

SENATE BILL NO. 43—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF THE NEVADA HIGHWAY PATROL DIVISION)

PREFILED DECEMBER 20, 2012

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to the operation or movement of certain vehicles. (BDR 43-340)

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 motor vehicles; expanding the circumstances under which the driver of an authorized emergency vehicle is granted certain privileges relating to traffic laws; expanding the circumstances under which police officers in this State may establish temporary roadblocks; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Transportation to issue a permit to operate or move on the highways of this State a vehicle with a load that exceeds certain limits regarding height, length or width and provides criminal penalties for failure to obtain such a permit or for violating or evading any of the terms or conditions of the permit. (NRS 484D.685, 484D.715, 484D.720, 484D.725, 484D.745) Existing law also specifies the systems and equipment that may be used on an authorized emergency vehicle and sets forth the circumstances under which the driver of an authorized emergency vehicle may disregard certain traffic laws. (NRS 484A.480, 484B.700)

Sections 1 and 4 of this bill add escorting a vehicle with an oversized load for which a permit is required by law to the circumstances in which the driver of an authorized emergency vehicle may, with certain exceptions: (1) use the system that causes the upper-beam headlamps of the vehicle to continue to flash alternately; (2) proceed past a red or stop signal; (3) exceed speed limits; and (4) disregard regulations governing direction of movement or turning in specified directions.

Existing law authorizes police officers to establish temporary roadblocks upon the highways of this State in certain circumstances. (NRS 484B.573) **Section 3** of this bill adds controlling traffic upon the approach of a vehicle with an oversized load for which a permit is required by law as an additional circumstance in which



20 police officers may establish a temporary roadblock. **Section 2** of this bill revises
21 the definition of "temporary roadblock" to include that additional circumstance.

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

1 **Section 1.** NRS 484A.480 is hereby amended to read as
2 follows:

3 484A.480 1. Except as otherwise provided in NRS
4 484A.490, authorized emergency vehicles are vehicles publicly
5 owned and operated in the performance of the duty of:

6 (a) A police or fire department.

7 (b) A sheriff's office.

8 (c) The Capitol Police Division, the Investigation Division, the
9 Nevada Highway Patrol Division, the State Fire Marshal Division,
10 the Training Division and the Office of the Director of the
11 Department of Public Safety.

12 (d) The Division of Forestry of the State Department of
13 Conservation and Natural Resources in responding to a fire.

14 (e) The Section for the Control of Emissions From Vehicles and
15 the Enforcement of Matters Related to the Use of Special Fuel in the
16 Department of Motor Vehicles.

17 (f) A public ambulance agency.

18 (g) A public lifeguard or lifesaving agency.

19 2. A vehicle publicly maintained in whole or in part by the
20 State, or by a city or county, and privately owned and operated by a
21 regularly salaried member of a police department, sheriff's office or
22 traffic law enforcement department, is an authorized emergency
23 vehicle if:

24 (a) The vehicle has a permit, pursuant to NRS 484A.490, from
25 the Department of Public Safety;

26 (b) The person operates the vehicle in responding to emergency
27 calls or fire alarms, or at the request of the Nevada Highway Patrol
28 or in the pursuit of actual or suspected violators of the law; and

29 (c) The State, county or city does not furnish a publicly owned
30 vehicle for the purposes stated in paragraph (b).

31 3. Every authorized emergency vehicle must be equipped with
32 at least one flashing red warning lamp visible from the front and a
33 siren for use as provided in chapters 484A to 484E, inclusive, of
34 NRS, which lamp and siren must be in compliance with standards
35 approved by the Department of Public Safety. In addition, an
36 authorized emergency vehicle may display revolving, flashing or
37 steady red or blue warning lights to the front, sides or rear of the
38 vehicle.



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4. An authorized emergency vehicle may be equipped with a system or device that causes the upper-beam headlamps of the vehicle to continue to flash alternately while the system or device is activated. The driver of a vehicle that is so equipped may use the system or device when responding to an emergency call or fire alarm, while escorting a funeral procession, *while escorting a vehicle with an oversized load for which a permit is required by law* or when in pursuit of an actual or suspected violator of the law. As used in this subsection, "upper-beam headlamp" means a headlamp or that part of a headlamp which projects a distribution of light or composite beam meeting the requirements of subsection 1 of NRS 484D.210.

5. Except as otherwise provided in subsection 4, a person shall not operate a motor vehicle with any system or device that causes the headlamps of the vehicle to continue to flash alternately or simultaneously while the system or device is activated. This subsection does not prohibit the operation of a motorcycle equipped with any system or device that modulates the intensity of light produced by the headlamp of the motorcycle, if the system or device is used only during daylight hours and conforms to the requirements of 49 C.F.R. § 571.108.

