a maximum term of not more than 6 years, or by a
9 fine of not more than \$5,000, or by both fine and imprisonment.

10 4. If, while violating the provisions of subsection 1, the driver
11 of the motor vehicle is the proximate cause of the death of or bodily
12 harm to any other person, the driver is guilty of a category B felony
13 and shall be punished by imprisonment in the state prison for a
14 minimum term of not less than 2 years and a maximum term of not
15 more than 20 years, or by a fine of not more than \$50,000, or by
16 both fine and imprisonment.

17 5. If the driver of the motor vehicle is convicted of a violation
18 of NRS 484C.110 or 484C.120 arising out of the same act or
19 transaction as a violation of subsection 1, the driver is guilty of a
20 category D felony and shall be punished as provided in NRS
21 193.130 for the violation of subsection 1.

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**
26 **public has access.**

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

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

31 ↪ A violation of paragraph (a) or (b) of this subsection or
32 subsection 1 of NRS 484B.550 constitutes reckless driving.

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

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

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

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

45 or



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

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

4 (1) By a fine of not less than \$1,000 but not more than
5 \$1,500; or

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

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

9 (1) By a fine of not less than \$1,500 but not more than
10 \$2,000; or

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

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

16 (a) For the first offense:

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

19 (2) Shall perform not less than 50 hours, but not more than
20 99 hours, of community service; and

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

23 (b) For the second offense:

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

26 (2) Shall perform not less than 100 hours, but not more than
27 199 hours, of community service; and

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

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

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

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

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

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

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

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



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

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

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

20 7. A person who violates any provision of this section may be
21 subject to any additional penalty set forth in NRS 484B.130 or
22 484B.135 unless the person is subject to the penalty provided
23 pursuant to subsection 4 of NRS 484B.550.

24 8. As used in this section, "organize" means to plan, schedule
25 or promote, or assist in the planning, scheduling or promotion of, an
26 unauthorized speed contest on a public highway, regardless of
27 whether a fee is charged for attending the unauthorized speed
28 contest.

29 **Sec. 4.** NRS 484B.657 is hereby amended to read as follows:

30 484B.657 1. A person who, while driving or in actual
31 physical control of any vehicle ~~§~~ *on a highway or premises to*
32 *which the public has access*, proximately causes the death of
33 another person through an act or omission that constitutes simple
34 negligence is guilty of vehicular manslaughter and shall be punished
35 for a misdemeanor.

36 2. A person who commits an offense of vehicular manslaughter
37 may be subject to any additional penalty set forth in NRS 484B.130
38 or 484B.135.

39 3. Upon the conviction of a person for a violation of the
40 provisions of subsection 1, the court shall notify the Department of
41 the conviction.



1 4. Upon receipt of notification from a court pursuant to
2 subsection 3, the Department shall cause an entry of the conviction
3 to be made upon the driving record of the person so convicted.

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