
ASSEMBLY BILL NO. 21—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF THE DEPARTMENT OF TRANSPORTATION)

PREFILED DECEMBER 19, 2012

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to public safety.
(BDR 43-364)

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.

AN ACT relating to public safety; revising provisions prohibiting open containers of alcoholic beverages in motor vehicles; revising provisions governing the requirements and procedures for reporting motor vehicle accidents; transferring certain duties relating to the reporting of those accidents from the Department of Motor Vehicles to the Department of Public Safety; revising provisions relating to the security that must be deposited when a report of certain motor vehicle accidents involving injury, death or damage to property is received by the Department of Motor Vehicles; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prohibits a person from having an open container of an alcoholic
2 beverage within the passenger area of a motor vehicle while the motor vehicle is on
3 a highway. Existing law provides an exception to that prohibition for a motor
4 vehicle which is designed, maintained or used primarily for the transportation of
5 persons for compensation, or to the living quarters of a house coach or house
6 trailer. (NRS 484B.150) **Section 1** of this bill provides that the exception applies
7 only to a passenger, but not the driver, within: (1) the passenger area of such a
8 motor vehicle; or (2) the living quarters of the house coach or house trailer.

9 **Section 2** of this bill increases the threshold from \$750 to \$1,500 in apparent
10 damages for determining when the driver of a vehicle which is involved in an
11 accident is required to forward a report to the Department of Motor Vehicles within
12 10 days after the accident. **Section 2** further allows: (1) the driver to submit the



13 report electronically; and (2) a driver who is required to submit a supplemental
14 report to do so electronically. (NRS 484E.070)

15 **Section 4** of this bill allows a police officer who investigates a vehicle accident
16 for which a report must be made by the officer, or who otherwise prepares a written
17 report as a result of the investigation, to forward the report of the accident in
18 writing or electronically. In addition, **section 4** requires the report to be submitted
19 to the Department of Public Safety rather than the Department of Motor Vehicles.
20 (NRS 484E.110) **Section 4** further requires a police officer to prepare a report of an
21 investigation which is conducted of a vehicle accident which results in bodily
22 injury to or the death of any person or which involves apparent damage of \$1,500
23 or more to a vehicle or other property.

24 **Section 5** of this bill transfers from the Department of Motor Vehicles to the
25 Department of Public Safety the duty to prepare certain forms for preparing written
26 accident reports that are supplied to police departments, sheriffs and other
27 appropriate agencies or persons. (NRS 484E.120) **Section 5** further requires certain
28 accident reports that are required to be prepared by a police officer to be made on
29 the appropriate form approved by the Department of Public Safety rather than the
30 Department of Motor Vehicles and requires any other accident reports to be made
31 on forms approved by the Department of Motor Vehicles.

32 **Section 6** of this bill increases the threshold for damage to property as a result
33 of a motor vehicle accident which requires a driver to deposit security from \$750 to
34 \$1,500. If such security is not filed in a timely manner and the driver remains liable
35 for the amount, under existing law, the Department of Motor Vehicles will hold a
36 hearing to suspend the driver's license of the driver of the motor vehicle and any
37 motor vehicle registrations of the owner of the motor vehicle or, if the operator or
38 owner of the motor vehicle is a nonresident, to suspend his or her privilege to drive
39 in this State. (NRS 485.190)

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

1 **Section 1.** NRS 484B.150 is hereby amended to read as
2 follows:

3 484B.150 1. It is unlawful for a person to drink an alcoholic
4 beverage while the person is driving or in actual physical control of
5 a motor vehicle upon a highway.

6 2. Except as otherwise provided in this subsection, it is
7 unlawful for a person to have an open container of an alcoholic
8 beverage within the passenger area of a motor vehicle while the
9 motor vehicle is upon a highway. This subsection does not apply to
10 a *passenger, but applies to the driver, within:*

11 (a) *The passenger area of a* motor vehicle which is designed,
12 maintained or used primarily for the transportation of persons for
13 compensation ~~†~~; or ~~†to the†~~

14 (b) *The* living quarters of a house coach or house trailer.

15 3. A person who violates any provision of this section may be
16 subject to the additional penalty set forth in NRS 484B.130.

17 4. As used in this section:



1 (a) "Alcoholic beverage" has the meaning ascribed to it in
2 NRS 202.015.

3 (b) "Open container" means a container which has been opened
4 or the seal of which has been broken.

5 (c) "Passenger area" means that area of a vehicle which is
6 designed for the seating of the driver or a passenger.

