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ASSEMBLY BILL NO. 123—ASSEMBLYMEN MUNFORD;  
GRADY AND HOGAN

FEBRUARY 14, 2013

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Referred to Committee on Transportation

SUMMARY—Prohibits certain pedestrians from manually typing or entering text into a cellular telephone or other handheld wireless communications device while crossing a highway. (BDR 43-489)

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

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

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AN ACT relating to public safety; prohibiting a pedestrian from manually typing or entering text into, or sending or reading data using, a cellular telephone or other handheld wireless communications device while crossing a highway; providing exceptions for certain emergencies; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 This bill makes it a crime for a pedestrian to manually type or enter text into, or  
2 to send or read data using, a cellular telephone or other handheld wireless  
3 communications device while crossing a highway. This bill also provides an  
4 exception to the prohibition when the cellular telephone or other handheld wireless  
5 communications device is used by certain emergency and law enforcement  
6 personnel and persons designated by a sheriff or chief of police or the Director of  
7 the Department of Public Safety who are acting within the course and scope of their  
8 employment. Additional exceptions apply if: (1) the person is using the cellular  
9 telephone or other handheld wireless communications device to report or request  
10 assistance relating to a medical emergency, a safety hazard or criminal activity; or  
11 (2) the person is an employee or contractor of a public utility and is responding to  
12 an emergency dispatch. A violation of the provisions added by this bill is  
13 punishable by a written warning for a first offense. A subsequent violation within  
14 the immediately preceding 7 years is a misdemeanor and is punishable by a fine of:  
15 (1) \$100 for a second offense; and (2) \$250 for a third or subsequent offense.

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

1       **Section 1.** Chapter 484B of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3       1. *Except as otherwise provided in this section, a pedestrian*  
4 *shall not, while crossing any highway, manually type or enter text*  
5 *into a cellular telephone or other handheld wireless*  
6 *communications device, or send or read data using any such*  
7 *device to access or search the Internet or to engage in nonvoice*  
8 *communications with another person, including, without*  
9 *limitation, texting, electronic messaging and instant messaging.*

10       2. *The provisions of subsection 1 do not apply to:*

11       (a) *A paid or volunteer firefighter, emergency medical*  
12 *technician, ambulance attendant or other person trained to*  
13 *provide emergency medical services who is acting within the*  
14 *course and scope of his or her employment.*

15       (b) *A law enforcement officer or any person designated by a*  
16 *sheriff or chief of police or the Director of the Department of*  
17 *Public Safety who is acting within the course and scope of his or*  
18 *her employment.*

19       (c) *A person who is reporting a medical emergency, a safety*  
20 *hazard or criminal activity or who is requesting assistance relating*  
21 *to a medical emergency, a safety hazard or criminal activity.*

22       (d) *An employee or contractor of a public utility who uses a*  
23 *handheld wireless communications device:*

24           (1) *That has been provided by the public utility; and*

25           (2) *While responding to a dispatch by the public utility to*  
26 *respond to an emergency, including, without limitation, a response*  
27 *to a power outage or an interruption in utility service.*

28       3. *A person who violates any provision of subsection 1:*

29       (a) *For the first offense, must be issued a written warning.*

30       (b) *For the second offense within the immediately preceding 7*  
31 *years, is guilty of a misdemeanor and shall pay a fine of \$100.*

32       (c) *For the third or subsequent offense within the immediately*  
33 *preceding 7 years, is guilty of a misdemeanor and shall pay a fine*  
34 *of \$250.*

35       4. *As used in this section:*

36       (a) *“Handheld wireless communications device” means a*  
37 *handheld device for the transfer of information without the use of*  
38 *electrical conductors or wires and includes, without limitation, a*  
39 *cellular telephone, personal digital assistant, pager and text*  
40 *messaging device.*



1       ***(b) "Public utility" has the meaning ascribed to it in***  
2       ***NRS 484B.165.***

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