

SENATE BILL NO. 296—SENATORS D. HARRIS, SPEARMAN,  
DONATE, OHRENSCHALL; AND NEAL

MARCH 16, 2023

JOINT SPONSORS: ASSEMBLYMEN GONZÁLEZ; BROWN-MAY,  
PETERS, SUMMERS-ARMSTRONG AND WATTS

Referred to Committee on Judiciary

SUMMARY—Revises provisions related to traffic stops.  
(BDR 43-196)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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 stops; prohibiting a peace officer from stopping a motor vehicle for the sole purpose of determining whether the driver is committing a low-level traffic violation or issuing a citation for such a violation; providing that any evidence acquired by a law enforcement agency during or after such a traffic stop is not admissible as evidence in certain proceedings; requiring law enforcement agencies to adopt a policy relating to the enforcement of low-level traffic violations; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law prohibits a peace officer from stopping a motor vehicle for the  
2 sole purpose of determining whether the driver is violating certain provisions of  
3 existing law that restrict: (1) the hours during which a driver may operate a motor  
4 vehicle; or (2) the transportation of passengers by a driver during the initial period  
5 of licensure. (NRS 483.2523, 484.2525, 484B.907) Existing law also prohibits a  
6 peace officer from issuing a citation for certain violations relating to motor vehicles  
7 unless the violation is discovered: (1) when the vehicle is halted; or (2) the driver is  
8 arrested for another alleged violation or offense. (NRS 482.385, 483.2525,  
9 484B.907, 484D.495, 484D.500) **Section 3** of this bill defines the term “low-level  
10 traffic violation” to include: (1) certain violations relating to registration, license  
11 plates, permits for unregistered vehicles and equipment; and (2) certain violations  
12 of a speed limit. **Sections 4 and 5** of this bill define certain other terms related to



13 low-level traffic violations. **Section 11** of this bill makes a conforming change  
14 relating to the definition prescribed by **section 5**. **Section 8** of this bill makes a  
15 conforming change to indicate the proper placement of **sections 3, 4 and 5** in the  
16 Nevada Revised Statutes.

17 **Section 6** of this bill prohibits a peace officer from stopping a vehicle for the  
18 sole purpose of: (1) determining whether the driver of the motor vehicle is  
19 committing a low-level traffic violation; or (2) issuing a citation for a low-level  
20 traffic violation. **Section 6** additionally provides that any evidence acquired by a  
21 law enforcement agency as a result of a traffic stop in violation of **section 6** is not  
22 admissible in a judicial, administrative or other adjudicatory proceeding. **Sections 1**  
23 **and 9** of this bill make conforming changes to reflect the change in **section 6**.

24 **Section 7** of this bill requires each law enforcement agency to adopt a written  
25 policy regarding low-level traffic violations which must: (1) comply with the  
26 requirements prescribed by **section 6**; and (2) require that violations that threaten  
27 the safety of drivers, pedestrians and other persons be prioritized over low-level  
28 traffic violations.

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

1 **Section 1.** NRS 482.385 is hereby amended to read as follows:  
2 482.385 1. Except as otherwise provided in subsections 5 and  
3 7 and NRS 482.390 and 482.3961, a nonresident owner of a vehicle  
4 of a type subject to registration pursuant to the provisions of this  
5 chapter, owning any vehicle which has been registered for the  
6 current year in the state, country or other place of which the owner  
7 is a resident and which at all times when operated in this State has  
8 displayed upon it the registration license plate issued for the vehicle  
9 in the place of residence of the owner, may operate or permit the  
10 operation of the vehicle within this State without its registration in  
11 this State pursuant to the provisions of this chapter and without the  
12 payment of any registration fees to this State:

13 (a) For a period of not more than 30 days in the aggregate in any  
14 1 calendar year; and

15 (b) Notwithstanding the provisions of paragraph (a), during any  
16 period in which the owner is:

17 (1) On active duty in the military service of the United  
18 States;

19 (2) An out-of-state student;

20 (3) Registered as a student at a college or university located  
21 outside this State and who is in the State for a period of not more  
22 than 6 months to participate in a work-study program for which the  
23 student earns academic credits from the college or university; or

24 (4) A migrant or seasonal farm worker.

25 2. This section does not:



1 (a) Prohibit the use of manufacturers', distributors' or dealers'  
2 license plates issued by any state or country by any nonresident in  
3 the operation of any vehicle on the public highways of this State.

4 (b) Require registration of vehicles of a type subject to  
5 registration pursuant to the provisions of this chapter operated by  
6 nonresident common motor carriers of persons or property, contract  
7 motor carriers of persons or property, or private motor carriers of  
8 property as stated in NRS 482.390.

9 (c) Require registration of a vehicle operated by a border state  
10 employee.

