

ASSEMBLY BILL NO. 21—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF THE DEPARTMENT OF TRANSPORTATION)

PREFILED DECEMBER 19, 2012

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to public safety.
(BDR 43-364)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public safety; revising provisions prohibiting open containers of alcoholic beverages in motor vehicles; revising provisions governing the requirements and procedures for reporting motor vehicle accidents; transferring certain duties relating to the reporting of those accidents from the Department of Motor Vehicles to the Department of Public Safety; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law prohibits a person from having an open container of an alcoholic
2 beverage within the passenger area of a motor vehicle while the motor vehicle is on
3 a highway. Existing law provides an exception to that prohibition for a motor
4 vehicle which is designed, maintained or used primarily for the transportation of
5 persons for compensation, or to the living quarters of a house coach or house
6 trailer. (NRS 484B.150) **Section 1** of this bill provides that the exception: (1)
7 applies to the passenger area of such a motor vehicle; but (2) does not apply to a
8 driver of such a motor vehicle who is in possession or control of an open container
9 of an alcoholic beverage.

10 **Section 2** of this bill allows: (1) a driver of a vehicle which is involved in an
11 accident with apparent damages of \$750 or more to submit electronically the
12 accident report the driver is required to submit to the Department of Motor
13 Vehicles; and (2) a driver who is required to submit a supplemental report to do so
14 electronically. (NRS 484E.070) **Section 2** further requires the Department of Motor
15 Vehicles to approve the format of the forms for those accident reports and make the
16 forms available to persons who are required to submit the reports to the
17 Department.



* A B 2 1 R 1 *

18 **Section 4** of this bill allows a police officer who investigates a vehicle accident
19 for which a report must be made by the officer, or who otherwise prepares a written
20 or electronic report as a result of the investigation, to forward the report of the
21 accident in writing or electronically. In addition, **section 4** requires the report to be
22 submitted to the Department of Public Safety rather than the Department of Motor
23 Vehicles. **Section 4** requires the data collected by the Department of Public Safety
24 from those reports to be recorded in a central repository created by the Department
25 of Public Safety to track data electronically concerning vehicle accidents on a
26 statewide basis. **Section 4** further requires a police officer to prepare a report of an
27 investigation which is conducted of a vehicle accident which results in bodily
28 injury to or the death of any person or which involves apparent damage of \$750 or
29 more to a vehicle or other property. (NRS 484E.110)

30 **Section 5** of this bill transfers from the Department of Motor Vehicles to the
31 Department of Public Safety the duty to prepare certain forms for preparing written
32 accident reports that are supplied to police departments, sheriffs and other
33 appropriate agencies or persons. (NRS 484E.120) **Section 5** further requires certain
34 accident reports that are required to be prepared by a police officer to be made on
35 the appropriate form approved by the Department of Public Safety rather than the
36 Department of Motor Vehicles and requires any other accident reports to be made
37 on forms approved by the Department of Motor Vehicles.

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

1 **Section 1.** NRS 484B.150 is hereby amended to read as
2 follows:

3 484B.150 1. It is unlawful for a person to drink an alcoholic
4 beverage while the person is driving or in actual physical control of
5 a motor vehicle upon a highway.

6 2. Except as otherwise provided in this subsection, it is
7 unlawful for a person to have an open container of an alcoholic
8 beverage within the passenger area of a motor vehicle while the
9 motor vehicle is upon a highway. This subsection does not apply to

10 ~~the~~:

11 (a) *The passenger area of a* motor vehicle which is designed,
12 maintained or used primarily for the transportation of persons for
13 compensation; ~~the~~ or ~~to the~~

14 (b) *The living quarters of a house coach or house trailer* ~~the~~,
15 *but does apply to the driver of such a motor vehicle who is in*
16 *possession or control of an open container of an alcoholic*
17 *beverage.*

18 3. A person who violates any provision of this section may be
19 subject to the additional penalty set forth in NRS 484B.130.

