

Committee Action:
Do Pass _____
Amend & Do Pass _____
Other _____

Assembly Committee on Growth and Infrastructure

This measure may be considered for action during today's work session.

ASSEMBLY BILL 56

Revises provisions relating to the operation of certain motor vehicles on certain portions of a highway. (BDR 43-257)

Sponsored By: Assembly Committee on Growth and Infrastructure (On Behalf of the Department of Transportation)

Date Heard: February 14, 2023

Fiscal Notes: Effect on Local Government: No.
Effect on the State: No.

Assembly Bill 56 authorizes certain vehicles to overtake and pass upon the right of another vehicle under certain circumstances by driving for more than 200 feet on the paved right shoulder of a highway where lawfully placed signage allows the vehicle to use the shoulder in that manner. The bill prohibits a driver, upon the immediate approach of an authorized emergency vehicle or official vehicle of a regulatory agency making use of certain flashing lights, from driving to and stopping on a paved right shoulder of a highway where lawfully placed signage allows such vehicles to drive on the shoulder. The bill also authorizes such vehicles to drive on a paved shoulder of a controlled-access highway where lawfully placed signage allows that vehicle to use the shoulder in that manner.

Amendments: The attached mock-up amendment proposed by the Department of Transportation:

- Removes references to the "curb" of a highway;
- Removes the word "right" when describing the shoulder of a highway, which may be used to overtake and pass in the manner authorized by the bill;
- Clarifies what constitutes a "hazardous material vehicle";
- Adds coroner vehicles and hazardous material vehicles to the list of vehicles authorized to overtake and pass on the right in the manner authorized by the bill;
- Replaces the term "accident" with "traffic incident"; and
- Changes the effective date.

Assembly Bill 56
Proposed Amendment
March 8, 2023

Submitted by: Nevada Department of Transportation
Contact: Ryan McInerney, 702-575-4393, rmcinerney@dot.nv.gov

Intent: The intent of this bill is to allow authorized vehicles to drive on the paved shoulder on a controlled-access highway for longer than 200 feet where legally placed signage allows. This amendment makes several changes: Within a controlled-access highway, there are no “curb” facilities, so that term is not applicable to this bill and can be deleted. Authorized vehicles should also be able to utilize either shoulder (i.e., not restricted to the “right”) as the situation demands. Additionally, “accidents” is an ambiguous term and should be changed to “traffic incidents.” Lastly, Hazmat and coroner vehicles were added as authorized vehicles due to a similar need to access the shoulder in appropriate situations.

Summary of Revisions (additions in *green* and deletions in *purple*):

- Remove references to “curb”
- Remove references to “right” shoulder
- Remove references to “accidents”
- Remove references to “related to hazardous materials” within definition of “Traffic incident management vehicle”
- Include “Hazardous materials vehicle” and definition for “Hazardous materials vehicle” within the definition of “Traffic incident management vehicle”
- Include definition for “traffic incidents” within the definition of “Traffic incident management vehicle”
- Include “coroner vehicle” and definition for “Coroner vehicle” within the definition of “traffic incident management vehicle”
- Include language when a bill becomes effective on passage and approval for administrative purposes and a later date for everything else

Legislative Counsel’s Digest:

Existing law sets forth the limited conditions under which the driver of a vehicle may overtake and pass upon the right of another vehicle. (NRS 484B.210) **Section 1** of this bill allows authorized emergency vehicles, vehicles which have been issued permits as authorized emergency vehicles, traffic incident management vehicles of the Department of Transportation, tow cars and buses of public transit systems to drive on the paved ~~right~~ shoulder of a highway where lawfully placed signage allows such vehicles to use the shoulder in that manner.

Existing law requires a driver of a vehicle, upon the approach of an authorized emergency vehicle or official vehicle of a regulatory agency making use of certain flashing lights, to yield the right of way, drive to a position parallel to, and as close as possible to, the right-hand edge ~~or curb~~ of a highway and stop. (NRS 484B.267) **Section 2** of this bill prohibits a driver from driving to and stopping in a position on a paved ~~right~~ shoulder of a highway where lawfully placed signage allows certain vehicles described in **section 1** to drive on the

shoulder.

Existing law prohibits, except if required by an emergency, a person from driving a vehicle on a controlled-access highway outside of a marked traffic lane or marked entrance or exit lane. (NRS 484B.587) **Section 3** of this bill authorizes certain vehicles described in **section 1** to drive on the paved shoulder of a controlled-access highway where lawfully placed signage allows such vehicles to use the shoulder in that manner.

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

Section 1. NRS 484B.210 is hereby amended to read as follows:

484B.210 1. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

- (a) When the driver of the vehicle overtaken is making or signaling to make a left turn.
- (b) Upon a highway with unobstructed pavement which is not occupied by parked vehicles and which is of sufficient width for two or more lines of moving vehicles in each direction.
- (c) Upon a highway with unobstructed pavement which is not marked as a traffic lane and which is not occupied by parked vehicles, if the vehicle that is overtaking and passing another vehicle:
 - (1) ~~Does~~ *Except as otherwise provided in subsection 4, does* not travel more than 200 feet in the section of pavement not marked as a traffic lane; or
 - (2) While being driven in the section of pavement not marked as a traffic lane, does not travel through an intersection or past any private way that is used to enter or exit the highway.
 - (d) Upon any highway on which traffic is restricted to one direction of movement, where the highway is free from obstructions and of sufficient width for two or more lines of moving vehicles.
2. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety.
3. The driver of a vehicle shall not overtake and pass another vehicle upon the right when such movement requires driving off the paved portion of the highway.

