



STATE OF NEVADA  
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
Performance Objective Reference Material

**The Performance Objective Reference Material is designed to accompany the P.O.S.T. mandated Performance Objectives of each N.A.C. mandated course for Category I, II, III, and Reserve peace officers.**

**Thoroughly reviewing this document will help in your preparation to teach the related course.**

**An instructor will not be successful by reviewing the Performance Objective Material the night before or the day of instruction. Instructors are expected to spend time studying this reference material, researching supplemental material, and developing student activities which will in effect enhance the learning for students. DO NOT be an instructor who shows up unprepared and expects a "canned" presentation to be given based on this reference material.**

**The Performance Objective Reference Material is to be used for the purpose of understanding the Course Performance Objectives and to be used as a guide for lesson plan development.**

**P.O.S.T. would like to thank you for being a part of the training of new Peace Officers in the State of Nevada.**

**Updated: August 2019- Changes or notable areas are highlighted in red.**



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**Title: Traffic Law**  
**Category: I, Reserve**  
**NAC: 289.140, 289.170**

**AUTHORITY OF A PEACE OFFICER TO ISSUE A CITATION (PO A)**

In the state of Nevada the authority for a peace officer to issue a citation is governed by NRS 171.1771 and NRS 484A.730. This statutes state the following:

NRS 171.1771 Issuance of citation when person detained by peace officer. Whenever any person is detained by a peace officer for any violation of a county, city or town ordinance or a state law which is punishable as a misdemeanor and the person is not required to be taken before a magistrate, the person shall, in the discretion of the peace officer, either be given a misdemeanor citation, or be taken without unnecessary delay before the proper magistrate. Any such person shall be taken before the magistrate when the person does not furnish satisfactory evidence of identity or when the peace officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court.

NRS 484A.730 When peace officer has option to give citation or take person before magistrate. Whenever any person is halted by a peace officer for any violation of chapters 484A to 484E, inclusive, of NRS and is not required to be taken before a magistrate, the person may, in the discretion of the peace officer, either be given a traffic citation, or be taken without unnecessary delay before the proper magistrate.

**When a person physically receives a copy of a citation, receipt of the citation shall be deemed personal service of a notice to appear in court to adjudicate the citation.**

The person must be taken before the magistrate in any of the following cases:

1. When the person does not furnish satisfactory evidence of identity or when the peace officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court;
2. When the person is charged with a violation of NRS 484D.580 relating to the refusal of a driver of a vehicle to submit the vehicle to an inspection and test;
3. When the person is charged with a violation of NRS 484D.675 relating to the failure or refusal of a driver of a vehicle to submit the vehicle and load to a weighing or to remove excess weight therefrom; or
4. When the person is charged with a violation of NRS 484C.110 or 484C.120, unless the person is incapacitated and is being treated for injuries at the time the peace officer would otherwise be taking the person before the magistrate.



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## Eluding a Peace Officer (PO B)

**NRS 484B.550** Stop required upon signal of peace officer; manner in which signal must be given; penalties.

1. Except as otherwise provided in this section, the driver of a motor vehicle who willfully fails or refuses to bring the vehicle to a stop, or who otherwise flees or attempts to elude a peace officer in a readily identifiable vehicle of any police department or regulatory agency, when given a signal to bring the vehicle to a stop is guilty of a misdemeanor.

2. The signal by the peace officer described in subsection 1 must be by flashing red lamp and siren.

3. Unless the provisions of NRS 484B.653 (Reckless Driving) apply if, while violating the provisions of subsection 1, the driver of the motor vehicle:

(a) Is the proximate cause of damage to the property of any other person; or

(b) Operates the motor vehicle in a manner which endangers or is likely to endanger any other person or the property of any other person, the driver is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

4. If, while violating the provisions of subsection 1, the driver of the motor vehicle is the proximate cause of the death of or bodily harm to any other person, the driver is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than \$50,000, or by both fine and imprisonment.

5. If the driver of the motor vehicle is convicted of a violation of NRS 484C.110 or 484C.120 arising out of the same act or transaction as a violation of subsection 1, the driver is guilty of a category D felony and shall be punished as provided in NRS 193.130 for the violation of subsection 1.

For eluding to occur the officer must be in a readily identifiable police vehicle and has given signal, which consists of red flashing light and siren, and the suspect the officer is attempting to stop willfully refuses or fails to stop for an officer.

## Driver's License Statute (PO C)



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There are many terms that are established within NRS that regulate driver's licenses. The terms were established as sanctions for offenses committed by a person to limit their driving privileges. The first thing that should be defined before going into the statutes that limit driver's licenses is the definition of driver's license.

NRS 483.065 "Driver's license" defined. "Driver's license" means a license issued under the laws of this State authorizing a person to drive a motor vehicle in this State.

