

ASSEMBLY BILL NO. 394—ASSEMBLYMEN GOLDWATER  
AND CHOWNING

MARCH 17, 2003

---

Referred to Committee on Transportation

SUMMARY—Revises provisions governing removal by police officer of vehicle or part of vehicle from highway to garage or other place of safekeeping. (BDR 43-1037)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State: Yes.

~

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

---

AN ACT relating to traffic laws; revising the provisions governing the removal by a police officer of a vehicle or part of a vehicle from a highway to a garage or other place of safekeeping; 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  
3     standing upon a highway in violation of any of the provisions of this  
4     chapter, the officer may move the vehicle, or require the driver or  
5     person in charge of the vehicle to move it, to a position off the  
6     paved, improved or main-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,  
9     where the vehicle constitutes an obstruction to traffic or interferes  
10    with the normal flow of traffic, the officer may provide for the  
11    immediate removal of the vehicle.  
12    3. Any police officer may , *subject to the requirements of*  
13    *subsection 4*, remove any vehicle or part of a vehicle found on the



\* A B 3 9 4 R 2 \*

1 highway, or cause it to be removed, to ~~the nearest~~ a garage or  
2 other place of safekeeping if:

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

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

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

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

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

19 *4. Unless a different course of action is necessary to preserve*  
20 *evidence of a criminal offense, a police officer who wishes to have*  
21 *a vehicle or part of a vehicle removed from a highway pursuant to*  
22 *subsection 3 shall, in accordance with any applicable protocol*  
23 *such as a rotational schedule regarding the selection and use of*  
24 *towing services, cause the vehicle or part of a vehicle to be*  
25 *removed by a tow car operator. The tow car operator shall, to the*  
26 *extent practicable and using the shortest and most direct route,*  
27 *remove the vehicle or part of a vehicle to his garage unless*  
28 *directed otherwise by the police officer. The tow car operator is*  
29 *liable for any loss of or damage to the vehicle or its contents that*  
30 *occurs while the vehicle is in his possession or control.*

