

SENATE BILL NO. 23—COMMITTEE ON
GROWTH AND INFRASTRUCTURE

(ON BEHALF OF THE OFFICE OF TRAFFIC SAFETY
OF THE DEPARTMENT OF PUBLIC SAFETY)

PREFILED NOVEMBER 7, 2024

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions related to the use of cellular telephones and other handheld wireless communications devices by minors while operating a motor vehicle. (BDR 43-251)

FISCAL NOTE: Effect on Local Government: No.
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; revising provisions relating to the use of cellular telephones and other handheld wireless communications devices by persons who are less than 18 years of age while operating a motor vehicle; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law, with certain exceptions, makes it a civil infraction to manually
2 type or enter text into a cellular telephone or other handheld wireless
3 communications device, or to send or read data using any such device to access or
4 search the Internet, while operating a motor vehicle. In addition, existing law, with
5 certain exceptions, makes it a civil infraction to use a cellular telephone or other
6 handheld wireless communications device to engage in voice communications with
7 another person while operating a motor vehicle, unless such device is used with a
8 hands-free accessory. (NRS 484B.165)
9 Under existing law, a person who violates these prohibitions against the use of
10 a cellular telephone or other handheld wireless communications device while
11 operating a motor vehicle is subject to a civil penalty of \$50 for a first violation
12 within the immediately preceding 7 years, \$100 for the second violation within the
13 immediately preceding 7 years and \$250 for the third or subsequent violation
14 within the immediately preceding 7 years. (NRS 484B.165) If the violation is
15 committed in certain work zones or traffic control zones, or in a school zone,



16 existing law imposes an additional penalty for the violation. (NRS 484B.130,
17 484B.135, 484B.165)

18 This bill makes it a civil infraction for a person who is less than 18 years of age
19 to use a cellular telephone or handheld wireless communications device for any
20 purpose while operating a motor vehicle, including, without limitation, engaging in
21 voice communications with another person, regardless of whether or not a hands-
22 free accessory is used, except in certain emergency circumstances or when using a
23 voice-operated global positioning or navigation system that is affixed to the
24 vehicle. Under this bill, a peace officer is: (1) prohibited from stopping a motor
25 vehicle for the sole purpose of determining whether a person is violating such
26 provisions; and (2) authorized to issue a civil infraction citation for such a violation
27 only if the violation is discovered while the vehicle is stopped or the driver is
28 arrested for another offense. A person who violates this bill is subject to the same
29 civil penalties as a person who violates the existing prohibition against the use of a
30 cellular telephone or other handheld wireless communications device while
31 operating a motor vehicle. (NRS 484B.130, 484B.135, 484B.165)

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

1 **Section 1.** NRS 484B.165 is hereby amended to read as
2 follows:

3 484B.165 1. Except as otherwise provided in this section, a
4 person shall not, while operating a motor vehicle on a highway in
5 this State:

6 (a) Manually type or enter text into a cellular telephone or other
7 handheld wireless communications device, or send or read data
8 using any such device to access or search the Internet or to engage
9 in nonvoice communications with another person, including,
10 without limitation, texting, electronic messaging and instant
11 messaging.

12 (b) Use a cellular telephone or other handheld wireless
13 communications device to engage in voice communications with
14 another person, unless the device is used with an accessory which
15 allows the person to communicate without using his or her hands,
16 other than to activate, deactivate or initiate a feature or function on
17 the device.

