
ASSEMBLY BILL NO. 444—COMMITTEE ON TRANSPORTATION

MARCH 19, 2003

Referred to Committee on Transportation

SUMMARY—Increases penalties for violations of certain traffic laws in temporary traffic control zones. (BDR 43-1098)

FISCAL NOTE: Effect on Local Government: Yes.
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 traffic laws; providing an additional penalty for a violation of certain traffic laws in an area designated as a temporary traffic control zone for construction, maintenance or repair of a highway; requiring prosecution of a failure to comply with signals of flagmen under certain circumstances; providing penalties; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 484.254 is hereby amended to read as follows:
2 484.254 1. It is unlawful for a driver of a vehicle to fail or
3 refuse to comply with any signal of an authorized flagman serving
4 in a traffic control capacity in a clearly marked area of highway
5 construction or maintenance.
6 2. *A district attorney shall prosecute all violations of*
7 *subsection 1 which occur in his jurisdiction. In addition to any*
8 *other penalty, if a driver violates the provisions of this section and*
9 *the violation results in injury to any person performing highway*
10 *construction or maintenance, or in damage to property in an*
11 *amount of not less than \$1,000, the driver shall be punished by a*
12 *fine of not less than \$1,000 or more than \$2,000, and ordered to*
13 *perform 120 hours of community service.*



1 **3. A person who violates any provision of subsection 1 may be**
2 **subject to the additional penalty set forth in NRS 484.3667.**

3 **4.** As used in this section, “authorized flagman serving in a
4 traffic control capacity” means an employee of the Department of
5 Transportation or of a contractor performing highway construction
6 or maintenance for the Department *of Transportation* while he is
7 carrying out the duties of his employment.

8 **Sec. 2.** NRS 484.278 is hereby amended to read as follows:

9 484.278 1. It is unlawful for any driver to disobey the
10 instructions of any official traffic-control device placed in
11 accordance with the provisions of this chapter, unless at the time
12 otherwise directed by a police officer.

13 2. No provision of this chapter for which such devices are
14 required ~~{shall}~~ **may** be enforced against an alleged violator if at the
15 time and place of the alleged violation ~~{such}~~ **the** device is not in
16 proper position and sufficiently legible to be seen by an ordinarily
17 observant person. Whenever a particular provision of this chapter
18 does not state that such devices are required, ~~{such provision shall~~
19 ~~be}~~ **the provision is** effective even though no devices are erected or
20 in place.

21 3. Whenever devices are placed in position approximately
22 conforming to the requirements of this chapter, such devices ~~{shall~~
23 ~~be}~~ **are** presumed to have been so placed by the official act or
24 direction of a public authority, unless the contrary is established by
25 competent evidence.

26 4. Any device placed pursuant to the provisions of this chapter
27 and purporting to conform to the lawful requirements pertaining to
28 such devices ~~{shall be}~~ **is** presumed to comply with the requirements
29 of this chapter unless the contrary is established by competent
30 evidence.

31 **5. A person who violates any provision of subsection 1 may be**
32 **subject to the additional penalty set forth in NRS 484.3667.**

33 **Sec. 3.** NRS 484.289 is hereby amended to read as follows:

34 484.289 **1.** A person shall not, without lawful authority,
35 attempt to or alter, deface, injure, knock down or remove any
36 official traffic-control device or any railroad sign or signal or any
37 inscription, shield or insigne thereon, or any other part thereof.

38 **2. A person who violates any provision of this section may be**
39 **subject to the additional penalty set forth in NRS 484.3667.**

40 **Sec. 4.** NRS 484.291 is hereby amended to read as follows:

41 484.291 **1.** Upon all highways of sufficient width a vehicle
42 ~~{shall}~~ **must** be driven upon the right half of the highway, except as
43 follows:



- 1 ~~[1.]~~ (a) When overtaking and passing another vehicle
- 2 proceeding in the same direction under the laws governing such
- 3 movements;
- 4 ~~[2.]~~ (b) When the right half of the highway is closed to traffic;
- 5 ~~[3.]~~ (c) Upon a highway divided into three lanes for traffic
- 6 under the laws applicable thereon;
- 7 ~~[4.]~~ (d) Upon a highway designated and posted for one-way
- 8 traffic; or
- 9 ~~[5.]~~ (e) When the highway is not of sufficient width.

