

SENATE BILL NO. 395—SENATOR DENIS

MARCH 20, 2019

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to 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 public safety; authorizing the Director of the Department of Public Safety to designate certain vehicles of the Department as authorized emergency vehicles; 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:

Existing law designates certain vehicles as authorized emergency vehicles, including those vehicles publicly owned and operated in the performance of the duty of various law enforcement agencies, fire departments and other enforcement or lifesaving agencies. (NRS 484A.480) **Section 1** of this bill adds to the list of authorized emergency vehicles any vehicle owned and operated by the Department of Public Safety that has been so designated by the Director of the Department.

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



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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 1.5** 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 484A.480 is hereby amended to read as follows:

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

(a) A police or fire department.

(b) A sheriff's office.

(c) The *Department of Public Safety, for vehicles that are:*

(1) Operated in the performance of the duty of the Capitol Police Division, the Investigation Division, the Nevada Highway Patrol Division, the State Fire Marshal Division, the Training Division and the Office of the Director of the Department of Public Safety **H**; *or*

(2) Designated an authorized emergency vehicle by the Director of the Department of Public Safety.

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

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

(f) A public ambulance agency.

(g) A public lifeguard or lifesaving agency.



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

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

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

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

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

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, 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. 1.5. 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;



~~(e)~~ (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;

~~(f)~~ (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;

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

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

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

~~(j)~~ (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~~

~~—2.1~~ (b) For ~~any~~ 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 ~~and~~ ;
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:

~~1.1~~ (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.

~~1.2~~ (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 pursuant to subsection 2, utilize the services of any tow car operator subject to the jurisdiction of the Nevada Transportation Authority to remove any vehicle parked in an unauthorized manner on that property to the nearest public garage or storage yard if:

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

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

2. ~~1.0~~ *Unless notice has been provided pursuant to NRS 706.4477, oral* notice must be given to the police department or sheriff's office, whichever is appropriate, indicating:

(a) The time the vehicle was removed;

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



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

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

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

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

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

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

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

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

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

