

ASSEMBLY BILL NO. 240—ASSEMBLYMEN KOIVISTO, MCCLAIN, CLABORN, PARKS, ANDERSON, ARBERRY, ATKINSON, BEERS, BOBZIEN, CONKLIN, GRADY, HOGAN, HORNE, MANENDO, MORTENSON, SEGERBLOM, WEBER AND WOMACK

MARCH 2, 2007

Referred to Committee on Transportation

SUMMARY—Provides for the impoundment of motor vehicles in certain situations. (BDR 43-973)

FISCAL NOTE: Effect on Local Government: No.  
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 a peace officer to impound a motor vehicle if the driver does not have a driver's license or evidence of insurance in his possession; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

- 1 Existing law provides that a driver who does not have his driver's license or  
2 evidence of insurance in his possession while driving must be issued a citation,  
3 though he may not be convicted if he later produces his driver's license or evidence  
4 of insurance in court or to the arresting officer. (NRS 483.350, 484.792) **Sections 1**  
5 **and 2** of this bill provide that, in addition to issuing a citation, a peace officer may  
6 impound a vehicle if the driver does not have his driver's license or evidence of  
7 insurance in his possession. The driver or owner must produce the driver's license  
8 or evidence of insurance and pay the towing and impounding fees before the  
9 vehicle is returned to him.

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

- 1 **Section 1.** NRS 483.350 is hereby amended to read as follows:  
2 483.350 **1.** Every licensee shall have his driver's license in  
3 his immediate possession at all times when driving a motor vehicle  
4 and shall manually surrender the license for examination, upon



\* A B 2 4 0 R 1 \*

1 demand, to a justice of the peace, a peace officer ~~H~~ or a deputy of  
2 the Department. ~~{However, no}~~

3 *2. If a licensee fails to have his driver's license in his*  
4 *immediate possession when driving a motor vehicle, and the peace*  
5 *officer or deputy of the Department is unable to ascertain that the*  
6 *driver holds a valid driver's license in this State or in any other*  
7 *jurisdiction, the peace officer or deputy of the Department may*  
8 *cause the vehicle to be towed and impounded until:*

9 *(a) The licensee produces in court or in the office of the*  
10 *arresting officer a driver's license theretofore issued to him and*  
11 *valid at the time of the demand; and*

12 *(b) The owner of the motor vehicle claims the vehicle by*  
13 *paying the cost of the towing and impoundment.*

14 *3. Neither the peace officer or deputy of the Department nor*  
15 *the governmental entity which employs him is civilly liable for any*  
16 *damage to a motor vehicle seized pursuant to subsection 2 that*  
17 *occurs after the vehicle is seized, but before the towing process*  
18 *begins.*

19 *4. No* person charged with violating this section shall be  
20 convicted *pursuant to NRS 483.620* if he produces in court or *in* the  
21 office of the arresting officer a driver's license theretofore issued to  
22 him and valid at the time of the demand.

23 **Sec. 2.** NRS 484.792 is hereby amended to read as follows:

24 484.792 *1.* Whenever the driver of a vehicle is stopped by a  
25 peace officer for violating a provision of this chapter, except for  
26 violating a provision of NRS 484.395 to 484.443, inclusive, the  
27 officer shall demand ~~{proof}~~ *evidence* of the insurance required by  
28 NRS 485.185, and issue a citation as provided in NRS 484.799 if  
29 the officer has probable cause to believe that the driver of the  
30 vehicle is in violation of NRS 485.187.

31 *2.* If the driver of the vehicle is not the owner, a citation must  
32 also be issued to the owner, and in such a case the driver:

33 ~~{1-}~~ *(a)* May sign the citation on behalf of the owner; and

34 ~~{2-}~~ *(b)* Shall notify the owner of the citation within 3 days after  
35 it is issued.

36 ➔ The agency which employs the peace officer shall immediately  
37 forward a copy of the citation to the registered owner of the vehicle,  
38 by certified mail, at his address as it appears on the certificate of  
39 registration.

40 *3. If the driver of the vehicle fails to provide evidence of*  
41 *insurance upon demand pursuant to subsection 1, and the peace*  
42 *officer has probable cause to believe that the driver is in violation*  
43 *of NRS 485.187, the officer may cause the vehicle to be towed and*  
44 *impounded until:*



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1       (a) The driver or owner presents evidence of insurance in  
2 effect at the time of demand to the court pursuant to NRS 485.187;  
3 and

4       (b) The owner of the motor vehicle claims the vehicle by  
5 paying the cost of the towing and impoundment.

6       4. Neither the peace officer nor the governmental entity  
7 which employs him is civilly liable for any damage to a motor  
8 vehicle seized pursuant to subsection 3 that occurs after the  
9 vehicle is seized, but before the towing process begins.

