

ASSEMBLY BILL NO. 56—COMMITTEE
ON GROWTH AND INFRASTRUCTURE

(ON BEHALF OF THE DEPARTMENT OF TRANSPORTATION)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Growth and Infrastructure

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

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 vehicles; authorizing certain vehicles to drive on the paved shoulder of a highway under certain circumstances; revising provisions governing the acts required of a driver of a vehicle upon the immediate approach of certain emergency or official vehicles; and providing other matters properly relating thereto.

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, coroner vehicles and buses of public transit systems to drive on the paved 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 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



19 controlled-access highway where lawfully placed signage allows such vehicles to
20 use the shoulder in that manner.

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

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

3 484B.210 1. The driver of a vehicle may overtake and pass
4 upon the right of another vehicle only under the following
5 conditions:

6 (a) When the driver of the vehicle overtaken is making or
7 signaling to make a left turn.

8 (b) Upon a highway with unobstructed pavement which is not
9 occupied by parked vehicles and which is of sufficient width for two
10 or more lines of moving vehicles in each direction.

11 (c) Upon a highway with unobstructed pavement which is not
12 marked as a traffic lane and which is not occupied by parked
13 vehicles, if the vehicle that is overtaking and passing another
14 vehicle:

15 (1) ~~Does~~ *Except as otherwise provided in subsection 4,*
16 *does* not travel more than 200 feet in the section of pavement not
17 marked as a traffic lane; or

18 (2) While being driven in the section of pavement not
19 marked as a traffic lane, does not travel through an intersection or
20 past any private way that is used to enter or exit the highway.

21 (d) Upon any highway on which traffic is restricted to one
22 direction of movement, where the highway is free from obstructions
23 and of sufficient width for two or more lines of moving vehicles.

24 2. The driver of a vehicle may overtake and pass another
25 vehicle upon the right only under conditions permitting such
26 movement in safety.

27 3. The driver of a vehicle shall not overtake and pass another
28 vehicle upon the right when such movement requires driving off the
29 paved portion of the highway.

30 4. *The provisions of subparagraph (1) of paragraph (c) of*
31 *subsection 1 do not apply to:*

32 (a) *An authorized emergency vehicle described in*
33 *NRS 484A.480;*

34 (b) *A vehicle which has been issued a permit to operate as an*
35 *authorized emergency vehicle pursuant to NRS 484A.490;*

36 (c) *A traffic incident management vehicle;*

37 (d) *A tow car;*

38 (e) *A coroner vehicle; or*

39 (f) *A public transit motor bus,*



1 ↪ *that is being driven on the paved shoulder of a highway where*
2 *lawfully placed signage allows that vehicle to use the shoulder in*
3 *that manner.*

4 5. A person who violates any provision of this section may be
5 subject to any additional penalty set forth in NRS 484B.130 or
6 484B.135.

7 6. *As used in this section:*

8 (a) *“Coroner vehicle” means an authorized vehicle used by a*
9 *county coroner, medical examiner or medicolegal death*
10 *investigator:*

11 (1) *Responding to the scene of a death; or*

12 (2) *Transporting a dead human body.*

13 (b) *“Hazardous material vehicle” means a vehicle used by the*
14 *Department of Transportation for the cleanup of a spill of*
15 *hazardous or illicit material, solid waste or other environmental*
16 *hazards on or adjacent to a highway or within the rights-of-way of*
17 *the Department of Transportation.*

18 (c) *“Public transit motor bus” means a vehicle used by a*
19 *public transit system, designed for carrying more than 10*
20 *passengers and used for the transportation of persons for*
21 *compensation.*

22 (d) *“Public transit system” has the meaning ascribed to it in*
23 *NRS 277A.120.*

24 (e) *“Traffic incident” means any vehicle, person, condition or*
25 *other traffic hazard which is located on or near a roadway and*
26 *which poses a danger to the flow of traffic or to a person involved*
27 *in, responding to or assisting with the traffic hazard.*

28 (f) *“Traffic incident management vehicle” means an*
29 *authorized vehicle used by the Department of Transportation to*
30 *provide aid to motorists or to mitigate traffic incidents and which*
31 *makes use of flashing amber warning lights that meet the*
32 *requirements of subsection 1 of NRS 484D.185 and any standards*
33 *approved by the Department of Public Safety. The term includes:*

34 (1) *Vehicles operating as part of the Freeway Service Patrol*
35 *of the Department of Transportation; and*

36 (2) *Vehicles, including, without limitation, hazardous*
37 *material vehicles, which respond to traffic incidents, motor vehicle*
38 *crashes or other emergencies for purposes other than providing*
39 *police, fire and emergency medical services.*

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

41 484B.267 1. Upon the immediate approach of an authorized
42 emergency vehicle or an official vehicle of a regulatory agency,
43 making use of flashing lights meeting the requirements of
44 subsection 3 of NRS 484A.480, the driver of every other vehicle



1 shall ~~[yield]~~, *except when otherwise directed by a law enforcement*
2 *officer:*

3 (a) Yield the right-of-way. ~~[and shall]~~

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

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

15 2. Upon approaching an authorized emergency vehicle or an
16 official vehicle of a regulatory agency which is moving or preparing
17 to move in any direction, including, without limitation, arriving at or
18 leaving the scene of a crash or other incident, and making use of
19 flashing lights meeting the requirements of subsection 3 of NRS
20 484A.480, the driver of any other vehicle shall, except when
21 otherwise directed by a law enforcement officer:

22 (a) Decrease the speed of his or her vehicle to a speed that is
23 reasonable and proper, pursuant to the criteria set forth in subsection
24 1 of NRS 484B.600;

25 (b) Proceed with caution;

26 (c) Be prepared to stop;

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

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

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

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

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

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


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



- 1 (a) A movement of the vehicle; or
- 2 (b) The use of hand signals by the driver of the vehicle.

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

4 484B.587 1. When official traffic-control devices are erected
5 giving notice thereof, a person shall not drive a vehicle onto or from
6 any controlled-access highway except at those entrances and exits
7 which are indicated by such devices.

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

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

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

15 3. *A person driving a vehicle described in paragraphs (a) to*
16 *(f), inclusive, of subsection 4 of NRS 484B.210 may drive that*
17 *vehicle on a paved shoulder of a controlled-access highway where*
18 *lawfully placed signage allows that vehicle to use the shoulder in*
19 *that manner.*

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

22 **Sec. 4.** 1. This section becomes effective upon passage and
23 approval.

24 2. Sections 1, 2 and 3 of this act become effective:

25 (a) Upon passage and approval for the purpose of adopting any
26 regulations and performing any other preparatory administrative
27 tasks that are necessary to carry out the provisions of this act; and

28 (b) On January 1, 2024, for all other purposes.

