
ASSEMBLY BILL NO. 214—ASSEMBLYMEN PARNELL,
GRADY AND PARKS

FEBRUARY 28, 2007

JOINT SPONSOR: SENATOR AMODEI

Referred to Committee on Transportation

SUMMARY—Makes various changes to provisions governing the removal of certain vehicles that are parked in an unauthorized manner. (BDR 43-713)

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; authorizing the owner or person in lawful possession of certain real property to obtain certain contact information of the owner of a vehicle parked in an unauthorized manner on the property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, the owner of any real property that is privately owned but
2 available for public use may have a vehicle which is parked in an unauthorized
3 manner towed from the property if a sign is displayed on the property declaring
4 public parking to be prohibited or restricted. (NRS 487.038) **Section 2** of this bill
5 authorizes such an owner or person in lawful possession of the property to obtain
6 the name and phone number of the owner of the vehicle from the local law
7 enforcement agency to arrange to have the vehicle removed from the property.
8 **Section 2** further authorizes the owner or person in lawful possession of real
9 property that is not available for public use to have a vehicle towed if it is parked in
10 an unauthorized manner.



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

Section 1. NRS 481.063 is hereby amended to read as follows:

481.063 1. The Director may charge and collect reasonable fees for official publications of the Department and from persons making use of files and records of the Department or its various divisions for a private purpose. All money so collected must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

2. Except as otherwise provided in subsection 5, the Director may release personal information, except a photograph, from a file or record relating to the driver's license, identification card, or title or registration of a vehicle of a person if the requester submits a written release from the person who holds a lien on the vehicle, or an agent of that person, or the person about whom the information is requested which is dated not more than 90 days before the date of the request. The written release must be in a form required by the Director.

3. Except as otherwise provided in subsection 2, the Director shall not release to any person who is not a representative of the Division of Welfare and Supportive Services of the Department of Health and Human Services or an officer, employee or agent of a law enforcement agency, an agent of the public defender's office or an agency of a local government which collects fines imposed for parking violations, who is not conducting an investigation pursuant to NRS 253.0415, 253.044 or 253.220, who is not authorized to transact insurance pursuant to chapter 680A of NRS or who is not licensed as a private investigator pursuant to chapter 648 of NRS and conducting an investigation of an insurance claim:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department;

(b) The social security number of any person, if it is requested to facilitate the solicitation of that person to purchase a product or service; or

(c) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

➤ When such personally identifiable information is requested of a law enforcement agency by the presentation of a license plate number, the law enforcement agency shall conduct an investigation regarding the person about whom information is being requested or, as soon as practicable, provide the requester with the requested information if the *request is made pursuant to NRS 487.038 or the requester officially reports that the motor vehicle bearing that*



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1 license plate was used in a violation of NRS 205.240, 205.345,
2 205.380 or 205.445.

3 4. Except as otherwise provided in subsections 2 and 5, the
4 Director shall not release any personal information from a file or
5 record relating to a driver's license, identification card, or title or
6 registration of a vehicle.

7 5. Except as otherwise provided in paragraph (a) and
8 subsection 6, if a person or governmental entity provides a
9 description of the information requested and its proposed use and
10 signs an affidavit to that effect, the Director may release any
11 personal information, except a photograph, from a file or record
12 relating to a driver's license, identification card, or title or
13 registration of a vehicle for use:

14 (a) By any governmental entity, including, but not limited to,
15 any court or law enforcement agency, in carrying out its functions,
16 or any person acting on behalf of a federal, state or local
17 governmental agency in carrying out its functions. The personal
18 information may include a photograph from a file or record relating
19 to a driver's license, identification card, or title or registration of a
20 vehicle.

21 (b) In connection with any civil, criminal, administrative or
22 arbitration proceeding before any federal or state court, regulatory
23 body, board, commission or agency, including, but not limited to,
24 use for service of process, investigation in anticipation of litigation,
25 and execution or enforcement of judgments and orders, or pursuant
26 to an order of a federal or state court.

