

**Amendment No. 268**

Assembly Amendment to Assembly Bill No. 169 First Reprint	(BDR 43-967)
<b>Proposed by:</b> Assemblyman Denis	
<b>Amendment Box:</b> Replaces Amendment No. 257.	
<b>Resolves Conflicts with:</b> N/A	
<b>Amends:</b> Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend the bill as a whole by deleting section 1 and adding new sections designated sections 1 through 3, following the enacting clause, to read 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*

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MSM/BJE

Date: 4/12/2005

A.B. No. 169—Revises certain presumptions relating to abandoned vehicles.

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

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

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

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

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

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

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

***1. "Abandoned vehicle" means a vehicle:***

~~[(1)]~~ ***(a) If the vehicle is discovered upon public lands, that the owner has discarded.***

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

***(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 registered owner may ~~not~~ rebut this presumption by showing that ~~he~~ :

(a) *He* transferred his interest in the abandoned vehicle ~~[unless he complied with the provisions set forth in NRS 482.399 to 482.420, inclusive.]~~ *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.”.*

Amend the title of the bill to read as follows:

“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.”.

Amend the summary of the bill to read as follows:

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

**If this amendment is adopted, the Legislative  
Counsel's Digest will be changed to read as follows:**

**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

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abandoned vehicle from the public lands and redeemed any applicable liens applied to the abandoned vehicle to cover costs of towing and storage.