

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 owner of an abandoned vehicle may
rebut the presumption that he abandoned the vehicle; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

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

6 This bill additionally authorizes the registered owner to rebut the presumption
7 that he is the person who abandoned the vehicle by showing that: (1) he transferred
8 his interest in the vehicle as indicated by a bill of sale for the vehicle that is signed
9 by him; or (2) he reported the vehicle as stolen before it was discovered abandoned.

10 This bill also provides that if a sheriff's office or other law enforcement agency
11 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 owner of the vehicle can be determined. Upon receipt of such notice and if the registration of the vehicle has not expired, 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.

In addition, this bill provides that an owner who receives a notice demanding removal of a vehicle from public lands may submit to the Department an affidavit stating that he has taken the actions necessary to rebut the presumption that he abandoned the vehicle. If an owner who receives a notice demanding removal of a vehicle from public lands does not submit such an affidavit and fails to remove the abandoned vehicle from those lands within 30 days, 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 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 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 and if the registration of the vehicle has not expired, the Department shall send by registered or certified mail, return receipt requested, a written notice to the 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 an owner receives a notice pursuant to subsection 2, the owner may submit to the Department an affidavit which states that the owner has taken action which meets the requirements of



1 paragraph (a) or (b) of subsection 2 of NRS 487.220. If the owner
2 submits such an affidavit, the Department:

3 (a) Shall maintain a record of the affidavit; and

4 (b) Shall not suspend the registration of each vehicle currently
5 registered to that owner as otherwise required by subsection 4.

6 4. If an owner:

7 (a) Receives a notice pursuant to subsection 2;

8 (b) Fails to remove or cause the vehicle to be removed within
9 the 30-day period set forth in that notice; and

10 (c) Does not submit an affidavit as described in subsection 3,
11 ↪ the Department shall suspend the registration of each vehicle
12 currently registered to the owner pursuant to chapter 482 of NRS.
13 For the purposes of this subsection, the determination of the
14 sheriff's office or other law enforcement agency that
15 notified the Department pursuant to paragraph (b) of subsection 1
16 is conclusive as to whether the abandoned vehicle was removed
17 within the 30-day period.

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

21 (a) An affidavit setting forth that he caused the removal and
22 disposition of, or proof that he paid the cost of removal and
23 disposition of, the vehicle discovered abandoned upon public
24 lands; and

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

28 6. If a sheriff's office or other law enforcement agency is
29 notified by a person or another governmental entity that a vehicle
30 has been abandoned on public lands, the sheriff's office or other
31 law enforcement agency shall, insofar as practicable and
32 authorized by law, inform the person or entity making such
33 notification of the actions taken by the sheriff's office or other law
34 enforcement agency pursuant to this section.

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

36 487.210 As used in NRS 487.220 to 487.300, inclusive, **and**
37 **section 1 of this act**, unless the context otherwise requires ~~the~~
38 ~~"abandoned"~~:

39 1. "Abandoned vehicle" means a vehicle:

40 ~~(1)~~ (a) If the vehicle is discovered upon public lands, that the
41 owner has discarded.

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

44 (1) That the owner has discarded; or



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

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

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

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

2. An abandoned vehicle is presumed to have been abandoned by the registered owner thereof. ~~{The}~~ *Except as otherwise provided in section 1 of this act, the* registered owner may ~~{not}~~ rebut this presumption by showing that ~~{he}~~ :

(a) He transferred his interest in the abandoned vehicle ~~{unless he complied with}~~ :

(1) Pursuant to the provisions set forth in NRS 482.399 to 482.420, inclusive ~~{;}~~ *or*

(2) As indicated by a bill of sale for the vehicle that is signed by the registered owner; or

(b) The vehicle was stolen, if he submits evidence that, before the discovery of the vehicle, he filed an affidavit with the Department or a written report with an appropriate law enforcement agency alleging the theft of the vehicle.

Sec. 4. NRS 487.230 is hereby amended to read as follows:

487.230 1. ~~{Any}~~ *Except as otherwise provided in section 1 of this act, any* sheriff, constable, member of the Nevada Highway Patrol, officer of the Legislative Police, investigator of the Division of Compliance Enforcement of the Department, personnel of the Capitol Police Division of the Department of Public Safety, designated employees of the Manufactured Housing Division of the Department of Business and Industry, special investigator employed by the office of a district attorney, marshal or policeman of a city or town, or a marshal or park ranger who is part of a unit of specialized law enforcement established pursuant to NRS 280.125 who has reason to believe that a vehicle has been abandoned on public property in his jurisdiction may remove the vehicle from that property. At the request of the owner or person in possession or control of private property who has reason to believe that a vehicle has been abandoned on his property, the vehicle may be removed by the operator of a tow car or an automobile wrecker from that private property.

2. A person who authorizes the removal of an abandoned vehicle pursuant to subsection 1 shall:

(a) Have the vehicle taken to the nearest garage or other place designated for storage by:



- 1 (1) The state agency or political subdivision making the
2 request, if the vehicle is removed from public property.
- 3 (2) The owner or person in possession or control of the
4 property, if the vehicle is removed from private property.
- 5 (b) Make all practical inquiries to ascertain if the vehicle is
6 stolen by checking the license plate number, vehicle identification
7 number and other available information which will aid in identifying
8 the registered and legal owner of the vehicle and supply the
9 information to the person who is storing the vehicle.



