

ASSEMBLY BILL NO. 341—ASSEMBLYMAN ELLISON

MARCH 21, 2011

Referred to Committee on Transportation

SUMMARY—Revises provisions governing penalties for violations of certain traffic laws. (BDR 43-941)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. 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 motor vehicles; revising provisions relating to the offense of speeding; providing that violations of certain provisions prohibiting speeding are subject only to a fine; prohibiting the recording of certain violations on a driver’s record; prohibiting an insurer from imposing an increase in rates or cancelling or refusing to renew a policy of motor vehicle insurance for such a violation; prohibiting a local authority from enacting an ordinance that provides a penalty for a speeding violation which is greater than the penalty provided by statute; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law provides for limits on the maximum speed at which a motor  
2 vehicle may be operated in certain circumstances, authorizes the establishment by  
3 the Department of Transportation and certain local governing bodies of such limits  
4 and provides that a violation of those limits is a misdemeanor. (NRS 484A.400,  
5 484B.600, 484B.621) Existing law also requires the Department of Motor Vehicles  
6 to establish a uniform system of demerit points for various traffic violations that  
7 affect the driving privilege of any person who holds a driver’s license issued by this  
8 State. (NRS 483.473) **Section 1** of this bill provides that a violation of certain laws  
9 prohibiting speeding is not considered a traffic violation for the purposes of the  
10 demerit point system established by the Department. **Sections 3-8** of this bill  
11 provide that such violations are punishable only by a fine of not more than \$500  
12 and that such violations must not be recorded on a driver’s record or deemed a  
13 moving violation. **Section 9** of this bill provides that such a violation may not be  
14 used by an insurer to raise rates for a policy of motor vehicle insurance or to cancel  
15 or refuse to renew a policy of motor vehicle insurance.

16 Existing law provides that a local authority may enact by ordinance certain  
17 traffic regulations which cover the same subject matter as set forth in existing law,



18 provided that the ordinance does not conflict with the corresponding sections of  
19 existing law. (NRS 484A.400) **Section 2** of this bill prohibits a local authority from  
20 providing a penalty for any offense described in **sections 3-8** that is greater than the  
21 penalty provided for in **sections 3-8**.

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

1       **Section 1.** NRS 483.473 is hereby amended to read as follows:  
2       483.473 1. As used in this section, “traffic violation” means  
3 conviction of a moving traffic violation in any municipal court,  
4 justice court or district court in this State. The term includes a  
5 finding by a juvenile court that a child has violated a traffic law or  
6 ordinance other than one governing standing or parking. ~~[The term  
7 does not include a conviction or a finding by a juvenile court of a  
8 violation of the speed limit posted by a public authority under the  
9 circumstances described in subsection 1 of NRS 484B.617.]~~

10       2. The Department shall establish a uniform system of demerit  
11 points for various traffic violations occurring within this State  
12 affecting the driving privilege of any person who holds a driver’s  
13 license issued by the Department and persons deemed to have future  
14 driving privileges pursuant to NRS 483.447. The system must be  
15 based on the accumulation of demerits during a period of 12  
16 months.

17       3. The system must be uniform in its operation, and the  
18 Department shall set up a schedule of demerits for each traffic  
19 violation, depending upon the gravity of the violation, on a scale of  
20 one demerit point for a minor violation of any traffic law to eight  
21 demerit points for an extremely serious violation of the law  
22 governing traffic violations. If a conviction of two or more traffic  
23 violations committed on a single occasion is obtained, points must  
24 be assessed for one offense, and if the point values differ, points  
25 must be assessed for the offense having the greater point value.  
26 Details of the violation must be submitted to the Department by the  
27 court where the conviction is obtained. The Department may  
28 provide for a graduated system of demerits within each category of  
29 violations according to the extent to which the traffic law was  
30 violated.

31       **Sec. 2.** NRS 484A.400 is hereby amended to read as follows:  
32       484A.400 1. The provisions of chapters 484A to 484E,  
33 inclusive, of NRS are applicable and uniform throughout this State  
34 on all highways to which the public has a right of access or to which  
35 persons have access as invitees or licensees.

