

ASSEMBLY BILL NO. 489—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF CLARK COUNTY)

MARCH 21, 2007

Referred to Committee on Transportation

SUMMARY—Revises provisions governing the towing of motor vehicles from public or private property. (BDR 43-345)

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; allowing a civil action to be filed against the owner or person in lawful possession of real property on which public parking is restricted in a certain manner for the improper towing of a vehicle; increasing the time within which a court must hold a hearing relating to an improper towing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows an owner of an off-street parking facility to authorize the towing or removing of a vehicle from the facility in certain circumstances. (NRS 487.037) Existing law also allows the owner or person in lawful possession of any real property to have a vehicle that is parked in an unauthorized manner on the property towed if certain signs are posted and certain notices are given. (NRS 487.038) Finally, existing law allows a person whose car has been towed from private property, but not property where public parking is allowed, to bring a civil action against the person who authorized the towing to determine if the towing was lawful. (NRS 487.039)

This bill allows a person who believes his vehicle has been unlawfully towed from real property where public parking is allowed to file a civil action and for process to be served on the owner or person in lawful possession of the real property. This bill also decreases the time within which the court must hold a hearing on the matter of the propriety of the towing from 7 calendar days to 4 working days after the action is filed.



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

- 1 **Section 1.** NRS 487.039 is hereby amended to read as follows:
2 487.039 1. If a vehicle is towed ~~{from private property upon~~
3 ~~the request of the owner of the private property, or a person in~~
4 ~~lawful possession of that property,}~~ *pursuant to NRS 487.037 or*
5 *487.038* and the owner of the vehicle believes that the vehicle was
6 unlawfully towed, the owner of the vehicle may file a civil action
7 pursuant to paragraph (b) of subsection 1 of NRS 4.370 in the
8 justice court of the township where the ~~{private}~~ property *from*
9 *which the vehicle was towed* is located, on a form provided by the
10 court, to determine whether the towing of the vehicle was lawful.
11 2. An action may be filed pursuant to this section only if the
12 cost of towing and storing the vehicle does not exceed \$10,000.
13 3. Upon the filing of a civil action pursuant to subsection 1, the
14 court shall schedule a date for a hearing. The hearing must be held
15 not later than ~~{7}~~ *4 working* days after the action is filed. The court
16 shall affix the date of the hearing to the form and order a copy
17 served by the sheriff, constable or other process server upon the
18 *owner or person in lawful possession of the property* who
19 authorized the towing of the vehicle.
20 4. The court shall:
21 (a) If it determines that the vehicle was:
22 (1) Lawfully towed, order the owner of the vehicle to pay the
23 cost of towing and storing the vehicle and order the person who is
24 storing the vehicle to release the vehicle to the owner upon payment
25 of that cost; or
26 (2) Unlawfully towed, order the *owner or person in lawful*
27 *possession of the property* who authorized the towing to pay the
28 cost of towing and storing the vehicle and order the person who is
29 storing the vehicle to release the vehicle to the owner immediately;
30 and
31 (b) Determine the actual cost incurred in towing and storing the
32 vehicle.
33 5. The operator of any facility or other location where vehicles
34 which are towed ~~{from private property}~~ are stored shall display
35 conspicuously at that facility or location a sign which sets forth the
36 provisions of this section.
37 **Sec. 2.** This act becomes effective on July 1, 2007.