10 **2. A person who violates any provision of this section may be**

11 **subject to the additional penalty set forth in NRS 484.3667.**

12 **Sec. 5.** NRS 484.293 is hereby amended to read as follows:

13 484.293 **1.** Drivers of vehicles proceeding in opposite

14 directions shall pass each other keeping to the right, and upon

15 highways having width for not more than one line of traffic in each

16 direction, each driver shall give to the other at least one-half of the

17 paved portion of the highway as nearly as possible.

18 **2. A person who violates any provision of this section may be**

19 **subject to the additional penalty set forth in NRS 484.3667.**

20 **Sec. 6.** NRS 484.295 is hereby amended to read as follows:

21 484.295 **1.** The driver of a vehicle overtaking another vehicle

22 proceeding in the same direction shall pass to the left thereof at a

23 safe distance and shall not again drive to the right side of the

24 highway until safely clear of the overtaken vehicle.

25 **2.** Except when overtaking and passing on the right is

26 permitted, the driver of an overtaken vehicle shall give way to the

27 right in favor of the overtaking vehicle upon observing the

28 overtaking vehicle or hearing a signal. The driver of an overtaken

29 vehicle shall not increase the speed of his vehicle until completely

30 passed by the overtaking vehicle.

31 **3. A person who violates any provision of this section may be**

32 **subject to the additional penalty set forth in NRS 484.3667.**

33 **Sec. 7.** NRS 484.297 is hereby amended to read as follows:

34 484.297 **1.** The driver of a vehicle may overtake and pass

35 upon the right of another vehicle only under the following

36 conditions:

37 (a) When the driver of the vehicle overtaken is making or

38 signaling to make a left turn.

39 (b) Upon a highway with unobstructed pavement, not occupied

40 by parked vehicles, of sufficient width for two or more lines of

41 moving vehicles in each direction.

42 (c) Upon any highway on which traffic is restricted to one

43 direction of movement, where the highway is free from obstructions

44 and of sufficient width for two or more lines of moving vehicles.



1 2. The driver of a vehicle may overtake and pass another
2 vehicle upon the right only under conditions permitting such
3 movement in safety.

4 3. The driver of a vehicle shall not overtake and pass another
5 vehicle upon the right when such movement requires driving off the
6 paved portion of the highway.

7 **4. A person who violates any provision of this section may be**
8 **subject to the additional penalty set forth in NRS 484.3667.**

9 **Sec. 8.** NRS 484.299 is hereby amended to read as follows:

10 484.299 1. A vehicle ~~{shall}~~ **must** not be driven to the left
11 side of the center of a two-lane, two-directional highway and
12 overtaking and passing another vehicle proceeding in the same
13 direction, unless such left side is clearly visible and is free of
14 oncoming traffic for a sufficient distance ahead to permit such
15 overtaking and passing to be completely made without interfering
16 with the safe operation of any vehicle approaching from the
17 opposite direction or any vehicle overtaken.

18 2. A vehicle ~~{shall}~~ **must** not be driven to the left side of the
19 highway at any time:

20 (a) When approaching the crest of a grade or upon a curve in the
21 highway where the driver's view is obstructed within such distance
22 as to create a hazard in the event another vehicle might approach
23 from the opposite direction.

24 (b) When approaching within 100 feet or traversing any
25 intersection or railroad grade crossing.

26 (c) When the view is obstructed upon approaching within 100
27 feet of any bridge, viaduct or tunnel.

28 3. Subsection 2 does not apply upon a one-way highway.

