

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 to the right-hand edge or curb of the road and stop until the  
5 emergency vehicle or official vehicle has passed. (NRS 484B.267) **Section 1** of this  
6 bill provides that, upon approaching such an emergency vehicle or official vehicle  
7 which is moving or preparing to move in any direction and making use of flashing  
8 lights, a driver shall: (1) decrease the speed of his or her vehicle; (2) proceed with  
9 caution; (3) prepare to stop; (4) not drive abreast of or overtake the emergency  
10 vehicle or official vehicle if it is moving or preparing to move in the same direction  
11 as 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 authorizes a law enforcement officer or the law enforcement



\* S B 3 1 2 R 1 \*

19 agency employing the officer to provide for the immediate removal of the vehicle  
20 and for the immediate removal of any spilled cargo of a vehicle or other property  
21 that is 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 the law enforcement agency employing the officer, a unified command or a tow car  
24 operator who provides for the removal: (1) is not liable for any damage to the  
25 vehicle, cargo or property that results from the removal; and (2) must make a  
26 reasonable attempt to notify the owner of the vehicle, cargo or property if the owner  
27 is not present at the time of removal. **Section 2** also provides that the costs of the  
28 removal must be borne by the owner of the vehicle, cargo or property.

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

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

52 Existing law requires a driver of any vehicle involved in a crash with any  
53 vehicle or property which is unattended, resulting in damage to the other vehicle or  
54 property, to stop immediately and locate and notify the owner of the vehicle or  
55 property of the driver's name and address, or attach securely in a conspicuous place  
56 on the vehicle or property the name and address of the driver whose vehicle struck  
57 the vehicle or property. (NRS 484E.040) Existing law makes a violation of these  
58 provisions a misdemeanor. (NRS 484A.900) **Section 6** of this bill imposes the same  
59 revised requirements set forth in **section 5** for moving the driver's vehicle so as not  
60 to create a hazard or obstruct traffic upon the driver of a vehicle that crashes into an  
61 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



1 subsection 3 of NRS 484A.480, the driver of every other vehicle  
2 shall yield the right-of-way and shall immediately drive to a position  
3 parallel to, and as close as possible to, the right-hand edge or curb of  
4 a highway clear of any intersection and shall stop and remain in  
5 such position until the authorized emergency vehicle or official  
6 vehicle has passed, except when otherwise directed by a ~~police~~ law  
7 *enforcement* officer.

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

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

19 *(b) Proceed with caution;*

20 *(c) Be prepared to stop;*

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

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

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

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

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

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

38 *(a) A movement of the vehicle; or*

39 *(b) The use of hand signals by the driver of the vehicle.*

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

41 484B.443 1. ~~Whenever~~ *Except as otherwise provided in*  
42 *subsection 2, whenever any ~~police~~ law enforcement* officer finds  
43 a vehicle standing upon a highway in violation of any of the  
44 provisions of chapters 484A to 484E, inclusive, of NRS, the officer  
45 may move the vehicle, or require the driver or person in charge of



1 the vehicle to move it, to a position off the paved, improved or  
2 main-traveled part of the highway.

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

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

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

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

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

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

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

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



1 The tow car operator is liable for any loss of or damage to the  
2 vehicle or its contents that occurs while the vehicle is in the  
3 possession or control of the tow car operator.

4 **5. A person or entity, including a law enforcement officer, the**  
5 **law enforcement agency employing the law enforcement officer,**  
6 **unified command or a tow car operator who provides for the**  
7 **removal of a vehicle, the cargo of a vehicle or other property**  
8 **pursuant to subsection 2:**

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

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

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

19 **7. As used in this section:**

20 **(a) "Traffic incident" has the meaning ascribed to it in**  
21 **NRS 484B.607.**

22 **(b) "Unified command" means a group of law enforcement**  
23 **officers or other persons organized to provide a coordinated**  
24 **response to a traffic incident which requires two or**  
25 **more responding entities within a jurisdiction or which requires**  
26 **responding entities from two or more jurisdictions. The**  
27 **responding entities may include, without limitation, police, fire or**  
28 **emergency medical personnel, a tow car operator, or a state or**  
29 **local governmental entity responsible for roadway or other**  
30 **infrastructure repair or maintenance.**

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

32 484B.447 Whenever any ~~police~~ **law enforcement** officer  
33 provides for the removal of any vehicle pursuant to NRS 484B.443  
34 and has probable cause to believe that the vehicle or its contents  
35 constitute any evidence which tends to show that a criminal offense  
36 has been committed, or tends to show that a particular person has  
37 committed a criminal offense, the ~~police~~ officer shall take such  
38 steps as may be required by law and reasonably necessary to  
39 preserve the evidence, including but not limited to safe storage, until  
40 the evidence is released to the owner or otherwise disposed of  
41 according to law.