**Residency Requirement (PO C1i)**

When a person has a driver's license from another state they will be required to obtain a Nevada DL if the following exist per NRS:

**NRS 483.245** License issued by this State required when person becomes resident; issuance; reciprocal agreements with other states or countries.

1. When a person becomes a resident of Nevada as defined in this chapter and chapter 482 of NRS, the person must, within 30 days, obtain a Nevada driver's license as a prerequisite to driving any motor vehicle in the State of Nevada.

**NOTE:** A Nevada resident has 30 days to change their residence address with the DMV if they have moved.

2. Where a person who applies for a license has a valid driver's license from a state or country which has requirements for issuance of drivers' licenses comparable to those of the State of Nevada, the Department may issue a Nevada license under the same terms and conditions applicable to a renewal of a license in this State.

3. In carrying out the provisions of this chapter, the Administrator is authorized to enter into reciprocal agreements with appropriate officials of other states or countries concerning the licensing of drivers of motor vehicles.

Then to help further clarify the question of what defines a resident NRS sets forth the requirements as follows:

**NRS 483.141** "Resident" defined.

1. "Resident" includes, but is not limited to, a person:

(a) Whose legal residence is in the State of Nevada.



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(b) Who engages in intrastate business and operates in such a business any motor vehicle, trailer or semitrailer, or any person maintaining such vehicles in this State, as the home state of such vehicles.

(c) Who physically resides in this State and engages in a trade, profession, occupation or accepts gainful employment in this State.

(d) Who declares that he or she is a resident of this State to obtain privileges not ordinarily extended to nonresidents of this State.

2. The term does not include a person who is an actual tourist, an out-of-state student, a foreign exchange student, a border state employee or a seasonal resident.

3. The provisions of this section do not apply to drivers of vehicles operated in this State under the provisions of NRS 482.385, 482.390, 482.395 or 706.801 to 706.861, inclusive

### **Restricted License (PO C1ii)**

Driver's Licenses can be issued restrictions set in place for a variety of reasons. One of the main reasons is for new drivers. Often restrictions will be put into place for new drivers so they can learn the basics and become comfortable with the responsibilities of driving. Another reason a license may be restricted is for hardships. Licenses can be issued to persons who may not normally qualify for a license upon proof of hardships whether it's medically or some other situation. Here are some of the reasons per NRS a license may be granted under restriction:

- NRS 483.280 Instruction, restricted instruction and temporary drivers' permits.
- NRS 483.2523 Drivers who are 16 or 17 years of age: Restriction on transporting certain passengers under 18 years of age during initial period of licensure; penalty; nature of violation
- NRS 483.2529 Drivers who are 16 or 17 years of age: Duration of restriction or suspension of license for certain violations.
- NRS 483.267 Restricted license for person between ages of 14 and 18 if medical hardship exists in family: Issuance; application; restrictions.
- NRS 483.270 Restricted license for pupil in school: Issuance; application; restrictions; regulations.
- NRS 483.360 Restricted license; procedure for suspension or revocation; penalty.



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- NRS 483.464 Issuance of restricted license after certain period if license suspended pursuant to NRS 483.462.

### **Suspension (PO C1iii)**

**NRS 483.180** "Suspension" defined. "Suspension" means that the licensee's privilege to drive a vehicle is temporarily withdrawn.

Some Common reasons a license may be suspended are:

- NRS 483.461 Mandatory suspension of license of person less than 21 years of age if test shows concentration of alcohol of 0.02 or more but less than 0.08 in blood or breath; cancellation of suspension and credit toward subsequent revocation or suspension.
- NRS 483.465 Mandatory suspension of license when person violates promise to appear pursuant to citation
- NRS 483.443 Suspension of license for failure to comply with certain subpoenas or warrants or failure to satisfy arrearage in payment of support for child; reinstatement of license
- NRS 483.441 Suspension of license for delinquent payment of administrative fines and other costs owed pursuant to NRS 706.476 or 706.771; notice; plan for repayment; reinstatement; fee for reinstatement

### **Revoked (PO C1iv)**

It is established in the NRS to revoke/cancel a license under the following NRS:

- **NRS 483.420** Authority of Department to cancel license.
  1. The Department is hereby authorized to cancel any driver's license upon determining that the licensee was not entitled to the issuance thereof pursuant to NRS 483.010 to 483.630, inclusive, or that the licensee failed to give the required or correct information in his or her application or committed any fraud in making an application.
  2. Upon cancellation of a driver's license pursuant to subsection 1, the licensee shall surrender the license cancelled to the Department.
  3. The Department is authorized to cancel any license that is voluntarily surrendered to the Department.

