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Media Release

Nearly 12,000 Traffic Citations Issued Statewide in 2012 for Distracted Driving

Troopers from the Nevada Highway Patrol issued nearly 12,000* traffic citations to motorists observed talking, texting or reading non-voice communication while operating a motor vehicle on Nevada's highways in 2012. 30 of the offenders last year received their second citation for the same offense with 25 of those witnessed on their phone for a third time and cited once more.

The total fine for a first-time offense is \$112.00¹ with zero points assessed against one's driver's license while the second, third and subsequent offenses each have four demerit points added to the monetary fine. When convicted, a second offense will cost a violator \$192.00¹ while third and subsequent offenses each will total \$352.00¹.

Although numerous motorists were observed talking with a hand-held phone next to their ear while driving, many of those cited were observed texting, reading non-voice communication or scrolling to find another contact in their phone. Troopers are still continuing to observe this traffic law being ignored particularly when motorists are stopped in traffic such as at a traffic signal light. The law clearly states this activity is illegal while the motor vehicle is being operated on a highway in this State.

To avoid a citation and to be in compliance with this specific traffic law, motorists should avoid holding their phone while driving and adapt to a Bluetooth or other hands-free device to receive and initiate calls, or refrain from using their hand-held phone altogether.

- *11,992 citations issued as of December 26, 2012.
- ¹Total fines mentioned above are those assessed at the Reno and Sparks Justice Courts

The following pages detail the total number of citations issued for each month in 2012, followed by the actual description of this particular traffic law; NRS 484B.165.

Cell Phone Citations Issued Statewide each Month by NHP in 2012:

MON-YEAR	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE
01-2012	1,122	1	4
02-2012	1,188	0	2
03-2012	1,149	0	3
04-2012	1,168	4	3
05-2012	1,265	2	2
06-2012	876	1	1
07-2012	864	4	1
08-2012	1,063	3	2
09-2012	1,052	4	6
10-2012	1,008	5	0
11-2012	747	3	1
12-2012	435	3	0
TOTAL	11,937	30	25

Traffic Law:

NRS 484B.165 Using handheld wireless communications device to type or enter text, send or read data, engage in non-voice communication or engage in voice communications without use of hands-free device unlawful; exceptions; penalty.

1. Except as otherwise provided in this section, a person shall not, while operating a motor vehicle on a highway in this State:

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

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

2. The provisions of this section do not apply to:

(a) A paid or volunteer firefighter, emergency medical technician, ambulance attendant or other person trained to provide emergency medical services who are acting within the course and scope of his or her employment.

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

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

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

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

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

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

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

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

4. A person who violates any provision of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense within the immediately preceding 7 years, shall pay a fine of \$50.

(b) For the second offense within the immediately preceding 7 years, shall pay a fine of \$100.

(c) For the third or subsequent offense within the immediately preceding 7 years, shall pay a fine of \$250.

5. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in [NRS 484B.130](#).

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

7. For the purposes of this section, a person shall be deemed not to be operating a motor vehicle if the motor vehicle is driven autonomously through the use of artificial-intelligence software and the autonomous operation of the motor vehicle is authorized by law.

8. As used in this section:

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

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

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

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

(Added to NRS by [2011, 3647](#))

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