

SENATE BILL NO. 384—COMMITTEE ON LEGISLATIVE
OPERATIONS AND ELECTIONS

(ON BEHALF OF THE NEVADA HIGHWAY PATROL DIVISION)

MARCH 29, 2005

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to Department of Public
Safety. (BDR 23-404)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 public safety; creating the Nevada Highway
Patrol Revolving Account; expanding the authority of
certain personnel of the Department of Public Safety to
exercise the powers of peace officers; requiring that
certain fees be deposited for credit to the State Highway
Fund instead of the Motor Vehicle Fund; 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 289.270 is hereby amended to read as follows:
2 289.270 1. The following persons have the powers of a peace
3 officer:
4 (a) The Director of the Department of Public Safety.
5 (b) The chiefs of the divisions of the Department of Public
6 Safety.
7 (c) The deputy directors of the Department of Public Safety
8 employed pursuant to NRS 480.120.
9 (d) The investigators and agents of the Investigation Division of
10 the Department of Public Safety and any other officer or employee
11 of that Division whose principal duty is to enforce one or more laws



1 of this State, and any person promoted from such a duty to a
2 supervisory position related to such a duty.

3 (e) The personnel of the Capitol Police Division of the
4 Department of Public Safety appointed pursuant to subsection 2 of
5 NRS 331.140.

6 ~~[2-] (f) The personnel of the Nevada Highway Patrol [appointed~~
7 ~~pursuant to subsection 2 of NRS 480.330 have the powers of a peace~~
8 ~~officer specified in NRS 480.330 and 480.360.~~

9 ~~—3-] whose principal duty is to enforce one or more laws of this~~
10 ~~State, and any person promoted from such a duty to a supervisory~~
11 ~~position related to such a duty.~~

12 2. Administrators and investigators of the Division of
13 Compliance Enforcement of the Department of Motor Vehicles have
14 the powers of a peace officer to enforce any law of the State of
15 Nevada in carrying out their duties pursuant to NRS 481.048.

16 ~~[4-] 3.~~ Officers and investigators of the Section for the Control
17 of Emissions From Vehicles and the Enforcement of Matters
18 Related to the Use of Special Fuel of the Department of Motor
19 Vehicles, appointed pursuant to NRS 481.0481, have the powers of
20 peace officers in carrying out their duties under that section.

21 ~~[5-] 4.~~ Members of the State Disaster Identification Team of
22 the Division of Emergency Management of the Department of
23 Public Safety who are, pursuant to NRS 414.270, activated by the
24 Chief of the Division to perform the duties of the State Disaster
25 Identification Team have the powers of peace officers in carrying
26 out those duties.

27 **Sec. 2.** NRS 289.550 is hereby amended to read as follows:

28 289.550 1. Except as otherwise provided in subsection 2, a
29 person upon whom some or all of the powers of a peace officer are
30 conferred pursuant to NRS 289.150 to 289.360, inclusive, must be
31 certified by the Commission within 1 year after the date on which
32 the person commences employment as a peace officer unless the
33 Commission, for good cause shown, grants in writing an extension
34 of time, which must not exceed 6 months, by which the person must
35 become certified. A person who fails to become certified within the
36 required time shall not exercise any of the powers of a peace officer
37 after the time for becoming certified has expired.

38 2. The following persons are not required to be certified by the
39 Commission:

40 (a) The Chief Parole and Probation Officer;

41 (b) The Director of the Department of Corrections;

42 (c) The State Fire Marshal;

43 (d) The Director of the Department of Public Safety, the deputy
44 directors of the Department, the chiefs of the divisions of the
45 Department other than the Investigation Division ~~[]~~ and the Nevada



1 *Highway Patrol*, and the members of the State Disaster
2 Identification Team of the Division of Emergency Management of
3 the Department;

4 (e) The Commissioner of Insurance and his chief deputy;

5 (f) Railroad policemen; and

6 (g) California correctional officers.

7 **Sec. 3.** NRS 289.800 is hereby amended to read as follows:

8 289.800 In addition to the compensation required by NRS
9 281.121, a state agency that employs a person:

10 1. Upon whom some or all of the powers of a peace officer are
11 conferred pursuant to subsection 1 of NRS 289.180, subsection 1 of
12 NRS 289.220 ~~for subsection 2 or 5~~, *paragraph (f) of subsection 1*
13 *of NRS 289.270 or subsection 4* of NRS 289.270; and

14 2. Who is required to purchase and wear his own uniform or
15 other clothing, accessories or safety equipment while performing his
16 duties for the State as a peace officer,

17 ➤ may, after first obtaining the written approval of the Director of
18 the Department of Administration, reimburse that person for the cost
19 to repair or replace his required uniform or other clothing,
20 accessories or safety equipment if it is damaged or destroyed, by
21 means other than ordinary wear and tear, while he is performing his
22 duties for the State as a peace officer.

