

ASSEMBLY BILL NO. 444—COMMITTEE ON TRANSPORTATION

MARCH 19, 2003

Referred to Committee on Transportation

SUMMARY—Makes various changes relating to traffic laws.  
(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; authorizing vehicles used by the Department of Transportation in the construction, maintenance or repair of highways to be equipped with tail lamps that emit nonflashing blue light under certain circumstances; 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.** Chapter 484 of NRS is hereby amended by adding  
2     thereto a new section to read as follows:  
3     *An authorized vehicle used by the Department of*  
4     *Transportation for the construction, maintenance or repair of*  
5     *highways may be equipped with tail lamps that emit nonflashing*  
6     *blue light which may be used:*  
7     1. *For vehicles that perform construction, maintenance or*  
8     *repair of highways, including, without limitation, vehicles used for*  
9     *the removal of snow, when the vehicle is engaged in such*  
10    *construction, maintenance or repair; and*



\* A B 4 4 4 R 1 \*

1 *2. For all other authorized vehicles of the Department of*  
2 *Transportation used in the construction, maintenance or repair of*  
3 *highways:*

4 *(a) In an area designated as a temporary traffic control zone*  
5 *in which construction, maintenance or repair of a highway is*  
6 *conducted; and*

7 *(b) At a time when the workers who are performing the*  
8 *construction, maintenance or repair of the highway are present.*

9 **Sec. 1.5** NRS 484.254 is hereby amended to read as follows:

10 484.254 1. It is unlawful for a driver of a vehicle to fail or  
11 refuse to comply with any signal of an authorized flagman serving  
12 in a traffic control capacity in a clearly marked area of highway  
13 construction or maintenance.

14 2. *A district attorney shall prosecute all violations of*  
15 *subsection 1 which occur in his jurisdiction. In addition to any*  
16 *other penalty, if a driver violates the provisions of this section and*  
17 *the violation results in injury to any person performing highway*  
18 *construction or maintenance, or in damage to property in an*  
19 *amount of not less than \$1,000, the driver shall be punished by a*  
20 *fine of not less than \$1,000 or more than \$2,000, and ordered to*  
21 *perform 120 hours of community service.*

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

24 4. As used in this section, "authorized flagman serving in a  
25 traffic control capacity" means ~~an~~ :

26 *(a) An* employee of the Department of Transportation or of a  
27 contractor performing highway construction or maintenance for the  
28 Department *of Transportation* while he is carrying out the duties of  
29 his employment ~~is~~;

30 *(b) An employee of any other governmental entity or of a*  
31 *contractor performing highway construction or maintenance for*  
32 *the governmental entity while he is carrying out the duties of his*  
33 *employment; or*

34 *(c) Any other person employed by a private entity performing*  
35 *highway construction or maintenance while he is carrying out the*  
36 *duties of his employment if the person has satisfactorily completed*  
37 *training as a flagman approved or recognized by the Department*  
38 *of Transportation.*

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

40 484.278 1. It is unlawful for any driver to disobey the  
41 instructions of any official traffic-control device placed in  
42 accordance with the provisions of this chapter, unless at the time  
43 otherwise directed by a police officer.

44 2. No provision of this chapter for which such devices are  
45 required ~~shall~~ *may* be enforced against an alleged violator if at the



1 time and place of the alleged violation ~~[such]~~ *the* device is not in  
2 proper position and sufficiently legible to be seen by an ordinarily  
3 observant person. Whenever a particular provision of this chapter  
4 does not state that such devices are required, ~~[such provision shall  
5 be]~~ *the provision is* effective even though no devices are erected or  
6 in place.

7 3. Whenever devices are placed in position approximately  
8 conforming to the requirements of this chapter, such devices ~~[shall  
9 be]~~ *are* presumed to have been so placed by the official act or  
10 direction of a public authority, unless the contrary is established by  
11 competent evidence.