20 4. As used in this section:

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

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



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

3 **Sec. 2.** NRS 484E.070 is hereby amended to read as follows:

4 484E.070 1. *The Department shall:*

5 (a) *Approve the format of the forms for accident reports made*
6 *pursuant to this section; and*

7 (b) *Make those forms available to persons who are required to*
8 *forward the reports to the Department pursuant to this section.*

9 2. Except as otherwise provided in subsections ~~2, 3, 4 and~~
10 ~~4, 5~~, the driver of a vehicle which is in any manner involved in an
11 accident on a highway or on premises to which the public has
12 access, if the accident results in bodily injury to or the death of any
13 person or total damage to any vehicle or item of property to an
14 apparent extent of \$750 or more, shall, within 10 days after the
15 accident, forward a written *or electronic* report of the accident to
16 the Department. Whenever damage occurs to a motor vehicle, the
17 operator shall attach to the accident report an estimate of repairs or a
18 statement of the total loss from an established repair garage, an
19 insurance adjuster employed by an insurer licensed to do business in
20 this State, an adjuster licensed pursuant to chapter 684A of NRS or
21 an appraiser licensed pursuant to chapter 684B of NRS. The
22 Department may require the driver or owner of the vehicle to file
23 supplemental written *or electronic* reports whenever the original
24 report is insufficient in the opinion of the Department.

25 ~~2, 3~~ 3. A report is not required from any person if the accident
26 was investigated by a ~~law enforcement agency~~ *police officer*
27 *pursuant to NRS 484E.110* and the report of the investigating
28 officer contains:

29 (a) The name and address of the insurance company providing
30 coverage to each person involved in the accident;

31 (b) The number of each policy; and

32 (c) The dates on which the coverage begins and ends.

33 ~~3, 4~~ 4. The driver of a vehicle subject to the jurisdiction of the
34 Surface Transportation Board or the Nevada Transportation
35 Authority need not submit in his or her report the information
36 requested pursuant to subsection 3 of NRS 484E.120 until the 10th
37 day of the month following the month in which the accident
38 occurred.

39 ~~4, 5~~ 5. A written *or electronic* accident report is not required
40 pursuant to this chapter from any person who is physically incapable
41 of making a report, during the period of the person's incapacity.
42 Whenever the driver is physically incapable of making a written *or*
43 *electronic* report of an accident as required in this section and the
44 driver is not the owner of the vehicle, the owner shall within 10 days



1 after knowledge of the accident make the report not made by the
2 driver.

3 ~~15.1~~ 6. All written *or electronic* reports required in this section
4 to be forwarded to the Department by drivers or owners of vehicles
5 involved in accidents are without prejudice to the person so
6 reporting and are for the confidential use of the Department or other
7 state agencies having use of the records for accident prevention,
8 except as otherwise provided in NRS 239.0115 and except that the
9 Department may disclose to a person involved in an accident or to
10 his or her insurer the identity of another person involved in the
11 accident when the person's identity is not otherwise known or when
12 the person denies having been present at the accident. The
13 Department may also disclose the name of the person's insurer and
14 the number of the person's policy.

15 ~~16.1~~ 7. A written *or electronic* report forwarded pursuant to the
16 provisions of this section may not be used as evidence in any trial,
17 civil or criminal, arising out of an accident except that the
18 Department shall furnish upon demand of any party to such a trial,
19 or upon demand of any court, a certificate showing that a specified
20 accident report has or has not been made to the Department in
21 compliance with law, and, if the report has been made, the date,
22 time and location of the accident, the names and addresses of the
23 drivers, the owners of the vehicles involved and the investigating
24 officers. The report may be used as evidence when necessary to
25 prosecute charges filed in connection with a violation of
26 NRS 484E.080.

27 **Sec. 3.** NRS 484E.080 is hereby amended to read as follows:

28 484E.080 1. If a person willfully fails, refuses or neglects to
29 make a report of an accident in accordance with the provisions of
30 this chapter, the person's driving privilege may be suspended.
31 Suspension action taken under this section remains in effect for 1
32 year unless terminated by receipt of the report of the accident or
33 upon receipt of evidence that failure to report was not willful.

