

SENATE BILL NO. 312—SENATOR MANENDO

MARCH 17, 2017

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to driving under certain conditions. (BDR 43-94)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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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 drivers; revising the duties of a driver upon approaching or being approached by certain emergency vehicles and other vehicles displaying flashing lights; revising the duties of a law enforcement officer upon finding certain unattended or disabled vehicles or property; revising the duties of a driver upon approaching a traffic incident; revising the duties of the driver of a vehicle that crashes and causes only property damage to a vehicle or other property; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Under existing law, upon the immediate approach of an authorized emergency  
2 vehicle or an official vehicle of a regulatory agency making use of flashing lights,  
3 the driver of every other vehicle is required to yield the right-of-way and  
4 immediately pull over as far to the right-hand edge or curb of the road and stop  
5 until the emergency vehicle or official vehicle has passed. (NRS 484B.267) **Section**  
6 **1** of this bill provides that, upon approaching such an emergency vehicle or official  
7 vehicle which is moving or preparing to move in any direction and making use of  
8 flashing lights, a driver shall: (1) decrease the speed of his or her vehicle; (2)  
9 proceed with caution; (3) prepare to stop; (4) not drive abreast of or overtake the  
10 emergency vehicle or official vehicle if it is moving in the same direction as  
11 the driver; and (5) if possible, drive in a lane that is not adjacent to the lane the  
12 emergency vehicle or official vehicle is in. Existing law makes a violation of these  
13 provisions a misdemeanor. (NRS 484A.900)

14 Under existing law, when a police officer finds an unattended or disabled  
15 vehicle upon a highway, bridge or causeway, or in any tunnel, where the vehicle  
16 constitutes an obstruction to traffic or interferes with the normal flow of traffic, the  
17 officer may provide for the immediate removal of the vehicle. (NRS 484B.443)  
18 **Section 2** of this bill requires a law enforcement officer to provide for the



19 immediate removal of the vehicle, and also requires the officer to provide for the  
20 immediate removal of any spilled cargo of a vehicle or other property that is  
21 obstructing traffic, interfering with the normal flow of traffic or otherwise  
22 endangering public safety. **Section 2** also provides that a law enforcement officer  
23 who provides for the removal: (1) is not liable for any damage to the vehicle, cargo  
24 or property that results from the removal; and (2) must attempt to notify the owner  
25 of the vehicle, cargo or property if the owner is not present at the time of removal.  
26 **Section 2** also provides that the costs of the removal must be borne by the owner of  
27 the vehicle, cargo or property.

28 Existing law imposes certain duties upon the driver of a vehicle which is  
29 approaching an authorized emergency vehicle or tow car which is stopped and  
30 making use of flashing lights. (NRS 484B.607) Those duties include: (1) decreasing  
31 the speed of the vehicle; (2) proceeding with caution; (3) preparing to stop; and (4)  
32 if possible, driving in a lane that is not adjacent to the lane in which the emergency  
33 vehicle or tow car is stopped. A violation of those duties is a misdemeanor. (NRS  
34 484A.900) **Section 4** of this bill imposes those duties upon a driver when  
35 approaching any traffic incident, and defines "traffic incident" to mean any vehicle,  
36 person, condition or other traffic hazard which is located on or near a roadway and  
37 which poses a danger to the flow of traffic or to a person involved in, responding to  
38 or assisting with the traffic hazard.

39 Existing law requires the driver of any vehicle involved in a crash resulting in  
40 only damage to a vehicle or other property which is driven or attended by another  
41 person to: (1) stop his or her vehicle immediately at the scene of the crash; (2) as  
42 soon as reasonably practicable, if the driver's vehicle is obstructing traffic and can  
43 be moved safely, move the vehicle to a location nearby that does not obstruct  
44 traffic; and (3) remain at the scene and provide certain required information to the  
45 other party involved in the crash and any police officer at the scene. (NRS  
46 484E.020, 484E.030) Existing law makes a violation of these provisions a  
47 misdemeanor. (NRS 484A.900) **Section 5** of this bill provides that the driver's  
48 vehicle must be moved if it is able to be moved and is creating a hazard or  
49 obstructing traffic and must be moved out of the traffic lanes of the roadway to a  
50 safe location that does not create a hazard or obstruct traffic.

