

Amendment No. 501

Senate Amendment to Senate Bill No. 251 First Reprint (BDR 43-1115)

Proposed by: Senator Nolan**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 251 (§ 5).

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

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) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold dashed underlining*** is newly added transitory language.

MSN/TMC



Date: 4/17/2009

S.B. No. 251—Revises certain provisions governing vehicles. (BDR 43-1115)



SENATE BILL NO. 251—SENATOR NOLAN

MARCH 16, 2009

Referred to Committee on Energy, Infrastructure and Transportation

SUMMARY—Revises certain provisions governing vehicles. (BDR 43-1115)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.

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 vehicles; specifying ~~the~~ ***certain*** circumstances under which a tow car can display flashing amber warning lights; ~~authorizing the operator of a tow car to equip the tow car with a system or device that causes the upper beam head lamps of the tow car to continue to flash alternately under certain circumstances;~~ requiring the driver of a vehicle to take certain actions when he approaches a tow car which is stopped and making use of flashing amber warning lights; specifying the circumstances under which a vehicle operated by a licensed private patrolman or his employee may display flashing amber warning lights; providing fees for certain permits; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the operator of a tow car to equip the tow car with flashing amber warning lights pursuant to a permit issued by the Nevada Highway Patrol. (NRS 484.579) **Section 1.5** of this bill authorizes the use of flashing amber warning lights on a tow car when the tow car is ~~in (1) approaching the immediate scene of a traffic hazard on a highway or on premises to which the public has access; or (2)~~ stopped upon or adjacent to the highway at the scene of a traffic hazard. ~~In addition, section 1.5 authorizes the use of a system or device that causes the upper beam head lamps of the tow car to continue to flash alternately while the system or device is activated. Section 1.5 also provides that the driver of a tow car that is equipped with such a system or device may use the system or device only when approaching the immediate scene of a traffic hazard on a highway or on premises to which the public has access.~~

Section 3 of this bill requires a driver, upon approaching a tow car which is stopped and is making use of flashing amber warning lights to: (1) decrease the speed of his vehicle; (2) proceed with caution; (3) be prepared to stop; and (4) if possible, drive in a lane that is not adjacent to the lane in which the tow car is stopped. (NRS 484.364)

Section 4 of this bill authorizes a tow car operator who during daylight attends to a motor vehicle disabled on the highway to place a red flare, red lantern, warning light or reflector in close proximity to each warning sign which the operator is required to place upon the highway in the vicinity of the disabled motor vehicle. (NRS 484.499)

Sections 2.5 and 5 of this bill authorize the Nevada Highway Patrol to issue a permit authorizing the display of flashing amber warning lights on a vehicle operated by a licensed private patrolman or his employee when the private patrolman or his employee who operates the vehicle is engaged in the business for which the private patrolman is licensed and the vehicle is: (1) on private property which the private patrolman is authorized to protect; (2) on a public road and stopped adjacent to private property which the private patrolman is authorized to protect; or (3) on a public road and moving at a speed slower than the normal flow of traffic. **Section 5** requires the Nevada Highway Patrol to charge and collect certain fees for the issuance of permits to display flashing amber warning lights on a vehicle, including a vehicle operated by a licensed private patrolman or his employee. (NRS 484.579)

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

Section 1. Chapter 484 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 and 2.5 of this act.

Sec. 1.5. *1. A tow car which is equipped with flashing amber warning lights pursuant to NRS 484.579 may display flashing amber warning lights to the front, sides or rear of the tow car when ~~it~~*

~~*(a) Approaching the immediate scene of a traffic hazard on a highway or on premises to which the public has access; or*~~

~~*(b) Stopped*~~ *stopped upon or adjacent to the highway at the scene of a traffic hazard.*

2. ~~{A tow car which is equipped with flashing amber warning lights pursuant to NRS 484.579 may be equipped with a system or device that causes the upper beam head lamps of the tow car to continue to flash alternately while the system or device is activated. The driver of a tow car that is equipped with such a system or device may use the system or device only when approaching the immediate scene of a traffic hazard on a highway or on premises to which the public has access.~~

~~*3. Any flashing amber warning light ~~{system or device equipped}~~ used pursuant to this section must comply with the standards approved by the Department.*~~

~~*4. As used in this section, "upper beam head lamp" means a head lamp or that part of a head lamp which projects a distribution of light or composite beam meeting the requirements of subsection 1 of NRS 484.587.*~~

Sec. 2. (Deleted by amendment.)

