

Amendment No. 173

Senate Amendment to Senate Bill No. 395	(BDR 43-822)
Proposed by: Senate Committee on Growth and Infrastructure	
Amends: Summary: Yes Title: Yes 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/BJE



Date: 4/15/2019

S.B. No. 395—Revises provisions relating to the towing of motor vehicles.
(BDR 43-822)



SENATE BILL NO. 395—SENATOR DENIS

MARCH 20, 2019

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to ~~the towing of motor vehicles;~~ public safety. (BDR 43-822)

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 ~~tow cars;~~ public safety; authorizing a tow car and certain other vehicles owned by contractors of the Department of Transportation to display nonflashing blue lights in certain circumstances; removing certain provisions regarding notification of nonconsensual tows in certain circumstances; authorizing certain agreements and payments between property owners and tow car operators in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a tow car used to tow disabled vehicles is required to be equipped with flashing amber warning lights which must be displayed to warn approaching drivers under certain circumstances. (NRS 484D.475) The driver of a vehicle approaching any traffic incident where such flashing amber warning lights are being displayed must take certain precautions for the purposes of traffic safety. (NRS 484B.607) **Section 3** of this bill authorizes a tow car to also be equipped with rear facing lamps that emit nonflashing blue light. Such lamps may only be displayed at the scene of a traffic incident or when the tow car is otherwise preparing to tow a disabled vehicle. **Section 2** of this bill requires that any such lamps must comply with standards approved by the Department of Motor Vehicles. (NRS 484B.748) **Section 2.5 of this bill similarly authorizes certain vehicles owned by persons who contract with the Department of Transportation to aid motorists or mitigate traffic incidents to be equipped with rear facing lamps that emit nonflashing blue light.** **Section 1** of this bill adds the display of nonflashing blue lights to the circumstances under which a driver approaching a traffic incident must take certain precautions.

Existing law requires the owner or person in lawful possession of any real property to orally notify local law enforcement if the owner or person in lawful possession has directed the towing of a vehicle from the property without the consent of the owner of the vehicle. (NRS 487.038) **Section 4** of this bill provides that such notification is only required if the tow operator has not already made such a notification. Existing law also provides that the costs of towing and storage of such a vehicle must be borne by the owner of the vehicle. **Section 4** provides that such costs include, if applicable, the disposition of the vehicle. **Section 4** further provides that, if the tow operator and the owner or person in lawful possession of the property agree that the vehicle is likely to be ultimately disposed of as an abandoned vehicle and that the estimated disposition value of the vehicle to be towed is less than the estimated cost for towing, storage and disposition of the vehicle, the tow operator and owner or person in lawful

possession may enter into an agreement whereby the owner or person in lawful possession makes a voluntary payment to the tow operator. Such a payment does not reduce the amount of the costs incurred that are to be borne by the owner of the vehicle, and may not be a condition for the towing of the vehicle.

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

Section 1. NRS 484B.607 is hereby amended to read as follows:

484B.607 1. Upon approaching any traffic incident, the driver of the approaching vehicle shall, in the absence of other direction given by a law enforcement officer:

(a) Decrease the speed of the 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; and

(d) If possible, drive in a lane that is not adjacent to the lane or lanes where the traffic incident is located 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.

3. As used in this section, "traffic incident" means 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. The term includes, without limitation:

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

(b) A tow car which is stopped and is making use of flashing amber warning lights meeting the requirements of NRS 484B.748 ~~or~~ *or lamps that emit nonflashing blue light meeting the requirements of NRS 484D.475, or both;*

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

(d) *A vehicle, owned or operated by a person who contracts with the Department of Transportation to provide aid to motorists or to mitigate traffic incidents, which is stopped or moving at a speed slower than the normal flow of traffic and making use of lamps that emit nonflashing blue light meeting the requirements of NRS 484D.200;*

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

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

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

~~(h)~~ (h) A crash scene;

~~(i)~~ (i) A stalled vehicle;

~~(j)~~ (j) Debris on the roadway; or

~~[(k)]~~ (k) A person who is out of his or her vehicle attending to a repair of the vehicle.

Sec. 2. NRS 484B.748 is hereby amended to read as follows:

484B.748 1. A tow car which is equipped with flashing amber warning lights pursuant to NRS 484D.185 may display flashing amber warning lights to the front, sides or rear of the tow car when at the scene of a traffic hazard.

2. *A tow car which is equipped with lamps that emit nonflashing blue light pursuant to NRS 484D.475 may display nonflashing blue light to the rear of the tow car when at the scene of a traffic hazard.*

3. Any flashing amber warning light *or lamps that emit nonflashing blue light* used pursuant to this section must comply with the standards approved by the Department.