29 **4. A person who violates any provision of this section may be**
30 **subject to the additional penalty set forth in NRS 484.3667.**

31 **Sec. 9.** NRS 484.301 is hereby amended to read as follows:

32 484.301 1. The Department of Transportation with respect to
33 highways constructed under the authority of chapter 408 of NRS,
34 and local authorities with respect to highways under their
35 jurisdiction, may determine those zones of highways where
36 overtaking and passing to the left or making a left-hand turn would
37 be hazardous, and may by the erection of official traffic-control
38 devices indicate such zones. When such devices are in place and
39 clearly visible to an ordinarily observant person, every driver of a
40 vehicle shall obey the directions thereof.

41 2. Except as *otherwise* provided in subsections 3 and 4, a
42 driver shall not drive on the left side of the highway within such
43 zone or drive across or on the left side of any pavement striping
44 designed to mark such zone throughout its length.



1 3. A driver may drive across a pavement striping marking such
2 zone to an adjoining highway if he has first given the appropriate
3 turn signal and there will be no impediment to oncoming or
4 following traffic.

5 4. Except where otherwise provided, a driver may drive across
6 a pavement striping marking such a zone to make a left-hand turn if
7 he has first given the appropriate turn signal in compliance with
8 NRS 484.343, if it is safe and if it would not be an impediment to
9 oncoming or following traffic.

10 **5. A person who violates any provision of this section may be**
11 **subject to the additional penalty set forth in NRS 484.3667.**

12 **Sec. 10.** NRS 484.305 is hereby amended to read as follows:

13 484.305 1. If a highway has two or more clearly marked
14 lanes for traffic traveling in one direction, vehicles must:

15 (a) Be driven as nearly as practicable entirely within a single
16 lane; and

17 (b) Not be moved from that lane until the driver has given the
18 appropriate turn signal and ascertained that such movement can be
19 made with safety.

20 2. Upon a highway which has been divided into three clearly
21 marked lanes a vehicle must not be driven in the extreme left lane at
22 any time. A vehicle on such a highway must not be driven in the
23 center lane except:

24 (a) When overtaking and passing another vehicle where the
25 highway is clearly visible and the center lane is clear of traffic for a
26 safe distance;

27 (b) In preparation for a left turn; or

28 (c) When the center lane is allocated exclusively to traffic
29 moving in the direction in which the vehicle is proceeding and a
30 sign is posted to give notice of such allocation.

31 3. If a highway has been designed to provide a single center
32 lane to be used only for turning by traffic moving in both directions,
33 the following rules apply:

34 (a) A vehicle may be driven in the center turn lane only for the
35 purpose of making a left-hand turn.

36 (b) A vehicle must not travel more than 200 feet in a center turn
37 lane before making a left-hand turn.

38 4. If a highway has been designed to provide a single right lane
39 to be used only for turning, a vehicle must:

40 (a) Be driven in the right turn lane only for the purpose of
41 making a right turn; and

42 (b) While being driven in the right turn lane, not travel through
43 an intersection.

44 **5. A person who violates any provision of this section may be**
45 **subject to the additional penalty set forth in NRS 484.3667.**



1 **Sec. 11.** NRS 484.309 is hereby amended to read as follows:
2 484.309 **1.** Every vehicle driven upon a divided highway
3 ~~{shall}~~ **must** be driven only upon the right-hand roadway and ~~{shall}~~
4 **must** not be driven over, across or within any dividing space, barrier
5 or section ~~{nor}~~ **or** make any left turn, semicircular turn or U-turn,
6 except through an opening in the barrier or dividing section or space
7 or at a crossover or intersection established by a public authority.

8 **2.** *A person who violates any provision of this section may be*
9 *subject to the additional penalty set forth in NRS 484.3667.*

10 **Sec. 12.** NRS 484.311 is hereby amended to read as follows:

11 484.311 **1.** When official traffic-control devices are erected
12 giving notice thereof, a person shall not drive a vehicle onto or from
13 any controlled-access highway except at those entrances and exits
14 which are indicated by such devices.

