

SENATE BILL NO. 175—SENATOR TITUS

MARCH 10, 2005

Referred to Committee on Transportation and Homeland Security

SUMMARY—Revises provisions governing motor vehicles.
(BDR 43-700)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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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; revising provisions governing vehicle accident reports; authorizing an insurer of a motor vehicle involved in a vehicle accident to move the vehicle to a secure storage facility under certain circumstances; revising provisions governing delivery of a certificate of title following performance of the terms of a contract or security agreement; revising provisions governing liens and lien sales; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a law enforcement officer to provide a copy of an accident report to an injured party or his attorney for a reasonable fee. (NRS 248.242, 258.072, 268.900, 269.247, 280.400, 396.328, 480.600) Existing law also requires a law enforcement officer who has probable cause to believe that a vehicle or its contents constitute criminal evidence to take steps to preserve the evidence, including storage of the vehicle. (NRS 484.398)

This bill requires a law enforcement officer to prepare an accident report and, if requested, provide to the parties involved in the accident and their insurers a copy of the accident report within 72 hours after the accident. When a law enforcement officer determines that a vehicle involved in an accident must be stored, the responsible law enforcement agency must allow an insurer of the vehicle to move the vehicle to any authorized secure storage yard in Nevada.

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 shortens the time for delivering the certificate of title for a motor vehicle to 10 days and imposes 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 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 10 days after a vehicle comes into his possession, and provides that the lien does not extend to any such fee or charge.

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

Section 1. NRS 480.600 is hereby amended to read as follows:
480.600 The Nevada Highway Patrol and the Investigation Division *of the Department* shall, ~~at~~ *within 72 hours after the occurrence of a vehicle accident that it investigates:*

1. Prepare an accident report; and

2. At the request of a person who claims to have sustained damages as a result of ~~an~~ the 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 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 materials are privileged or confidential pursuant to a specific statute.

Sec. 2. NRS 482.431 is hereby amended to read as follows:

482.431 *1. Within ~~15~~ 10 days after the terms of the contract or security agreement have been fully performed, the seller or other secured party who holds a certificate of title shall deliver the certificate of title to the person or persons legally entitled thereto, with proper evidence of the termination or release of the security interest.*

2. The Department shall impose on a seller or other secured party an administrative fine of \$25 for each day that the seller or other secured party is in violation of the provisions of subsection 1. The Department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

3. All administrative fines collected by the Department pursuant to subsection 2 must be deposited with the State Treasurer for credit to the State General Fund.

Sec. 3. NRS 484.398 is hereby amended to read as follows:

484.398 *1. Whenever any police officer provides for the removal of any vehicle pursuant to NRS 484.397 and has probable cause to believe that the vehicle or its contents constitute any*



1 evidence which tends to show that a criminal offense has been
2 committed, or tends to show that a particular person has committed
3 a criminal offense, the police officer shall take such steps as may be
4 required by law and reasonably necessary to preserve the evidence,
5 including , but not limited to , safe storage, until the evidence is
6 released to the owner or otherwise disposed of according to law.

7 *2. If any police officer determines that a motor vehicle*
8 *involved in a vehicle accident must be stored pursuant to the*
9 *provisions of subsection 1, the law enforcement agency*
10 *responsible for the storage of the vehicle shall, at any time 15 days*
11 *or more after the occurrence of the accident, allow an insurer*
12 *responsible for coverage of the vehicle to move the vehicle to any*
13 *secure storage facility of its choosing within this State that is*
14 *authorized to store vehicles by any law enforcement agency of this*
15 *State.*

16 **Sec. 4.** NRS 108.270 is hereby amended to read as follows:

17 108.270 Subject to the provisions of NRS 108.315:

18 1. A person engaged in the business of:

19 (a) Buying or selling automobiles;

20 (b) Keeping a garage or place for the storage, maintenance,
21 keeping or repair of motor vehicles, motorcycles, motor equipment,
22 trailers, mobile homes or manufactured homes, including the
23 operator of a salvage pool; or

24 (c) Keeping a mobile home park, mobile home lot or other land
25 for rental of spaces for trailers, mobile homes or manufactured
26 homes,