7 **Sec. 2.** NRS 484E.070 is hereby amended to read as follows:

8 484E.070 1. Except as otherwise provided in subsections 2, 3
9 and 4, the driver of a vehicle which is in any manner involved in an
10 accident on a highway or on premises to which the public has
11 access, if the accident results in bodily injury to or the death of any
12 person or total damage to any vehicle or item of property to an
13 apparent extent of ~~1,750~~ **\$1,500** or more, shall, within 10 days after
14 the accident, forward a written *or electronic* report of the accident to
15 the Department. Whenever damage occurs to a motor vehicle, the
16 operator shall attach to the accident report an estimate of repairs or a
17 statement of the total loss from an established repair garage, an
18 insurance adjuster employed by an insurer licensed to do business in
19 this State, an adjuster licensed pursuant to chapter 684A of NRS or
20 an appraiser licensed pursuant to chapter 684B of NRS. The
21 Department may require the driver or owner of the vehicle to file
22 supplemental written *or electronic* reports whenever the original
23 report is insufficient in the opinion of the Department.

24 2. A report is not required from any person if the accident was
25 investigated by a ~~law enforcement agency~~ *police officer pursuant*
26 *to NRS 484E.110* and the report of the investigating officer
27 contains:

28 (a) The name and address of the insurance company providing
29 coverage to each person involved in the accident;

30 (b) The number of each policy; and

31 (c) The dates on which the coverage begins and ends.

32 3. The driver of a vehicle subject to the jurisdiction of the
33 Surface Transportation Board or the Nevada Transportation
34 Authority need not submit in his or her report the information
35 requested pursuant to subsection 3 of NRS 484E.120 until the 10th
36 day of the month following the month in which the accident
37 occurred.

38 4. A written *or electronic* accident report is not required
39 pursuant to this chapter from any person who is physically incapable
40 of making a report, during the period of the person's incapacity.
41 Whenever the driver is physically incapable of making a written *or*
42 *electronic* report of an accident as required in this section and the
43 driver is not the owner of the vehicle, the owner shall within 10 days
44 after knowledge of the accident make the report not made by the
45 driver.



1 5. All written *or electronic* reports required in this section to be
2 forwarded to the Department by drivers or owners of vehicles
3 involved in accidents are without prejudice to the person so
4 reporting and are for the confidential use of the Department or other
5 state agencies having use of the records for accident prevention,
6 except as otherwise provided in NRS 239.0115 and except that the
7 Department may disclose to a person involved in an accident or to
8 his or her insurer the identity of another person involved in the
9 accident when the person's identity is not otherwise known or when
10 the person denies having been present at the accident. The
11 Department may also disclose the name of the person's insurer and
12 the number of the person's policy.

13 6. A written *or electronic* report forwarded pursuant to the
14 provisions of this section may not be used as evidence in any trial,
15 civil or criminal, arising out of an accident except that the
16 Department shall furnish upon demand of any party to such a trial,
17 or upon demand of any court, a certificate showing that a specified
18 accident report has or has not been made to the Department in
19 compliance with law, and, if the report has been made, the date,
20 time and location of the accident, the names and addresses of the
21 drivers, the owners of the vehicles involved and the investigating
22 officers. The report may be used as evidence when necessary to
23 prosecute charges filed in connection with a violation of
24 NRS 484E.080.

25 **Sec. 3.** NRS 484E.080 is hereby amended to read as follows:

26 484E.080 1. If a person willfully fails, refuses or neglects to
27 make a report of an accident in accordance with the provisions of
28 this chapter, the person's driving privilege may be suspended.
29 Suspension action taken under this section remains in effect for 1
30 year unless terminated by receipt of the report of the accident or
31 upon receipt of evidence that failure to report was not willful.

32 2. Any person who gives information in *electronic*, oral or
33 written reports as required in this chapter, knowing or having reason
34 to believe that such information is false, is guilty of a gross
35 misdemeanor.

36 **Sec. 4.** NRS 484E.110 is hereby amended to read as follows:

37 484E.110 1. Every police officer who investigates a vehicle
38 accident of which a report must be made as required in this chapter,
39 or who otherwise prepares a written *or electronic* report as a result
40 of an investigation either at the time of and at the scene of the
41 accident or thereafter by interviewing the participants or witnesses,
42 shall forward a written *or electronic* report of the accident to the
43 Department *of Public Safety* within 10 days after the investigation
44 of the accident.