15 **2.** *A person who violates any provision of this section may be*
16 *subject to the additional penalty set forth in NRS 484.3667.*

17 **Sec. 13.** NRS 484.335 is hereby amended to read as follows:

18 484.335 **1.** Whenever official traffic-control devices are
19 erected indicating that no right or left turn is permitted, it is
20 unlawful for any driver of a vehicle to disobey the directions of any
21 such ~~{sign-}~~ **devices.**

22 **2.** *A person who violates any provision of this section may be*
23 *subject to the additional penalty set forth in NRS 484.3667.*

24 **Sec. 14.** NRS 484.337 is hereby amended to read as follows:

25 484.337 **1.** A U-turn may be made on any road where the
26 turn can be made with safety, except as prohibited by this section
27 and by the provisions of NRS 484.309 and 484.339.

28 **2.** If an official traffic-control device indicates that a U-turn is
29 prohibited, the driver shall obey the directions of the device.

30 **3.** The driver of a vehicle shall not make a U-turn in a business
31 district, except at an intersection or on a divided highway where an
32 appropriate opening or crossing place exists.

33 **4.** Notwithstanding the foregoing provisions of this section,
34 local authorities and the Department of Transportation may prohibit
35 U-turns at any location within their respective jurisdictions.

36 **5.** *A person who violates any provision of this section may be*
37 *subject to the additional penalty set forth in NRS 484.3667.*

38 **Sec. 15.** NRS 484.361 is hereby amended to read as follows:

39 484.361 **1.** It is unlawful for any person to drive or operate a
40 vehicle of any kind or character at:

41 ~~{1-}~~ **(a)** A rate of speed greater than is reasonable or proper,
42 having due regard for the traffic, surface and width of the highway,
43 the weather and other highway conditions.

44 ~~{2-}~~ **(b)** Such a rate of speed as to endanger the life, limb or
45 property of any person.



1 ~~[3.]~~ (c) A rate of speed greater than that posted by a public
2 authority for the particular portion of highway being traversed.
3 ~~[4.]~~ (d) In any event, a rate of speed greater than 75 miles per
4 hour.

5 *2. A person who violates any provision of this section may be*
6 *subject to the additional penalty set forth in NRS 484.3667.*

7 **Sec. 16.** NRS 484.363 is hereby amended to read as follows:
8 484.363 *1.* The fact that the speed of a vehicle is lower than
9 the prescribed limits does not relieve a driver from the duty to
10 decrease speed when approaching and crossing an intersection,
11 when approaching and going around a curve, when approaching a
12 hill crest, when traveling upon any narrow or winding highway, or
13 when special hazards exist or may exist with respect to pedestrians
14 or other traffic, or by reason of weather or other highway conditions,
15 and speed ~~[shall]~~ *must* be decreased as may be necessary to avoid
16 colliding with any person, vehicle or other conveyance on or
17 entering a highway in compliance with legal requirements and the
18 duty of all persons to use due care.

19 *2. Any person who fails to use due care as required by*
20 *subsection 1 may be subject to the additional penalty set forth in*
21 *NRS 484.3667.*

22 **Sec. 17.** NRS 484.3667 is hereby amended to read as follows:
23 484.3667 *1.* Except as otherwise provided in subsection 2, a
24 person who is convicted of a violation of a speed limit ~~[]~~, *or of*
25 *NRS 484.254, 484.278, 484.289, 484.291 to 484.301, inclusive,*
26 *484.305, 484.309, 484.311, 484.335, 484.337, 484.361, 484.363,*
27 *484.3765, 484.377, 484.379, 484.448, 484.453 or 484.479, that*
28 *occurred:*

29 (a) In an area designated as a temporary traffic control zone in
30 which construction, maintenance or repair of a highway is
31 conducted; and

32 (b) At a time when the workers who are performing the
33 construction, maintenance or repair of the highway are present, *or*
34 *when the effects of the act may be aggravated because of the*
35 *condition of the highway caused by construction, maintenance or*
36 *repair, including, without limitation, reduction in lane width,*
37 *reduction in the number of lanes, shifting of lanes from the*
38 *designated alignment and uneven or temporary surfaces,*
39 *including, without limitation, modifications to road beds, cement-*
40 *treated bases, chip seals and other similar conditions,*

41 shall be punished by imprisonment or by a fine, or both, for a term
42 or an amount equal to and in addition to the term of imprisonment or
43 amount of the fine, or both, that the court imposes for the primary
44 offense. Any term of imprisonment imposed pursuant to this
45 subsection runs consecutively with the sentence prescribed by the



1 court for the crime. This subsection does not create a separate
2 offense, but provides an additional penalty for the primary offense,
3 whose imposition is contingent upon the finding of the prescribed
4 fact.