12 4. Any device placed pursuant to the provisions of this chapter  
13 and purporting to conform to the lawful requirements pertaining to  
14 such devices ~~[shall be]~~ *is* presumed to comply with the requirements  
15 of this chapter unless the contrary is established by competent  
16 evidence.

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

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

20 484.289 *1.* A person shall not, without lawful authority,  
21 attempt to or alter, deface, injure, knock down or remove any  
22 official traffic-control device or any railroad sign or signal or any  
23 inscription, shield or insigne thereon, or any other part thereof.

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

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

27 484.291 *1.* Upon all highways of sufficient width a vehicle  
28 ~~[shall]~~ *must* be driven upon the right half of the highway, except as  
29 follows:

30 ~~[1-]~~ *(a)* When overtaking and passing another vehicle  
31 proceeding in the same direction under the laws governing such  
32 movements;

33 ~~[2-]~~ *(b)* When the right half of the highway is closed to traffic;

34 ~~[3-]~~ *(c)* Upon a highway divided into three lanes for traffic  
35 under the laws applicable thereon;

36 ~~[4-]~~ *(d)* Upon a highway designated and posted for one-way  
37 traffic; or

38 ~~[5-]~~ *(e)* When the highway is not of sufficient width.

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

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

42 484.293 *1.* Drivers of vehicles proceeding in opposite  
43 directions shall pass each other keeping to the right, and upon  
44 highways having width for not more than one line of traffic in each



1 direction, each driver shall give to the other at least one-half of the  
2 paved portion of the highway as nearly as possible.

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

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

6 484.295 1. The driver of a vehicle overtaking another vehicle  
7 proceeding in the same direction shall pass to the left thereof at a  
8 safe distance and shall not again drive to the right side of the  
9 highway until safely clear of the overtaken vehicle.

10 2. Except when overtaking and passing on the right is  
11 permitted, the driver of an overtaken vehicle shall give way to the  
12 right in favor of the overtaking vehicle upon observing the  
13 overtaking vehicle or hearing a signal. The driver of an overtaken  
14 vehicle shall not increase the speed of his vehicle until completely  
15 passed by the overtaking vehicle.

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

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

19 484.297 1. The driver of a vehicle may overtake and pass  
20 upon the right of another vehicle only under the following  
21 conditions:

22 (a) When the driver of the vehicle overtaken is making or  
23 signaling to make a left turn.

24 (b) Upon a highway with unobstructed pavement, not occupied  
25 by parked vehicles, of sufficient width for two or more lines of  
26 moving vehicles in each direction.

27 (c) Upon any highway on which traffic is restricted to one  
28 direction of movement, where the highway is free from obstructions  
29 and of sufficient width for two or more lines of moving vehicles.

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

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

36 *4. 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. 8.** NRS 484.299 is hereby amended to read as follows:

39 484.299 1. A vehicle ~~shall~~ **must** not be driven to the left  
40 side of the center of a two-lane, two-directional highway and  
41 overtaking and passing another vehicle proceeding in the same  
42 direction, unless such left side is clearly visible and is free of  
43 oncoming traffic for a sufficient distance ahead to permit such  
44 overtaking and passing to be completely made without interfering



1 with the safe operation of any vehicle approaching from the  
2 opposite direction or any vehicle overtaken.

3 2. A vehicle ~~[shall]~~ **must** not be driven to the left side of the  
4 highway at any time:

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

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

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

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

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

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

17 484.301 1. The Department of Transportation with respect to  
18 highways constructed under the authority of chapter 408 of NRS,  
19 and local authorities with respect to highways under their  
20 jurisdiction, may determine those zones of highways where  
21 overtaking and passing to the left or making a left-hand turn would  
22 be hazardous, and may by the erection of official traffic-control  
23 devices indicate such zones. When such devices are in place and  
24 clearly visible to an ordinarily observant person , every driver of a  
25 vehicle shall obey the directions thereof.

