

ASSEMBLY BILL NO. 169—ASSEMBLYMEN DENIS, MCCLEARY,
MANENDO, SMITH, HARDY, ANDERSON, ATKINSON,
BUCKLEY, CHRISTENSEN, GANSERT, GERHARDT,
GIUNCHIGLIANI, GOICOECHEA, HOGAN, HORNE,
KIRKPATRICK, KOIVISTO, MARVEL, MUNFORD, OCEGUERA,
PIERCE, SHERER AND WEBER

MARCH 4, 2005

JOINT SPONSORS: SENATORS CARLTON, TITUS,
HARDY, HECK AND LEE

Referred to Committee on Transportation

SUMMARY—Makes various changes relating to abandoned motor
vehicles. (BDR 43-967)

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 motor vehicles; requiring the owner of a vehicle
abandoned on public lands to remove or cause the
removal of that vehicle; setting forth the circumstances
under which the registered owner of a vehicle abandoned
in any location may rebut the presumption that he
abandoned the vehicle; and providing other matters
properly relating thereto.

Legislative Counsel's Digest:

Under existing law, any person who abandons a vehicle is responsible for the
cost of its removal and disposition. A vehicle is presumed to have been abandoned
by the registered owner of the vehicle unless the registered owner proves that he
complied with the laws governing the transfer of title to or an interest in the
vehicle. (NRS 487.220)

This bill repeals the provisions that require the registered owner to comply with
those laws. Instead, this bill authorizes the registered owner to rebut the
presumption that he is the person who abandoned the vehicle by showing that: (1)
he transferred his interest in the vehicle as indicated by a bill of sale for the vehicle



that is signed by him; or (2) he reported the vehicle as stolen before it was discovered abandoned.

This bill also provides that if a sheriff's office or other law enforcement agency discovers, or is notified of the existence of, a vehicle abandoned on public lands, the sheriff's office or law enforcement agency must notify the Department of Motor Vehicles if the vehicle so abandoned has not been reported as stolen and the identity of the most recent registered and legal owner of the vehicle can be determined. Upon receipt of such notice, the Department is required to send a notice to the owner demanding that he remove the abandoned vehicle from the public lands within 30 days. If the owner fails to do so, the Department is required to suspend the registration of each vehicle that is owned by the person and registered in this State. A person whose registration is suspended in this manner may reinstate the registration by providing to the Department proof that he removed the abandoned vehicle from the public lands and redeemed any applicable liens applied to the abandoned vehicle to cover costs of towing and storage.

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

Section 1. Chapter 487 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a sheriff's office or other law enforcement agency discovers that, or receives notification that, a vehicle has been abandoned on public lands, the sheriff's office or other law enforcement agency shall:

(a) Make all practical inquiries to ascertain if the vehicle is stolen by checking the license plate number, vehicle identification number and other available information which will aid in identifying the registered owner of the vehicle; and

(b) If the vehicle has not been reported as stolen and the sheriff's office or other law enforcement agency is able to determine the identity of the most recent registered owner of the vehicle, notify the Department of those facts.

2. Upon the receipt of a notice from a sheriff's office or other law enforcement agency pursuant to paragraph (b) of subsection 1, the Department shall send by registered or certified mail, return receipt requested, a written notice to the most recent registered owner of the vehicle stating that the owner must remove or cause the vehicle to be removed from the public lands within 30 days after the date on which the notice was sent.

3. If the most recent registered owner of a vehicle abandoned on public lands fails to remove or cause the vehicle to be removed within the 30-day period set forth in the notice sent pursuant to subsection 2, the Department shall suspend the registration of each vehicle currently registered to the person pursuant to chapter 482 of NRS. For the purposes of this subsection, the determination of the sheriff's office or other law enforcement agency that



1 notified the Department pursuant to paragraph (b) of subsection 1
2 is conclusive as to whether the abandoned vehicle was removed
3 within the 30-day period.

4 4. If the registration of a vehicle is suspended pursuant to
5 subsection 3, the Department shall reinstate the registration upon
6 receipt from the registered owner of the vehicle of:

7 (a) An affidavit setting forth that he caused the removal and
8 disposition of, or proof that he paid the cost of removal and
9 disposition of, the vehicle discovered abandoned upon public
10 lands; and

11 (b) If applicable, proof that he redeemed any lien placed
12 pursuant to NRS 487.270 on the vehicle discovered abandoned on
13 public lands.

14 5. If a sheriff's office or other law enforcement agency is
15 notified by a person or another governmental entity that a vehicle
16 has been abandoned on public lands, the sheriff's office or other
17 law enforcement agency shall, insofar as practicable and
18 authorized by law, inform the person or entity making such
19 notification of the actions taken by the sheriff's office or other law
20 enforcement agency pursuant to this section.

21 **Sec. 2.** NRS 487.210 is hereby amended to read as follows:

22 487.210 As used in NRS 487.220 to 487.300, inclusive, **and**
23 **section 1 of this act**, unless the context otherwise requires ~~it~~
24 ~~"abandoned"~~:

25 1. "Abandoned vehicle" means a vehicle:

26 ~~1-1~~ (a) If the vehicle is discovered upon public lands, that the
27 owner has discarded.

28 (b) If the vehicle is discovered upon public or private property
29 other than public lands:

30 (1) That the owner has discarded; or

31 ~~1-2~~ (2) Which has not been reclaimed by the registered owner or
32 a person having a security interest in the vehicle within 15 days after
33 notification pursuant to NRS 487.250.

34 2. "Public lands" has the meaning ascribed to it in
35 NRS 321.5963.

36 **Sec. 3.** NRS 487.220 is hereby amended to read as follows:

37 487.220 1. Every person who abandons a vehicle is
38 responsible for the cost of removal and disposition of ~~such~~ **the**
39 vehicle.

40 2. An abandoned vehicle is presumed to have been abandoned
41 by the registered owner thereof. The registered owner may ~~not~~
42 rebut this presumption by showing that ~~he~~:

43 (a) **He** transferred his interest in the abandoned vehicle ~~unless~~
44 ~~he complied with the provisions set forth in NRS 482.399 to~~



- 1 ~~482.420, inclusive.]~~ as indicated by a bill of sale for the vehicle
2 that is signed by the registered owner; or
3 (b) The vehicle was stolen, if he submits evidence that, before
4 the discovery of the vehicle, he filed an affidavit with the
5 Department or a written report with an appropriate law
6 enforcement agency alleging the theft of the vehicle.

