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MOCK-UP

PROPOSED AMENDMENT TO
ASSEMBLY BILL NO. 394
FIRST REPRINT

PREPARED FOR SENATE TRANSPORTATION COMMITTEE

MAY 8, 2003

PREPARED BY THE RESEARCH DIVISION

**NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN
CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE
OFFICIAL AMENDMENT MAY DIFFER.**

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~green bold double strikethrough~~ is language proposed to be deleted in this amendment and (5) green bold dashed underlining is deleted language in the original bill that is proposed to be retained in this amendment.

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

Section 1. NRS 484.397 is hereby amended to read as follows:

484.397 1. Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of this chapter, the officer may move the vehicle, or require the driver or person in charge of the vehicle to move it, to a position off the paved, improved or main-traveled part of the highway.

2. Whenever any police officer finds a vehicle unattended or disabled upon any highway, bridge or causeway, or in any tunnel, where the vehicle constitutes an obstruction to traffic or interferes with the normal flow of traffic, the officer may provide for the immediate removal of the vehicle.

3. Any police officer may, *subject to the requirements of subsection 4*, remove any vehicle or part of a vehicle found on the highway, or cause it to be removed, to ~~the nearest~~ *a* garage or other place of safekeeping if:

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

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

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

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

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

11 4. *Unless a different course of action is necessary to preserve*
12 *evidence of a criminal offense, a police officer who wishes to have a*
13 *vehicle or part of a vehicle removed from a highway pursuant to*
14 *subsection 3 shall, in accordance with any applicable protocol such as a*
15 *rotational schedule regarding the selection and use of towing services,*
16 *cause the vehicle or part of a vehicle to be removed by a tow car*
17 *operator. The tow car operator shall, to the extent practicable and using*
18 *the shortest and most direct route, remove the vehicle or part of a vehicle*
19 *to his garage or other place of safekeeping that is nearest to the location*
20 *of the vehicle or part of a vehicle.*

Include a provision, which removes the liability to the police officer for any theft or loss of items within the vehicle or damage to the vehicle that occurs after the police officer:

- Inventories or secures the vehicle as required by applicable protocol,
- Receives the signature on the inventory sheet of the tow car operator verifying the items inventoried and damage noted, and
- Releases the vehicle to the tow car operator.

Proposed by Gary Wolff
(Teamster Local 14)
Intent: Remove liability
from police officers for
vehicles and items in
vehicles after the vehicle
is released to the tow
company.

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