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

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

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

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

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

42 484.305 1. If a highway has two or more clearly marked  
43 lanes for traffic traveling in one direction, vehicles must:

44 (a) Be driven as nearly as practicable entirely within a single  
45 lane; and



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

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

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

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

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

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

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

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

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

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

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

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

30 **Sec. 11.** NRS 484.309 is hereby amended to read as follows:

31 484.309 *1.* Every vehicle driven upon a divided highway  
32 ~~shall~~ *must* be driven only upon the right-hand roadway and ~~shall~~  
33 *must* not be driven over, across or within any dividing space, barrier  
34 or section ~~nor~~ *or* make any left turn, semicircular turn or U-turn,  
35 except through an opening in the barrier or dividing section or space  
36 or at a crossover or intersection established by a public authority.

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

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

40 484.311 *1.* When official traffic-control devices are erected  
41 giving notice thereof, a person shall not drive a vehicle onto or from  
42 any controlled-access highway except at those entrances and exits  
43 which are indicated by such devices.

44 *2. 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. 13.** NRS 484.335 is hereby amended to read as follows:  
2     484.335   **1.** Whenever official traffic-control devices are  
3     erected indicating that no right or left turn is permitted, it is  
4     unlawful for any driver of a vehicle to disobey the directions of any  
5     such ~~sign~~ devices.

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

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

9     484.337   **1.** A U-turn may be made on any road where the  
10    turn can be made with safety, except as prohibited by this section  
11    and by the provisions of NRS 484.309 and 484.339.

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

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

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

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

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

23    484.361   **1.** It is unlawful for any person to drive or operate a  
24    vehicle of any kind or character at:

25    ~~1~~ **(a)** A rate of speed greater than is reasonable or proper,  
26    having due regard for the traffic, surface and width of the highway,  
27    the weather and other highway conditions.

28    ~~2~~ **(b)** Such a rate of speed as to endanger the life, limb or  
29    property of any person.

30    ~~3~~ **(c)** A rate of speed greater than that posted by a public  
31    authority for the particular portion of highway being traversed.

32    ~~4~~ **(d)** In any event, a rate of speed greater than 75 miles per  
33    hour.

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

36    **Sec. 16.** NRS 484.363 is hereby amended to read as follows:

37    484.363   **1.** The fact that the speed of a vehicle is lower than  
38    the prescribed limits does not relieve a driver from the duty to  
39    decrease speed when approaching and crossing an intersection,  
40    when approaching and going around a curve, when approaching a  
41    hill crest, when traveling upon any narrow or winding highway, or  
42    when special hazards exist or may exist with respect to pedestrians  
43    or other traffic, or by reason of weather or other highway conditions,  
44    and speed ~~shall~~ **must** be decreased as may be necessary to avoid  
45    colliding with any person, vehicle or other conveyance on or



1 entering a highway in compliance with legal requirements and the  
2 duty of all persons to use due care.

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

6 **Sec. 17.** NRS 484.3667 is hereby amended to read as follows:  
7 484.3667 1. Except as otherwise provided in subsection 2, a  
8 person who is convicted of a violation of a speed limit ~~[ ]~~, *or of*  
9 *NRS 484.254, 484.278, 484.289, 484.291 to 484.301, inclusive,*  
10 *484.305, 484.309, 484.311, 484.335, 484.337, 484.361, 484.363,*  
11 *484.3765, 484.377, 484.379, 484.448, 484.453 or 484.479, that*  
12 *occurred:*

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

16 (b) At a time when the workers who are performing the  
17 construction, maintenance or repair of the highway are present, *or*  
18 *when the effects of the act may be aggravated because of the*  
19 *condition of the highway caused by construction, maintenance or*  
20 *repair, including, without limitation, reduction in lane width,*  
21 *reduction in the number of lanes, shifting of lanes from the*  
22 *designated alignment and uneven or temporary surfaces,*  
23 *including, without limitation, modifications to road beds, cement-*  
24 *treated bases, chip seals and other similar conditions,*

25 shall be punished by imprisonment or by a fine, or both, for a term  
26 or an amount equal to and in addition to the term of imprisonment or  
27 amount of the fine, or both, that the court imposes for the primary  
28 offense. Any term of imprisonment imposed pursuant to this  
29 subsection runs consecutively with the sentence prescribed by the  
30 court for the crime. This subsection does not create a separate  
31 offense, but provides an additional penalty for the primary offense,  
32 whose imposition is contingent upon the finding of the prescribed  
33 fact.