6. A person shall not operate a vehicle with any lamp or device displaying a red light visible from directly in front of the center of the vehicle except an authorized emergency vehicle, a school bus or an official vehicle of a regulatory agency.

7. A person shall not operate a vehicle with any lamp or device displaying a blue light, except a motorcycle pursuant to NRS 486.261 or an authorized emergency vehicle.

Sec. 2. NRS 484B.070 is hereby amended to read as follows:

484B.070 "Temporary roadblock" means any structure, device or means used by police officers to control traffic at a place on a highway whereby vehicles may be slowed or stopped:

1. To identify the occupants of those vehicles; ~~for~~

2. Because of the existence of an emergency ~~for~~ ; or

3. *Upon the approach of a vehicle with an oversized load for which a permit is required by law.*

Sec. 3. NRS 484B.573 is hereby amended to read as follows:

484B.573 1. The police officers in this State may establish, in their respective jurisdictions, or in other jurisdictions within this State, temporary roadblocks upon the highways of this State:

(a) To apprehend persons known to be wanted for violation of the laws of this State, another state or the United States, and using the highways of this State for the purpose of escape; ~~for~~

(b) To control traffic at or near the scene of a potential or existing emergency or hazard ~~for~~ ; or



1 (c) *To control traffic upon the approach of a vehicle with an*
2 *oversized load for which a permit is required by law.*

3 2. To warn and protect the traveling public, temporary
4 roadblocks established by police officers must meet the following
5 requirements:

6 (a) The temporary roadblock must be established at a point on
7 the highway clearly visible at a distance of not less than 100 yards in
8 either direction.

9 (b) At the entrance to the temporary roadblock:

10 (1) An authorized emergency vehicle, plainly and clearly
11 marked as such and with its warning lights in operation, must be
12 placed so as to be clearly visible to traffic affected by the temporary
13 roadblock at a distance of not less than 100 yards. When so placed,
14 at least one of the vehicle's flashing red lights must be visible to
15 approaching traffic at a distance of not less than 100 yards.

16 (2) Sufficient cones, reflectors, burning flares or similar
17 devices must be in place to identify the entrance to the temporary
18 roadblock and direct, as necessary, the path to be followed by a
19 vehicle approaching the temporary roadblock. The devices, when in
20 place, must be clearly visible to traffic affected by the temporary
21 roadblock at a distance of not less than 100 yards.

22 (c) At a point located not less than 200 yards, but not more than
23 400 yards, from the entrance to the temporary roadblock, cones,
24 reflectors, burning flares or similar devices must be placed on both
25 shoulders of the highway and near the centerline of the highway to
26 warn traffic that a condition hazardous to traffic exists in the
27 immediate vicinity.

28 **Sec. 4.** NRS 484B.700 is hereby amended to read as follows:

29 484B.700 1. The driver of an authorized emergency vehicle
30 or an official vehicle of a regulatory agency, when responding to an
31 emergency call or when in pursuit of an actual or suspected violator
32 of the law or when responding to but not upon returning from a fire
33 alarm ~~or~~ *or while escorting a vehicle with an oversized load for*
34 *which a permit is required by law* or a vehicle escorting a funeral
35 procession, may:

36 (a) Proceed past a red or stop signal or stop sign, but only after
37 slowing down as may be necessary for safe operation.

38 (b) Exceed any speed limits so long as the driver does not
39 endanger life or property, except that a vehicle escorting a funeral
40 procession may not exceed the speed limit by more than 15 miles
41 per hour to overtake the procession and direct traffic at the next
42 intersection.

43 (c) Disregard regulations governing direction of movement or
44 turning in specified directions. The driver of a vehicle escorting a
45 funeral procession may direct the movements of the vehicles in the



1 procession in a similar manner and may direct the movements of
2 other vehicles.

3 2. The privileges granted in subsection 1 apply only when the
4 vehicle is making use of:

5 (a) Audible and visual signals; or

6 (b) Visual signals only,

7 ➡ as required by law.

8 3. The driver of an authorized emergency vehicle or an official
9 vehicle of a regulatory agency may park or stand without regard to
10 the provisions of chapters 484A to 484E, inclusive, of NRS, if the
11 driver makes use of a warning lamp.

12 4. The provisions of this section do not relieve the driver from
13 the duty to drive with due regard for the safety of all persons and do
14 not protect the driver from the consequences of the driver's reckless
15 disregard for the safety of others.

16 **Sec. 5.** This act becomes effective upon passage and approval.

