

ASSEMBLY BILL NO. 184—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF CITY OF LAS VEGAS)

FEBRUARY 10, 1999

Referred to Committee on Transportation

SUMMARY—Authorizes certain law enforcement officers other than police officers to provide for removal of vehicles from highways. (BDR 43-536)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to traffic laws; authorizing certain law enforcement officers other than police officers to provide for the removal of vehicles from highways; authorizing the removal of a vehicle that is abandoned within a parking zone on a highway; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 484.397 is hereby amended to read as follows:
2 484.397 1. Whenever any ~~police~~ officer finds a vehicle standing
3 upon a highway in violation of any of the provisions of this chapter, the
4 officer may move the vehicle, or require the driver or person in charge of
5 the vehicle to move it, to a position off the paved, improved or main-
6 traveled part of the highway.
7 2. Whenever any ~~police~~ officer finds a vehicle unattended or
8 disabled upon any highway, bridge or causeway, or in any tunnel, where
9 the vehicle constitutes an obstruction to traffic or interferes with the
10 normal flow of traffic, the officer may provide for the immediate removal
11 of the vehicle.
12 3. Any ~~police~~ officer may remove any vehicle or part of a vehicle
13 found on the highway, or cause it to be removed, to the nearest garage or
14 other place of safekeeping if:

1 (a) The vehicle has been involved in an accident and is so disabled that
2 its normal operation is impossible or impractical and the person or persons
3 in charge of the vehicle are incapacitated by reason of physical injury or
4 other reason to such an extent as to be unable to provide for its removal or
5 custody, or are not in the immediate vicinity of the disabled vehicle;

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

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

12 (1) Twenty-four hours after abandoning the vehicle on any freeway,
13 United States highway or other primary arterial highway ~~[-]~~, *or within a*
14 *parking zone on a highway.*

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

17 *4. As used in this section, "officer" means a police officer, an officer*
18 *of a unit for the enforcement of nonmoving traffic laws established*
19 *pursuant to NRS 280.125, or any other law enforcement officer*
20 *designated by a board of county commissioners or the governing body of*
21 *a city.*

22 **Sec. 2.** NRS 484.398 is hereby amended to read as follows:

23 484.398 Whenever any ~~[p]olice~~ officer provides for the removal of
24 any vehicle pursuant to NRS 484.397 and has probable cause to believe
25 that the vehicle or its contents constitute any evidence which tends to show
26 that a criminal offense has been committed, or tends to show that a
27 particular person has committed a criminal offense, the ~~[p]olice~~ officer
28 shall take such steps as may be required by law and reasonably necessary
29 to preserve the evidence, including , but not limited to , safe storage, until
30 the evidence is released to the owner or otherwise disposed of according to
31 law.