

ASSEMBLY BILL NO. 403—COMMITTEE ON JUDICIARY

MARCH 25, 2021

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing certain crimes. (BDR 43-1030)

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 rules of the road; revising provisions relating to certain violations by pedestrians relating to crossing a highway; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires any pedestrian, other than a person who is blind and using
2 a service animal or carrying a cane or walking stick, to yield the right-of-way to all
3 vehicles upon the highway if crossing a highway: (1) at any point other than within
4 a marked crosswalk or within an unmarked crosswalk at an intersection; or (2) at a
5 point where a pedestrian tunnel or overhead pedestrian crossing has been provided.
6 (NRS 484B.287, 484B.290) Existing law also prohibits a pedestrian from: (1)
7 crossing a highway at any place except in a marked crosswalk if between adjacent
8 intersections at which official traffic-control devices are in operation; or (2)
9 crossing an intersection diagonally, unless the pedestrian is authorized to cross the
10 intersection diagonally by official traffic-control devices and the pedestrian crosses
11 in accordance with such official traffic-control devices. (NRS 484B.287) Under
12 existing law, the commission of any such prohibited act by a pedestrian: (1) is a
13 misdemeanor, punishable by imprisonment in the county jail for not more than 6
14 months, or by a fine of not more than \$1,000, or by both fine and imprisonment;
15 and (2) may subject the pedestrian to additional penalties if the violation is
16 committed in a pedestrian safety zone. (NRS 484A.900, 484B.135, 484B.287)

17 **Section 2** of this bill decriminalizes the commission of such prohibited acts by
18 pedestrians by specifically providing that a violation is not a misdemeanor and is
19 instead punishable by a civil penalty of not more than \$100. **Section 1** of this bill
20 removes the reference to the statute that prohibits such acts by pedestrians, thereby
21 providing that a violation is no longer subject to any additional penalties if the
22 violation is committed in a pedestrian safety zone. **Section 2.5** of this bill provides
23 that the amendatory provisions of this bill apply retroactively to any person who
24 has committed such a violation, unless the person was convicted of the violation
25 before July 1, 2021. **Section 2.5** further requires: (1) each court in this State to



26 cancel each outstanding bench warrant issued by the court for a person who failed
27 to appear in court in relation to such an alleged violation; and (2) the Central
28 Repository for Nevada Records of Criminal History to remove from each database
29 or compilation of records of criminal history maintained by the Central Repository
30 all records of bench warrants issued for a person who failed to appear in court in
31 relation to such an alleged violation.

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

1 **Section 1.** NRS 484B.135 is hereby amended to read as
2 follows:

3 484B.135 1. Except as otherwise provided in subsections 2
4 and 4, a person who is convicted of a violation of a speed limit, or of
5 NRS 484B.150, 484B.163, 484B.165, 484B.200 to 484B.217,
6 inclusive, 484B.223, 484B.227, 484B.280, 484B.283, ~~484B.287,~~
7 484B.300, 484B.303, 484B.307, 484B.317, 484B.320, 484B.327,
8 484B.403, 484B.600, 484B.603, 484B.650, 484B.653, 484B.657,
9 484C.110 or 484C.120, that occurred in an area designated as a
10 pedestrian safety zone may be punished by imprisonment or by a
11 fine, or both, for a term or an amount equal to and in addition to the
12 term of imprisonment or amount of the fine, or both, that the court
13 imposes for the primary offense. Any term of imprisonment
14 imposed pursuant to this subsection runs consecutively with the
15 sentence prescribed by the court for the crime. This subsection does
16 not create a separate offense, but provides an additional penalty for
17 the primary offense, whose imposition is discretionary with the
18 court and contingent upon the finding of the prescribed fact.

19 2. The additional penalty imposed pursuant to subsection 1
20 must not exceed a total of \$1,000, 6 months of imprisonment or 120
21 hours of community service.

22 3. A governmental entity that designates a pedestrian safety
23 zone shall cause to be erected:

24 (a) A sign located before the beginning of the pedestrian safety
25 zone which provides notice that higher fines may apply in
26 pedestrian safety zones;

27 (b) A sign to mark the beginning of the pedestrian safety zone;
28 and

29 (c) A sign to mark the end of the pedestrian safety zone.

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



1 (a) A sign is not erected before the beginning of the pedestrian
2 safety zone as required by paragraph (a) of subsection 3 to provide
3 notice that higher fines may apply in pedestrian safety zones; or

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

7 5. The governing body of a local government or the
8 Department of Transportation may designate a pedestrian safety
9 zone on a highway if the governing body or the Department of
10 Transportation:

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

15 (b) Complies with the requirements of subsection 3 and NRS
16 484A.430 and 484A.440.

17 **Sec. 2.** NRS 484B.287 is hereby amended to read as follows:
18 484B.287 1. Except as provided in NRS 484B.290:

19 (a) Every pedestrian crossing a highway at any point other than
20 within a marked crosswalk or within an unmarked crosswalk at an
21 intersection shall yield the right-of-way to all vehicles upon the
22 highway.

23 (b) Any pedestrian crossing a highway at a point where a
24 pedestrian tunnel or overhead pedestrian crossing has been provided
25 shall yield the right-of-way to all vehicles upon the highway.

26 (c) Between adjacent intersections at which official traffic-
27 control devices are in operation pedestrians shall not cross at any
28 place except in a marked crosswalk.

29 (d) A pedestrian shall not cross an intersection diagonally unless
30 authorized by official traffic-control devices.

31 (e) When authorized to cross diagonally, pedestrians shall cross
32 only in accordance with the official traffic-control devices
33 pertaining to such crossing movements.

34 2. ~~1. A person who violates any provision of this section may be~~
35 ~~subject to the additional penalty set forth in NRS 484B.135.] A~~
36 ~~violation of this section:~~

37 (a) *Is not a misdemeanor; and*

38 (b) *Is punishable by the imposition of a civil penalty of not*
39 *more than \$100.*

40 **Sec. 2.5.** 1. Except as otherwise provided in this section, the
41 provisions of this act apply to a violation of NRS 484B.287 if the
42 violation occurred before, on or after July 1, 2021. The provisions of
43 this act do not apply to any violation of NRS 484B.287 for which a
44 person was convicted before July 1, 2021.



1 2. Each court in this State shall cancel each outstanding bench
2 warrant issued by the court for a person who failed to appear in
3 court in relation to an alleged violation of NRS 484B.287 which
4 occurred before July 1, 2021.

5 3. The Central Repository for Nevada Records of Criminal
6 History shall remove from each database or compilation of records
7 of criminal history maintained by the Central Repository all records
8 of bench warrants issued for a person who failed to appear in court
9 in relation to an alleged violation of NRS 484B.287 which occurred
10 before July 1, 2021.

11 **Sec. 3.** This act becomes effective on July 1, 2021.