18 2. *Except as otherwise provided in this section, a person who*
19 *is less than 18 years of age shall not, while operating a motor*
20 *vehicle on a highway in this State, use a cellular telephone or*
21 *other handheld wireless communications device for any purpose,*
22 *including, without limitation, using a cellular telephone or other*
23 *handheld wireless communications device to engage in voice*
24 *communications, regardless of whether the device is used with an*
25 *accessory which allows the person to communicate without using*
26 *his or her hands. A peace officer shall not stop a motor vehicle for*
27 *the sole purpose of determining whether the driver of the motor*



1 *vehicle is violating this subsection. A civil infraction citation may*
2 *be issued for a violation of this subsection only if the violation is*
3 *discovered when the motor vehicle is halted or its driver is arrested*
4 *for another alleged violation or offense. This subsection does not*
5 *prohibit a peace officer from stopping a motor vehicle for a*
6 *suspected violation of subsection 1.*

7 3. The provisions of this section do not apply to:

8 (a) A paid or volunteer firefighter, emergency medical
9 technician, advanced emergency medical technician, paramedic,
10 ambulance attendant or other person trained to provide emergency
11 medical services who is acting within the course and scope of his or
12 her employment.

13 (b) A law enforcement officer or any person designated by a
14 sheriff or chief of police or the Director of the Department of Public
15 Safety who is acting within the course and scope of his or her
16 employment.

17 (c) A person who is reporting a medical emergency, a safety
18 hazard or criminal activity or who is requesting assistance relating
19 to a medical emergency, a safety hazard or criminal activity.

20 (d) A person who is responding to a situation requiring
21 immediate action to protect the health, welfare or safety of the
22 driver or another person and stopping the vehicle would be
23 inadvisable, impractical or dangerous.

24 (e) A person who is licensed by the Federal Communications
25 Commission as an amateur radio operator and who is providing a
26 communication service in connection with an actual or impending
27 disaster or emergency, participating in a drill, test, or other exercise
28 in preparation for a disaster or emergency or otherwise
29 communicating public information.

30 (f) An employee or contractor of a public utility who uses a
31 handheld wireless communications device:

32 (1) That has been provided by the public utility; and

33 (2) While responding to a dispatch by the public utility to
34 respond to an emergency, including, without limitation, a response
35 to a power outage or an interruption in utility service.

36 ~~3.~~ 4. The provisions of this section do not prohibit the use of
37 a voice-operated global positioning or navigation system that is
38 affixed to the vehicle.

39 ~~4.~~ 5. A person who violates any provision of ~~subsection 1~~
40 *this section* is guilty of a civil infraction punishable pursuant to
41 NRS 484A.703 to 484A.705, inclusive, and:

42 (a) For the first violation within the immediately preceding 7
43 years, shall pay a civil penalty of \$50.

44 (b) For the second violation within the immediately preceding 7
45 years, shall pay a civil penalty of \$100.



1 (c) For the third or subsequent violation within the immediately
2 preceding 7 years, shall pay a civil penalty of \$250.

3 ~~[5.] 6.~~ A person who violates any provision of ~~[subsection 1]~~
4 *this section* may be subject to any additional penalty set forth in
5 NRS 484B.130 or 484B.135.

6 ~~[6.] 7.~~ The Department of Motor Vehicles shall not treat a first
7 violation of this section in the manner statutorily required for a
8 moving traffic violation.

9 ~~[7.] 8.~~ For the purposes of this section, a person shall be
10 deemed not to be operating a motor vehicle if the motor vehicle is
11 driven autonomously and the autonomous operation of the motor
12 vehicle is authorized by law.

13 ~~[8.] 9.~~ As used in this section:

14 (a) "Handheld wireless communications device" means a
15 handheld device for the transfer of information without the use of
16 electrical conductors or wires and includes, without limitation, a
17 cellular telephone, a personal digital assistant, a pager and a text
18 messaging device. The term does not include a device used for two-
19 way radio communications if:

20 (1) The person using the device has a license to operate the
21 device, if required; and

22 (2) All the controls for operating the device, other than the
23 microphone and a control to speak into the microphone, are located
24 on a unit which is used to transmit and receive communications and
25 which is separate from the microphone and is not intended to be
26 held.

27 (b) "Public utility" means a supplier of electricity or natural gas
28 or a provider of telecommunications service for public use who is
29 subject to regulation by the Public Utilities Commission of Nevada.

30 **Sec. 2.** This act becomes effective on July 1, 2025.

