

Amendment No. 514

Assembly Amendment to Assembly Bill No. 240

(BDR 43-973)

Proposed by: Assembly Committee on Transportation**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold*** is newly added transitory language.

EAH/SGW



Date: 4/20/2007

A.B. No. 240—Provides for the impoundment of motor vehicles in certain situations. (BDR 43-973)



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; ~~requiring~~ **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:

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

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

Section 1. NRS 483.350 is hereby amended to read as follows:

483.350 **1.** Every licensee shall have his driver's license in his immediate possession at all times when driving a motor vehicle and shall manually surrender the license for examination, upon demand, to a justice of the peace, a peace officer ~~or~~ or a deputy of the Department. ~~However, no~~

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

1 (a) The licensee produces in court or in the office of the arresting officer a
2 driver's license theretofore issued to him and valid at the time of the demand; and
3 (b) The owner of the motor vehicle claims the vehicle by paying the cost of
4 the towing and impoundment.

5 3. Neither the peace officer or deputy of the Department nor the
6 governmental entity which employs him is civilly liable for any damage to a
7 motor vehicle seized pursuant to subsection 2 that occurs after the vehicle is
8 seized, but before the towing process begins.

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

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

13 484.792 1. Whenever the driver of a vehicle is stopped by a peace officer
14 for violating a provision of this chapter, except for violating a provision of NRS
15 484.395 to 484.443, inclusive, the officer shall demand ~~proof~~ evidence of the
16 insurance required by NRS 485.185, and issue a citation as provided in NRS
17 484.799 if the officer has probable cause to believe that the driver of the vehicle is
18 in violation of NRS 485.187.

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

21 ~~1-1~~ (a) May sign the citation on behalf of the owner; and

22 ~~1-2~~ (b) Shall notify the owner of the citation within 3 days after it is issued.

23 ➤ The agency which employs the peace officer shall immediately forward a copy
24 of the citation to the registered owner of the vehicle, by certified mail, at his
25 address as it appears on the certificate of registration.

26 3. If the driver of the vehicle fails to provide evidence of insurance upon
27 demand pursuant to subsection 1, and the peace officer has probable cause to
28 believe that the driver is in violation of NRS 485.187, the officer ~~shall~~ may
29 cause the vehicle to be towed and impounded until:

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

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

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