27 (c) In connection with matters relating to:

- 28 (1) The safety of drivers of motor vehicles;
29 (2) Safety and thefts of motor vehicles;
30 (3) Emissions from motor vehicles;
31 (4) Alterations of products related to motor vehicles;
32 (5) An advisory notice relating to a motor vehicle or the
33 recall of a motor vehicle;
34 (6) Monitoring the performance of motor vehicles;
35 (7) Parts or accessories of motor vehicles;
36 (8) Dealers of motor vehicles; or
37 (9) Removal of nonowner records from the original records
38 of motor vehicle manufacturers.

39 (d) By any insurer, self-insurer or organization that provides
40 assistance or support to an insurer or self-insurer or its agents,
41 employees or contractors, in connection with activities relating to
42 the rating, underwriting or investigation of claims or the prevention
43 of fraud.

44 (e) In providing notice to the owners of vehicles that have been
45 towed, repossessed or impounded.



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(f) By an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license who is employed by or has applied for employment with the employer.

(g) By a private investigator, private patrolman or security consultant who is licensed pursuant to chapter 648 of NRS, for any use permitted pursuant to this section.

(h) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station for a journalistic purpose. The Department may not make any inquiries regarding the use of or reason for the information requested other than whether the information will be used for a journalistic purpose.

(i) In connection with an investigation conducted pursuant to NRS 253.0415, 253.044 or 253.220.

(j) In activities relating to research and the production of statistical reports, if the personal information will not be published or otherwise redisclosed, or used to contact any person.

(k) In the bulk distribution of surveys, marketing material or solicitations, if the Director has adopted policies and procedures to ensure that:

(1) The information will be used or sold only for use in the bulk distribution of surveys, marketing material or solicitations;

(2) Each person about whom the information is requested has clearly been provided with an opportunity to authorize such a use; and

(3) If the person about whom the information is requested does not authorize such a use, the bulk distribution will not be directed toward that person.

6. Except as otherwise provided in paragraph (j) of subsection 5, a person who requests and receives personal information may sell or disclose that information only for a use permitted pursuant to subsection 5. Such a person shall keep and maintain for 5 years a record of:

(a) Each person to whom the information is provided; and

(b) The purpose for which that person will use the information.

➤ The record must be made available for examination by the Department at all reasonable times upon request.

7. Except as otherwise provided in subsection 2, the Director may deny any use of the files and records if he reasonably believes that the information taken may be used for an unwarranted invasion of a particular person's privacy.

8. Except as otherwise provided in NRS 485.316, the Director shall not allow any person to make use of information retrieved from the database created pursuant to NRS 485.313 for a private



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1 purpose and shall not in any other way release any information
2 retrieved from that database.

3 9. The Director shall adopt such regulations as he deems
4 necessary to carry out the purposes of this section. In addition, the
5 Director shall, by regulation, establish a procedure whereby a person
6 who is requesting personal information may establish an account
7 with the Department to facilitate his ability to request information
8 electronically or by written request if he has submitted to the
9 Department proof of his employment or licensure, as applicable, and
10 a signed and notarized affidavit acknowledging:

11 (a) That he has read and fully understands the current laws and
12 regulations regarding the manner in which information from the
13 Department's files and records may be obtained and the limited uses
14 which are permitted;

15 (b) That he understands that any sale or disclosure of
16 information so obtained must be in accordance with the provisions
17 of this section;

18 (c) That he understands that a record will be maintained by the
19 Department of any information he requests; and

20 (d) That he understands that a violation of the provisions of this
21 section is a criminal offense.

22 10. It is unlawful for any person to:

23 (a) Make a false representation to obtain any information from
24 the files or records of the Department.

25 (b) Knowingly obtain or disclose any information from the files
26 or records of the Department for any use not permitted by the
27 provisions of this chapter.

