

Amendment No. 168

Senate Amendment to Senate Bill No. 312	(BDR 43-94)
Proposed by: Senate Committee on Transportation	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

DLJ/JRS



Date: 4/10/2017

S.B. No. 312—Revises provisions relating to driving under certain conditions.
(BDR 43-94)



SENATE BILL NO. 312—SENATOR MANENDO

MARCH 17, 2017

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to driving under certain conditions.
(BDR 43-94)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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 drivers; revising the duties of a driver upon approaching or being approached by certain emergency vehicles and other vehicles displaying flashing lights; revising the duties of a law enforcement officer upon finding certain unattended or disabled vehicles or property; revising the duties of a driver upon approaching a traffic incident; revising the duties of the driver of a vehicle that crashes and causes only property damage to a vehicle or other property; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, upon the immediate approach of an authorized emergency vehicle or an official vehicle of a regulatory agency making use of flashing lights, the driver of every other vehicle is required to yield the right-of-way and immediately pull over ~~to the~~ to the right-hand edge or curb of the road and stop until the emergency vehicle or official vehicle has passed. (NRS 484B.267) **Section 1** of this bill provides that, upon approaching such an emergency vehicle or official vehicle which is moving or preparing to move in any direction and making use of flashing lights, a driver shall: (1) decrease the speed of his or her vehicle; (2) proceed with caution; (3) prepare to stop; (4) not drive abreast of or overtake the emergency vehicle or official vehicle if it is moving or preparing to move in the same direction as the driver; and (5) if possible, drive in a lane that is not adjacent to the lane the emergency vehicle or official vehicle is in. Existing law makes a violation of these provisions a misdemeanor. (NRS 484A.900)

Under existing law, when a police officer finds an unattended or disabled vehicle upon a 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. (NRS 484B.443) **Section 2** of this bill ~~requires~~ authorizes a law enforcement officer or the law enforcement agency employing the officer to provide for the immediate removal of the vehicle ~~if~~ and ~~false requires the officer to provide~~ for the immediate removal of any spilled cargo of a vehicle or other property that is obstructing traffic, interfering with the normal flow of traffic or otherwise endangering public safety. **Section 2** also provides that a law enforcement officer , the law enforcement agency employing the officer, a unified command or a tow car operator who provides for the removal: (1) is not liable for any damage to the vehicle, cargo or property that results from the removal; and (2) must make a reasonable attempt to notify the owner of the vehicle, cargo or

property if the owner is not present at the time of removal. **Section 2** also provides that the costs of the removal must be borne by the owner of the vehicle, cargo or property.

Existing law imposes certain duties upon the driver of a vehicle which is approaching an authorized emergency vehicle or tow car which is stopped and making use of flashing lights. (NRS 484B.607) Those duties include: (1) decreasing the speed of the vehicle; (2) proceeding with caution; (3) preparing to stop; and (4) if possible, driving in a lane that is not adjacent to the lane in which the emergency vehicle or tow car is stopped. A violation of those duties is a misdemeanor. (NRS 484A.900) **Section 4** of this bill imposes those duties upon a driver when approaching any traffic incident, and defines "traffic incident" to mean any vehicle, person, condition or other traffic hazard which is located on or near a roadway and which poses a danger to the flow of traffic or to a person involved in, responding to or assisting with the traffic hazard.

Existing law requires the driver of any vehicle involved in a crash resulting in only damage to a vehicle or other property which is driven or attended by another person to: (1) stop his or her vehicle immediately at the scene of the crash; (2) as soon as reasonably practicable, if the driver's vehicle is obstructing traffic and can be moved safely, move the vehicle to a location nearby that does not obstruct traffic; and (3) remain at the scene and provide certain required information to the other party involved in the crash and any police officer at the scene. (NRS 484E.020, 484E.030) Existing law makes a violation of these provisions a misdemeanor. (NRS 484A.900) **Section 5** of this bill provides that the driver's vehicle must be moved if it is able to be moved and is creating a hazard or obstructing traffic and must be moved out of the traffic lanes of the roadway to a safe location that does not create a hazard or obstruct traffic.

Existing law requires a driver of any vehicle involved in a crash with any vehicle or property which is unattended, resulting in damage to the other vehicle or property, to stop immediately and locate and notify the owner of the vehicle or property of the driver's name and address, or attach securely in a conspicuous place on the vehicle or property the name and address of the driver whose vehicle struck the vehicle or property. (NRS 484E.040) Existing law makes a violation of these provisions a misdemeanor. (NRS 484A.900) **Section 6** of this bill imposes the same revised requirements set forth in **section 5** for moving the driver's vehicle so as not to create a hazard or obstruct traffic upon the driver of a vehicle that crashes into an unattended vehicle or unattended property.