34 2. The ~~[penalty imposed for the primary offense and the]~~  
35 additional penalty imposed pursuant to subsection 1 must not exceed  
36 a total of \$1,000, 6 months of imprisonment or 120 hours of  
37 community service.

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

42 (a) A sign located before the beginning of such an area which  
43 states that a double penalty ~~[will]~~ *may* be imposed ~~[upon a person~~  
44 ~~who is convicted of violating the speed limit within the temporary~~  
45 ~~traffic control zone;]~~ *pursuant to this section;*



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

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

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

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

11 484.367 1. Except as *otherwise* provided in subsection 2 and  
12 pursuant to the power granted in NRS 269.185, the town board or  
13 board of county commissioners may, by ordinance, limit the speed  
14 of motor vehicles in any unincorporated town in the county as may  
15 be deemed proper.

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

20 *3. 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 484.3667.*

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

24 484.368 1. The Department of Transportation may establish  
25 the speed limits for motor vehicles on highways which are  
26 constructed and maintained by the Department of Transportation  
27 under the authority granted to it by chapter 408 of NRS.

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

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

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

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

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

38 484.3765 1. A driver commits an offense of aggressive  
39 driving if, during any single, continuous period of driving within the  
40 course of 1 mile, the driver does all the following, in any sequence:

41 (a) Commits one or more acts of speeding in violation of NRS  
42 484.361 or 484.366.

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



- 1 (1) Failing to obey an official traffic-control device in  
2 violation of NRS 484.278.
- 3 (2) Overtaking and passing another vehicle upon the right by  
4 driving off the paved portion of the highway in violation of  
5 NRS 484.297.
- 6 (3) Improper or unsafe driving upon a highway that has  
7 marked lanes for traffic in violation of NRS 484.305.
- 8 (4) Following another vehicle too closely in violation of  
9 NRS 484.307.
- 10 (5) Failing to yield the right-of-way in violation of any  
11 provision of NRS 484.315 to 484.323, inclusive.
- 12 (c) Creates an immediate hazard, regardless of its duration, to  
13 another vehicle or to another person, whether or not the other person  
14 is riding in or upon the vehicle of the driver or any other vehicle.
- 15 2. A driver may be prosecuted and convicted of an offense of  
16 aggressive driving in violation of subsection 1 whether or not the  
17 driver is prosecuted or convicted for committing any of the acts  
18 described in paragraphs (a) and (b) of subsection 1.
- 19 3. A driver who commits an offense of aggressive driving in  
20 violation of subsection 1 is guilty of a misdemeanor. In addition to  
21 any other penalty:
- 22 (a) For the first offense within 2 years, the court shall order the  
23 driver to attend, at his own expense, a course of traffic safety  
24 approved by the Department and may issue an order suspending the  
25 driver's license of the driver for a period of not more than 30 days.
- 26 (b) For a second or subsequent offense within 2 years, the court  
27 shall issue an order revoking the driver's license of the driver for a  
28 period of 1 year.
- 29 4. To determine whether the provisions of paragraph (a) or (b)  
30 of subsection 3 apply to one or more offenses of aggressive driving,  
31 the court shall use the date on which each offense of aggressive  
32 driving was committed.
- 33 5. If the driver is already the subject of any other order  
34 suspending or revoking his driver's license, the court shall order the  
35 additional period of suspension or revocation, as appropriate, to  
36 apply consecutively with the previous order.
- 37 6. If the court issues an order suspending or revoking the  
38 driver's license of the driver pursuant to this section, the court shall  
39 require the driver to surrender to the court all driver's licenses then  
40 held by the driver. The court shall, within 5 days after issuing the  
41 order, forward the driver's licenses and a copy of the order to the  
42 Department.
- 43 7. If the driver successfully completes a course of traffic safety  
44 ordered pursuant to this section, the Department shall cancel three  
45 demerit points from his driving record in accordance with NRS



1 483.475, unless the driver would not otherwise be entitled to have  
2 those demerit points cancelled pursuant to the provisions of that  
3 section.

