

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

MARCH 22, 2005

Referred to Committee on Transportation

SUMMARY—Prohibits unauthorized sale or use of device or mechanism capable of interfering with or altering signal of 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.

AN ACT relating to traffic laws; prohibiting the operation of, and the operation of a vehicle equipped with, any device or mechanism capable of interfering with or altering the signal of a traffic-control signal; prohibiting the sale in this State of such devices and mechanisms; providing certain exceptions for response agencies and providers of mass transit; providing a penalty; providing for an increased penalty under certain circumstances; 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 transmitter, that is capable***
7 ***of interfering with or altering the signal of a traffic-control signal.***



1 ***(b) A person shall not operate any device or mechanism,***
2 ***including, without limitation, a mobile transmitter, that is capable***
3 ***of interfering with or altering the signal of a traffic-control signal.***

4 ***2. Except as otherwise provided in this subsection, a person***
5 ***shall not in this State sell or offer for sale any device or***
6 ***mechanism, including, without limitation, a mobile transmitter,***
7 ***that is capable of interfering with or altering the signal of a***
8 ***traffic-control signal. The provisions of this subsection do not***
9 ***prohibit a person from selling or offering for sale:***

10 ***(a) To a provider of mass transit, a signal prioritization device;***
11 ***or***

12 ***(b) To a response agency, a signal preemption device or a***
13 ***signal prioritization device, or both.***

14 ***3. A police officer:***

15 ***(a) Shall, without a warrant, seize any device or mechanism,***
16 ***including, without limitation, a mobile transmitter, that is capable***
17 ***of interfering with or altering the signal of a traffic-control signal;***
18 ***or***

19 ***(b) May, without a warrant, seize and take possession of a***
20 ***vehicle equipped with any device or mechanism that is capable of***
21 ***interfering with or altering the signal of a traffic-control signal,***
22 ***including, without limitation, a mobile transmitter, if the device or***
23 ***mechanism cannot be removed from the motor vehicle by the***
24 ***police officer, and may cause the vehicle to be towed and***
25 ***impounded until:***

26 ***(1) The device or mechanism is removed from the vehicle;***
27 ***and***

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

30 ***4. Neither the police officer nor the governmental entity***
31 ***which employs him is civilly liable for any damage to a vehicle***
32 ***seized pursuant to the provisions of paragraph (b) of subsection 3***
33 ***that occurs after the vehicle is seized but before the towing process***
34 ***begins.***

35 ***5. Except as otherwise provided in subsection 8, the presence***
36 ***of any device or mechanism, including, without limitation, a***
37 ***mobile transmitter, that is capable of interfering with or altering***
38 ***the signal of a traffic-control signal in or on a vehicle on the***
39 ***highways of this State constitutes prima facie evidence of a***
40 ***violation of this section. The State need not prove that the device***
41 ***or mechanism in question was in an operative condition or being***
42 ***operated.***

43 ***6. A person who violates the provisions of subsection 1 or 2 is***
44 ***guilty of a misdemeanor.***



1 7. A provider of mass transit shall not operate or cause to be
2 operated a signal prioritization device in such a manner as to
3 impede or interfere with the use by response agencies of signal
4 preemption devices.

5 8. The provisions of this section do not:

6 (a) Except as otherwise provided in subsection 7, prohibit a
7 provider of mass transit from acquiring, possessing or operating a
8 signal prioritization device.

9 (b) Prohibit a response agency from acquiring, possessing or
10 operating a signal preemption device or a signal prioritization
11 device, or both.

12 9. As used in this section:

13 (a) "Mobile transmitter" means a device or mechanism that is:

14 (1) Portable, installed within a vehicle or capable of being
15 installed within a vehicle; and

16 (2) Designed to affect or alter, through the emission or
17 transmission of sound, infrared light, strobe light or any other
18 audible, visual or electronic method, the normal operation of a
19 traffic-control signal.

20 ↪ The term includes, without limitation, a signal preemption
21 device and a signal prioritization device.

22 (b) "Provider of mass transit" means a governmental entity or
23 a contractor of a governmental entity which operates, in whole or
24 in part:

25 (1) A public transit system, as that term is defined in NRS
26 377A.016; or

27 (2) A system of public transportation referred to in
28 NRS 373.1165.

29 (c) "Response agency" means an agency of this State or of a
30 political subdivision of this State that provides services related to
31 law enforcement, firefighting, emergency medical care or public
32 safety. The term includes a nonprofit organization or private
33 company that, as authorized pursuant to chapter 450B of NRS:

34 (1) Provides ambulance service; or

35 (2) Provides intermediate or advanced medical care to sick
36 or injured persons at the scene of an emergency or while
37 transporting those persons to a medical facility.

38 (d) "Signal preemption device" means a mobile transmitter
39 that, when activated and when a vehicle equipped with such a
40 device approaches an intersection controlled by a traffic-control
41 signal, causes:

42 (1) The signal, in the direction of travel of the vehicle, to
43 remain green if the signal is already displaying a green light;

44 (2) The signal, in the direction of travel of the vehicle, to
45 change from red to green if the signal is displaying a red light;



1 (3) *The signal, in other directions of travel, to remain red*
2 *or change to red, as applicable, to prevent other vehicles from*
3 *entering the intersection; and*

4 (4) *The applicable functions described in subparagraphs*
5 *(1), (2) and (3) to continue until such time as the vehicle equipped*
6 *with the device is clear of the intersection.*

7 (e) *“Signal prioritization device” means a mobile transmitter*
8 *that, when activated and when a vehicle equipped with such a*
9 *device approaches an intersection controlled by a traffic-control*
10 *signal, causes:*

11 (1) *The signal, in the direction of travel of the vehicle, to*
12 *display a green light a few seconds sooner than the green light*
13 *would otherwise be displayed;*

14 (2) *The signal, in the direction of travel of the vehicle, to*
15 *display a green light for a few seconds longer than the green light*
16 *would otherwise be displayed; or*

17 (3) *The functions described in both subparagraphs (1)*
18 *and (2).*

19 (f) *“Traffic-control signal” means a traffic-control signal, as*
20 *defined in NRS 484.205, which is capable of receiving and*
21 *responding to an emission or transmission from a mobile*
22 *transmitter.*

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

24 484.3667 1. Except as otherwise provided in subsection 2, a
25 person who is convicted of a violation of a speed limit, or of NRS
26 484.254, 484.278, 484.289, 484.291 to 484.301, inclusive, 484.305,
27 484.309, 484.311, 484.335, 484.337, 484.361, 484.363, 484.3765,
28 484.377, 484.379, 484.448, 484.453 or 484.479, *and section 1 of*
29 *this act*, that occurred:

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

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

42 ➤ shall be punished by imprisonment or by a fine, or both, for a
43 term or an amount equal to and in addition to the term of
44 imprisonment or amount of the fine, or both, that the court imposes
45 for the primary offense. Any term of imprisonment imposed



1 pursuant to this subsection runs consecutively with the sentence
2 prescribed by the court for the crime. This subsection does not
3 create a separate offense, but provides an additional penalty for the
4 primary offense, whose imposition is contingent upon the finding of
5 the prescribed fact.

6 2. The additional penalty imposed pursuant to subsection 1
7 must not exceed a total of \$1,000, 6 months of imprisonment or 120
8 hours of 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 stating
14 "DOUBLE PENALTIES IN WORK ZONES" to indicate a double
15 penalty may be imposed pursuant to this section;

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

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

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



