

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 concerning the notification provided to the owner of a motor vehicle that is towed at the request of a person other than the owner; and providing other matters properly relating thereto.

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 the report is not required to be provided within that time if the materials are privileged or confidential or 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)

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.



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Existing law provides that a person who stores a motor vehicle that has been towed at the request of someone other than the owner of the vehicle is required to provide notice to the owner within 15 days after placing the motor vehicle in storage or obtaining the identification of the owner. (NRS 706.4479)

This bill increases the time for providing notice to 21 days if the vehicle was towed at the request of a law enforcement officer following an accident involving the motor vehicle. This bill also prohibits the person who stores the vehicle from imposing any administrative or processing fee or charge for 14 days after such a motor vehicle is placed in storage.

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~~ ; 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



1 *person so fined an opportunity for a hearing pursuant to the*
2 *provisions of NRS 233B.121.*

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

6 **Sec. 3.** NRS 248.242 is hereby amended to read as follows:

7 248.242 A sheriff shall, ~~fat the~~ *within 7 days after receipt of a*
8 *written* request of a person who claims to have sustained damages as
9 a result of an accident, *or his legal representative or insurer*, and
10 upon receipt of a reasonable fee to cover the cost of reproduction,
11 provide the person , ~~for~~ his legal representative *or insurer, as*
12 *applicable*, with a copy of the accident report and all statements by
13 witnesses and photographs in the possession or under the control of
14 the sheriff's office that concern the accident, unless ~~the~~ :

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

17 *2. The accident involved:*

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

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

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

21 **Sec. 4.** NRS 258.072 is hereby amended to read as follows:

22 258.072 A constable shall, ~~fat the~~ *within 7 days after receipt*
23 *of a written* request of a person who claims to have sustained
24 damages as a result of an accident, *or his legal representative or*
25 *insurer*, and upon receipt of a reasonable fee to cover the cost of
26 reproduction, provide the person , ~~for~~ his legal representative *or*
27 *insurer, as applicable*, with a copy of the accident report and all
28 statements by witnesses and photographs in the possession or under
29 the control of the constable's office that concern the accident, unless
30 ~~the~~ :

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

33 *2. The accident involved:*

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

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

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

37 **Sec. 5.** NRS 268.900 is hereby amended to read as follows:

38 268.900 A police department or other law enforcement agency
39 of a city shall, ~~fat the~~ *within 7 days after receipt of a written*
40 request of a person who claims to have sustained damages as a
41 result of an accident, *or his legal representative or insurer*, and
42 upon receipt of a reasonable fee to cover the cost of reproduction,
43 provide the person , ~~for~~ his legal representative *or insurer, as*
44 *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 ~~it~~ ; 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 269.247 is hereby amended to read as follows:

269.247 A police department or other law enforcement agency 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 ~~it~~ ; 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. 7. NRS 280.400 is hereby amended to read as follows:

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 ~~it~~ ; 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. 8. NRS 396.328 is hereby amended to read as follows:

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



1 to cover the cost of reproduction, provide the person, ~~for~~ his legal
2 representative ***or insurer, as applicable***, with a copy of the accident
3 report and all statements by witnesses and photographs in the
4 possession or under the control of the Department that concern the
5 accident, unless ~~the~~ :

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

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

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

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

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

12 **Sec. 9.** NRS 706.4479 is hereby amended to read as follows:

13 706.4479 ***1.*** If a motor vehicle is towed at the request of
14 someone other than the owner, or authorized agent of the owner, of
15 the motor vehicle, the operator shall, in addition to the requirements
16 set forth in the provisions of chapter 108 of NRS:

17 ~~H~~ ***(a)*** Notify the registered and legal owner of the motor
18 vehicle by certified mail not later than ***21 days after placing the***
19 ***motor vehicle in storage if the motor vehicle was towed at the***
20 ***request of a law enforcement officer following an accident***
21 ***involving the motor vehicle or not later than*** 15 days after placing
22 ~~the~~ ***any other*** vehicle in storage:

23 ~~H(a)~~ ***(1)*** Of the location where the motor vehicle is being stored;

24 ~~H(b)~~ ***(2)*** Whether the storage is inside a locked building, in a
25 secured, fenced area or in an unsecured, open area;

26 ~~H(c)~~ ***(3)*** Of the charge for storage; and

27 ~~H(d)~~ ***(4)*** Of the date and time the vehicle was placed in storage.

28 ~~H2~~ ***(b)*** If the identity of the registered and legal owners is not
29 readily available, request the necessary information from the
30 Department. The operator shall attempt to notify the owner of the
31 vehicle as soon as possible, but in no case later than ~~15 days~~ :

32 ***(1) Twenty-one days*** after identification of the owner is
33 obtained ~~the~~

34 ~~3~~ ***if the motor vehicle that is placed in storage was towed at***
35 ***the request of a law enforcement officer following an accident***
36 ***involving the motor vehicle; or***

37 ***(2) Fifteen days after identification of the owner is obtained***
38 ***for any other motor vehicle.***

39 ***(c)*** Use all resources reasonably necessary to ascertain the name
40 of the owner of a vehicle and is responsible for making an
41 independent inquiry and correct notification of the owner.

42 ***2. If a motor vehicle that is placed in storage was towed at the***
43 ***request of a law enforcement officer following an accident***
44 ***involving the motor vehicle, the operator shall not impose any***
45 ***administrative or processing fee or charge with respect to the***



- 1 *vehicle for the period ending 14 days after the date on which the*
- 2 *motor vehicle was placed in storage.*