51 Existing law requires a driver of any vehicle involved in a crash with any  
52 vehicle or property which is unattended, resulting in damage to the other vehicle or  
53 property, to stop immediately and locate and notify the owner of the vehicle or  
54 property of the driver's name and address, or attach securely in a conspicuous place  
55 on the vehicle or property the name and address of the driver whose vehicle struck  
56 the vehicle or property. (NRS 484E.040) Existing law makes a violation of these  
57 provisions a misdemeanor. (NRS 484A.900) **Section 6** of this bill imposes the same  
58 revised requirements set forth in **section 5** for moving the driver's vehicle so as not  
59 to create a hazard or obstruct traffic upon the driver of a vehicle that crashes into an  
60 unattended vehicle or unattended property.

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

1 **Section 1.** NRS 484B.267 is hereby amended to read as  
2 follows:

3 484B.267 **1.** Upon the immediate approach of an authorized  
4 emergency vehicle or an official vehicle of a regulatory agency,  
5 making use of flashing lights meeting the requirements of  
6 subsection 3 of NRS 484A.480, the driver of every other vehicle



1 shall yield the right-of-way and shall immediately drive to a position  
2 parallel to, and as close as possible to, the right-hand edge or curb of  
3 a highway clear of any intersection and shall stop and remain in  
4 such position until the authorized emergency vehicle or official  
5 vehicle has passed, except when otherwise directed by a ~~police~~ law  
6 *enforcement* officer.

7 *2. Upon approaching an authorized emergency vehicle or an*  
8 *official vehicle of a regulatory agency which is moving or*  
9 *preparing to move in any direction, including, without limitation,*  
10 *arriving at or leaving the scene of a crash or other incident, and*  
11 *making use of flashing lights meeting the requirements of*  
12 *subsection 3 of NRS 484A.480, the driver of any other vehicle*  
13 *shall, except when otherwise directed by a law enforcement*  
14 *officer:*

15 *(a) Decrease the speed of his or her vehicle to a speed that is*  
16 *reasonable and proper, pursuant to the criteria set forth in*  
17 *subsection 1 of NRS 484B.600;*

18 *(b) Proceed with caution;*

19 *(c) Be prepared to stop;*

20 *(d) If the authorized emergency vehicle or official vehicle of a*  
21 *regulatory agency is moving in the same direction of travel as the*  
22 *driver, not drive abreast of or overtake the authorized emergency*  
23 *vehicle or official vehicle of a regulatory agency;*

24 *(e) If possible, drive in a lane that is not adjacent to the lane in*  
25 *which the authorized emergency vehicle or official vehicle of a*  
26 *regulatory agency is moving, unless roadway, traffic, weather or*  
27 *other conditions make doing so unsafe or impossible; and*

28 *(f) If the authorized emergency vehicle or official vehicle of a*  
29 *regulatory agency:*

30 *(1) Approaches the driver's vehicle, proceed as required*  
31 *pursuant to subsection 1; or*

32 *(2) Stops, proceed as required pursuant to NRS 484B.607.*

33 *3. As used in this section, "preparing to move" means any*  
34 *indication that is visible to an approaching driver that an*  
35 *authorized emergency vehicle or an official vehicle of a regulatory*  
36 *agency is about to move, including, without limitation:*

37 *(a) A movement of the vehicle;*

38 *(b) The turning of the front wheels of the vehicle;*

39 *(c) The activation of the directional signals on the vehicle;*

40 *(d) The use of hand signals by the driver of the vehicle; or*

41 *(e) The driver of the vehicle looking from side to side as if*  
42 *checking for traffic.*

43 **Sec. 2.** NRS 484B.443 is hereby amended to read as follows:

44 484B.443 1. ~~Whenever~~ *Except as otherwise provided in*  
45 *subsection 2, whenever any ~~police~~ law enforcement officer finds*



1 a vehicle standing upon a highway in violation of any of the  
2 provisions of chapters 484A to 484E, inclusive, of NRS, the officer  
3 may move the vehicle, or require the driver or person in charge of  
4 the vehicle to move it, to a position off the paved, improved or  
5 main-traveled part of the highway.