34 2. Any person who gives information in *electronic*, oral or
35 written reports as required in this chapter, knowing or having reason
36 to believe that such information is false, is guilty of a gross
37 misdemeanor.

38 **Sec. 4.** NRS 484E.110 is hereby amended to read as follows:

39 484E.110 1. Every police officer who investigates a vehicle
40 accident of which a report must be made as required in this chapter,
41 or who otherwise prepares a written *or electronic* report as a result
42 of an investigation either at the time of and at the scene of the
43 accident or thereafter by interviewing the participants or witnesses,
44 shall forward a written *or electronic* report of the accident to the
45 Department *of Public Safety* within 10 days after the investigation



1 of the accident. *The data collected by the Department of Public*
2 *Safety pursuant to this subsection must be recorded in a central*
3 *repository created by the Department of Public Safety to track data*
4 *electronically concerning vehicle accidents on a statewide basis.*

5 2. The written *or electronic* reports required to be forwarded
6 by police officers and the information contained therein are not
7 privileged or confidential.

8 3. Every sheriff, chief of police or office of the Nevada
9 Highway Patrol receiving any report required under NRS 484E.030
10 to 484E.090, inclusive, shall immediately prepare a copy thereof
11 and file the copy with the Department ~~{}~~ *of Public Safety.*

12 4. *If a police officer investigates a vehicle accident resulting*
13 *in bodily injury to or the death of any person or total damage to*
14 *any vehicle or item of property to an apparent extent of \$750 or*
15 *more, the police officer shall prepare a written or electronic report*
16 *of the investigation.*

17 5. *As soon as practicable after receiving a report pursuant to*
18 *this section, the Department of Public Safety shall submit a copy*
19 *of the report to the Department of Motor Vehicles.*

20 **Sec. 5.** NRS 484E.120 is hereby amended to read as follows:

21 484E.120 1. The Department *of Public Safety* shall prepare
22 ~~{and upon request supply to police departments, sheriffs and other~~
23 ~~appropriate agencies or persons}~~ forms for ~~{written}~~ accident reports
24 ~~{as}~~ required ~~{in this chapter,}~~ *pursuant to NRS 484E.110*, suitable
25 with respect to the persons required to make the reports and the
26 purposes to be served. The forms must be designed to call for
27 sufficiently detailed information to disclose with reference to an
28 accident the cause, conditions then existing, the persons and
29 vehicles involved, the name and address of the insurance company,
30 the number of the policy providing coverage and the dates on which
31 the coverage begins and ends. *The Department of Public Safety*
32 *shall, upon request, supply to a police department, sheriff or other*
33 *appropriate agency or person, the forms for accident reports*
34 *prepared by a police officer pursuant to NRS 484E.110.*

35 2. ~~{The form prepared for a report to be made by persons~~
36 ~~pursuant to NRS 484E.070 must call for such}~~ *In addition to*
37 *submitting a copy of a report pursuant to NRS 484E.110, the*
38 *Department of Public Safety shall provide any* information ~~{as is}~~
39 required by *this section which is not included in the report to* the
40 Department *of Motor Vehicles* to enable ~~{}~~ *the Department of*
41 *Motor Vehicles* to determine whether the requirements for the
42 deposit of security under chapter 485 of NRS are inapplicable. The
43 Department *of Motor Vehicles* may rely upon the accuracy of
44 information supplied *to a police officer* by a driver or owner on the



- 1 form unless it has reason to believe that the information is
2 erroneous.
- 3 3. *Every accident report required pursuant to NRS 484E.070*
4 *must be made on the appropriate form approved by the*
5 *Department of Motor Vehicles pursuant to that section and must*
6 *contain all the information required in the form.*
- 7 4. Every accident report required ~~to be made in writing~~
8 *pursuant to NRS 484E.110* must be made on the appropriate form
9 approved by the Department *of Public Safety* and must contain all
10 the information required therein unless it is not available.
- 11 **Sec. 6.** (Deleted by amendment.)