36       2. Except as otherwise provided in subsection 3 and unless  
37 otherwise provided by specific statute, any local authority may enact



1 by ordinance traffic regulations which cover the same subject matter  
2 as the various sections of chapters 484A to 484E, inclusive, of NRS  
3 if the provisions of the ordinance are not in conflict with chapters  
4 484A to 484E, inclusive, of NRS, or regulations adopted pursuant  
5 thereto. It may also enact by ordinance regulations requiring the  
6 registration and licensing of bicycles.

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

8 (a) Governing the registration of vehicles and the licensing of  
9 drivers;

10 (b) Governing the duties and obligations of persons involved in  
11 traffic accidents, other than the duties to stop, render aid and provide  
12 necessary information;

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

16 (d) *Providing a penalty for any offense described in NRS*  
17 *484B.600, 484B.603, 484B.610, 484B.613, 484B.617 or 484B.620*  
18 *that is greater than the penalty provided in that section; or*

19 (e) Requiring a permit for a vehicle, or to operate a vehicle, on a  
20 highway in this State.

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

24 **Sec. 3.** NRS 484B.600 is hereby amended to read as follows:

25 484B.600 1. It is unlawful for any person to drive or operate  
26 a vehicle of any kind or character at:

27 (a) A rate of speed greater than is reasonable or proper, having  
28 due regard for the traffic, surface and width of the highway, the  
29 weather and other highway conditions.

30 (b) Such a rate of speed as to endanger the life, limb or property  
31 of any person.

32 (c) A rate of speed greater than that posted by a public authority  
33 for the particular portion of highway being traversed.

34 (d) In any event, a rate of speed greater than 75 miles per hour.

35 2. *Except as otherwise provided in subsection 4, a person who*  
36 *violates any provision of this section shall be punished by a fine of*  
37 *not more than \$500.*

38 3. *A violation of any provision of this section:*

39 (a) *Must not be recorded by the Department on a driver's*  
40 *record; and*

41 (b) *Is not a moving traffic violation for the purposes of*  
42 *NRS 483.473.*

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



1       **Sec. 4.** NRS 484B.603 is hereby amended to read as follows:  
2       484B.603 1. The fact that the speed of a vehicle is lower than  
3 the prescribed limits does not relieve a driver from the duty to  
4 decrease speed when approaching and crossing an intersection,  
5 when approaching and going around a curve, when approaching a  
6 hill crest, when traveling upon any narrow or winding highway, or  
7 when special hazards exist or may exist with respect to pedestrians  
8 or other traffic, or by reason of weather or other highway conditions,  
9 and speed must be decreased as may be necessary to avoid colliding  
10 with any person, vehicle or other conveyance on or entering a  
11 highway in compliance with legal requirements and the duty of all  
12 persons to use due care.

13       2. *Except as otherwise provided in subsection 4, a person who*  
14 *fails to use due care as required by subsection 1 shall be punished*  
15 *by a fine of not more than \$500.*

16       3. *A violation of subsection 1:*

17       (a) *Must not be recorded by the Department on a driver's*  
18 *record; and*

19       (b) *Is not a moving traffic violation for the purposes of*  
20 *NRS 483.473.*

21       4. Any person who fails to use due care as required by  
22 subsection 1 may be subject to the additional penalty set forth in  
23 NRS 484B.130.

24       **Sec. 5.** NRS 484B.610 is hereby amended to read as follows:

25       484B.610 1. Except as otherwise provided in subsection 2  
26 and pursuant to the power granted in NRS 269.185, the town board  
27 or board of county commissioners may, by ordinance, limit the  
28 speed of motor vehicles in any unincorporated town in the county as  
29 may be deemed proper.

30       2. The Department of Transportation may establish the speed  
31 limits for motor vehicles on highways within the boundaries of any  
32 unincorporated town which are constructed and maintained under  
33 the authority granted by chapter 408 of NRS.

34       3. *Except as otherwise provided in subsection 5, a person who*  
35 *violates any speed limit established pursuant to this section shall*  
36 *be punished by a fine of not more than \$500.*

37       4. *A violation of this section:*

38       (a) *Must not be recorded by the Department of Motor Vehicles*  
39 *on a driver's record; and*

40       (b) *Is not a moving traffic violation for the purposes of*  
41 *NRS 483.473.*

42       5. A person who violates any speed limit established pursuant  
43 to this section may be subject to the additional penalty set forth in  
44 NRS 484B.130.



