

Senate Bill No. 156—Senators Parks,
Spearman; Harris and Manendo

Joint Sponsors: Assemblymen Carrillo,
Joiner and Spiegel

CHAPTER.....

AN ACT relating to motor vehicles; providing that a person who drives through a roadblock established because of flooding is liable for the expenses of any emergency response required to assist the driver or any passenger, or to move or remove the vehicle from the area; providing an exception; providing that a person convicted of reckless driving for driving a vehicle into an area that is temporarily covered with water may be liable for the expenses of any emergency response required to assist the driver or any passenger, or to move or remove the vehicle from the area; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, police officers may establish temporary roadblocks upon the highways of this State to control traffic at or near the scene of a potential or existing emergency or hazard. (NRS 484B.573) A person who unlawfully proceeds through a temporary roadblock shall be punished for a gross misdemeanor, or for a category B felony if the person is the direct cause of a death or substantial bodily harm to any person or damage to property in excess of \$1,000. (NRS 484B.580) This bill provides that a person who unlawfully proceeds through a temporary roadblock that is established because of flooding or water on the roadway is liable for the expenses of any emergency response that is required to: (1) remove the driver or any passenger from the vehicle; (2) move or remove the vehicle from the roadway or any area near the roadway where the vehicle creates a hazard; or (3) both (1) and (2). A person is immune from liability for such expenses if the person unlawfully proceeds through a temporary roadblock for the purpose of making a good faith effort to assist another person who is or appears to be in danger as a result of flooding or water on the roadway.

Existing law provides that certain acts constitute reckless driving, such as driving a vehicle in willful or wanton disregard of the safety of persons or property, or willfully failing or refusing to stop a vehicle when given certain signals by a peace officer. (NRS 484B.550, 484B.653) This bill provides that a person who is convicted of reckless driving for driving a vehicle into any area that is temporarily covered as a result of a rise in water level may be liable for the expenses of any emergency response that is required to: (1) remove the driver or any passenger from the vehicle; (2) move or remove the vehicle from the area; or (3) both (1) and (2).



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

Section 1. Chapter 484B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsections 4 and 5, a person who, as described in NRS 484B.580, unlawfully proceeds or travels through a temporary roadblock established pursuant to NRS 484B.573 because of flooding or water on the roadway, is liable for the expenses of any emergency response that is required to:

- (a) Remove the driver or any passenger from the vehicle;*
- (b) Move or remove the vehicle that becomes inoperable from the roadway or any area near the roadway where the vehicle creates a hazard; or*
- (c) Both (a) and (b).*

2. Except as otherwise provided in subsection 4, a person who is convicted of reckless driving pursuant to NRS 484B.653 for driving a vehicle into any area that is temporarily covered by a rise in water level as a result of flooding or any other cause, may be liable for the expenses of any emergency response that is required to:

- (a) Remove the driver or any passenger from the vehicle;*
- (b) Move or remove the vehicle that becomes inoperable from the area; or*
- (c) Both (a) and (b).*

3. The liability imposed by this section is in addition to and does not limit any other liability that may be imposed in accordance with law.

4. A person's liability for the expenses of any emergency response pursuant to this section must not exceed \$2,000 for a single incident.

5. A person who violates subsection 1 as a result of making a good faith effort to assist a person who is or appears to be in danger because of flooding or water on the roadway is immune from the liability imposed by this section.

6. An insurance policy may exclude coverage for a person's liability for the expenses of any emergency response as described in this section.

7. The expenses of any emergency response pursuant to this section are a charge against the person liable for those expenses



in accordance with this section. The charge constitutes a debt of that person and may be collected proportionately by the public entities, for profit entities or nonprofit entities that incurred the expenses.

8. As used in this section:

(a) "Expenses of any emergency response" means all reasonable costs and expenses directly incurred by any entity making an appropriate emergency response and removing a person from a vehicle or moving or removing a vehicle pursuant to subsection 1 or 2. The term includes, without limitation:

(1) The salary or wages of any person participating in the emergency response;

(2) The deemed wages of any volunteer of a public entity participating in the emergency response; and

(3) The costs for the use or operation of any equipment used in the emergency response, including, without limitation, the cost of fuel for the equipment.

(b) The term does not include any fees or charges assessed for the use of an air ambulance or ambulance, as those terms are defined in NRS 450B.030 and 450B.040, respectively.

Sec. 2. This act becomes effective on July 1, 2015.

