

ASSEMBLY BILL NO. 333—ASSEMBLYMEN DENIS AND ATKINSON

MARCH 13, 2009

Referred to Committee on Transportation

SUMMARY—Revises certain provisions relating to the towing of vehicles. (BDR 58-835)

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 tow cars; revising certain provisions relating to the towing of vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the Nevada Transportation Authority to reduce any charge for preparing or satisfying a lien which is filed by the operator of a tow car if the Authority determines that all or part of the charge is attributable to the operator's failure to prepare or satisfy the lien in a timely manner. (NRS 706.4468)

Existing law provides that if an operator of a tow car tows a motor vehicle at the request of someone other than the owner, the operator is required to notify the owner of certain information within a particular period of time. (NRS 706.4479)

Section 2 of this bill: (1) requires such information to be provided 7 days earlier than the existing law; and (2) adds to the list of the information that must be provided notice to the registered and legal owner of the vehicle as to the actions the owner may take to reduce his liability for any potentially applicable assessments, fees, penalties or other charges.

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

Section 1. NRS 706.4468 is hereby amended to read as follows:

706.4468 1. Each operator of a tow car shall file its charges for preparing or satisfying a lien to which the operator is entitled against a vehicle that was towed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle. The Authority ~~may~~:



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(a) May investigate any charge filed pursuant to this subsection and revise the charge as necessary to ensure that the charge is reasonable.

(b) Shall reduce any charge filed pursuant to this subsection if the Authority determines that the charge is unreasonable because the charge is attributable, in whole or in part, to failure on the part of the operator of the tow car to prepare or satisfy his lien in a timely manner.

2. An operator of a tow car may not impose a charge or any part of a charge filed pursuant to subsection 1 unless the operator:

(a) Has initiated the procedure by which a person may satisfy a lien; and

(b) Stores the vehicle for at least 96 hours.

3. If an operator of a tow car stores a vehicle that was towed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle for at least 96 hours but not more than 336 hours, the operator may charge an amount not to exceed 50 percent of the charge approved by the Authority pursuant to subsection 1 for preparing or satisfying a lien.

4. If an operator of a tow car stores a vehicle that was towed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle for more than 336 hours, the operator may charge an amount not to exceed 50 percent of the charge approved by the Authority pursuant to subsection 1 for preparing or satisfying a lien in addition to the amount charged pursuant to subsection 3.

Sec. 2. NRS 706.4479 is hereby amended to read as follows:

706.4479 1. If a motor vehicle is towed at the request of someone other than the owner, or authorized agent of the owner, of the motor vehicle, the operator shall, in addition to the requirements set forth in the provisions of chapter 108 of NRS:

(a) Notify the registered and legal owner of the motor vehicle by certified mail not later than ~~121~~ 14 days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following an accident involving the motor vehicle or not later than ~~115~~ 8 days after placing any other vehicle in storage:

(1) Of the location where the motor vehicle is being stored;

(2) Whether the storage is inside a locked building, in a secured, fenced area or in an unsecured, open area;

(3) Of the charge for towing and storage; ~~and~~

(4) Of the date and time the vehicle was placed in storage ~~;~~

; and

(5) Of the actions that the registered and legal owner of the vehicle may take to recover his vehicle while incurring the lowest



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1 *possible liability in accrued assessments, fees, penalties or other*
2 *charges.*

3 (b) If the identity of the registered and legal owner is not known
4 or readily available, make every reasonable attempt and use all
5 resources reasonably necessary, as evidenced by written
6 documentation, to obtain the identity of the owner and any other
7 necessary information from the agency charged with the registration
8 of the motor vehicle in this State or any other state within:

9 (1) Twenty-one days after placing the motor vehicle in
10 storage if the motor vehicle was towed at the request of a law
11 enforcement officer following an accident involving the motor
12 vehicle; or

13 (2) Fifteen days after placing any other motor vehicle in
14 storage.

15 ➤ The operator shall attempt to notify the owner of the vehicle by
16 certified mail as soon as possible, but in no case later than 15 days
17 after identification of the owner is obtained for any motor vehicle.

18 2. If an operator includes in his tariff a fee to be charged to the
19 registered and legal owner of a vehicle for the towing and storage of
20 the vehicle, the fee may not be charged:

21 (a) For more than 21 days after placing the motor vehicle in
22 storage if the motor vehicle was towed at the request of a law
23 enforcement officer following an accident involving the motor
24 vehicle; or

25 (b) For more than 15 days after placing any other vehicle in
26 storage,

27 ➤ unless the operator complies with the requirements set forth in
28 subsection 1.

29 **Sec. 3.** This act becomes effective on July 1, 2009.

