



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; 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:

1 Existing law requires a law enforcement officer and law enforcement agencies
2 to provide a copy of an accident report to an injured party or his legal representative
3 for a reasonable fee. In addition, existing law requires such officers and agencies to
4 provide related information within their possession unless such information is
5 privileged or confidential. (NRS 248.242, 258.072, 268.900, 269.247, 280.400,
6 396.328, 480.600)

7 This bill requires the copy of the accident report to be provided within 7 days
8 after receipt of a written request for such a report and authorizes an insurer to
9 request such information. This bill further provides that the report is not required to
10 be provided within that time if the materials are privileged or confidential or if the
11 accident involved the death or substantial bodily harm of a person, failure to stop at
12 the scene of an accident or the commission of a felony.

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

19 This bill requires the Department to investigate any alleged failure to deliver a
20 certificate of title and to impose an administrative fine for each day that the seller or
21 other secured party fails to deliver the certificate. This bill requires the lienholder to
22 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.

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-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;

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

(c) The commission of a felony.

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

482.431 *1. Within 15 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. 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 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.

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



1 **Sec. 3.** NRS 108.270 is hereby amended to read as follows:
2 108.270 Subject to the provisions of NRS 108.315:

3 1. A person engaged in the business of:

4 (a) Buying or selling automobiles;

5 (b) Keeping a garage or place for the storage, maintenance,
6 keeping or repair of motor vehicles, motorcycles, motor equipment,
7 trailers, mobile homes or manufactured homes, including the
8 operator of a salvage pool; or

9 (c) Keeping a mobile home park, mobile home lot or other land
10 for rental of spaces for trailers, mobile homes or manufactured
11 homes,

12 ↪ and who in connection therewith stores, maintains, keeps or
13 repairs any motor vehicle, motorcycle, motor equipment, trailer,
14 mobile home or manufactured home, or furnishes accessories,
15 facilities, services or supplies therefor, at the request or with the
16 consent of the owner or his representatives, or at the direction of any
17 peace officer or other authorized person who orders the towing or
18 storage of any vehicle through any action permitted by law, *except*
19 *as otherwise provided in subsection 5* has a lien upon the motor
20 vehicle, motorcycle, motor equipment, trailer, mobile home or
21 manufactured home or any part or parts thereof for the sum due for
22 the towing, storing, maintaining, keeping or repairing of the motor
23 vehicle, motorcycle, motor equipment, trailer, mobile home or
24 manufactured home or for labor furnished thereon, or for furnishing
25 accessories, facilities, services or supplies therefor, and for all costs
26 incurred in enforcing such a lien.

27 2. ~~{Subject to the provisions of NRS 108.315, a}~~ A person
28 engaged in the business of keeping a recreational vehicle park who,
29 at the request or with the consent of the owner of a recreational
30 vehicle or his representative, furnishes facilities or services in the
31 recreational vehicle park for the recreational vehicle, has a lien upon
32 the recreational vehicle for the amount of rent due for furnishing
33 those facilities and services, and for all costs incurred in enforcing
34 such a lien.

35 3. A person who at the request of the legal owner performed
36 labor on, furnished materials or supplies or provided storage for any
37 aircraft, aircraft equipment or aircraft parts is entitled to a lien for
38 such services, materials or supplies and for the costs incurred in
39 enforcing the lien.

40 4. Any person who is entitled to a lien as provided in
41 subsections 1, 2 and 3 may, without process of law, detain the motor
42 vehicle, motorcycle, motor equipment, trailer, recreational vehicle,
43 mobile home, manufactured home, aircraft, aircraft equipment or



1 aircraft parts at any time it is lawfully in his possession until the
2 sum due to him is paid.

3 *5. A person entitled to a lien with respect to a motor vehicle*
4 *pursuant to subsection 1 shall not impose any administrative or*
5 *processing fee or charge with respect to the motor vehicle during*
6 *the period ending 14 days after the motor vehicle first comes into*
7 *his possession, and the lien provided for in subsection 1 does not*
8 *extend to any such fee or charge.*

9 **Sec. 4.** NRS 108.310 is hereby amended to read as follows:

10 108.310 Subject to the provisions of NRS 108.315, the lien
11 created in NRS 108.270 to 108.360, inclusive, may be satisfied as
12 follows:

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

20 (a) Manufactured Housing Division of the Department of
21 Business and Industry with regard to mobile homes, manufactured
22 homes and commercial coaches as defined in chapter 489 of NRS;
23 or

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

26 2. In accordance with the terms of a notice so given, a sale by
27 auction may be held to satisfy any valid claim which has become a
28 lien on the motor vehicle, aircraft, motorcycle, motor or aircraft
29 equipment, aircraft parts, trailer, recreational vehicle, mobile home
30 or manufactured home. The sale must be held in the place where the
31 lien was acquired **H** or, if that place is manifestly unsuitable for the
32 purpose, at the nearest suitable place.