27 ➡ and who in connection therewith stores, maintains, keeps or
28 repairs any motor vehicle, motorcycle, motor equipment, trailer,
29 mobile home or manufactured home, or furnishes accessories,
30 facilities, services or supplies therefor, at the request or with the
31 consent of the owner or his representatives, or at the direction of any
32 peace officer or other authorized person who orders the towing or
33 storage of any vehicle through any action permitted by law, *except*
34 *as otherwise provided in subsection 5* has a lien upon the motor
35 vehicle, motorcycle, motor equipment, trailer, mobile home or
36 manufactured home or any part or parts thereof for the sum due for
37 the towing, storing, maintaining, keeping or repairing of the motor
38 vehicle, motorcycle, motor equipment, trailer, mobile home or
39 manufactured home or for labor furnished thereon, or for furnishing
40 accessories, facilities, services or supplies therefor, and for all costs
41 incurred in enforcing such a lien.

42 2. ~~[Subject to the provisions of NRS 108.315, a]~~ A person
43 engaged in the business of keeping a recreational vehicle park who,
44 at the request or with the consent of the owner of a recreational



1 vehicle or his representative, furnishes facilities or services in the
2 recreational vehicle park for the recreational vehicle, has a lien upon
3 the recreational vehicle for the amount of rent due for furnishing
4 those facilities and services, and for all costs incurred in enforcing
5 such a lien.

6 3. A person who at the request of the legal owner performed
7 labor on, furnished materials or supplies or provided storage for any
8 aircraft, aircraft equipment or aircraft parts is entitled to a lien for
9 such services, materials or supplies and for the costs incurred in
10 enforcing the lien.

11 4. Any person who is entitled to a lien as provided in
12 subsections 1, 2 and 3 may, without process of law, detain the motor
13 vehicle, motorcycle, motor equipment, trailer, recreational vehicle,
14 mobile home, manufactured home, aircraft, aircraft equipment or
15 aircraft parts at any time it is lawfully in his possession until the
16 sum due to him is paid.

17 *5. A person entitled to a lien with respect to a motor vehicle*
18 *pursuant to subsection 1 shall not impose any administrative or*
19 *processing fee or charge with respect to the motor vehicle during*
20 *the period ending 10 days after the motor vehicle first comes into*
21 *his possession, and the lien provided for in subsection 1 does not*
22 *extend to any such fee or charge.*

23 **Sec. 5.** NRS 108.310 is hereby amended to read as follows:

24 108.310 Subject to the provisions of NRS 108.315, the lien
25 created in NRS 108.270 to 108.360, inclusive, may be satisfied as
26 follows:

27 1. The lien claimant shall give written notice to the person on
28 whose account the storing, maintaining, keeping, repairing, labor,
29 fuel, supplies, facilities, services or accessories were made, done or
30 given, and to any other person known to have or to claim an interest
31 in the motor vehicle, aircraft, motorcycle, motor or aircraft
32 equipment, aircraft parts, trailer, recreational vehicle, mobile home
33 or manufactured home, upon which the lien is asserted, and to the:

34 (a) Manufactured Housing Division of the Department of
35 Business and Industry with regard to mobile homes, manufactured
36 homes and commercial coaches as defined in chapter 489 of NRS;
37 or

38 (b) Department of Motor Vehicles with regard to all other items
39 included in this section.

40 2. In accordance with the terms of a notice so given, a sale by
41 auction may be held to satisfy any valid claim which has become a
42 lien on the motor vehicle, aircraft, motorcycle, motor or aircraft
43 equipment, aircraft parts, trailer, recreational vehicle, mobile home
44 or manufactured home. The sale must be held in the place where the



lien was acquired ~~if~~ or, if that place is manifestly unsuitable for the purpose, at the nearest suitable place.

3. After the time for the payment of the claim specified in the notice has elapsed, an advertisement of the sale, describing the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home to be sold, and stating the name of the owner or person on whose account it is held, and the time and place of the sale, must be published once a week for 3 consecutive weeks in a newspaper published in the place where the sale is to be held, but if no newspaper is published in that place, then in a newspaper published in this State that has a general circulation in that place. The sale must not be held less than 22 days after the time of the first publication.

4. *If the sale is of a motor vehicle, the holder of the lien shall, on or before the day on which the advertisement of the sale is first published pursuant to the provisions of subsection 3, provide to the owner of the motor vehicle a copy of all documents related to the sale.*

5. From the proceeds of the sale, the lien claimant who furnished the services, labor, fuel, accessories, facilities or supplies shall satisfy his lien, including the reasonable charges of notice, advertisement and sale. The balance, if any, of the proceeds must be delivered, on demand, to the person to whom he would have been bound to deliver, or justified in delivering, the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home.

