

Amendment No. 729

Senate Amendment to Assembly Bill No. 169 Second Reprint	(BDR 43-967)
Proposed by: Committee on Transportation and Homeland Security	
Amendment Box:	
Resolves Conflicts with: N/A	
Amends: Summary: No 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"/>	_____
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Amend section 1, page 2, line 10, by deleting “**registered**”.

Amend section 1, page 2, line 13, by deleting:

“**most recent registered**”.

Amend section 1, page 2, by deleting lines 17 through 26 and inserting:

***“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

MSM/SGW

Date: 5/19/2005

A.B. No. 169—Makes various changes relating to abandoned motor vehicles.

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

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

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

4. If an owner:

(a) Receives a notice pursuant to subsection 2;

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

(c) Does not submit an affidavit as described in subsection 3,

↪ the Department shall suspend the registration of each vehicle currently registered to the owner pursuant to chapter”.

Amend section 1, page 3, line 4, by deleting “4.” and inserting “5.”.

Amend section 1, page 3, line 5, by deleting “3,” and inserting “4.”.

Amend section 1, page 3, line 14, by deleting “5.” and inserting “6.”.

Amend sec. 3, pages 3 and 4, by deleting lines 41 through 44 on page 3 and line 1 on page 4, and inserting:

“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”.

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows:

“**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) The state agency or political subdivision making the request, if the vehicle is removed from public property.

(2) The owner or person in possession or control of the property, if the vehicle is removed from private property.

(b) 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 and legal owner of the vehicle and supply the information to the person who is storing the vehicle.”.

Amend the title of the bill by deleting the fourth and fifth lines and inserting:

“under which the owner of an abandoned vehicle may rebut the presumption that he”.

**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 additionally 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 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.