And for non-residents:



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- **NRS 483.430** Suspension or revocation of privilege of nonresident; report of certain convictions in this State or revocation or suspension involving nonresident.
  1. The privilege of driving a motor vehicle on the highways of this State given to a nonresident under NRS 483.010 to 483.630, inclusive, shall be subject to suspension or revocation by the Department in like manner and for like cause as a driver's license issued under NRS 483.010 to 483.630, inclusive, may be suspended or revoked.
  2. The Department is further authorized, upon receiving a record of the conviction in this State of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this State, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.
  3. When a nonresident's driving privilege is suspended or revoked in this State, the Department shall forward a copy of the record of such action to the motor vehicle administrator in the state where such driver resides.
- **NRS 483.440** Suspension or revocation of license or privilege upon conviction in another state.

The Department is authorized to suspend or revoke the license of any resident of this State or the privilege of a nonresident to drive a motor vehicle in this State upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this State, would be grounds for the suspension or revocation of the license.

Some of the following reasons made by why a persons has their driver's license revoked:

- **NRS 483.460** Mandatory revocation of license, permit or privilege to drive; period of revocation; tolling of period of revocation during imprisonment; eligibility for restricted license; action to carry out court's order.

## **Vehicle Registration (PO D, D1)**

Every vehicle that operates within the state of Nevada must be registered in either Nevada or another state. The chapter of the NRS that has to do with Motor Vehicles and Trailers: Licensing, Registration, Sales & Leases is chapter 482.

- **NRS 482.205** Registration required for certain vehicles.



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Except as otherwise provided in this chapter and NRS 706.188, every owner of a motor vehicle, trailer or semitrailer intended to be operated upon any highway in this State shall, before the motor vehicle, trailer or semitrailer can be operated, apply to the Department or a registered dealer for and obtain the registration thereof.

After you have registered your vehicle if you happen to move residences or change your name you must notify the department per the following NRS:

- **NRS 482.283** Change of name or place of residence: Notice to Department required; timing and contents of notice.  
Each holder of a valid registration, upon changing his or her name or place of residence, shall notify the Department of the change within 30 days after the change and shall include in the notice both the old and new names and residence addresses.

If you move to the state of Nevada from another state you will be required to register your vehicle within the state. The following NRS states the regulations:

- **NRS 482.385** Registration of vehicle of nonresident owner not required; exceptions; registration of vehicle by person upon becoming resident of this State or accepting gainful employment or enrolling child in public school in this State; penalty; taxes and fees; surrender of nonresident license plates and registration certificate; citation for violation.

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

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

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

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





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(2) An out-of-state student;

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

(4) A migrant or seasonal farm worker.

2. This section does not:

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

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

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

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

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

(b) At the time he or she obtains a driver's license, whichever occurs earlier, apply for the registration of each vehicle the person owns which is operated in this State. When a person, formerly a nonresident, applies for a driver's license in this State, the Department shall inform the person of the requirements imposed by this subsection and of the penalties that may be imposed for failure to comply with the provisions of this subsection.

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



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

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

(b) An out-of-state student;

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

(d) A migrant or seasonal farm worker.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

### Traffic Control Devices and Violations Associated (PO E)

There are many different traffic control devices in place to control how persons drive. Some of those traffic control devices include stop lights, stop signs, yield signs, school zones and many others.

The basis for the traffic control law can be found under the following NRS:

**NRS 484B.300** Obedience to devices for control of traffic; exceptions; placement of devices; additional penalty for violation committed in work zone or pedestrian safety zone.

1. Except as otherwise provided in NRS 484B.307, it is unlawful for any driver to disobey the instructions of any official traffic-control device placed in accordance with the provisions of chapters 484A to 484E, inclusive, of NRS, unless at the time otherwise directed by a police officer.



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2. No provision of chapters 484A to 484E, inclusive, of NRS for which such devices are required may be enforced against an alleged violator if at the time and place of the alleged violation the device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular provision of chapters 484A to 484E, inclusive, of NRS does not state that such devices are required, the provision is effective even though no devices are erected or in place.

3. Whenever devices are placed in position approximately conforming to the requirements of chapters 484A to 484E, inclusive, of NRS, such devices are presumed to have been so placed by the official act or direction of a public authority, unless the contrary is established by competent evidence.

4. Any device placed pursuant to the provisions of chapters 484A to 484E, inclusive, of NRS and purporting to conform to the lawful requirements pertaining to such devices is presumed to comply with the requirements of chapters 484A to 484E, inclusive, of NRS unless the contrary is established by competent evidence.

5. A person who violates any provision of subsection 1 may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

## Red Signal Lights (PO E1)

Stop lights are set forth to have only three colors. Those colors are red, yellow and green. Each of those colors has a corresponding action that is required of a driver.

The law sets forth exactly what action is to be taken place in the following NRS:

**NRS 484B.307** Traffic controlled by official traffic-control devices exhibiting different colored lights: Rights and duties of vehicular traffic and pedestrians depending upon particular signal displayed; exceptions for person driving motorcycle, moped or tri-mobile or riding bicycle; signals placed over individual lanes; certain restrictions upon local authorities; additional penalty for violation committed in pedestrian safety zone.

This NRS is broken down into sections that address all the required actions based upon what the light signal is doing and with what corresponding color is being shown.