11 3. Except as otherwise provided in subsection 5, when a  
12 person, formerly a nonresident, becomes a resident of this State, the  
13 person shall:

14 (a) Within 30 days after becoming a resident; or

15 (b) At the time he or she obtains a driver's license,

16 ↪ whichever occurs earlier, apply for the registration of each  
17 vehicle the person owns which is operated in this State. When a  
18 person, formerly a nonresident, applies for a driver's license in this  
19 State, the Department shall inform the person of the requirements  
20 imposed by this subsection and of the penalties that may be imposed  
21 for failure to comply with the provisions of this subsection.

22 4. ~~[A citation may be issued pursuant to subsection 1, 3 or 5~~  
23 ~~only if the violation is discovered when the vehicle is halted or its~~  
24 ~~driver arrested for another alleged violation or offense.]~~ The  
25 Department shall maintain or cause to be maintained a list or other  
26 record of persons who fail to comply with the provisions of  
27 subsection 3 and shall, at least once each month, provide a copy of  
28 that list or record to the Department of Public Safety.

29 5. Except as otherwise provided in this subsection and NRS  
30 482.3961, a resident or nonresident owner of a vehicle of a type  
31 subject to registration pursuant to the provisions of this chapter who  
32 engages in a trade, profession or occupation or accepts gainful  
33 employment in this State or who enrolls his or her children in a  
34 public school in this State shall, within 30 days after the  
35 commencement of such employment or enrollment, apply for the  
36 registration of each vehicle the person owns which is operated in  
37 this State. The provisions of this subsection do not apply to a  
38 nonresident who is:

39 (a) On active duty in the military service of the United States;

40 (b) An out-of-state student;

41 (c) Registered as a student at a college or university located  
42 outside this State and who is in the State for a period of not more  
43 than 6 months to participate in a work-study program for which the  
44 student earns academic credits from the college or university; or

45 (d) A migrant or seasonal farm worker.



1 6. A person who violates the provisions of subsection 1, 3 or 5  
2 is guilty of a misdemeanor and, except as otherwise provided in this  
3 subsection, shall be punished by a fine of \$1,000. ~~[The fine imposed  
4 pursuant to this subsection is in addition to any fine or penalty  
5 imposed for the other alleged violation or offense for which the  
6 vehicle was halted or its driver arrested pursuant to subsection 4.]~~  
7 The fine imposed pursuant to this subsection may be reduced to not  
8 less than \$200 if the person presents evidence at the time of the  
9 hearing that the person has registered the vehicle pursuant to this  
10 chapter.

11 7. Any resident operating upon a highway of this State a motor  
12 vehicle which is owned by a nonresident and which is furnished to  
13 the resident operator for his or her continuous use within this State,  
14 shall cause that vehicle to be registered within 30 days after  
15 beginning its operation within this State.

16 8. A person registering a vehicle pursuant to the provisions of  
17 subsection 1, 3, 5, 7 or 9 or pursuant to NRS 482.390:

18 (a) Must be assessed the registration fees and governmental  
19 services tax, as required by the provisions of this chapter and  
20 chapter 371 of NRS; and

21 (b) Must not be allowed credit on those taxes and fees for the  
22 unused months of the previous registration.

23 9. If a vehicle is used in this State for a gainful purpose, the  
24 owner shall immediately apply to the Department for registration,  
25 except as otherwise provided in NRS 482.390, 482.395, 482.3961  
26 and 706.801 to 706.861, inclusive.

27 10. An owner registering a vehicle pursuant to the provisions  
28 of this section shall surrender the existing nonresident license plates  
29 and registration certificates to the Department for cancellation.

30 11. A vehicle may be cited for a violation of this section  
31 regardless of whether it is in operation or is parked on a highway, in  
32 a public parking lot or on private property which is open to the  
33 public if, after communicating with the owner or operator of the  
34 vehicle, the peace officer issuing the citation determines that:

35 (a) The owner of the vehicle is a resident of this State;

36 (b) The vehicle is used in this State for a gainful purpose;

37 (c) Except as otherwise provided in paragraph (b) of subsection  
38 1, the owner of the vehicle is a nonresident and has operated the  
39 vehicle in this State for more than 30 days in the aggregate in any 1  
40 calendar year; or

41 (d) The owner of the vehicle is a nonresident required to register  
42 the vehicle pursuant to subsection 5.

43 12. A constable may issue a citation for a violation of this  
44 section only if the vehicle is located in his or her township at the  
45 time the citation is issued.



1 13. As used in this section, "peace officer" includes a  
2 constable.

3 **Sec. 2.** Chapter 484A of NRS is hereby amended by adding  
4 thereto the provisions set forth as sections 3 to 7, inclusive, of this  
5 act.

