

## Amendment No. 126

Senate Amendment to Senate Bill No. 175

(BDR 43-700)

**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

Adoption of this amendment will MAINTAIN a 2/3s majority vote requirement for final passage of SB175 (§ 2).

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 section 1, page 2, by deleting lines 3 through 14 and inserting:

“Division *of the Department* shall, ~~at the~~ *within 7 days after receipt of a written* request of a person who claims to have sustained damages as a result of an accident, *or his legal representative or insurer*, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person, ~~or~~ his legal representative *or insurer, as applicable*, with a copy of the accident report and all statements by witnesses and photographs in the possession or under the control of the *Nevada* Highway Patrol or *the* Investigation Division that concern the accident, unless ~~the~~ :

*1. The materials are privileged or confidential pursuant to a specific statute ~~[-]~~; or*

*2. The accident involved:*

*(a) The death or substantial bodily harm of a person;*

MSN/TMC

Date: 4/4/2005

S.B. No. 175—Revises provisions governing motor vehicles.

*(b) Failure to stop at the scene of an accident; or*

*(c) The commission of a felony.”.*

Amend sec. 2, page 2, line 16, by deleting “~~15~~ 10” and inserting: “15”.

Amend sec. 2, page 2, by deleting lines 22 and 23 and inserting:

*“2. Upon receipt of a written complaint alleging a violation of subsection 1, the Department shall conduct an investigation of the alleged violation.*

*3. If the Department determines that the seller or other secured party has violated the provisions of subsection 1, the Department shall impose an administrative fine of \$25 for each day that the seller or”.*

Amend sec. 2, page 2, line 28, by deleting “3.” and inserting “4.”.

Amend sec. 2, page 2, line 29, by deleting “2” and inserting “3”.

Amend the bill as a whole by deleting section 3 and renumbering sections 4 through 11 as sections 3 through 10.

Amend sec. 4, page 4, line 20, by deleting “10” and inserting “14”.

Amend sec. 5, page 5, line 18, after “*owner of*” by inserting:

*“and each person who holds a security interest in”.*

Amend sec. 6, page 5, by deleting lines 29 through 39 and inserting:

“248.242 A sheriff shall, ~~at the~~ *within 7 days after receipt of a written* request of a person who claims to have sustained damages as a result of an accident, *or his legal representative or insurer,* and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person, ~~or~~ his legal representative *or insurer, as applicable,* with a copy of the accident report and all statements

by witnesses and photographs in the possession or under the control of the sheriff's office that concern the accident, unless ~~the~~ :

**1. The materials are privileged or confidential pursuant to a specific statute ~~§~~ ; or**

**2. The accident involved:**

**(a) The death or substantial bodily harm of a person;**

**(b) Failure to stop at the scene of an accident; or**

**(c) The commission of a felony.”.**

Amend sec. 7, pages 5 and 6, by deleting lines 41 through 45 on page 5 and lines 1 through 6 on page 6, and inserting:

“258.072 A constable shall, ~~at the~~ **within 7 days after receipt of a written** request of a person who claims to have sustained damages as a result of an accident, **or his legal representative or insurer**, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person, ~~or~~ his legal representative **or insurer, as applicable**, with a copy of the accident report and all statements by witnesses and photographs in the possession or under the control of the constable's office that concern the accident, unless ~~the~~ :

**1. The materials are privileged or confidential pursuant to a specific statute ~~§~~ ; or**

**2. The accident involved:**

**(a) The death or substantial bodily harm of a person;**

**(b) Failure to stop at the scene of an accident; or**

**(c) The commission of a felony.”.**

Amend sec. 8, page 6, by deleting lines 9 through 19 and inserting:

“of a city shall, ~~at the~~ ***within 7 days after receipt of a written*** request of a person who claims to have sustained damages as a result of an accident, ***or his legal representative or insurer***, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person, ~~or~~ his legal representative ***or insurer, as applicable***, with a copy of the accident report and all statements by witnesses and photographs in the possession or under the control of the department or agency that concern the accident, unless ~~the~~ :