33 3. After the time for the payment of the claim specified in the
34 notice has elapsed, an advertisement of the sale, describing the
35 motor vehicle, aircraft, motorcycle, motor or aircraft equipment,
36 aircraft parts, trailer, recreational vehicle, mobile home or
37 manufactured home to be sold, and stating the name of the owner or
38 person on whose account it is held, and the time and place of the
39 sale, must be published once a week for 3 consecutive weeks in a
40 newspaper published in the place where the sale is to be held, but if
41 no newspaper is published in that place, then in a newspaper
42 published in this State that has a general circulation in that place.
43 The sale must not be held less than 22 days after the time of the first
44 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 and each person who holds a security interest in 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. 5. NRS 248.242 is hereby amended to read as follows:

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~~; *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.*

Sec. 6. NRS 258.072 is hereby amended to read as follows:

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~~; *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.*



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

2 268.900 A police department or other law enforcement agency
3 of a city shall, ~~{at-the}~~ *within 7 days after receipt of a written*
4 request of a person who claims to have sustained damages as a
5 result of an accident, *or his legal representative or insurer*, and
6 upon receipt of a reasonable fee to cover the cost of reproduction,
7 provide the person , ~~{or}~~ his legal representative *or insurer, as*
8 *applicable*, with a copy of the accident report and all statements by
9 witnesses and photographs in the possession or under the control of
10 the department or agency that concern the accident, unless ~~{the}~~ :

11 1. *The materials are privileged or confidential pursuant to a*
12 *specific statute ~~{-}~~ ; or*

13 2. *The accident involved:*

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

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

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

17 **Sec. 8.** NRS 269.247 is hereby amended to read as follows:

18 269.247 A police department or other law enforcement agency
19 of a town shall, ~~{at-the}~~ *within 7 days after receipt of a written*
20 request of a person who claims to have sustained damages as a
21 result of an accident, *or his legal representative or insurer*, and
22 upon receipt of a reasonable fee to cover the cost of reproduction,
23 provide the person , ~~{or}~~ his legal representative *or insurer, as*
24 *applicable*, with a copy of the accident report and all statements by
25 witnesses and photographs in the possession or under the control of
26 the department or agency that concern the accident, unless ~~{the}~~ :

27 1. *The materials are privileged or confidential pursuant to a*
28 *specific statute ~~{-}~~ ; or*

29 2. *The accident involved:*

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

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

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

33 **Sec. 9.** NRS 280.400 is hereby amended to read as follows:

34 280.400 A metropolitan police department shall, ~~{at-the}~~ *within*
35 *7 days after receipt of a written* request of a person who claims to
36 have sustained damages as a result of an accident, *or his legal*
37 *representative or insurer*, and upon receipt of a reasonable fee to
38 cover the cost of reproduction, provide the person , ~~{or}~~ his legal
39 representative *or insurer, as applicable*, with a copy of the accident
40 report and all statements by witnesses and photographs in the
41 possession or under the control of the department that concern the
42 accident, unless ~~{the}~~ :

43 1. *The materials are privileged or confidential pursuant to a*
44 *specific statute ~~{-}~~ ; or*

45 2. *The accident involved:*



- 1 (a) *The death or substantial bodily harm of a person;*
- 2 (b) *Failure to stop at the scene of an accident; or*
- 3 (c) *The commission of a felony.*

4 **Sec. 10.** NRS 396.328 is hereby amended to read as follows:

5 396.328 The Police Department for the System shall, ~~{at the}~~
6 *within 7 days after receipt of a written* request of a person who
7 claims to have sustained damages as a result of an accident, *or his*
8 *legal representative or insurer*, and upon receipt of a reasonable fee
9 to cover the cost of reproduction, provide the person, ~~{or}~~ his legal
10 representative *or insurer, as applicable*, with a copy of the accident
11 report and all statements by witnesses and photographs in the
12 possession or under the control of the Department that concern the
13 accident, unless ~~{the}~~:

14 1. *The* materials are privileged or confidential pursuant to a
15 specific statute ~~{ }~~; *or*

16 2. *The accident involved:*

- 17 (a) *The death or substantial bodily harm of a person;*
- 18 (b) *Failure to stop at the scene of an accident; or*
- 19 (c) *The commission of a felony.*