**8.** Where the signal is a steady red signal alone:

(a) Vehicular traffic facing the signal must stop before entering the crosswalk on the nearest side of the intersection where the sign or pavement marking indicates where the stop must be made, or in the absence of any such crosswalk, sign or marking, then



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before entering the intersection, and, except as otherwise provided in paragraphs (c) and (d), must remain stopped or standing until the green signal is shown.

(b) Pedestrians facing such a signal shall not enter the highway, unless permitted to proceed by another device as provided in NRS 484B.283.

(c) After complying with the requirement to stop, vehicular traffic facing such a signal and situated on the extreme right of the highway may proceed into the intersection for a right turn only when the intersecting highway is two-directional or one-way to the right, or vehicular traffic facing such a signal and situated on the extreme left of a one-way highway may proceed into the intersection for a left turn only when the intersecting highway is one-way to the left, but must yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection.

(d) After complying with the requirement to stop, a person driving a motorcycle, moped or tri-mobile or riding a bicycle or an electric bicycle may proceed straight through or turn right or left if:

(1) The person waits for two complete cycles of the lights or lighted arrows of the applicable official traffic-control device and the signal does not change because of a malfunction or because the signal failed to detect the presence of the motorcycle, moped, tri-mobile, bicycle or electric bicycle;

(2) No other device at the place prohibits either or both such turns, if applicable; and

(3) The person yields the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection.

(e) Vehicular traffic facing the signal may not proceed on or through any private or public property to enter the intersecting street where traffic is not facing a red signal to avoid the red signal.

## **Stop Signs (PO E2)**

The NRS has codified the violation of a stop sign in the following NRS:

**NRS 484B.257** Vehicle entering intersection marked stop or yield. Except when traffic is being controlled by a police officer or a traffic-control signal:

1. When proper signs have been erected, the driver of a vehicle shall stop or yield at a clearly marked stop line or, if there is none, before entering the crosswalk on the near



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side of the intersection or, if there is none, then at the point nearest the intersection where the driver has a view of approaching traffic on the through highway. After having stopped or, in the event of a yield sign, slowed or stopped, the driver shall yield the right-of-way to other vehicles which have entered the intersection from such through highway or which are approaching so closely on such through highway as to constitute an immediate hazard during the time such driver is moving across or within the intersection.

2. The driver of a vehicle shall stop in obedience to a stop sign or yield in compliance with a yield sign, in compliance with the manner prescribed in subsection 1, prior to entering an intersection if a stop sign or a yield sign is erected at one or more entrances thereto although not a part of a through highway and shall proceed cautiously, yielding to vehicles not so obligated to stop or yield and which are within the intersection or approaching so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection.

**Other Traffic Control Signs and Devices (PO E3)**

There are many different types of traffic control signs and devices. The ones listed above are generally the most commonly violated control devices. There are many other control devices to include:

No Left Turn/No Right Turn- NRS 484B.303

Railroad Signals-NRS 484B.553

School Zones- NRS 484B. 363

Carpool Lanes- NRS 484B. 323

**Right of Way (PO F)**

Right-of-way rules helps traffic move smoothly through intersections. They emphasize courtesy, common sense and cooperation. Generally, right-of-way means the right of one vehicle to go before another one. The term also applies to pedestrians and bicycle riders.

Nevada law does not give anyone the "right-of-way" — it only says who must yield. Even when you may legally have the right-of-way, you must do everything possible to avoid an accident.

**Failure to Yield the Right of Way (PO F1)**

**NRS 484B.250** Vehicle approaching or entering intersection.



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1. The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway.

2. When two vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

3. When two vehicles enter an intersection at approximately the same time, one vehicle traveling on a highway which ends at the intersection and the other vehicle traveling on a through highway, the driver of the vehicle on the highway which ends at the intersection shall yield the right-of-way to the other vehicle.

4. When a vehicle enters an intersection controlled by a traffic-control signal which is installed and has its vehicular signals uncovered, but is inoperative at the time the vehicle enters the intersection, the driver of the vehicle shall proceed as if a stop sign had been erected at each entrance to the intersection and shall stop at a clearly marked stop line or, if there is none, before entering the crosswalk on the near side of the intersection or, if there is none, at the point nearest the intersection where the driver has a view of approaching traffic on the through highway. After making such a stop, the driver shall proceed cautiously, yielding to vehicles which have previously completed a stop or are within the intersection.

5. Except as otherwise provided in subsection 4, this section does not apply to intersections controlled by official traffic-control devices or to vehicles approaching each other from opposite directions, when the driver of one of the vehicles is intending to or is making a left turn.

## **Failure to Yield to an Emergency Vehicle (PO F2)**

**NRS 484B.267** Operation of vehicle on approach of authorized emergency vehicle or official vehicle of regulatory agency.

