

CHAPTER.....

AN ACT relating to constables; authorizing constables to collect fees for removing or causing the removal of abandoned vehicles from public property; making various other changes to provisions governing the removal and disposition of abandoned vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill adds to the list of fees to which constables are entitled for their services a fee of \$50 for removing or causing the removal of an abandoned vehicle from public property. (NRS 258.125) **Sections 3 and 5** of this bill require an automobile wrecker that removes an abandoned vehicle from public property at the request of a constable to collect the \$50 fee on behalf of the constable and transmit the fee to the constable. **Section 5** also makes the constable's fee part of the lien that a garage owner or automobile wrecker who removes an abandoned vehicle from public property at the request of a constable has on the vehicle. **Section 5** provides that if the wrecker is unable to collect the constable's fee from the owner of the vehicle, the wrecker is not required to transmit the fee to the constable unless the wrecker is able to satisfy his own lien. (NRS 487.095, 487.270)

Existing law provides that certain law enforcement officers, including constables, may remove a vehicle from public property within their jurisdiction if they have reason to believe that the vehicle is abandoned. (NRS 487.230) **Section 4** of this bill clarifies that such authority to remove abandoned vehicles from public property also includes the authority to cause the removal of the vehicles.

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

Section 1. NRS 258.125 is hereby amended to read as follows:
258.125 1. Constables are entitled to the following fees for
their services:

For serving a summons or other process by which a suit is commenced in civil cases	\$17
For summoning a jury before a justice of the peace	7
For taking a bond or undertaking	5
For serving an attachment against the property of a defendant.....	9
For serving subpoenas, for each witness.....	15
For a copy of any writ, process or order or other paper, when demanded or required by law, per folio	3



For drawing and executing every constable's deed, to be paid by the grantee, who must also pay for the acknowledgment thereof.....	\$20
For each certificate of sale of real property under execution.....	5
For levying any writ of execution or writ of garnishment, or executing an order of arrest in civil cases, or order for delivery of personal property, with traveling fees as for summons	9
For serving one notice required by law before the commencement of a proceeding for any type of eviction.....	26
For serving not fewer than 2 nor more than 10 such notices to the same location, each notice	20
For serving not fewer than 11 nor more than 24 such notices to the same location, each notice	17
For serving 25 or more such notices to the same location, each notice.....	15
For mileage in serving such a notice, for each mile necessarily and actually traveled in going only	2
But if two or more notices are served at the same general location during the same period, mileage may only be charged for the service of one notice.	
For each service in a summary eviction, except service of any notice required by law before commencement of the proceeding, and for serving notice of and executing a writ of restitution	21
For making and posting notices, and advertising property for sale on execution, not to include the cost of publication in a newspaper.....	9
For each warrant lawfully executed	48
For mileage in serving summons, attachment, execution, order, venire, subpoena, notice, summary eviction, writ of restitution or other process in civil suits, for each mile necessarily and actually traveled, in going only	2
But when two or more persons are served in the same suit, mileage may only be charged for the most distant, if they live in the same direction.	



For mileage in making a diligent but unsuccessful effort to serve a summons, attachment, execution, order, venire, subpoena or other process in civil suits, for each mile necessarily and actually traveled, in going only\$2
But mileage may not exceed \$20 for any unsuccessful effort to serve such process.

2. A constable is also entitled to receive:

(a) For receiving and taking care of property on execution, attachment or order, his actual necessary expenses, to be allowed by the court which issued the writ or order, upon the affidavit of the constable that the charges are correct and the expenses necessarily incurred.

(b) For collecting all sums on execution or writ, to be charged against the defendant, on the first \$3,500, 2 percent thereof, and on all amounts over that sum, one-half of 1 percent.

(c) For service in criminal cases, except for execution of warrants, the same fees as are allowed sheriffs for like services, to be allowed, audited and paid as are other claims against the county.

(d) For removing or causing the removal of, pursuant to NRS 487.230, a vehicle that has been abandoned on public property, \$50.

3. Deputy sheriffs acting as constables are not entitled to retain for their own use any fees collected by them, but the fees must be paid into the county treasury on or before the 5th working day of the month next succeeding the month in which the fees were collected.

4. Constables shall, on or before the 5th working day of each month, account for and pay to the county treasurer all fees collected during the preceding month, except fees which may be retained as compensation.