4. *The provisions of subparagraph (1) of paragraph (c) of subsection 1 do not apply to:*
- (a) An authorized emergency vehicle described in NRS 484A.480;*
 - (b) A vehicle which has been issued a permit to operate as an authorized emergency vehicle pursuant to NRS 484A.490;*
 - (c) A traffic incident management vehicle;*
 - (d) A tow car; ~~or~~*
 - (e) A public transit motor bus; ~~;~~*
 - (f) A hazardous material vehicle; or*
 - (g) A coroner vehicle, that is being driven on the paved ~~right~~ shoulder of a highway where lawfully placed signage allows that vehicle to use the shoulder in that manner.*

5. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

6. *As used in this section:*
- (a) “Public transit motor bus” means a vehicle used by a public transit system, designed for carrying more than 10 passengers and used for the transportation of persons for compensation.*
 - (b) “Public transit system” has the meaning ascribed to it in NRS 277A.120.*
 - (c) “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.*
 - (d) “Traffic incident management vehicle” means an authorized vehicle used by the Department of Transportation to provide aid to motorists or to mitigate traffic incidents and which makes use of flashing amber warning lights that meet the requirements of subsection 1 of NRS 484D.185 and any standards approved by the Department of Public Safety. The term includes vehicles operating as part of the Freeway Service Patrol of the Department of Transportation, hazardous material vehicles, coroner vehicles, and other vehicles which respond to ~~accidents~~ traffic incidents, motor vehicle crashes or other emergencies related to hazardous materials, not for the purpose of providing police, fire, or EMS services.*

(e) “Hazardous material vehicle” means a vehicle used by the Department of Transportation for the cleanup of hazardous or illicit material spills, solid waste, or other environmental hazards on or adjacent to a highway or within the rights-of-way of the Department of Transportation.

(f) “Coroner vehicle” means an authorized vehicle used by a county coroner, medical examiner, death investigator, or mortuary personnel responding to a death scene or transporting a deceased person.

Sec. 2. NRS 484B.267 is hereby amended to read as follows:

484B.267 1. Upon the immediate approach of an authorized emergency vehicle or an official vehicle of a regulatory agency, making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480, the driver of every other vehicle shall ~~yield~~, *except when otherwise directed by a law enforcement officer:*

(a) *Yield* the right-of-way. ~~and shall~~

(b) *Except as otherwise provided in this paragraph*, immediately drive to a position parallel to, and as close as possible to, the right-hand edge or ~~curb but not on the shoulder~~ of a highway *and* clear of any intersection. ~~and shall stop~~ *The driver shall not drive to and stop in a position on a paved ~~right~~ shoulder of a highway where lawfully placed signage allows a vehicle described in paragraphs (a) to (e), inclusive, of subsection 4 of NRS 484B.210 to drive on the shoulder.*

(c) *Stop* and remain in such position until the authorized emergency vehicle or official vehicle has passed. ~~except when otherwise directed by a law enforcement officer.~~

2. Upon approaching an authorized emergency vehicle or an official vehicle of a regulatory agency which is moving or preparing to move in any direction, including, without limitation, arriving at or leaving the scene of a crash or other incident, and making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480, the driver of any other vehicle shall, except when otherwise directed by a law enforcement officer:

(a) Decrease the speed of his or her 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;

(d) If the authorized emergency vehicle or official vehicle of a regulatory agency is moving in the same direction of travel as the driver, not drive abreast of or overtake the authorized emergency vehicle or official vehicle of a regulatory agency;

(e) If possible, drive in a lane that is not adjacent to the lane in which the authorized emergency vehicle or official vehicle of a regulatory agency is moving, unless roadway, traffic, weather or other conditions make doing so unsafe or impossible; and

(f) If the authorized emergency vehicle or official vehicle of a regulatory agency:

(1) Approaches the driver's vehicle, proceed as required pursuant to subsection 1; or

(2) Stops, proceed as required pursuant to NRS 484B.607.

3. A person who violates this section is guilty of a misdemeanor.

4. As used in this section, "preparing to move" means any indication that is visible to an approaching driver that an authorized emergency vehicle or an official vehicle of a regulatory agency is about to move, including, without limitation:

(a) A movement of the vehicle; or

(b) The use of hand signals by the driver of the vehicle.

Sec. 3. NRS 484B.587 is hereby amended to read as follows:

484B.587 1. When official traffic-control devices are erected giving notice thereof, a person shall not drive a vehicle onto or from any controlled-access highway except at those entrances and exits which are indicated by such devices.

2. Except if required by an emergency ~~H~~ *or as otherwise authorized by subsection 3*, a person shall not drive a vehicle on a controlled-access highway:

(a) Upon any portion of the highway that lies outside of a marked traffic lane or marked entrance or exit lane; or

(b) Across any solid white line that separates an entrance or exit lane from a marked traffic lane.

3. *A person driving a vehicle described in paragraphs (a) to (e), inclusive, of subsection 4 of NRS*

484B.210 may drive that vehicle on a paved shoulder of a controlled-access highway where lawfully placed signage allows that vehicle to use the shoulder in that manner.

4. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484B.130.

Sec. 4. This act becomes effective upon passage and approval. *Sections 1, 2, and 3 of this act become effective:*

- (a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and*
- (b) On January 1, 2024, for all other purposes.*