Upon the immediate approach of an authorized emergency vehicle or an official vehicle of a regulatory agency, making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of a highway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle or official vehicle has passed, except when otherwise directed by a police officer.

## **Failure to Yield for a pedestrian (PO F3)**

Since the very first car hit the roads in America, there has since been an issue that deals with not only vehicles but just the general public. That issue is the issue of pedestrians. The people who walk the sidewalks to get places and cross over roads and often are not paying as much attention as they should. The combination of pedestrians and vehicles



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has created a situation where pedestrians have at an alarming rate been hit by vehicles. According to the Nevada Department of Public Safety-Office of Traffic Safety and Nevada Department of Transportation, between the years 2009 and 2013 there have been 247 pedestrians killed and 736 pedestrians seriously injured on Nevada Roadways. As one can see from those statistics, it is of the utmost importance for the general public but also law enforcement to understand the right of way laws in regards to pedestrian traffic.

**NRS 484B.283** Right-of-way in crosswalk; impeding ability of driver to yield prohibited; overtaking vehicle at crosswalk; obedience to signals and other devices for control of traffic; additional penalty if driver is proximate cause of collision with pedestrian or if violation committed in pedestrian safety zone.

1. Except as otherwise provided in NRS 484B.287, 484B.290 and 484B.350:

(a) When official traffic-control devices are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be so to yield, to a pedestrian crossing the highway within a crosswalk when the pedestrian is upon the half of the highway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the highway as to be in danger.

## U-Turns (PO G)

**NRS 484B.403** When U-turns are authorized and prohibited; additional penalty for violation committed in work zone or pedestrian safety zone.

In Nevada, U-turns are generally allowed on any road when they can be made safely. They are specifically not allowed:

- When prohibited by a traffic sign or signal
- In a business district, except at an intersection or an appropriate opening on a divided highway
- On curves
- Near a grade where there is less than 500 feet of visibility in both directions (NRS 484B.407)
- Nevada law prohibits the operator of a vehicle from making a U-turn in a school zone except when there are no children present, it is a day when no school is in session, on school days from half an hour after schools ends to a half hour before the next school session begins or when the signs/lights designate that the school zone is currently not in effect.





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You should also be aware that local authorities and the Nevada Department of Transportation may prohibit U-turns at any location within their respective jurisdictions.

## **Motorcycles (PO H)**

Motorcyclists have the same rights and responsibilities as other drivers. However, there are special situations and conditions we all need to be aware of to safely share the road.

The NRS which regulates motorcycles falls into NRS chapter 486.

In regards to the license of those who operate motorcycles they are required to obtain a special endorsement to their Nevada driver's license.

## **Helmet Law (PO H1)**

One of the big safety concerns regarding motorcycles is the lack of protection they offer to the driver and passenger of the motorcycle. Unlike cars they are fully open to the environment and the only really protection is that worn by the operator themselves. Within Nevada this safety concern is addressed by a law that requires operators to wear safety helmets while operating their motorcycles. This NRS is as follows:

**NRS 486.231** Protective headgear and glasses: Standards; when use required.

1. The Department shall adopt standards for protective headgear and protective glasses, goggles or face shields to be worn by the drivers and passengers of motorcycles and transparent windscreens for motorcycles.
2. Except as provided in this section, when any motorcycle, except a tri-mobile or moped, is being driven on a highway, the driver and passenger shall wear protective headgear securely fastened on the head and protective glasses, goggles or face shields meeting those standards. Drivers and passengers of tri-mobiles shall wear protective glasses, goggles or face shields which meet those standards.
3. When a motorcycle or a tri-mobile is equipped with a transparent windscreen meeting those standards, the driver and passenger are not required to wear glasses, goggles or face shields.
4. When a motorcycle is being driven in a parade authorized by a local authority, the driver and passenger are not required to wear the protective devices provided for in this section.
5. When a three-wheel motorcycle on which the driver and passengers ride within an enclosed cab is being driven on a highway, the driver and passengers are not required to wear the protective devices required by this section.



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This statute clearly establishes law that requires all persons on the motorcycles to wear protective headgear.

## **Lane- Splitting (PO H2)**

**NRS 486.351** Unlawful passing; driving abreast.

1. A person, except a police officer in the performance of his or her duty, shall not drive a motorcycle or moped between moving or stationary vehicles occupying adjacent traffic lanes.

2. Except as provided in subsection 3, a person shall not drive a motorcycle, moped or tri-mobile abreast of or overtake or pass another vehicle within the same traffic lane.

3. Motorcycles and mopeds may, with the consent of the drivers, be operated no more than two abreast in a single traffic lane.

## **Speeding (PO I)**

Within NRS there are several different speeding violation laws put into place. The basic and catch all for a speeding violation is as follows:

**NRS 484B.600** Basic rule; additional penalties for violation committed in work zone or pedestrian safety zone or if driver is proximate cause of collision with pedestrian or person riding bicycle.