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

Section 1. NRS 484B.267 is hereby amended to read as follows:

484B.267 **1.** Upon the immediate approach of an authorized emergency vehicle or an official vehicle of a regulatory agency, making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of a highway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle or official vehicle has passed, except when otherwise directed by a ~~police~~ **law enforcement** officer.

2. *Upon approaching an authorized emergency vehicle or an official vehicle of a regulatory agency which is moving or preparing to move in any direction, including, without limitation, arriving at or leaving the scene of a crash or other incident, and making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480, the driver of any other vehicle shall, except when otherwise directed by a law enforcement officer:*

(a) Decrease the speed of his or her vehicle to a speed that is reasonable and proper, pursuant to the criteria set forth in subsection 1 of NRS 484B.600;

(b) Proceed with caution;

(c) Be prepared to stop;

(d) If the authorized emergency vehicle or official vehicle of a regulatory agency is moving in the same direction of travel as the driver, not drive abreast of or overtake the authorized emergency vehicle or official vehicle of a regulatory agency;

(e) If possible, drive in a lane that is not adjacent to the lane in which the authorized emergency vehicle or official vehicle of a regulatory agency is moving, unless roadway, traffic, weather or other conditions make doing so unsafe or impossible; and

(f) If the authorized emergency vehicle or official vehicle of a regulatory agency:

(1) Approaches the driver's vehicle, proceed as required pursuant to subsection 1; or

(2) Stops, proceed as required pursuant to NRS 484B.607.

3. As used in this section, "preparing to move" means any indication that is visible to an approaching driver that an authorized emergency vehicle or an official vehicle of a regulatory agency is about to move, including, without limitation:

(a) A movement of the vehicle; or

(b) ~~The turning of the front wheels of the vehicle;~~

~~(c) The activation of the directional signals on the vehicle;~~

~~(d) The use of hand signals by the driver of the vehicle. It or~~

~~(e) The driver of the vehicle looking from side to side as if checking for traffic.~~

Sec. 2. NRS 484B.443 is hereby amended to read as follows:

484B.443 1. ~~Whenever~~ Except as otherwise provided in subsection 2, whenever any ~~police~~ law enforcement officer finds a vehicle standing upon a highway in violation of any of the provisions of chapters 484A to 484E, inclusive, of NRS, 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~~ law enforcement officer finds a vehicle, the cargo of a vehicle or other property unattended, ~~or~~ disabled or spilled upon any highway, bridge or causeway, or in any tunnel, where the vehicle, cargo or property constitutes an obstruction to traffic, ~~or~~ interferes with the normal flow of traffic ~~or otherwise endangers public safety~~, the officer or the law enforcement agency employing the officer, in coordination with unified command, if applicable, may ~~shall~~ provide for the immediate removal of the vehicle ~~or~~, cargo or property to a position where the vehicle, cargo or property no longer constitutes an obstruction to traffic, interferes with the normal flow of traffic or otherwise endangers public safety.

3. ~~Any police~~ Except as otherwise provided in subsection 2, any law enforcement 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 a garage or other place of safekeeping if:

(a) The vehicle has been involved in a crash 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;

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

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

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

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

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

5. A person or entity, including a law enforcement officer, the law enforcement agency employing the law enforcement officer, unified command or a tow car operator who provides for the removal of a vehicle, the cargo of a vehicle or other property pursuant to subsection 2:

(a) Is not liable for any loss of or damage to the vehicle, the contents of the vehicle, the cargo or the property that is removed; and

(b) Must make a reasonable attempt, as soon as practicable, to notify the owner of the vehicle, cargo or property as to the location of the vehicle, cargo or property if the owner of the vehicle or property is not present at the time of removal and the owner of the vehicle, cargo or property is ascertainable by the officer.

6. All costs incurred under the provisions of subsection 2 must be borne by the owner of the vehicle, cargo or property.

7. As used in this section:

(a) "Traffic incident" has the meaning ascribed to it in NRS 484B.607.

(b) "Unified command" means a group of law enforcement officers or other persons organized to provide a coordinated response to a traffic incident which requires two or more responding entities within a jurisdiction or which requires responding entities from two or more jurisdictions. The responding entities may include, without limitation, police, fire or emergency medical personnel, a tow car operator, or a state or local governmental entity responsible for roadway or other infrastructure repair or maintenance.

Sec. 3. NRS 484B.447 is hereby amended to read as follows:

484B.447 Whenever any ~~police~~ **law enforcement** officer provides for the removal of any vehicle pursuant to NRS 484B.443 and has probable cause to believe that the vehicle or its contents constitute any evidence which tends to show that a criminal offense has been committed, or tends to show that a particular person has committed a criminal offense, the ~~police~~ officer shall take such steps as may be required by law and reasonably necessary to preserve the evidence, including but not limited to safe storage, until the evidence is released to the owner or otherwise disposed of according to law.