Sec. 2.5. *A vehicle which is operated by a private patrolman licensed pursuant to chapter 648 of NRS or his employee and which is equipped with flashing amber warning lights pursuant to NRS 484.579 may display flashing amber warning lights to the front, sides or rear of the vehicle when:*

1. The private patrolman or his employee who operates the vehicle is engaged in the business for which the private patrolman is licensed; and

2. The vehicle is:

(a) On private property which the private patrolman is authorized to protect;

(b) On a public road and stopped adjacent to private property which the private patrolman is authorized to protect; or

(c) On a public road and moving at a speed slower than the normal flow of traffic.

Sec. 3. NRS 484.364 is hereby amended to read as follows:

484.364 1. Upon approaching an authorized emergency vehicle which is stopped and is making use of flashing lights meeting the requirements of subsection

3 of NRS 484.787 ~~or a tow car which is stopped and is making use of flashing amber warning lights meeting the requirements of section 1.5 of this act~~, the driver of the approaching vehicle shall, in the absence of other direction given by a peace officer:

(a) Decrease the speed of his vehicle to a speed that is:

(1) Reasonable and proper, pursuant to the criteria set forth in subsection 1 of NRS 484.361; and

(2) Less than the posted speed limit, if a speed limit has been posted;

(b) Proceed with caution;

(c) Be prepared to stop; and

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

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

Sec. 4. NRS 484.499 is hereby amended to read as follows:

484.499 Where a motor vehicle is disabled on the highway, ~~during darkness,~~ the tow car operator shall immediately upon arrival place warning signs upon the highway as prescribed in NRS 484.497 and :

1. *During darkness*, shall place not less than one red flare, red lantern, warning light or reflector in close proximity to each warning sign.

2. *During daylight, may place a red flare, red lantern, warning light or reflector in close proximity to each warning sign.*

Sec. 5. NRS 484.579 is hereby amended to read as follows:

484.579 1. It is unlawful to operate or display a flashing amber warning light on a vehicle except when an unusual traffic hazard exists or as authorized in NRS 484.582 ~~or section 1.5 or 2.5 of this act~~. This subsection does not prohibit the use of amber lights in electric signals for making turns.

2. It is unlawful for any person to mount flashing amber warning lights permanently on a vehicle without a permit from the Nevada Highway Patrol.

3. The Nevada Highway Patrol, upon written application, shall issue a permit to mount a flashing amber light on:

(a) Vehicles of public utilities.

(b) ~~Trucks for towing vehicles.~~ *Tow cars.*

(c) Vehicles engaged in activities which create a public hazard upon the streets or highways.

(d) Vehicles of coroners and their deputies.

(e) Vehicles of Civil Air Patrol rescue units.

(f) Vehicles of authorized sheriffs' jeep squadrons.

(g) Vehicles which escort funeral processions.

(h) Vehicles operated by vendors of food or beverages, as provided in NRS 484.582.

(i) Vehicles operated by private patrolmen licensed pursuant to chapter 648 of NRS or their employees.

4. Those permits expire on June 30 of each calendar year.

5. The Nevada Highway Patrol shall charge and collect the following fees for the issuance of a permit for the mounting of a flashing amber light:

(a) Permit for a single vehicle\$2

(b) Blanket permit for more than 5 but less than 15 vehicles 12

(c) Blanket permit for 15 vehicles or more24

6. Subsections 1 and 2 do not apply to an agency of any state or political subdivision thereof, or to an agency of the Federal Government.

7. All fees collected by the Nevada Highway Patrol pursuant to this section must be deposited with the State Treasurer for credit to the State Highway Fund.

1 **Sec. 6.** This act becomes effective on July 1, 2009.