1. It is unlawful for any person to drive or operate a vehicle of any kind or character at:

(a) A rate of speed greater than is reasonable or proper, having due regard for the traffic, surface and width of the highway, the weather and other highway conditions.

(b) Such a rate of speed as to endanger the life, limb or property of any person.

(c) A rate of speed greater than that posted by a public authority for the particular portion of highway being traversed.

(d) In any event, a rate of speed greater than 80 miles per hour.

2. If, while violating any provision of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.



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3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.130 or 484B.135.

This law is broken down into sections where it covers the basic concept of speeding in every sense. It identifies driving in a manner where the conditions do not permit (ie heavy rains, snow, heavy traffic), driving in a manner where it is just not safe for the driver or the general public around, and driving above what is posted on the road (ie faster than the speed limit that is posted). Also identified is driving above 80 miles per hour.

This leads into another NRS which establishes:

NRS 484B.613 Speed limit: Establishment for vehicles on highways constructed and maintained by Department of Transportation; additional penalty for violation committed in work zone.

1. The Department of Transportation may establish the speed limits for motor vehicles on highways which are constructed and maintained by the Department of Transportation under the authority granted to it by chapter 408 of NRS.
2. Except as otherwise provided by federal law, the Department of Transportation may establish a speed limit on such highways not to exceed 80 miles per hour and may establish a lower speed limit:
  - (a) Where necessary to protect public health and safety.
  - (b) For trucks, overweight and oversized vehicles, trailers drawn by motor vehicles and buses.
3. A person who violates any speed limit established pursuant to this section may be subject to the additional penalty set forth in NRS 484B.130.

## **Driving and Passing Violations (PO J1-5)**

### **NRS 484B.127 Following too closely.**

A common cause of minor traffic collisions often is a result of violation of following too closely. If a driver gives themselves a proper following distance and enough time to react then a lot of collisions could be avoided. This is due to having enough distance and time to react to the other vehicles in the road. The law reads as follows:

1. The driver of a vehicle shall not follow another vehicle more closely than is



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reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

2. The driver of any truck or combination of vehicles 80 inches or more in overall width, which is following a truck, or combination of vehicles 80 inches or more in overall width, shall, whenever conditions permit, leave a space of 500 feet so that an overtaking vehicle may enter and occupy such space without danger, but this shall not prevent a truck or combination of vehicles from overtaking and passing any vehicle or combination of vehicles. This subsection does not apply to any vehicle or combination of vehicles while moving on a highway on which there are two or more lanes available for traffic moving in the same direction.

3. Motor vehicles being driven upon any highway outside of a business district in a caravan or motorcade, whether or not towing other vehicles, shall be operated to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle or combination of vehicles to enter and occupy such space without danger.

**NRS 484B.223 Driving on highway having multiple marked lanes for traffic; additional penalty for violation committed in work zone or pedestrian safety zone.**

This law deals primarily with the proper use of travel lanes on marked highways. It is set out in the NRS of how a vehicle is to be driven.

1. If a highway has two or more clearly marked lanes for traffic traveling in one direction, vehicles must:

(a) Be driven as nearly as practicable entirely within a single lane;  
and

(b) Not be moved from that lane until the driver has given the appropriate turn signal and ascertained that such movement can be made

with safety.

2. Upon a highway which has been divided into three clearly marked lanes, a vehicle must not be driven in the extreme left lane at any time. A vehicle on such a highway must not be driven in the center lane except:

(a) When overtaking and passing another vehicle where the highway is clearly visible and the center lane is clear of traffic for a safe distance;

(b) In preparation for a left turn; or

(c) When the center lane is allocated exclusively to traffic moving in the direction in which the vehicle is proceeding and a sign is posted to give

notice of such allocation.

3. If a highway has been designed to provide a single center lane to be used only for turning by traffic moving in both directions, the following rules apply:

(a) A vehicle may be driven in the center turn lane only for the purpose of making a left-hand turn onto or from the highway.



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- (b) A vehicle must not travel more than 200 feet in a center turn lane before making a left-hand turn from the highway.
- (c) A vehicle must not travel more than 50 feet in a center turn lane after making a left-hand turn onto the highway before merging with traffic.
- 4. If a highway has been designed to provide a single right lane to be used only for turning, a vehicle must:
  - (a) Be driven in the right turn lane only for the purpose of making a right turn; and
  - (b) While being driven in the right turn lane, not travel through an intersection.

## Turning

### **NRS 484B.413 Requirements for turning on highway; signal for stopping or decreasing speed.**

- 1. A driver shall not turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety, and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by such movement and after giving an appropriate signal if any other vehicle may be affected by such movement.
- 2. A signal of intention to turn right or left, or otherwise turn a vehicle from a direct course, shall be given continuously during not less than the last 100 feet traveled in a business or residential district and not less than the last 300 feet traveled in any other area prior to changing the course of a vehicle. This rule shall be observed, regardless of the weather.
- 3. A driver shall not stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to the driver of any vehicle immediately to the rear.