5 2. The ~~penalty imposed for the primary offense and the~~
6 additional penalty imposed pursuant to subsection 1 must not exceed
7 a total of \$1,000, 6 months of imprisonment or 120 hours of
8 community service.

9 3. A governmental entity that designates an area as a temporary
10 traffic control zone in which construction, maintenance or repair of
11 a highway is conducted, or the person with whom the governmental
12 entity contracts to provide such service shall cause to be erected:

13 (a) A sign located before the beginning of such an area ~~[which~~
14 ~~states that a double penalty will be imposed upon a person who is~~
15 ~~convicted of violating the speed limit within the temporary traffic~~
16 ~~control zone;]~~ *informing drivers of the additional penalty that may*
17 *be imposed pursuant to this section;*

18 (b) A sign to mark the beginning of the temporary traffic control
19 zone; and

20 (c) A sign to mark the end of the temporary traffic control zone.

21 *4. A person who otherwise would be subject to an additional*
22 *penalty pursuant to this section is not relieved of any criminal*
23 *liability because signs are not erected as required by subsection 3*
24 *if the violation results in injury to any person performing highway*
25 *construction or maintenance in the temporary traffic control zone*
26 *or in damage to property in an amount equal to \$1,000 or more.*

27 **Sec. 18.** NRS 484.367 is hereby amended to read as follows:

28 484.367 1. Except as *otherwise* provided in subsection 2 and
29 pursuant to the power granted in NRS 269.185, the town board or
30 board of county commissioners may, by ordinance, limit the speed
31 of motor vehicles in any unincorporated town in the county as may
32 be deemed proper.

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

37 *3. A person who violates any speed limit established pursuant*
38 *to this section may be subject to the additional penalty set forth in*
39 *NRS 484.3667.*

40 **Sec. 19.** NRS 484.368 is hereby amended to read as follows:

41 484.368 1. The Department of Transportation may establish
42 the speed limits for motor vehicles on highways which are
43 constructed and maintained by the Department of Transportation
44 under the authority granted to it by chapter 408 of NRS.



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

- 4 (a) Where necessary to protect public health and safety.
- 5 (b) For trucks, overweight and oversized vehicles, trailers drawn
6 by motor vehicles and buses.

7 **3. *A person who violates any speed limit established pursuant***
8 ***to this section may be subject to the additional penalty set forth in***
9 ***NRS 484.3667.***

10 **Sec. 20.** NRS 484.3765 is hereby amended to read as follows:

11 484.3765 1. A driver commits an offense of aggressive
12 driving if, during any single, continuous period of driving within the
13 course of 1 mile, the driver does all the following, in any sequence:

14 (a) Commits one or more acts of speeding in violation of NRS
15 484.361 or 484.366.

16 (b) Commits two or more of the following acts, in any
17 combination, or commits any of the following acts more than once:

18 (1) Failing to obey an official traffic-control device in
19 violation of NRS 484.278.

20 (2) Overtaking and passing another vehicle upon the right by
21 driving off the paved portion of the highway in violation of
22 NRS 484.297.

23 (3) Improper or unsafe driving upon a highway that has
24 marked lanes for traffic in violation of NRS 484.305.

25 (4) Following another vehicle too closely in violation of
26 NRS 484.307.

27 (5) Failing to yield the right-of-way in violation of any
28 provision of NRS 484.315 to 484.323, inclusive.