1     **Sec. 6.** NRS 484B.613 is hereby amended to read as follows:  
2     484B.613 1. The Department of Transportation may establish  
3 the speed limits for motor vehicles on highways which are  
4 constructed and maintained by the Department of Transportation  
5 under the authority granted to it by chapter 408 of NRS.

6     2. Except as otherwise provided by federal law, the Department  
7 of Transportation may establish a speed limit on such highways not  
8 to exceed 75 miles per hour and may establish a lower speed limit:

9     (a) Where necessary to protect public health and safety.

10    (b) For trucks, overweight and oversized vehicles, trailers drawn  
11 by motor vehicles and buses.

12    3. *Except as otherwise provided in subsection 5, a person who*  
13 *violates any speed limit established pursuant to this section shall*  
14 *be punished by a fine of not more than \$500.*

15    4. *A violation of this section:*

16    (a) *Must not be recorded by the Department of Motor Vehicles*  
17 *on a driver's record; and*

18    (b) *Is not a moving traffic violation for the purposes of*  
19 *NRS 483.473.*

20    5. A person who violates any speed limit established pursuant  
21 to this section may be subject to the additional penalty set forth in  
22 NRS 484B.130.

23     **Sec. 7.** NRS 484B.617 is hereby amended to read as follows:

24     484B.617 1. Except as otherwise provided in subsection 3, a  
25 person driving a motor vehicle during the hours of daylight at a  
26 speed in excess of the speed limit posted by a public authority for  
27 the portion of highway being traversed shall be punished by a fine  
28 of \$25 if:

29     (a) The posted speed limit is 60 miles per hour and the person is  
30 not exceeding a speed of 70 miles per hour.

31     (b) The posted speed limit is 65 miles per hour and the person is  
32 not exceeding a speed of 75 miles per hour.

33     (c) The posted speed limit is 70 miles per hour and the person is  
34 not exceeding a speed of 75 miles per hour.

35     2. A violation of the speed limit under any of the circumstances  
36 set forth in subsection 1 ~~{must}~~ :

37     (a) *Must* not be recorded by the Department on a driver's record  
38 ; and ~~{shall}~~

39     (b) *Is* not ~~{be deemed}~~ a moving traffic violation ~~{}~~ *for the*  
40 *purposes of NRS 483.473.*

41     3. The provisions of this section do not apply to a violation  
42 specified in subsection 1 that occurs in a county whose population is  
43 100,000 or more if the portion of highway being traversed is in:

44     (a) An urban area; or



1 (b) An area which is adjacent to an urban area and which has  
2 been designated by the public authority that established the posted  
3 speed limit for the portion of highway being traversed as an area  
4 that requires strict observance of the posted speed limit to protect  
5 public health and safety.

6 **Sec. 8.** NRS 484B.620 is hereby amended to read as follows:

7 484B.620 1. The Department of Transportation may  
8 prescribe speed zones, and install appropriate speed signs  
9 controlling vehicular traffic on the state highway system as  
10 established in chapter 408 of NRS through hazardous areas, after  
11 necessary studies have been made to determine the need therefor,  
12 and to eliminate speed zones and remove the signs therefrom  
13 whenever the need therefor ceases to exist.

14 2. After the establishment of a speed zone and the installation  
15 of appropriate signs to control speed, it is unlawful for any person to  
16 drive a motor vehicle upon the road and in the speed zone in excess  
17 of the speed therein authorized.

18 *3. A person who violates any speed limit established pursuant*  
19 *to this section shall be punished by a fine of not more than \$500.*

20 *4. A violation of this section:*

21 *(a) Must not be recorded by the Department of Motor Vehicles*  
22 *on a driver's record; and*

23 *(b) Is not a moving traffic violation for the purposes of*  
24 *NRS 483.473.*

25 **Sec. 9.** NRS 690B.028 is hereby amended to read as follows:

26 690B.028 An insurer shall not impose on an insured or group  
27 of insured an increase in rates for motor vehicle insurance *or cancel*  
28 *or refuse to renew a policy of motor vehicle insurance* because of a  
29 conviction or a finding by a ~~[juvenile]~~ court of a violation of ~~[the~~  
30 ~~speed limit under the circumstances described in subsection 1 of~~  
31 ~~NRS 484B.617, nor shall an insurer cancel or refuse to renew a~~  
32 ~~policy of insurance for that reason.]~~ *NRS 484B.600, 484B.603,*  
33 *484B.610, 484B.613, 484B.617 or 484B.620.*