### **NRS 484B.417 Signal by hand and arm or signal lamp or device authorized.**

Any signal required by chapters 484A to 484E, inclusive, of NRS to be made by a driver when making a turn or a stop must be given either by means of a hand and arm or by a signal lamp or signal device of a type approved by the department, except if a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of the vehicle, the signals must be given by a signal lamp or signal device.

**NRS 484B.420 Methods of giving signals by hand and arm.** All signals given by hand and arm shall be given by hand and arm extended beyond the left side of the vehicle in the following manner, and shall indicate the turns that follow:

- 1. Left turn: Hand and arm extended horizontally.



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2. Right turn: Hand and arm extended upward.
3. Stop or decrease speed: Hand and arm extended downward.
4. Reentering lane of traffic from parked position: Hand and arm extended horizontally.

Everyone at some point during their time as a driver has been behind someone who is driving slowly and cautiously, well below the posted speed limit. Often, when someone gets behind a driver of that nature the solution is the issue is to drive around them and pass by. This is a reality of driving and because of this NRS has been written to direct how to pass and the limitations of how to pass. These are included in the below NRS's.

## Passing

### **NRS 484B.207 Overtaking vehicle on left side: Duties of drivers of overtaking and overtaken vehicle; additional penalty for violation committed in work zone or pedestrian safety zone.**

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the highway until safely clear of the overtaken vehicle.
2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle upon observing the overtaking vehicle or hearing a signal. The driver of an overtaken vehicle shall not increase the speed of the vehicle until completely passed by the overtaking vehicle

### **NRS 484B.210 When overtaking on right side allowed; additional penalty for violation committed in work zone or pedestrian safety zone.**

1. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
  - (a) When the driver of the vehicle overtaken is making or signaling to make a left turn.
  - (b) Upon a highway with unobstructed pavement which is not occupied by parked vehicles and which is of sufficient width for two or more lines of moving vehicles in each direction.
  - (c) Upon a highway with unobstructed pavement which is not marked as a traffic lane and which is not occupied by parked vehicles, if the vehicle that is overtaking and passing another vehicle:
    - (1) Does not travel more than 200 feet in the section of pavement not marked as a traffic lane; or
    - (2) While being driven in the section of pavement not marked



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as a traffic lane, does not travel through an intersection or past any private way that is used to enter or exit the highway.

(d) Upon any highway on which traffic is restricted to one direction of movement, where the highway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

2. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety.

3. The driver of a vehicle shall not overtake and pass another vehicle upon the right when such movement requires driving off the paved portion of the highway.

**NRS 484B.213 Limitations on overtaking on left side; additional penalty for violation committed in work zone or pedestrian safety zone.**

1. A vehicle must not be driven to the left side of the center of a two-lane, two-directional highway and overtaking and passing another vehicle proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.

2. A vehicle must not be driven to the left side of the highway at any time:  
(a) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.  
(b) When approaching within 100 feet or traversing any intersection or railroad grade crossing.

(c) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.

3. Subsection 2 does not apply upon a one-way highway.

**School Buses**

**NRS 484B.353 Overtaking and passing school bus: Duties of driver; exceptions; penalties.**

1. Except as otherwise provided in subsection 2, the driver of any vehicle, when meeting or overtaking, from either direction, any school bus, equipped with signs and signals required by law, which has stopped to receive or discharge any pupil and is displaying a flashing red light signal visible from the front and rear, shall bring the vehicle to an immediate stop and shall not attempt to overtake or proceed past the school bus until the flashing red signal ceases operation.

2. The driver of a vehicle upon a divided highway need not stop upon meeting or



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passing a school bus which is positioned in the other roadway. The driver of a vehicle need not stop upon meeting or passing a school bus where traffic is controlled by a traffic officer.

3. Any person who violates any of the provisions of this section is guilty of a misdemeanor

## MISCELLANEOUS PUBLIC OFFENSE VIOLATIONS (PO K1-3)

**NRS 484B.653 Reckless driving and organization of unauthorized speed contests prohibited;** penalties; court to suspend driver's license of certain offenders; additional penalties for violation committed in work zone or pedestrian safety zone or if driver is proximate cause of collision with pedestrian or person riding bicycle.

1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property.

(b) Drive a vehicle in an unauthorized speed contest on a public highway.

(c) Organize an unauthorized speed contest on a public highway.

A violation of paragraph (a) or (b) of this subsection or subsection 1 of NRS 484B.550 constitutes reckless driving.

2. If, while violating the provisions of subsections 1 to 5, inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283, NRS 484B.350, subsection 1, 2 or 3 of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the violation constitutes reckless driving.