Sec. 2. NRS 258.230 is hereby amended to read as follows:

258.230 ~~[A]~~ ***Except with respect to the fee described in paragraph (d) of subsection 2 of NRS 258.125, all*** fees prescribed in this chapter shall be payable in advance, if demanded. If a constable shall not have received any or all of his fees, which may be due him for services rendered by him in any suit or proceedings, he may have execution therefor in his own name against the party or parties from whom they are due, to be issued from the court where the action is pending, upon the order of the justice of the peace or court upon affidavit filed.

Sec. 3. NRS 487.095 is hereby amended to read as follows:

487.095 ***1. Except as otherwise provided in subsection 2:***



(a) An automobile wrecker may only charge and collect those fees for towing an abandoned automobile as are prescribed by regulations of the Department.

(b) An automobile wrecker shall not charge a fee to tow an abandoned vehicle if he does not obtain the consent of the owner of the property to tow the vehicle.

2. When an automobile wrecker removes an abandoned vehicle from public property at the request of a constable as provided in NRS 487.230, the automobile wrecker shall:

(a) If the owner of the abandoned vehicle can be identified and if the automobile wrecker is able to collect from the owner the fee described in paragraph (d) of subsection 2 of NRS 258.125, transmit that fee to the constable; or

(b) If the owner of the abandoned vehicle cannot be identified or if the automobile wrecker is otherwise unable to collect from the owner the fee described in paragraph (d) of subsection 2 of NRS 258.125, transmit that fee to the constable only if he is able to satisfy his own lien, as provided in NRS 487.270.

Sec. 4. NRS 487.230 is hereby amended to read as follows:

487.230 1. Except as otherwise provided in NRS 487.235, any sheriff or his designee, constable, member of the Nevada Highway Patrol, officer of the Legislative Police, investigator of the Division of Compliance Enforcement of the Department, personnel of the Capitol Police Division of the Department of Public Safety, designated employees of the Manufactured Housing Division of the Department of Business and Industry, special investigator employed by the office of a district attorney, marshal or policeman of a city or town or his designee, a marshal or park ranger who is part of a unit of specialized law enforcement established pursuant to NRS 280.125, or any other person charged with the enforcement of county or city ordinances who has reason to believe that a vehicle has been abandoned on public property in his jurisdiction may remove the vehicle from that property ~~or~~ **or cause the vehicle to be removed from that property.** At the request of the owner or person in possession or control of private property who has reason to believe that a vehicle has been abandoned on his property, the vehicle may be removed by the operator of a tow car or an automobile wrecker from that private property.

2. A person who authorizes the removal of an abandoned vehicle pursuant to subsection 1 shall:

(a) Have the vehicle taken to the nearest garage or other place designated for storage by:



(1) The state agency or political subdivision making the request if the vehicle is removed from public property.

(2) The owner or person in possession or control of the property if the vehicle is removed from private property.

(b) Make all practical inquiries to ascertain if the vehicle is stolen by checking the license plate number, vehicle identification number and other available information which will aid in identifying the registered and legal owner of the vehicle and supply the information to the person who is storing the vehicle.

Sec. 5. NRS 487.270 is hereby amended to read as follows:

487.270 1. Whenever a vehicle has been removed to a garage or other place as provided by NRS 487.230, the owner of the garage or the automobile wrecker who towed the vehicle has a lien on the vehicle for ~~the~~ :

(a) *The* costs of towing and storing for a period not exceeding 90 days ~~H~~; and

(b) *If the vehicle was removed from public property at the request of a constable, the fee described in paragraph (d) of subsection 2 of NRS 258.125.*

2. If the vehicle is appraised at a value of \$500 or less and is not reclaimed within the period prescribed in NRS 487.250, the owner of the garage or automobile wrecker may satisfy his lien by retaining the vehicle and obtaining a certificate pursuant to NRS 487.880, if applicable, or a salvage title as provided in NRS 487.810.

3. If the vehicle is appraised at a value of more than \$500 and is not reclaimed within 45 days, the owner of the garage or automobile wrecker may satisfy his lien, in accordance with the provisions of NRS 108.265 to 108.360, inclusive. Before such a person may sell the vehicle, he shall obtain a certificate pursuant to NRS 487.880, if applicable, or a salvage title as provided in NRS 487.810.

4. *If the vehicle was removed from public property at the request of a constable and the owner of the garage or automobile wrecker satisfies his lien pursuant to subsection 2 or 3, the owner of the garage or automobile wrecker shall transmit to the constable the fee described in paragraph (d) of subsection 2 of NRS 258.125.*

Sec. 6. This act becomes effective on July 1, 2007.