4 8. This section does not preclude the suspension or revocation  
5 of the driver's license of the driver pursuant to any other provision  
6 of law.

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

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

10 484.377 1. It is unlawful for a person to:

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

13 (b) Drive a vehicle in an unauthorized speed contest on a public  
14 highway.

15 A violation of this subsection or subsection 1 of NRS 484.348  
16 constitutes reckless driving.

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

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

28 **Sec. 22.** NRS 484.379 is hereby amended to read as follows:

29 484.379 1. It is unlawful for any person who:

30 (a) Is under the influence of intoxicating liquor;

31 (b) Has a concentration of alcohol of 0.10 or more in his blood  
32 or breath; or

33 (c) Is found by measurement within 2 hours after driving or  
34 being in actual physical control of a vehicle to have a concentration  
35 of alcohol of 0.10 or more in his blood or breath,  
36 to drive or be in actual physical control of a vehicle on a highway or  
37 on premises to which the public has access.

38 2. It is unlawful for any person who:

39 (a) Is under the influence of a controlled substance;

40 (b) Is under the combined influence of intoxicating liquor and a  
41 controlled substance; or

42 (c) Inhales, ingests, applies or otherwise uses any chemical,  
43 poison or organic solvent, or any compound or combination of any  
44 of these, to a degree which renders him incapable of safely driving  
45 or exercising actual physical control of a vehicle,



1 to drive or be in actual physical control of a vehicle on a highway or  
2 on premises to which the public has access. The fact that any person  
3 charged with a violation of this subsection is or has been entitled to  
4 use that drug under the laws of this state is not a defense against any  
5 charge of violating this subsection.

6 3. It is unlawful for any person to drive or be in actual physical  
7 control of a vehicle on a highway or on premises to which the public  
8 has access with an amount of a prohibited substance in his blood or  
9 urine that is equal to or greater than:

10	Prohibited substance	Urine	Blood
11		Nanograms	Nanograms
12		per milliliter	per milliliter
13			
14	(a) Amphetamine	500	100
15	(b) Cocaine	150	50
16	(c) Cocaine metabolite	150	50
17	(d) Heroin	2,000	50
18	(e) Heroin metabolite:		
19	(1) Morphine	2,000	50
20	(2) 6-monoacetyl morphine	10	10
21	(f) Lysergic acid diethylamide	25	10
22	(g) Marijuana	10	2
23	(h) Marijuana metabolite	15	5
24	(i) Methamphetamine	500	100
25	(j) Phencyclidine	25	10
26			

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

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

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

40 484.448 1. It is unlawful for a person to drink an alcoholic  
41 beverage while he is driving or in actual physical control of a motor  
42 vehicle upon a highway.

43 2. Except as otherwise provided in this subsection, it is  
44 unlawful for a person to have an open container of an alcoholic  
45 beverage within the passenger area of a motor vehicle while the



1 motor vehicle is upon a highway. This subsection does not apply to  
2 a motor vehicle which is designed, maintained or used primarily for  
3 the transportation of persons for compensation, or to the living  
4 quarters of a house coach or house trailer.

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

7 4. As used in this section:

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

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

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

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

15 484.453 1. A person shall not drive a vehicle when it is so  
16 loaded, or when there are in the front seat such number of persons,  
17 exceeding three, as to obstruct the view of the driver to the front or  
18 sides of the vehicle or as to interfere with the driver's control over  
19 the driving mechanism of the vehicle.

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

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

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

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

29 484.479 1. It ~~shall be~~ *is* unlawful for any person to remove  
30 any barrier or sign stating that a highway is closed to traffic.

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