3. A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor

## Cell Phones

In the 21<sup>st</sup> century almost everyone has some sort of cell phone, tablet, and smart watch on their person all the time in order stay connected. More and more people are becoming so focused on their devices that they often are not paying attention to what is going on around them. This is not only for the pedestrian on the street but is now a serious issue with drivers. The NRS listed below addresses the issue of using handheld wireless communication devices and driving.

**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; additional penalty for violation in work zone or pedestrian safety zone.**





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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, advanced emergency medical technician, paramedic, ambulance attendant or other person trained to provide emergency medical services who is 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

Handheld wireless communications device" means a handheld device for the transfer of information without the use of electrical conductors or wires and includes, without



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limitation, a cellular telephone, a personal digital assistant, a pager and a text messaging device

One thing to note for this law is within the first section of the NRS, "**Manually** type or enter text" and "Use a cellular telephone or other handheld wireless communications device to **engage in voice communications** with another person". The bolded words are key to be able to enforce this law. More often than not, if a person contests this citation, they will win. They will often win because it is not noted anywhere in the citation what the person was actually doing with the communication device (using the left thumb to engage the screen, holding the phone up to their ear and when asked who they were talking to, responded with "my mom", etc.)

### **Traffic Crash (PO L1-3)**

A traffic crash, also known as a motor vehicle crash, occurs when a vehicle collides with another vehicle, pedestrian, animal, road debris, or other stationary obstruction, such as a tree or utility pole. Traffic crashes may result in injury, death and property damage.

#### **When Must a Driver Stop at the Scene of a Crash**

When a vehicle is involved in a traffic crash there are is a requirement to stop after the incident, those requirement are listed below.

#### **NRS 484E.010 Duty to stop at scene of crash involving death or personal injury; penalty.**

1. The driver of any vehicle involved in a crash on a highway or on premises to which the public has access resulting in bodily injury to or the death of a person shall immediately stop his or her vehicle at the scene of the crash or as close thereto as possible, and shall forthwith return to and in every event shall remain at the scene of the crash until the driver has fulfilled the requirements of NRS 484E.030.

2. Every such stop must be made without obstructing traffic more than is necessary.

3. A person failing to comply with the provisions of subsection 1 is guilty of a category B felony

#### **NRS 484E.020 Duty to stop at scene of crash involving damage to vehicle or property. The driver of any vehicle involved in a crash resulting only in damage to a vehicle or other property which is driven or attended by any person shall:**

1. Immediately stop his or her vehicle at the scene of the crash; and



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2. As soon as reasonably practicable, if the driver's vehicle is obstructing traffic and can be moved safely, move the vehicle or cause the vehicle to be moved to a location as close thereto as possible that does not obstruct traffic and return to and remain at the scene of the crash until the driver has fulfilled the requirements of NRS 484E.030.

**Filing a False Accident Report**

Filing a false accident report is gross misdemeanor in the state of Nevada. This is one of the few types of speech that is not constitutionally protected. Lying to law enforcement officials can result in criminal convictions.

In order to be found guilty of the crime of filing a false accident report, the following elements must be proven beyond a reasonable doubt:

- The false report or statement was made by the defendant
- The false report was offered in response to legitimate inquiries by a police officer
- The statement addressed a material fact about an offense, incident, or crime within the police officer's concerns
- The defendant made the statement knowing that it was false
- The defendant made the false report with an intent to deceive, obstruct, or hinder the officer from preventing the crime or apprehending a person in connection with the crime

Of these elements, the most important ones involve the terms "intent" and "knowing." That is, the defendant must have knowledge that the report or statements are false. Also, they must have made the false report with the intention that it lead to an obstruction of police activity.

**NRS 484E.080 Failure to report; false report; penalties.**

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

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



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## **FINANCIAL RESPONSIBILITY LAW (PO M)**

Nevada's Financial Responsibility Law is detailed in N.R.S. 485.190 – 485.420. This law is triggered only when an uninsured driver is involved in an accident in which damages exceed \$750.00. The Financial Responsibility Law applies to anyone driving on Nevada's streets, whether they are Nevada residents or not. The effects of the Financial Liability Law are two-fold.

First, the uninsured driver must within 20 days of the accident either 1) secure a release of damages, 2) get a written agreement to pay the damaged driver in installments or 3) obtain a final judgment of non-liability. The driver can also ask for the license back at a hearing before the DMV after filing a security deposit amount set by the administrative judge, the deposit to be held for up to two years.

Second, the Financial Responsibility Law requires the uninsured driver to maintain insurance into the future. The uninsured driver's license will be suspended until he or she obtains an SR-22 Certificate. An SR-22 Certificate is a form issued by the driver's insurance company in addition to the proof of insurance card. If the driver stops paying premiums within three years of the date that the SR-22 is issued, the insurance company will report that fact to DMV and the driver's license will be suspended again.

Nevada's Financial Responsibility Law affects out of state drivers via interstate compact. Nevada will report the uninsured accident to the driver's home state and that state's drivers' license gets pulled until Nevada's law is satisfied.