29 (c) Creates an immediate hazard, regardless of its duration, to
30 another vehicle or to another person, whether or not the other person
31 is riding in or upon the vehicle of the driver or any other vehicle.

32 2. A driver may be prosecuted and convicted of an offense of
33 aggressive driving in violation of subsection 1 whether or not the
34 driver is prosecuted or convicted for committing any of the acts
35 described in paragraphs (a) and (b) of subsection 1.

36 3. A driver who commits an offense of aggressive driving in
37 violation of subsection 1 is guilty of a misdemeanor. In addition to
38 any other penalty:

39 (a) For the first offense within 2 years, the court shall order the
40 driver to attend, at his own expense, a course of traffic safety
41 approved by the Department and may issue an order suspending the
42 driver's license of the driver for a period of not more than 30 days.

43 (b) For a second or subsequent offense within 2 years, the court
44 shall issue an order revoking the driver's license of the driver for a
45 period of 1 year.



1 4. To determine whether the provisions of paragraph (a) or (b)
2 of subsection 3 apply to one or more offenses of aggressive driving,
3 the court shall use the date on which each offense of aggressive
4 driving was committed.

5 5. If the driver is already the subject of any other order
6 suspending or revoking his driver's license, the court shall order the
7 additional period of suspension or revocation, as appropriate, to
8 apply consecutively with the previous order.

9 6. If the court issues an order suspending or revoking the
10 driver's license of the driver pursuant to this section, the court shall
11 require the driver to surrender to the court all driver's licenses then
12 held by the driver. The court shall, within 5 days after issuing the
13 order, forward the driver's licenses and a copy of the order to the
14 Department.

15 7. If the driver successfully completes a course of traffic safety
16 ordered pursuant to this section, the Department shall cancel three
17 demerit points from his driving record in accordance with NRS
18 483.475, unless the driver would not otherwise be entitled to have
19 those demerit points cancelled pursuant to the provisions of that
20 section.

21 8. This section does not preclude the suspension or revocation
22 of the driver's license of the driver pursuant to any other provision
23 of law.

24 **9. A person who violates any provision of subsection 1 may be**
25 **subject to the additional penalty set forth in NRS 484.3667.**

26 **Sec. 21.** NRS 484.377 is hereby amended to read as follows:

27 484.377 1. It is unlawful for a person to:

28 (a) Drive a vehicle in willful or wanton disregard of the safety of
29 persons or property.

30 (b) Drive a vehicle in an unauthorized speed contest on a public
31 highway.

32 A violation of this subsection or subsection 1 of NRS 484.348
33 constitutes reckless driving.

34 2. A person who does any act or neglects any duty imposed by
35 law while driving or in actual physical control of any vehicle in
36 willful or wanton disregard of the safety of persons or property, if
37 the act or neglect of duty proximately causes the death of or
38 substantial bodily harm to a person other than himself, is guilty of a
39 category B felony and shall be punished by imprisonment in the
40 state prison for a minimum term of not less than 1 year and a
41 maximum term of not more than 6 years, or by a fine of not more
42 than \$5,000, or by both fine and imprisonment.

43 **3. A person who violates any provision of this section may be**
44 **subject to the additional penalty set forth in NRS 484.3667.**



1 **Sec. 22.** NRS 484.379 is hereby amended to read as follows:
2 484.379 1. It is unlawful for any person who:
3 (a) Is under the influence of intoxicating liquor;
4 (b) Has a concentration of alcohol of 0.10 or more in his blood
5 or breath; or
6 (c) Is found by measurement within 2 hours after driving or
7 being in actual physical control of a vehicle to have a concentration
8 of alcohol of 0.10 or more in his blood or breath,
9 to drive or be in actual physical control of a vehicle on a highway or
10 on premises to which the public has access.
11 2. It is unlawful for any person who:
12 (a) Is under the influence of a controlled substance;
13 (b) Is under the combined influence of intoxicating liquor and a
14 controlled substance; or
15 (c) Inhales, ingests, applies or otherwise uses any chemical,
16 poison or organic solvent, or any compound or combination of any
17 of these, to a degree which renders him incapable of safely driving
18 or exercising actual physical control of a vehicle,
19 to drive or be in actual physical control of a vehicle on a highway or
20 on premises to which the public has access. The fact that any person
21 charged with a violation of this subsection is or has been entitled to
22 use that drug under the laws of this state is not a defense against any
23 charge of violating this subsection.
24 3. It is unlawful for any person to drive or be in actual physical
25 control of a vehicle on a highway or on premises to which the public
26 has access with an amount of a prohibited substance in his blood or
27 urine that is equal to or greater than:

29	Prohibited substance	Urine	Blood
30		Nanograms	Nanograms
31		per milliliter	per milliliter
32	(a) Amphetamine	500	100
33	(b) Cocaine	150	50
34	(c) Cocaine metabolite	150	50
35	(d) Heroin	2,000	50
36	(e) Heroin metabolite:		
37	(1) Morphine	2,000	50
38	(2) 6-monoacetyl morphine	10	10
39	(f) Lysergic acid diethylamide	25	10
40	(g) Marijuana	10	2
41	(h) Marijuana metabolite	15	5
42	(i) Methamphetamine	500	100
43	(j) Phencyclidine	25	10



1 4. If consumption is proven by a preponderance of the
2 evidence, it is an affirmative defense under paragraph (c) of
3 subsection 1 that the defendant consumed a sufficient quantity of
4 alcohol after driving or being in actual physical control of the
5 vehicle, and before his blood or breath was tested, to cause him to
6 have a concentration of alcohol of 0.10 or more in his blood or
7 breath. A defendant who intends to offer this defense at a trial
8 or preliminary hearing must, not less than 14 days before the trial or
9 hearing or at such other time as the court may direct, file and serve
10 on the prosecuting attorney a written notice of that intent.

11 **5. *A person who violates any provision of this section may be***
12 ***subject to the additional penalty set forth in NRS 484.3667.***

13 **Sec. 23.** NRS 484.448 is hereby amended to read as follows:

14 484.448 1. It is unlawful for a person to drink an alcoholic
15 beverage while he is driving or in actual physical control of a motor
16 vehicle upon a highway.

17 2. Except as otherwise provided in this subsection, it is
18 unlawful for a person to have an open container of an alcoholic
19 beverage within the passenger area of a motor vehicle while the
20 motor vehicle is upon a highway. This subsection does not apply to
21 a motor vehicle which is designed, maintained or used primarily for
22 the transportation of persons for compensation, or to the living
23 quarters of a house coach or house trailer.

24 3. ***A person who violates any provision of this section may be***
25 ***subject to the additional penalty set forth in NRS 484.3667.***

26 4. As used in this section:

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

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

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

33 **Sec. 24.** NRS 484.453 is hereby amended to read as follows:

34 484.453 1. A person shall not drive a vehicle when it is so
35 loaded, or when there are in the front seat such number of persons,
36 exceeding three, as to obstruct the view of the driver to the front or
37 sides of the vehicle or as to interfere with the driver's control over
38 the driving mechanism of the vehicle.

39 2. A passenger in a vehicle shall not ride in such position as to
40 interfere with the driver's view ahead or to the sides, or to interfere
41 with his control over the driving mechanism of the vehicle.

42 3. Except as otherwise provided in NRS 484.6195, a vehicle
43 must not be operated upon any highway unless the driver's vision
44 through any required glass equipment is normal.



1 *4. A person who violates any provision of this section may be*
2 *subject to the additional penalty set forth in NRS 484.3667.*

3 **Sec. 25.** NRS 484.479 is hereby amended to read as follows:

4 484.479 1. It ~~shall be~~ *is* unlawful for any person to remove
5 any barrier or sign stating that a highway is closed to traffic.

6 2. It ~~shall be~~ *is* unlawful to pass over a highway that is
7 marked, signed or barricaded to indicate that it is closed to traffic. *A*
8 *person who violates any provision of this subsection may be*
9 *subject to the additional penalty set forth in NRS 484.3667.*