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

43 484B.607 1. Upon approaching ~~an authorized emergency~~  
44 ~~vehicle which is stopped and is making use of flashing lights~~  
45 ~~meeting the requirements of subsection 3 of NRS 484A.480 or a tow~~



1 ~~car which is stopped and is making use of flashing amber warning~~  
2 ~~lights meeting the requirements of NRS 484B.748.]~~ **any traffic**  
3 **incident**, the driver of the approaching vehicle shall, in the absence  
4 of other direction given by a ~~peace~~ **law enforcement** officer:

5 (a) Decrease the speed of the vehicle to a speed that is ~~+~~  
6 ~~— (1) Reasonable~~ **reasonable** and proper, pursuant to the  
7 criteria set forth in subsection 1 of NRS 484B.600; ~~and~~  
8 ~~— (2) Less than the posted speed limit, if a speed limit has been~~  
9 ~~posted.~~

10 (b) Proceed with caution;

11 (c) Be prepared to stop; and

12 (d) If possible, drive in a lane that is not adjacent to the lane ~~in~~  
13 ~~which the emergency vehicle or tow car is stopped,~~ **or lanes where**  
14 **the traffic incident is located** unless roadway, traffic, weather or  
15 other conditions make doing so unsafe or impossible.

16 2. A person who violates subsection 1 is guilty of a  
17 misdemeanor.

18 3. *As used in this section, “traffic incident” means any*  
19 *vehicle, person, condition or other traffic hazard which is located*  
20 *on or near a roadway and which poses a danger to the flow of*  
21 *traffic or to a person involved in, responding to or assisting with*  
22 *the traffic hazard. The term includes, without limitation:*

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

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

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

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

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

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

45 (g) *A crash scene;*



- 1 (h) *A stalled vehicle;*
- 2 (i) *Debris on the roadway; or*
- 3 (j) *A person who is out of his or her vehicle attending to a*
- 4 *repair of the vehicle.*

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

6 484E.020 The driver of any vehicle involved in a crash  
 7 resulting only in damage to a vehicle or other property which is  
 8 driven or attended by any person shall:

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

11 2. ~~As soon as reasonably practicable, if~~ *If* the driver's vehicle  
 12 *is creating a hazard or* obstructing traffic and can be moved safely,  
 13 move the vehicle or cause the vehicle to be moved *out of the traffic*  
 14 *lanes of the roadway* to a *safe* location ~~as close thereto as possible~~  
 15 that does not *create a hazard or* obstruct traffic and ~~return to and~~  
 16 ~~remain at the scene of the crash until the driver has fulfilled~~ , *if*  
 17 *applicable, safely fulfill* the requirements of NRS 484E.030.

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

19 484E.040 ~~The~~

20 1. *Except as otherwise provided in subsection 2, the* driver of  
 21 any vehicle which is involved in a crash with any vehicle or other  
 22 property which is unattended, resulting in any damage to such other  
 23 vehicle or property, shall immediately stop and shall then and there  
 24 locate and notify the operator or owner of such vehicle or other  
 25 property of the name and address of the driver and owner of the  
 26 vehicle striking the unattended vehicle or other property or shall  
 27 attach securely in a conspicuous place in or on such vehicle or  
 28 property a written notice giving the name and address of the driver  
 29 and of the owner of the vehicle doing the striking.

30 2. *If the vehicle of a driver involved in a crash pursuant to*  
 31 *subsection 1 is creating a hazard or obstructing traffic and can be*  
 32 *moved safely, the driver shall, before meeting the requirements of*  
 33 *subsection 1, move the vehicle or cause the vehicle to be moved*  
 34 *out of the traffic lanes of the roadway to a safe location that does*  
 35 *not create a hazard or obstruct traffic and minimizes interference*  
 36 *with the free movement of traffic.*

