

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 obtain a permit for the use of certain law enforcement vehicles; 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 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 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** 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 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 adopt regulations to carry out the program established pursuant to this section.*

*3. Except as provided by subsection 5, a contractor who is issued a permit pursuant to subsection 1 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 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.

(f) 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.

(g) A public ambulance agency.

(h) A public lifeguard or lifesaving agency.

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

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 ~~or~~ *or a vehicle operated pursuant to section 1 of this act.*

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 ~~or~~ *or a vehicle operated pursuant to section 1 of this act.*