23 **Sec. 4.** NRS 432B.610 is hereby amended to read as follows:

24 432B.610 1. The Peace Officers' Standards and Training
25 Commission shall:

26 (a) Require each category I peace officer to complete a program
27 of training for the detection and investigation of and response to
28 cases of sexual abuse or sexual exploitation of children under the
29 age of 18 years.

30 (b) Not certify any person as a category I peace officer unless he
31 has completed the program of training required pursuant to
32 paragraph (a).

33 (c) Establish a program to provide the training required pursuant
34 to paragraph (a).

35 (d) Adopt regulations necessary to carry out the provisions of
36 this section.

37 2. As used in this section, "category I peace officer" means:

38 (a) Sheriffs of counties and of metropolitan police departments,
39 their deputies and correctional officers;

40 (b) Personnel of the Nevada Highway Patrol ~~appointed to~~
41 ~~exercise the police powers specified in NRS 480.330 and 480.360;~~
42 *whose principal duty is to enforce one or more laws of this State,*
43 *and any person promoted from such a duty to a supervisory*
44 *position related to such a duty;*



(c) Marshals, policemen and correctional officers of cities and towns;

(d) Members of the Police Department of the University and Community College System of Nevada;

(e) Employees of the Division of State Parks of the State Department of Conservation and Natural Resources designated by the Administrator of the Division who exercise police powers specified in NRS 289.260;

(f) The Chief, investigators and agents of the Investigation Division of the Department of Public Safety; and

(g) The personnel of the Department of Wildlife who exercise those powers of enforcement conferred by title 45 and chapter 488 of NRS.

Sec. 5. NRS 439.255 is hereby amended to read as follows:

439.255 1. The State Board of Health shall adopt by regulation the types of portable manual masks and face shields that are approved by the Board to assist in the prevention of the spread of communicable diseases during the administration of cardiopulmonary resuscitation. An approved mask or face shield may not weigh more than 1 pound.

2. Except as otherwise provided in subsection 3, every employer shall, without charge to the peace officer or fireman, provide each peace officer, whether or not he is on duty, and each fireman who is on duty, whether paid or voluntary, with:

(a) A portable manual mask and face shield approved by the Board; and

(b) Initial training and instruction in the use of the equipment.

➔ The mask, shield and training must be provided not later than 30 days after the first day of employment. The employer shall provide refresher courses in the use of the equipment when necessary.

3. An employer may apply to the Health Division for a waiver of the requirements of subsection 2 with regard to each peace officer or fireman who, in the normal course of his employment, is not likely ever to administer cardiopulmonary resuscitation. The application must be in writing, specify the reasons why the employee is not likely in the normal course of his employment ever to administer cardiopulmonary resuscitation and be sworn to by the employer or his authorized representative. The Health Division shall grant or deny the waiver based on the information contained in the application.

4. A waiver granted pursuant to subsection 3 expires upon any change in the duties of the peace officer or fireman which make it likely that he will administer cardiopulmonary resuscitation at some time in the normal course of his employment. The date of the



1 change in duties shall be deemed to be the first day of employment
2 for purposes of subsection 2.

3 5. An injury or illness which results from the use of a mask or
4 shield by a peace officer or fireman pursuant to subsection 2 may
5 not be considered as negligence or as causation in any civil action
6 brought against a peace officer or fireman or his employer.

7 6. As used in this section:

8 (a) "Employer" means any person who employs or provides
9 equipment to a fireman or peace officer, including the State of
10 Nevada and its political subdivisions.

11 (b) "Peace officer" means:

12 (1) Sheriffs of counties and of metropolitan police
13 departments and their deputies;

14 (2) Personnel of the Nevada Highway Patrol ~~[when~~
15 ~~exercising the police powers specified in NRS 480.330 and~~
16 ~~480.360;]~~ *whose principal duty is to enforce one or more laws of*
17 *this State, and any person promoted from such a duty to a*
18 *supervisory position related to such a duty; and*

19 (3) Marshals and policemen of cities and towns.

20 **Sec. 6.** Chapter 480 of NRS is hereby amended by adding
21 thereto a new section to read as follows:

22 *The Nevada Highway Patrol Revolving Account is hereby*
23 *created as a special account in the State Highway Fund and must*
24 *be used for making change in the main and branch offices of the*
25 *Nevada Highway Patrol. The account must be administered by the*
26 *Chief of the Highway Patrol. The State Board of Examiners shall*
27 *determine the amount of money to be deposited in the Account,*
28 *within the limits of money available for that purpose.*

29 **Sec. 7.** NRS 480.340 is hereby amended to read as follows:

30 480.340 1. Except as otherwise provided in this section, the
31 Chief of the Nevada Highway Patrol may enter into a contract with
32 any person or governmental agency to provide services for the
33 control of vehicular traffic related to or affected by any special event
34 sponsored by the person or agency.