6 2. Whenever any ~~police~~ **law enforcement** officer finds a  
7 vehicle, **the cargo of a vehicle or other property** unattended, ~~or~~  
8 disabled **or spilled** upon any highway, bridge or causeway, or in any  
9 tunnel, where the vehicle, **cargo or property** constitutes an  
10 obstruction to traffic, ~~or~~ interferes with the normal flow of traffic  
11 ~~or otherwise endangers public safety~~, the officer ~~may~~ **shall**  
12 provide for the immediate removal of the vehicle ~~or~~ **cargo or**  
13 **property to a position where the vehicle, cargo or property no**  
14 **longer constitutes an obstruction to traffic, interferes with the**  
15 **normal flow of traffic or otherwise endangers public safety.**

16 3. ~~Any police~~ **Except as otherwise provided in subsection 2,**  
17 **any law enforcement** officer may, subject to the requirements of  
18 subsection 4, remove any vehicle or part of a vehicle found on the  
19 highway, or cause it to be removed, to a garage or other place of  
20 safekeeping if:

21 (a) The vehicle has been involved in a crash and is so disabled  
22 that its normal operation is impossible or impractical and the person  
23 or persons in charge of the vehicle are incapacitated by reason of  
24 physical injury or other reason to such an extent as to be unable to  
25 provide for its removal or custody, or are not in the immediate  
26 vicinity of the disabled vehicle;

27 (b) The person driving or in actual physical control of the  
28 vehicle is arrested for any alleged offense for which the officer is  
29 required by law to take the person arrested before a proper  
30 magistrate without unnecessary delay; or

31 (c) The person in charge of the vehicle is unable to provide for  
32 its custody or removal within:

33 (1) Twenty-four hours after abandoning the vehicle on any  
34 freeway, United States highway or other primary arterial highway.

35 (2) Seventy-two hours after abandoning the vehicle on any  
36 other highway.

37 4. Unless a different course of action is necessary to preserve  
38 evidence of a criminal offense, a ~~police~~ **law enforcement** officer  
39 who wishes to have a vehicle or part of a vehicle removed from a  
40 highway pursuant to subsection 3 shall, in accordance with any  
41 applicable protocol such as a rotational schedule regarding the  
42 selection and use of towing services, cause the vehicle or part of a  
43 vehicle to be removed by a tow car operator. The tow car operator  
44 shall, to the extent practicable and using the shortest and most direct  
45 route, remove the vehicle or part of a vehicle to the garage of the



1 tow car operator unless directed otherwise by the ~~police~~ officer.  
2 The tow car operator is liable for any loss of or damage to the  
3 vehicle or its contents that occurs while the vehicle is in the  
4 possession or control of the tow car operator.

5 **5. A law enforcement officer who provides for the removal of**  
6 **a vehicle, cargo of a vehicle or other property pursuant to**  
7 **subsection 2:**

8 **(a) Is not liable for any loss of or damage to the vehicle, the**  
9 **contents of the vehicle, the cargo or the property that is removed;**  
10 **and**

11 **(b) Must attempt, as soon as practicable, to notify the owner of**  
12 **the vehicle, cargo or property as to the location of the vehicle,**  
13 **cargo or property if the owner of the vehicle or property is not**  
14 **present at the time of removal and the owner of the vehicle, cargo**  
15 **or property is ascertainable by the officer.**

16 **6. All costs incurred under the provisions of subsection 2**  
17 **must be borne by the owner of the vehicle, cargo or property.**

18 **Sec. 3.** NRS 484B.447 is hereby amended to read as follows:

19 484B.447 Whenever any ~~police~~ law enforcement officer  
20 provides for the removal of any vehicle pursuant to NRS 484B.443  
21 and has probable cause to believe that the vehicle or its contents  
22 constitute any evidence which tends to show that a criminal offense  
23 has been committed, or tends to show that a particular person has  
24 committed a criminal offense, the ~~police~~ officer shall take such  
25 steps as may be required by law and reasonably necessary to  
26 preserve the evidence, including but not limited to safe storage, until  
27 the evidence is released to the owner or otherwise disposed of  
28 according to law.

29 **Sec. 4.** NRS 484B.607 is hereby amended to read as follows:

30 484B.607 1. Upon approaching ~~an authorized emergency~~  
31 ~~vehicle which is stopped and is making use of flashing lights~~  
32 ~~meeting the requirements of subsection 3 of NRS 484A.480 or a tow~~  
33 ~~car which is stopped and is making use of flashing amber warning~~  
34 ~~lights meeting the requirements of NRS 484B.748,] any traffic~~  
35 **incident,** the driver of the approaching vehicle shall, in the absence  
36 of other direction given by a ~~peace~~ law enforcement officer:

37 (a) Decrease the speed of the vehicle to a speed that is ~~+~~  
38 ~~(1) Reasonable] reasonable~~ and proper, pursuant to the  
39 criteria set forth in subsection 1 of NRS 484B.600; ~~and~~

40 ~~(2) Less than the posted speed limit, if a speed limit has been~~  
41 ~~posted;]~~

42 (b) Proceed with caution;

43 (c) Be prepared to stop; and

44 (d) If possible, drive in a lane that is not adjacent to the lane ~~in~~  
45 ~~which the emergency vehicle or tow car is stopped,] or lanes where~~



1 *the traffic incident is located* unless roadway, traffic, weather or  
2 other conditions make doing so unsafe or impossible.