Sec. 4. NRS 484B.607 is hereby amended to read as follows:

484B.607 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 484A.480 or a tow car which is stopped and is making use of flashing amber warning lights meeting the requirements of NRS 484B.748.] any traffic~~

1 *incident*, the driver of the approaching vehicle shall, in the absence of other
2 direction given by a ~~peace~~ *law enforcement* officer:

- 3 (a) Decrease the speed of the vehicle to a speed that is ~~+~~
4 ~~(1) Reasonable~~ *reasonable* and proper, pursuant to the criteria set forth in
5 subsection 1 of NRS 484B.600; ~~and~~
6 ~~(2) Less than the posted speed limit, if a speed limit has been posted;~~
7 (b) Proceed with caution;
8 (c) Be prepared to stop; and
9 (d) If possible, drive in a lane that is not adjacent to the lane ~~in which the~~
10 ~~emergency vehicle or tow car is stopped;~~ *or lanes where the traffic incident is*
11 *located* unless roadway, traffic, weather or other conditions make doing so unsafe
12 or impossible.

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

14 3. *As used in this section, "traffic incident" means any vehicle, person,*
15 *condition or other traffic hazard which is located on or near a roadway and*
16 *which poses a danger to the flow of traffic or to a person involved in, responding*
17 *to or assisting with the traffic hazard. The term includes, without limitation:*

18 (a) *An authorized emergency vehicle which is stopped and is making use of*
19 *flashing lights meeting the requirements of subsection 3 of NRS 484A.480;*

20 (b) *A tow car which is stopped and is making use of flashing amber warning*
21 *lights meeting the requirements of NRS 484B.748;*

22 (c) *An authorized vehicle used by the Department of Transportation which is*
23 *stopped or moving at a speed slower than the normal flow of traffic and which is*
24 *making use of flashing amber warning lights meeting the requirements of*
25 *subsection 1 of NRS 484D.185 or lamps that emit nonflashing blue light meeting*
26 *the requirements of NRS 484D.200;*

27 (d) *A public utility vehicle which is stopped or moving at a speed slower than*
28 *the normal flow of traffic and is making use of flashing amber warning lights*
29 *meeting the requirements of NRS 484D.195;*

30 (e) *An authorized vehicle of a local governmental agency which is stopped or*
31 *moving at a speed slower than the normal flow of traffic and is making use of*
32 *flashing amber warning lights meeting the requirements of NRS 484D.185;*

33 (f) *Any vehicle which is stopped or moving at a speed slower than the normal*
34 *flow of traffic and is making use of flashing amber warning lights meeting the*
35 *requirements of NRS 484D.185;*

36 (g) *A crash scene;*

37 (h) *A stalled vehicle;*

38 (i) *Debris on the roadway; or*

39 (j) *A person who is out of his or her vehicle attending to a repair of the*
40 *vehicle.*

41 **Sec. 5.** NRS 484E.020 is hereby amended to read as follows:

42 484E.020 The driver of any vehicle involved in a crash resulting only in
43 damage to a vehicle or other property which is driven or attended by any person
44 shall:

45 1. Immediately stop his or her vehicle at the scene of the crash; and

46 2. ~~As soon as reasonably practicable, if~~ *If* the driver's vehicle is *creating a*
47 *hazard or* obstructing traffic and can be moved safely, move the vehicle or cause
48 the vehicle to be moved *out of the traffic lanes of the roadway* to a *safe* location
49 ~~as close thereto as possible~~ that does not *create a hazard or* obstruct traffic and
50 ~~return to and remain at the scene of the crash until the driver has fulfilled~~, *if*
51 *applicable, safely fulfill* the requirements of NRS 484E.030.

52 **Sec. 6.** NRS 484E.040 is hereby amended to read as follows:

53 484E.040 ~~The~~

1 *1. Except as otherwise provided in subsection 2, the* driver of any vehicle
2 which is involved in a crash with any vehicle or other property which is unattended,
3 resulting in any damage to such other vehicle or property, shall immediately stop
4 and shall then and there locate and notify the operator or owner of such vehicle or
5 other property of the name and address of the driver and owner of the vehicle
6 striking the unattended vehicle or other property or shall attach securely in a
7 conspicuous place in or on such vehicle or property a written notice giving the
8 name and address of the driver and of the owner of the vehicle doing the striking.

9 *2. If the vehicle of a driver involved in a crash pursuant to subsection 1 is*
10 *creating a hazard or obstructing traffic and can be moved safely, the driver shall,*
11 *before meeting the requirements of subsection 1, move the vehicle or cause the*
12 *vehicle to be moved out of the traffic lanes of the roadway to a safe location that*
13 *does not create a hazard or obstruct traffic and minimizes interference with the*
14 *free movement of traffic.*