6 **Sec. 3.** *"Low-level traffic violation" means a violation of:*

7 *1. NRS 482.205 within 60 days after the expiration of the*  
8 *registration of the motor vehicle, trailer or semitrailer;*

9 *2. NRS 482.275, unless there is no license plate which is*  
10 *visible attached to the rear of the motor vehicle;*

11 *3. Subsection 1, 3 or 5 of NRS 482.385;*

12 *4. NRS 482.396, if the permit is in an incorrect but visible*  
13 *location;*

14 *5. NRS 484B.600, if the violation is not more than 5 miles*  
15 *over the posted speed limit and does not occur in a pedestrian*  
16 *safety zone, a temporary traffic control zone, a school zone or a*  
17 *school crossing zone;*

18 *6. NRS 484D.110 to 484D.125, inclusive, if only one*  
19 *headlamp, tail lamp, reflector or stop lamp is broken;*

20 *7. NRS 484D.435;*

21 *8. NRS 484D.440;*

22 *9. NRS 484D.500; or*

23 *10. A law or ordinance relating to a damaged or defective*  
24 *bumper.*

25 **Sec. 4.** *"School crossing zone" has the meaning ascribed to*  
26 *it in NRS 484B.060.*

27 **Sec. 5.** *"School zone" means those sections of streets which*  
28 *are adjacent to school property.*

29 **Sec. 6. 1.** *A peace officer shall not stop a motor vehicle for*  
30 *the sole purpose of:*

31 *(a) Determining whether the driver of the motor vehicle is*  
32 *committing a low-level traffic violation; or*

33 *(b) Issuing a citation for a low-level traffic violation.*

34 *2. Any evidence acquired by a law enforcement agency*  
35 *during or after a traffic stop conducted in violation of this section,*  
36 *including, without limitation, evidence acquired with the consent*  
37 *of the driver, is not admissible in, and must not be disclosed in, a*  
38 *judicial, administrative or other adjudicatory proceeding.*

39 *3. Nothing in this section shall be construed to prohibit a*  
40 *peace officer who observes a low-level traffic violation or*  
41 *suspected low-level traffic violation from:*

42 *(a) Stopping the motor vehicle if the stop is otherwise*  
43 *authorized by law;*



1       **(b) Issuing an oral or written warning concerning a low-level**  
2 **traffic violation during a stop that is otherwise authorized by law;**  
3 **or**

4       **(c) Issuing a citation for a low-level traffic violation during a**  
5 **stop that is otherwise authorized by law.**

6       **Sec. 7. Each law enforcement agency shall adopt a written**  
7 **policy regarding low-level traffic violations. Any such policy must:**

8       **1. Comply with the requirements prescribed by section 6 of**  
9 **this act; and**

10       **2. Require that violations that threaten the safety of drivers,**  
11 **pedestrians and other persons be prioritized over low-level traffic**  
12 **violations.**

13       **Sec. 8.** NRS 484A.010 is hereby amended to read as follows:

14       484A.010 As used in chapters 484A to 484E, inclusive, of  
15 NRS, unless the context otherwise requires, the words and terms  
16 defined in NRS 484A.015 to 484A.320, inclusive, **and sections 3,4**  
17 **and 5 of this act** have the meanings ascribed to them in those  
18 sections.

19       **Sec. 9.** NRS 484D.500 is hereby amended to read as follows:

20       484D.500 1. Any passenger 18 years of age or older who  
21 rides in the front or back seat of any taxicab on any highway, road  
22 or street in this State shall wear a safety belt if one is available for  
23 the seating position of the passenger, except that this subsection  
24 does not apply:

25       (a) To a passenger who possesses a written statement by a  
26 physician or an advanced practice registered nurse certifying that the  
27 passenger is unable to wear a safety belt for medical or physical  
28 reasons; or

29       (b) If the taxicab was not required by federal law at the time of  
30 initial sale to be equipped with safety belts.

31       2. A citation must be issued to any passenger who violates the  
32 provisions of subsection 1. ~~[A citation may be issued pursuant to~~  
33 ~~this subsection only if the violation is discovered when the vehicle is~~  
34 ~~halted or its driver arrested for another alleged violation or offense.]~~

35 Any person who violates the provisions of subsection 1 shall be  
36 punished by a fine of not more than \$25 or by a sentence to perform  
37 a certain number of hours of community service.

38       3. A violation of subsection 1:

39       (a) Is not a moving traffic violation under NRS 483.473.

40       (b) May be considered as negligence or as causation in any civil  
41 action or as negligent or reckless driving under NRS 484B.653.

42       (c) May be considered as misuse or abuse of a product or as  
43 causation in any action brought to recover damages for injury to a  
44 person or property resulting from the manufacture, distribution, sale  
45 or use of a product.



1 4. An owner or operator of a taxicab shall post a sign within  
2 each of his or her taxicabs advising passengers that they must wear  
3 safety belts while being transported by the taxicab. Such a sign must  
4 be placed within the taxicab so as to be visible to and easily readable  
5 by passengers, except that this subsection does not apply if the  
6 taxicab was not required by federal law at the time of initial sale to  
7 be equipped with safety belts.

8 **Sec. 10.** The amendatory provisions of this act apply to a  
9 traffic stop which occurs on or after October 1, 2023, and any  
10 evidence that is derived therefrom.

11 **Sec. 11.** NRS 484B.063 is hereby repealed.

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**TEXT OF REPEALED SECTION**

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**484B.063 “School zone” defined.** “School zone” means those sections of streets which are adjacent to school property.

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