3 2. A person who violates subsection 1 is guilty of a  
4 misdemeanor.

5 3. *As used in this section, "traffic incident" means any*  
6 *vehicle, person, condition or other traffic hazard which is located*  
7 *on or near a roadway and which poses a danger to the flow of*  
8 *traffic or to a person involved in, responding to or assisting with*  
9 *the traffic hazard. The term includes, without limitation:*

10 (a) *An authorized emergency vehicle which is stopped and is*  
11 *making use of flashing lights meeting the requirements of*  
12 *subsection 3 of NRS 484A.480;*

13 (b) *A tow car which is stopped and is making use of flashing*  
14 *amber warning lights meeting the requirements of NRS 484B.748;*

15 (c) *An authorized vehicle used by the Department of*  
16 *Transportation which is stopped or moving at a speed slower than*  
17 *the normal flow of traffic and which is making use of flashing*  
18 *amber warning lights meeting the requirements of subsection 1 of*  
19 *NRS 484D.185 or lamps that emit nonflashing blue light meeting*  
20 *the requirements of NRS 484D. 200;*

21 (d) *A public utility vehicle which is stopped or moving at a*  
22 *speed slower than the normal flow of traffic and is making use of*  
23 *flashing amber warning lights meeting the requirements of*  
24 *NRS 484D.195;*

25 (e) *An authorized vehicle of a local governmental agency*  
26 *which is stopped or moving at a speed slower than the normal flow*  
27 *of traffic and is making use of flashing amber warning lights*  
28 *meeting the requirements of NRS 484D.185;*

29 (f) *Any vehicle which is stopped or moving at a speed slower*  
30 *than the normal flow of traffic and is making use of flashing*  
31 *amber warning lights meeting the requirements of NRS 484D.185;*

32 (g) *A crash scene;*

33 (h) *A stalled vehicle;*

34 (i) *Debris on the roadway; or*

35 (j) *A person who is out of his or her vehicle attending to a*  
36 *repair of the vehicle.*

37 **Sec. 5.** NRS 484E.020 is hereby amended to read as follows:

38 484E.020 The driver of any vehicle involved in a crash  
39 resulting only in damage to a vehicle or other property which is  
40 driven or attended by any person shall:

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

43 2. ~~If~~ *As soon as reasonably practicable, if* *If* the driver's vehicle  
44 is *creating a hazard or* obstructing traffic and can be moved safely,  
45 move the vehicle or cause the vehicle to be moved *out of the traffic*



1 *lanes of the roadway* to a *safe* location ~~{as close thereto as possible}~~  
2 that does not *create a hazard or* obstruct traffic and ~~{return to and~~  
3 ~~remain at the scene of the crash until the driver has fulfilled}~~ , *if*  
4 *applicable, safely fulfill* the requirements of NRS 484E.030.

5 **Sec. 6.** NRS 484E.040 is hereby amended to read as follows:

6 484E.040 ~~{The}~~

7 *1. Except as otherwise provided in subsection 2, the* driver of  
8 any vehicle which is involved in a crash with any vehicle or other  
9 property which is unattended, resulting in any damage to such other  
10 vehicle or property, shall immediately stop and shall then and there  
11 locate and notify the operator or owner of such vehicle or other  
12 property of the name and address of the driver and owner of the  
13 vehicle striking the unattended vehicle or other property or shall  
14 attach securely in a conspicuous place in or on such vehicle or  
15 property a written notice giving the name and address of the driver  
16 and of the owner of the vehicle doing the striking.

17 *2. If the vehicle of a driver involved in a crash pursuant to*  
18 *subsection 1 is creating a hazard or obstructing traffic and can be*  
19 *moved safely, the driver shall, before meeting the requirements of*  
20 *subsection 1, move the vehicle or cause the vehicle to be moved*  
21 *out of the traffic lanes of the roadway to a safe location that does*  
22 *not create a hazard or obstruct traffic and minimizes interference*  
23 *with the free movement of traffic.*