Sec. 6. NRS 248.242 is hereby amended to read as follows:

248.242 A sheriff shall, ~~at~~ *within 72 hours after the occurrence of a vehicle accident that he investigates:*

1. *Prepare an accident report; and*

2. *At the request of a person who claims to have sustained damages as a result of ~~an~~ the 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 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 materials are privileged or confidential pursuant to a specific statute.*

Sec. 7. NRS 258.072 is hereby amended to read as follows:

258.072 A constable shall, ~~at~~ *within 72 hours after the occurrence of a vehicle accident that he investigates:*

1. *Prepare an accident report; and*

2. *At the request of a person who claims to have sustained damages as a result of ~~an~~ the accident, or his legal representative*



1 *or insurer*, and upon receipt of a reasonable fee to cover the cost of
2 reproduction, provide the person or his legal representative *or*
3 *insurer* with a copy of the accident report and all statements by
4 witnesses and photographs in the possession or under the control of
5 the constable's office that concern the accident, unless the materials
6 are privileged or confidential pursuant to a specific statute.

7 **Sec. 8.** NRS 268.900 is hereby amended to read as follows:

8 268.900 A police department or other law enforcement agency
9 of a city shall, ~~{at}~~ *within 72 hours after the occurrence of a*
10 *vehicle accident that it investigates:*

11 1. *Prepare an accident report; and*

12 2. *At* the request of a person who claims to have sustained
13 damages as a result of ~~{an}~~ *the* accident, *or his legal representative*
14 *or insurer*, and upon receipt of a reasonable fee to cover the cost of
15 reproduction, provide the person or his legal representative *or*
16 *insurer* with a copy of the accident report and all statements by
17 witnesses and photographs in the possession or under the control of
18 the department or agency that concern the accident, unless the
19 materials are privileged or confidential pursuant to a specific statute.

20 **Sec. 9.** NRS 269.247 is hereby amended to read as follows:

21 269.247 A police department or other law enforcement agency
22 of a town shall, ~~{at}~~ *within 72 hours after the occurrence of a*
23 *vehicle accident that it investigates:*

24 1. *Prepare an accident report; and*

25 2. *At* the request of a person who claims to have sustained
26 damages as a result of ~~{an}~~ *the* accident, *or his legal representative*
27 *or insurer*, and upon receipt of a reasonable fee to cover the cost of
28 reproduction, provide the person or his legal representative *or*
29 *insurer* with a copy of the accident report and all statements by
30 witnesses and photographs in the possession or under the control of
31 the department or agency that concern the accident, unless the
32 materials are privileged or confidential pursuant to a specific statute.

33 **Sec. 10.** NRS 280.400 is hereby amended to read as follows:

34 280.400 A metropolitan police department shall, ~~{at}~~ *within 72*
35 *hours after the occurrence of a vehicle accident that it*
36 *investigates:*

37 1. *Prepare an accident report; and*

38 2. *At* the request of a person who claims to have sustained
39 damages as a result of ~~{an}~~ *the* accident, *or his legal representative*
40 *or insurer*, and upon receipt of a reasonable fee to cover the cost of
41 reproduction, provide the person or his legal representative *or*
42 *insurer* with a copy of the accident report and all statements by
43 witnesses and photographs in the possession or under the control of
44 the department that concern the accident, unless the materials are
45 privileged or confidential pursuant to a specific statute.



1 **Sec. 11.** NRS 396.328 is hereby amended to read as follows:
2 396.328 The Police Department for the System shall, ~~{at}~~
3 *within 72 hours after the occurrence of a vehicle accident that it*
4 *investigates:*
5 1. *Prepare an accident report; and*
6 2. *At* the request of a person who claims to have sustained
7 damages as a result of ~~{an}~~ *the* accident, *or his legal representative*
8 *or insurer*, and upon receipt of a reasonable fee to cover the cost of
9 reproduction, provide the person or his legal representative *or*
10 *insurer* with a copy of the accident report and all statements by
11 witnesses and photographs in the possession or under the control of
12 the Department that concern the accident, unless the materials are
13 privileged or confidential pursuant to a specific statute.



