

Amendment No. 193

Senate Amendment to Senate Bill No. 107	(BDR 35-537)
Proposed by: Senate Committee on Growth and Infrastructure	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from S.B. 107.

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.

AMD/ERS



Date: 4/14/2023

S.B. No. 107—Establishes provisions relating to contractors performing work on a highway. (BDR 35-537)



SENATE BILL NO. 107—SENATOR DALY

FEBRUARY 8, 2023

Referred to Committee on Growth and Infrastructure

SUMMARY—Establishes provisions relating to contractors performing work on a highway. (BDR 35-537)

FISCAL NOTE: Effect on Local Government: No.
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 highways; requiring the Department of Transportation to establish a program to allow contractors performing certain work on a highway to ~~purchase and~~ obtain a permit for the use of certain law enforcement vehicles; ~~providing a fee;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Department of Transportation is required, with certain exceptions, to contract for all work of construction, reconstruction, improvement and maintenance of highways in this State. (NRS 408.327) **Section 1** of this bill requires the Department to establish a program to allow a contractor who has been awarded a contract for work on a highway to ~~purchase and~~ obtain a permit for the use of a law enforcement vehicle owned by the Nevada Highway Patrol that: (1) is clearly marked as such; (2) is equipped with at least one flashing red warning lamp and may be equipped with other warning lights; and (3) has been rendered incapable of being driven. **Section 1** also ~~authorizes the Department to charge a fee for the issuance of such a permit which may not exceed the actual cost of issuing the permit;~~ provides that a contractor may only use: (1) the flashing red warning lamp or other warning lamps if construction workers are present; and (2) the law enforcement vehicle if the contractor has requested the presence of an authorized emergency vehicle operated by a Nevada Highway Patrol Officer and neither an officer nor an authorized emergency vehicle could be made available in the area where the work is being performed.

Under existing law, certain state and local agencies are authorized to obtain permits from the Department of Public Safety to own and operate emergency vehicles in the performance of their duties. (NRS 484A.480) Section 2 of this bill authorizes the issuance of such a permit for a vehicle owned and operated by the office of a coroner or medical examiner.

Section 2 ~~of this bill~~ **also** makes a conforming change to allow the holder of a permit issued pursuant to **section 1** to operate the warning lights on a law enforcement vehicle while parked on a highway.

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

Section 1. Chapter 408 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department shall establish a program wherein a contractor that has been awarded a contract for the construction, reconstruction, improvement, maintenance or repair of a highway may ~~(purchase and)~~ obtain a permit for the use of a law enforcement vehicle owned by the Nevada Highway Patrol that is:*

- (a) Plainly and clearly marked as a vehicle of the Nevada Highway Patrol;*
- (b) Equipped with at least one flashing red warning lamp and may be equipped with additional warning lights; and*
- (c) Rendered incapable of being driven.*

2. *The Department may ~~fr~~*

~~*(a) Charge a fee for the issuance of a permit pursuant to subsection 1 which must not exceed the actual cost to the Department for issuing the permit; and*~~

~~*(b) ~~Adopt~~ adopt regulations to carry out the program established pursuant to this section.*~~

3. ~~*(A)*~~ *Except as provided by subsection 5, a contractor who is issued a permit pursuant to subsection 1 ~~(and purchases)~~ for a law enforcement vehicle described in subsection 1 may:*

(a) Tow the vehicle to and from the area where the work on the highway is being performed; and

(b) Operate the flashing red warning lamp or other warning lights while the vehicle is parked in the area in which work on the highway is being performed ~~fr~~ only if construction workers are present.

4. *The use of a law enforcement vehicle pursuant to a permit issued pursuant to this section, including, without limitation, the operation of the flashing red warning lamp or other warning lights, shall not be considered the false impersonation of a police officer.*

5. A contractor may only use the law enforcement vehicle pursuant to subsection 3 if the contractor has requested the presence of an authorized emergency vehicle operated by a peace officer employed by the Nevada Highway Patrol and neither an officer nor an authorized emergency vehicle could be made available in the area where the work on the highway is being performed.

Sec. 2. 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; or

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

(d) The Office of the Attorney General.

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

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

4 (g) A public ambulance agency.

5 (h) A public lifeguard or lifesaving agency.

6 (i) The office of a coroner or medical examiner.

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

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

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

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

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

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

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

39 6. A person shall not operate a vehicle with any lamp or device displaying a
40 red light visible from directly in front of the center of the vehicle except an
41 authorized emergency vehicle, a school bus, ~~or~~ an official vehicle of a regulatory
42 agency ~~or~~ or a vehicle operated pursuant to section 1 of this act.

43 7. A person shall not operate a vehicle with any lamp or device displaying a
44 blue light, except a motorcycle pursuant to NRS 486.261, ~~or~~ an authorized
45 emergency vehicle ~~or~~ or a vehicle operated pursuant to section 1 of this act.