28 11. As used in this section, "personal information" means
29 information that reveals the identity of a person, including, without
30 limitation, his photograph, social security number, driver's license
31 number, identification card number, name, address, telephone
32 number or information regarding a medical condition or disability.
33 The term does not include the zip code of a person when separate
34 from his full address, information regarding vehicular accidents or
35 driving violations in which he has been involved or other
36 information otherwise affecting his status as a driver.

37 **Sec. 2.** NRS 487.038 is hereby amended to read as follows:

38 487.038 1. ~~{Except as otherwise provided in subsections 3~~
39 ~~and 4, the}~~ **The** owner or person in lawful possession of any real
40 property **that is privately owned but available for public use** may ~~+~~
41 ~~after giving notice pursuant to~~ :

42 **(a) Except as otherwise provided in** subsection 2, utilize the
43 services of any tow car operator subject to the jurisdiction of the
44 Transportation Services Authority to remove any vehicle parked in



1 an unauthorized manner on that property to the nearest public
2 garage or storage yard if:

3 ~~[(a)]~~ (1) A sign is displayed in plain view on the property
4 declaring public parking to be prohibited or restricted in a certain
5 manner; and

6 ~~[(b)]~~ (2) The sign shows the telephone number of the police
7 department or sheriff's office.

8 *(b) Request from the local law enforcement agency the name*
9 *and telephone number of the owner of the vehicle. The local law*
10 *enforcement agency shall provide such information upon*
11 *satisfactory proof of ownership or lawful possession of the*
12 *property. Such information must be used only to contact the owner*
13 *of the vehicle to arrange to have the vehicle removed from the*
14 *property.*

15 2. ~~{Oral notice must be given to the police department or~~
16 ~~sheriff's office, whichever is appropriate, indicating:~~

17 ~~—(a) The time the vehicle was removed;~~

18 ~~—(b) The location from which the vehicle was removed; and~~

19 ~~—(c) The location to which the vehicle was taken.~~

20 ~~—3.]~~ Any vehicle which is parked in a space designated for the
21 handicapped and *which* is not properly marked for such parking
22 may be removed ~~{if notice is given to the police department or~~
23 ~~sheriff's office pursuant to subsection 2,}~~ whether or not a sign is
24 displayed pursuant to *paragraph (a) of* subsection 1.

25 ~~[4.]~~ 3. The owner or person in lawful possession of
26 ~~{residential}~~ real property ~~{upon which a single family dwelling is~~
27 ~~located}~~ *that is privately owned but not available for public use*
28 ~~may [, after giving notice pursuant to subsection 2,]~~ utilize the
29 services of any tow car operator subject to the jurisdiction of the
30 Transportation Services Authority to remove any vehicle parked in
31 an unauthorized manner on that property to the nearest public
32 garage or storage yard, whether or not a sign is displayed pursuant
33 to *paragraph (a) of* subsection 1.

34 4. *After the owner or person in lawful possession of real*
35 *property has caused a vehicle to be removed from the property by a*
36 *tow car operator pursuant to this section, the owner or person*
37 *must notify the local law enforcement agency of:*

38 *(a) The time the vehicle was removed;*

39 *(b) The location from which the vehicle was removed; and*

40 *(c) The location to which the vehicle was taken.*

41 5. All costs incurred, under the provisions of this section, for
42 towing and storage must be borne by the owner of the vehicle . ~~[, as~~
43 ~~that term is defined in NRS 484.091.]~~

44 6. The provisions of this section do not limit or affect any
45 rights or remedies which the owner or person in lawful possession



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- 1 of real property may have by virtue of other provisions of the law
- 2 authorizing the removal of a vehicle parked on that property.
- 3 **7. As used in this section, “owner” has the meaning ascribed**
- 4 **to it in NRS 484.091.**
- 5 **Sec. 3.** This act becomes effective upon passage and approval.