Sec. 2.5. NRS 484D.200 is hereby amended to read as follows:

484D.200 1. An authorized vehicle used by the Department of Transportation for the construction, maintenance or repair of highways *or a vehicle owned by a person who contracts with the Department to aid motorists or mitigate traffic incidents* may be equipped with lamps located toward the rear of the vehicle that emit nonflashing blue light which may be used:

~~[(a)]~~ (a) For vehicles that perform construction, maintenance or repair of highways, including, without limitation, vehicles used for the removal of snow, when the vehicle is engaged in such construction, maintenance or repair; ~~and~~

~~2.]~~ (b) For ~~all~~ other authorized vehicles of the Department of Transportation used in the construction, maintenance or repair of highways:

~~[(a)]~~ (1) In an area designated as a temporary traffic control zone in which construction, maintenance or repair of a highway is conducted; and

~~[(b)]~~ (2) At a time when the workers who are performing the construction, maintenance or repair of the highway are present ~~[(a)]~~ ; and

(c) For a vehicle owned by a person who contracts with the Department to aid motorists or mitigate traffic incidents, at a time when the vehicles or the workers who are performing the aid or mitigation are present.

2. As used in this section, "traffic incident" has the meaning ascribed to it in NRS 484B.607.

Sec. 3. NRS 484D.475 is hereby amended to read as follows:

484D.475 1. Tow cars used to tow disabled vehicles must be equipped with:

~~[(a)]~~ (a) Flashing amber warning lamps which must be displayed as may be advisable to warn approaching drivers during the period of preparation at the location from which a disabled vehicle is to be towed. A flashing amber warning lamp upon a tow car may be displayed to the rear when the tow car is towing a vehicle and moving at a speed slower than the normal flow of traffic.

~~[(b)]~~ (b) At least two red flares, two red lanterns or two warning lights or reflectors which may be used in conjunction with the flashing amber warning lamps *or lamps that emit nonflashing blue light, or both*, or in place of those lamps if the lamps are obstructed or damaged at the location from which a disabled vehicle is to be towed.

2. *A tow car used to tow disabled vehicles may be equipped with rear facing lamps that emit nonflashing blue light. Lamps that emit nonflashing blue light to the rear of the tow car may only be displayed when the tow car is at the scene of a traffic hazard or during the period of preparation at the location from which a disabled vehicle is to be towed, and must not be displayed when the tow car is being operated on a highway.*

Sec. 4. NRS 487.038 is hereby amended to read as follows:

487.038 1. Except as otherwise provided in subsections 3 and 4, the owner or person in lawful possession of any real property may, after giving notice

1 pursuant to subsection 2, utilize the services of any tow car operator subject to the
2 jurisdiction of the Nevada Transportation Authority to remove any vehicle parked
3 in an unauthorized manner on that property to the nearest public garage or storage
4 yard if:

5 (a) A sign is displayed in plain view on the property declaring public parking
6 to be prohibited or restricted in a certain manner; and

7 (b) The sign shows the telephone number of the police department or sheriff's
8 office.

9 2. ~~{Oral}~~ *Unless notice has been provided pursuant to NRS 706.4477, oral*
10 *notice must be given to the police department or sheriff's office, whichever is*
11 *appropriate, indicating:*

12 (a) The time the vehicle was removed;

13 (b) The location from which the vehicle was removed; and

14 (c) The location to which the vehicle was taken.

15 3. Any vehicle which is parked in a space designated for persons with
16 disabilities and is not properly marked for such parking may be removed if notice is
17 given to the police department or sheriff's office pursuant to subsection 2, whether
18 or not a sign is displayed pursuant to subsection 1.

19 4. The owner or person in lawful possession of residential real property upon
20 which a single-family dwelling is located may, after giving notice pursuant to
21 subsection 2, utilize the services of any tow car operator subject to the jurisdiction
22 of the Nevada Transportation Authority to remove any vehicle parked in an
23 unauthorized manner on that property to the nearest public garage or storage yard,
24 whether or not a sign is displayed pursuant to subsection 1.

25 5. All costs incurred under the provisions of this section for *the* towing, ~~{and}~~
26 *storage and disposition of the vehicle, as applicable*, must be borne by the owner
27 of the vehicle, as that term is defined in NRS 484A.150.

28 6. The provisions of this section do not limit or affect any rights or remedies
29 which the owner or person in lawful possession of real property may have by virtue
30 of other provisions of the law authorizing the removal of a vehicle parked on that
31 property.

32 7. *If the owner or person in lawful possession of real property and the tow*
33 *operator agree that the vehicle is likely to be ultimately disposed of as an*
34 *abandoned vehicle and that the estimated disposition value of a vehicle to be*
35 *towed pursuant to this section is less than the estimated cost for the towing,*
36 *storage and disposal of the vehicle, the owner or person in lawful possession of*
37 *real property and the tow operator may enter into an agreement whereby the*
38 *owner or person in lawful possession of real property makes a voluntary payment*
39 *to the tow operator. Such a payment:*

40 (a) *Does not reduce the costs incurred by the owner of the vehicle pursuant*
41 *to subsection 5.*

42 (b) *May not be a condition for the towing of the vehicle.*

43 **Sec. 5.** This act becomes effective on July 1, 2019.