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ASSEMBLY BILL NO. 348—ASSEMBLYMEN HORNE,  
PERKINS, OCEGUERA AND ANDERSON

MARCH 22, 2005

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Referred to Committee on Transportation

SUMMARY—Prohibits unauthorized use of device that interferes with traffic-control signal. (BDR 43-38)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.  
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.

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AN ACT relating to traffic laws; prohibiting the operation of a vehicle, other than an authorized emergency vehicle, equipped with any mechanism or device designed to alter or interfere with a traffic-control signal; prohibiting the use by certain persons of any mechanism or device designed to alter or interfere with a traffic-control signal; providing for an increased penalty in certain circumstances; providing a penalty; 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     1. *Except as otherwise provided in this section:*  
4     (a) *A person shall not operate a vehicle on the highways of this*  
5     *State if the vehicle is equipped with any device or mechanism,*  
6     *including, without limitation, a mobile infrared transmitter, that is*  
7     *capable of interfering with or altering the signal of a traffic-*  
8     *control signal.*  
9     (b) *A person shall not operate any device or mechanism,*  
10    *including, without limitation, a mobile infrared transmitter, that is*



1 *capable of interfering with or altering the signal of a traffic-*  
2 *control signal.*

3 *↳ A device or mechanism is not capable of interfering with or*  
4 *altering the signal of a traffic-control signal if the device or*  
5 *mechanism has no power source or is not readily accessible for*  
6 *use by the driver or any passenger in the vehicle.*

7 *2. A police officer shall, without a warrant:*

8 *(a) Seize any device or mechanism, including, without*  
9 *limitation, a mobile infrared transmitter, that is capable of*  
10 *interfering with or altering the signal of a traffic-control signal; or*

11 *(b) Seize and take possession of a vehicle equipped with any*  
12 *device or mechanism that is capable of interfering with or altering*  
13 *the signal of a traffic-control signal, including, without limitation,*  
14 *a mobile infrared transmitter, and cause the vehicle to be towed*  
15 *and impounded until:*

16 *(1) The device or mechanism is removed from the vehicle;*  
17 *and*

18 *(2) The owner claims the vehicle by paying the cost of the*  
19 *towing and impoundment.*

20 *3. Neither the police officer nor the governmental entity*  
21 *which employs him is civilly liable for any damage to a vehicle*  
22 *seized pursuant to the provisions of paragraph (b) of subsection 2*  
23 *that occurs after the vehicle is seized but before the towing process*  
24 *begins.*

25 *4. Except as otherwise provided for in subsection 6, the*  
26 *presence of any device or mechanism, including, without*  
27 *limitation, a mobile infrared transmitter, that is capable of*  
28 *interfering with or altering the signal of a traffic-control signal in*  
29 *or on a vehicle on the highways of this State constitutes prima*  
30 *facie evidence of a violation of this section. The State need not*  
31 *prove that the device or mechanism in question was in an*  
32 *operative condition or being operated.*

33 *5. A person who violates the provisions of subsection 1 is*  
34 *guilty of a gross misdemeanor.*

35 *6. The provisions of this section do not apply to:*

36 *(a) An authorized emergency vehicle; or*

37 *(b) A person authorized by law to possess and operate a device*  
38 *or mechanism, including, without limitation, a mobile infrared*  
39 *transmitter, that is capable of interfering with or altering the*  
40 *signal of a traffic-control signal.*

41 *7. As used in this section, "mobile infrared transmitter"*  
42 *means a device that is designed to alter, through the transmission*  
43 *of an infrared signal, the normal operation of preemption-*  
44 *equipped traffic-control signal.*



1       **Sec. 2.** NRS 484.3667 is hereby amended to read as follows:

2       484.3667 1. Except as otherwise provided in subsection 2, a  
3 person who is convicted of a violation of a speed limit, or of NRS  
4 484.254, 484.278, 484.289, 484.291 to 484.301, inclusive, 484.305,  
5 484.309, 484.311, 484.335, 484.337, 484.361, 484.363, 484.3765,  
6 484.377, 484.379, 484.448, 484.453 or 484.479, *and section 1 of*  
7 *this act*, that occurred:

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

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

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

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

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

36       (a) A sign located before the beginning of such an area stating  
37 “DOUBLE PENALTIES IN WORK ZONES” to indicate a double  
38 penalty may be imposed pursuant to this section;

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

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

42       4. A person who otherwise would be subject to an additional  
43 penalty pursuant to this section is not relieved of any criminal  
44 liability because signs are not erected as required by subsection 3 if  
45 the violation results in injury to any person performing highway



- 1 construction or maintenance in the temporary traffic control zone or
- 2 in damage to property in an amount equal to \$1,000 or more.

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