

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. (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; authorizing a tow car 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:**

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

14 Existing law requires the owner or person in lawful possession of any real  
15 property to orally notify local law enforcement if the owner or person in lawful  
16 possession has directed the towing of a vehicle from the property without the  
17 consent of the owner of the vehicle. (NRS 487.038) **Section 4** of this bill provides  
18 that such notification is only required if the tow operator has not already made such  
19 a notification. Existing law also provides that the costs of towing and storage of  
20 such a vehicle must be borne by the owner of the vehicle. **Section 4** provides that  
21 such costs include, if applicable, the disposition of the vehicle. **Section 4** further  
22 provides that, if the tow operator and the owner or person in lawful possession of



23 the property agree that the vehicle is likely to be ultimately disposed of as an  
24 abandoned vehicle and that the estimated disposition value of the vehicle to be  
25 towed is less than the estimated cost for towing, storage and disposition of the  
26 vehicle, the tow operator and owner or person in lawful possession may enter into  
27 an agreement whereby the owner or person in lawful possession makes a voluntary  
28 payment to the tow operator. Such a payment does not reduce the amount of the  
29 costs incurred that are to be borne by the owner of the vehicle, and may not be a  
30 condition for the towing of the vehicle.

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

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

3     484B.607 1. Upon approaching any traffic incident, the  
4 driver of the approaching vehicle shall, in the absence of other  
5 direction given by a law enforcement officer:

6     (a) Decrease the speed of the vehicle to a speed that is  
7 reasonable and proper, pursuant to the criteria set forth in subsection  
8 1 of NRS 484B.600;

9     (b) Proceed with caution;

10    (c) Be prepared to stop; and

11    (d) If possible, drive in a lane that is not adjacent to the lane or  
12 lanes where the traffic incident is located unless roadway, traffic,  
13 weather or other conditions make doing so unsafe or impossible.

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

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

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

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

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



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

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

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

12 (g) A crash scene;

13 (h) A stalled vehicle;

14 (i) Debris on the roadway; or

15 (j) A person who is out of his or her vehicle attending to a repair  
16 of the vehicle.

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

18 484B.748 1. A tow car which is equipped with flashing  
19 amber warning lights pursuant to NRS 484D.185 may display  
20 flashing amber warning lights to the front, sides or rear of the tow  
21 car when at the scene of a traffic hazard.

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

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

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

30 484D.475 1. Tow cars used to tow disabled vehicles must be  
31 equipped with:

32 ~~[1-]~~ (a) Flashing amber warning lamps which must be displayed  
33 as may be advisable to warn approaching drivers during the period  
34 of preparation at the location from which a disabled vehicle is to be  
35 towed. A flashing amber warning lamp upon a tow car may be  
36 displayed to the rear when the tow car is towing a vehicle and  
37 moving at a speed slower than the normal flow of traffic.

38 ~~[2-]~~ (b) At least two red flares, two red lanterns or two warning  
39 lights or reflectors which may be used in conjunction with the  
40 flashing amber warning lamps *or lamps that emit nonflashing blue*  
41 *light, or both*, or in place of those lamps if the lamps are obstructed  
42 or damaged at the location from which a disabled vehicle is to be  
43 towed.

44 2. *A tow car used to tow disabled vehicles may be equipped*  
45 *with rear facing lamps that emit nonflashing blue light. Lamps*



1 *that emit nonflashing blue light to the rear of the tow car may only*  
2 *be displayed when the tow car is at the scene of a traffic hazard or*  
3 *during the period of preparation at the location from which a*  
4 *disabled vehicle is to be towed, and must not be displayed when the*  
5 *tow car is being operated on a highway.*

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

7 487.038 1. Except as otherwise provided in subsections 3 and  
8 4, the owner or person in lawful possession of any real property  
9 may, after giving notice pursuant to subsection 2, utilize the services  
10 of any tow car operator subject to the jurisdiction of the Nevada  
11 Transportation Authority to remove any vehicle parked in an  
12 unauthorized manner on that property to the nearest public garage or  
13 storage yard if:

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

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

18 2. ~~Oral~~ *Unless notice has been provided pursuant to NRS*  
19 *706.4477, oral* notice must be given to the police department or  
20 sheriff's office, whichever is appropriate, indicating:

21 (a) The time the vehicle was removed;

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

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

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

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

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

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



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

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

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

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