1 2. The written *or electronic* reports required to be forwarded
2 by police officers and the information contained therein are not
3 privileged or confidential.

4 3. Every sheriff, chief of police or office of the Nevada
5 Highway Patrol receiving any report required under NRS 484E.030
6 to 484E.090, inclusive, shall immediately prepare a copy thereof
7 and file the copy with the Department ~~H~~ *of Public Safety*.

8 *4. If a police officer investigates a vehicle accident resulting*
9 *in bodily injury to or the death of any person or total damage to*
10 *any vehicle or item of property to an apparent extent of \$1,500 or*
11 *more, the police officer shall prepare a written or electronic report*
12 *of the investigation.*

13 *5. As soon as practicable after receiving a report pursuant to*
14 *this section, the Department of Public Safety shall submit a copy*
15 *of the report to the Department of Motor Vehicles.*

16 **Sec. 5.** NRS 484E.120 is hereby amended to read as follows:

17 484E.120 1. The Department *of Public Safety* shall prepare
18 ~~and upon request supply to police departments, sheriffs and other~~
19 ~~appropriate agencies or persons~~ forms for ~~written~~ accident reports
20 ~~as~~ required ~~in this chapter,~~ *pursuant to NRS 484E.070 and*
21 *484E.110*, suitable with respect to the persons required to make the
22 reports and the purposes to be served. The forms must be designed
23 to call for sufficiently detailed information to disclose with
24 reference to an accident the cause, conditions then existing, the
25 persons and vehicles involved, the name and address of the
26 insurance company, the number of the policy providing coverage
27 and the dates on which the coverage begins and ends. *The*
28 *Department of Public Safety shall:*

29 *(a) After the Department of Motor Vehicles approves the*
30 *format of the forms for accident reports made by persons pursuant*
31 *to NRS 484E.070, supply the forms to the Department of Motor*
32 *Vehicles; and*

33 *(b) Upon request, supply to a police department, sheriff or*
34 *other appropriate agency or person, the forms for accident reports*
35 *prepared by a police officer pursuant to NRS 484E.110.*

36 2. The form prepared for a report to be made by persons
37 pursuant to NRS 484E.070 *or by a police officer pursuant to NRS*
38 *484E.110* must call for such information as is required by the
39 Department *of Motor Vehicles* to enable it to determine whether the
40 requirements for the deposit of security under chapter 485 of NRS
41 are inapplicable. The Department *of Motor Vehicles* may rely upon
42 the accuracy of information supplied by a driver or owner on the
43 form unless it has reason to believe that the information is
44 erroneous.



1 3. *Every accident report required pursuant to NRS 484E.070*
2 *must be made on the appropriate form approved by the*
3 *Department of Motor Vehicles and must contain all the*
4 *information required in the form.*

5 4. Every accident report required ~~to be made in writing~~
6 *pursuant to NRS 484E.110* must be made on the appropriate form
7 approved by the Department *of Public Safety* and must contain all
8 the information required therein unless it is not available.

9 **Sec. 6.** NRS 485.190 is hereby amended to read as follows:

10 485.190 1. If, 20 days after the receipt of a report of an
11 accident involving a motor vehicle within this State which has
12 resulted in bodily injury or death, or damage to the property of any
13 one person in excess of ~~18750,~~ *\$1,500*, the Department does not
14 have on file evidence satisfactory to it that the person who would
15 otherwise be required to file security under subsection 2 has been
16 released from liability, has been finally adjudicated not to be liable
17 or has executed an acknowledged written agreement providing for
18 the payment of an agreed amount in installments with respect to all
19 claims for injuries or damages resulting from the accident, the
20 Department shall upon request set the matter for a hearing as
21 provided in NRS 485.191.

22 2. The Department shall, immediately after a determination
23 adverse to an operator or owner is made in a hearing pursuant to
24 NRS 485.191, suspend the license of each operator and all
25 registrations of each owner of a motor vehicle involved in such an
26 accident, and, if the operator is a nonresident, the privilege of
27 operating a motor vehicle within this State, and, if the owner is a
28 nonresident, the privilege of the use within this State of any motor
29 vehicle owned by him or her, unless the operator or owner, or both,
30 immediately deposit security in the sum so determined by the
31 Department at the hearing. If erroneous information is given to the
32 Department with respect to the matters set forth in paragraph (a), (b)
33 or (c) of subsection 1 of NRS 485.200, the Department shall take
34 appropriate action as provided in this section after it receives correct
35 information with respect to those matters.