35 2. Any such contract:

36 (a) Must require the sponsor of the special event to reimburse
37 the Nevada Highway Patrol for the cost of the services provided.

38 (b) May require the sponsor to furnish a bond to ensure that
39 reimbursement is made.

40 (c) Is subject to the following limitations:

41 (1) The services provided pursuant to the contract must be
42 provided by personnel of the Nevada Highway Patrol.

43 (2) The services required must not impair the ability of the
44 Nevada Highway Patrol to perform its customary duties.



3. Any money received by the Nevada Highway Patrol pursuant to such a contract must be deposited with the State Treasurer for credit to the ~~[Motor Vehicle]~~ *State Highway* Fund.

4. As used in this section, "special event" has the meaning ascribed to it in NRS 484.900.

Sec. 8. NRS 480.360 is hereby amended to read as follows:

480.360 The duties of the personnel of the Nevada Highway Patrol ~~[are:]~~ *include, without limitation:*

1. To police the public highways of this State, to enforce and to aid in enforcing thereon all the traffic laws of the State of Nevada and to enforce all other laws of this State when:

(a) In the apprehension or pursuit of an offender or suspected offender;

(b) Making arrests for crimes committed in their presence or upon or adjacent to the highways of this State; or

(c) Making arrests pursuant to a warrant in the officer's possession or communicated to him.

2. To investigate accidents on all primary and secondary highways within the State of Nevada resulting in personal injury, property damage or death, and to gather evidence to prosecute any person guilty of any violation of the law contributing to the happening of such an accident.

3. In conjunction with the Department of Motor Vehicles, to enforce the provisions of chapters 365, 366, 408, 482 to 486, inclusive, 487 and 706 of NRS.

4. To maintain the Central Repository for Nevada Records of Criminal History and to carry out the provisions of chapter 179A of NRS.

5. To enforce the provisions of laws and regulations relating to motor carriers, the safety of their vehicles and equipment, and their transportation of hazardous materials and other cargo.

6. To maintain the repository for information concerning hazardous materials in Nevada and to carry out its duties pursuant to chapter 459 of NRS concerning the transportation of hazardous materials.

7. To perform such other duties in connection with those specified in this section as may be imposed by the Director.

Sec. 9. NRS 484.1345 is hereby amended to read as follows:

484.1345 "Regulatory agency" means any of the agencies granted police or enforcement powers under the provisions of subsection 2 of NRS 289.250, NRS 289.260, subsection ~~[3]~~ *2* of NRS 289.270, NRS 289.280, subsection 3 of NRS 289.290 or NRS 289.320, 289.340, 407.065, 472.040, 481.048, 501.349, 565.155 or 706.8821.



1 **Sec. 10.** NRS 484.579 is hereby amended to read as follows:
2 484.579 1. It is unlawful to operate or display a flashing
3 amber warning light on a vehicle except when an unusual traffic
4 hazard exists or as authorized in NRS 484.582. This subsection does
5 not prohibit the use of amber lights in electric signals for making
6 turns.
7 2. It is unlawful for any person to mount flashing amber
8 warning lights permanently on a vehicle without a permit from the
9 Nevada Highway Patrol.
10 3. The Nevada Highway Patrol, upon written application, shall
11 issue a permit to mount a flashing amber light on:
12 (a) Vehicles of public utilities.
13 (b) Trucks for towing vehicles.
14 (c) Vehicles engaged in activities which create a public hazard
15 upon the streets or highways.
16 (d) Vehicles of coroners and their deputies.
17 (e) Vehicles of Civil Air Patrol rescue units.
18 (f) Vehicles of authorized sheriffs' jeep squadrons.
19 (g) Vehicles which escort funeral processions.
20 (h) Vehicles operated by vendors of food or beverages, as
21 provided in NRS 484.582.
22 4. Those permits expire on June 30 of each calendar year.
23 5. The Nevada Highway Patrol shall charge and collect the
24 following fees for the issuance of a permit for the mounting of a
25 flashing amber light:
26 (a) Permit for a single vehicle \$2
27 (b) Blanket permit for more than 5 but less than 15 vehicles... 12
28 (c) Blanket permit for 15 vehicles or more 24
29 6. Subsections 1 and 2 do not apply to an agency of any state
30 or political subdivision thereof, or to an agency of the Federal
31 Government.
32 7. All fees collected by the Nevada Highway Patrol pursuant to
33 this section must be deposited with the State Treasurer for credit to
34 the ~~Motor Vehicle~~ **State Highway** Fund.
35 **Sec. 11.** This act becomes effective on July 1, 2005.