***1. The materials are privileged or confidential pursuant to a specific statute ~~is~~; or***

***2. The accident involved:***

***(a) The death or substantial bodily harm of a person;***

***(b) Failure to stop at the scene of an accident; or***

***(c) The commission of a felony.”.***

Amend sec. 9, page 6, by deleting lines 22 through 32 and inserting:

“of a town shall, at the ***within 7 days after receipt of a written*** request of a person who claims to have sustained damages as a result of an accident, ***or his legal representative or insurer***, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person, ~~or~~ his legal representative ***or insurer, as applicable***, with a copy of the accident report and all statements by witnesses and photographs in the possession or under the control of the department or agency that concern the accident, unless ~~the~~ :

***1. The materials are privileged or confidential pursuant to a specific statute ~~is~~; or***

***2. The accident involved:***

***(a) The death or substantial bodily harm of a person;***

***(b) Failure to stop at the scene of an accident; or***

*(c) The commission of a felony.”.*

Amend sec. 10, page 6, by deleting lines 34 through 45 and inserting:

“280.400 A metropolitan police department shall, at the *within 7 days after receipt of a written* request of a person who claims to have sustained damages as a result of an accident, *or his legal representative or insurer*, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person , or his legal representative *or insurer, as applicable*, with a copy of the accident report and all statements by witnesses and photographs in the possession or under the control of the department that concern the accident, unless ~~the~~ :

*1. The materials are privileged or confidential pursuant to a specific statute ~~[-]~~ ; or*

*2. The accident involved:*

*(a) The death or substantial bodily harm of a person;*

*(b) Failure to stop at the scene of an accident; or*

*(c) The commission of a felony.”.*

Amend sec. 11, page 7, by deleting lines 2 through 13 and inserting:

“396.328 The Police Department for the System shall, ~~at the~~ *within 7 days after receipt of a written* request of a person who claims to have sustained damages as a result of an accident, *or his legal representative or insurer*, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person , ~~or~~ his legal representative *or insurer, as applicable*, with a copy of the accident report and all statements by witnesses and photographs in the possession or under the control of the Department that concern the accident, unless ~~the~~ :

*1. The materials are privileged or confidential pursuant to a specific statute ~~[-]~~ ; or*

*2. The accident involved:*

*(a) The death or substantial bodily harm of a person;*

*(b) Failure to stop at the scene of an accident; or*

*(c) The commission of a felony.”.*

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

“vehicle accident reports;”.

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

**Legislative Counsel's Digest:**

Existing law requires a law enforcement officer and law enforcement agencies to provide a copy of an accident report to an injured party or his legal representative for a reasonable fee. In addition, existing law requires such officers and agencies to provide related information within their possession unless such information is privileged or confidential. (NRS 248.242, 258.072, 268.900, 269.247, 280.400, 396.328, 480.600)

This bill requires the copy of the accident report to be provided within 7 days after receipt of a written request for such a report and authorizes an insurer to request such information. This bill further provides that related information may not be provided if the accident involved the death or substantial bodily harm of a person, failure to stop at the scene of an accident or the commission of a felony.

Existing law requires a seller of a motor vehicle or other secured party to deliver a certificate of title to the person legally entitled to it within 15 days after the termination or release of the security agreement. (NRS 482.431) Existing law authorizes a statutory lienholder to sell certain vehicles in satisfaction of the liens on the vehicles. (NRS 108.265-108.360) The lienholder must provide notice before a vehicle may be sold. (NRS 108.310)

This bill requires the Department to investigate any alleged failure to deliver a certificate of title and to impose an administrative fine for each day that the seller or other secured party fails to deliver the certificate. This bill requires the lienholder to provide to the owner of and each person who holds

---

a security interest in the vehicle a copy of all documents relating to the sale. This bill prohibits the lienholder from imposing any administrative or processing fee or charge for 14 days after a vehicle comes into his possession, and provides that the lien does not extend to any such fee or charge.