

Amendment No. 383

Assembly Amendment to Assembly Bill No. 333

(BDR 58-835)

Proposed by: Assembly Committee on Transportation**Amends:** Summary: Yes 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 dashed underlining*** is newly added transitory language.

SJA/MSM



Date: 4/19/2009

A.B. No. 333—Revises certain provisions relating to the towing of vehicles.
(BDR 58-835)



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~~ **motor** 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;~~ **motor vehicles**; revising certain provisions relating to the towing of vehicles; ***authorizing an electronic notification to the Department of Motor Vehicles of the transfer of ownership of a motor vehicle; authorizing the Department to provide certain information about the transfer of ownership of a motor vehicle to tow car operators and other interested parties;*** 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 presumes that an abandoned motor vehicle was abandoned by its registered owner. The registered owner is thus responsible for the costs of removing and disposing of the vehicle. Existing law also provides for the rebuttal of this presumption. (NRS 487.220) Section 2 of this bill provides a similar presumption, and opportunity for rebuttal, for the registered owner of a vehicle that is towed at the request of the owner of real property from which the vehicle is towed. (NRS 706.4477)~~

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 3*** of this bill: (1) requires such information to be provided ~~17 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 ~~14~~ ***14***, ***and as to the opportunity to rebut presumptions about the ownership of a vehicle.***

Section 4 of this bill ***authorizes a person who transfers ownership of a motor vehicle to notify the Department of Motor Vehicles of the transfer electronically. Section 4 also authorizes the Department to provide information regarding vehicle ownership transfers to tow car operators and other interested parties. (NRS 482.400)***

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~~:

(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 706.4477 is hereby amended to read as follows:

706.4477 1. If towing is requested by a person other than the owner, or an agent of the owner, of the motor vehicle or a law enforcement officer:

~~(a)~~ (a) The person requesting the towing must be the owner of the real property from which the vehicle is towed or his authorized agent and must sign a specific request for the towing. For the purposes of this section, the operator is not an authorized agent of the owner of the real property.

~~(b)~~ (b) The area from which the vehicle is to be towed must be appropriately posted in accordance with state or local requirements.

~~(c)~~ (c) Notice must be given to the appropriate law enforcement agency pursuant to state and local requirements.

~~(d)~~ (d) The operator may be directed to terminate the towing by a law enforcement officer.

2. The registered owner of a motor vehicle towed pursuant to the provisions of subsection 1:

(a) Is presumed to have left the motor vehicle on the real property from which the vehicle is towed; and

(b) Is responsible for the cost of removal and storage of the motor vehicle.

3. The registered owner may rebut the presumption in subsection 2 by showing that:

(a) He transferred his interest in the motor vehicle;

(1) Pursuant to the provisions set forth in NRS 482.399 to 482.420, inclusive; or

(2) As indicated by a bill of sale for the vehicle that is signed by the registered owner; or

(b) The vehicle is stolen, if he submits evidence that, before the discovery of the vehicle, he filed an affidavit with the Department or a written report with an appropriate law enforcement agency alleging the theft of the vehicle.

~~Sec. 2.~~ Sec. 3. 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 ~~14~~ 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 ~~15~~ ~~14~~ 7 business 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 possible liability in accrued assessments, fees, penalties or other charges ~~;~~ and

(6) Of the opportunity to rebut the presumptions set forth in NRS 487.220 and 706.4477.

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

(1) Twenty-one 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

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

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

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

(a) For more than 21 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

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

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

Sec. 4. NRS 482.400 is hereby amended to read as follows:

482.400 1. Except as otherwise provided in this subsection and subsections ~~2, 5 and 6,~~ 3, 6 and 7, and NRS 482.247, upon a transfer of the title to, or the interest of an owner in, a vehicle registered or issued a certificate of title under the provisions of this chapter, the person or persons whose title or interest is to be transferred and the transferee shall write their signatures with pen and ink upon the certificate of title issued for the vehicle, together with the residence address of the transferee, in the appropriate spaces provided upon the reverse side of the

1 certificate. The Department may, by regulation, prescribe alternative methods by
2 which a signature may be affixed upon a manufacturer's certificate of origin or a
3 manufacturer's statement of origin issued for a vehicle. The alternative methods
4 must ensure the authenticity of the signatures.

5 2. Within 5 days after the transfer of the title to, or the interest of an owner
6 in, a vehicle registered or issued a certificate of title under the provisions of this
7 chapter, the person or person whose title or interest is to be transferred may
8 submit electronically to the Department a notice of the transfer. The Department
9 may provide, by request and at the discretion of the Department, information
10 submitted to the Department pursuant to this section to a tow car operator or
11 other interested party. The Department shall adopt regulations establishing:

12 (a) Procedures for electronic submissions pursuant to this section; and
13 (b) Standards for determining who may receive information from the
14 Department pursuant to this section.

15 3. The Department shall provide a form for use by a dealer for the transfer of
16 ownership of a vehicle. The form must be produced in a manner which ensures that
17 the form may not be easily counterfeited. Upon the attachment of the form to a
18 certificate of title issued for a vehicle, the form becomes a part of that certificate of
19 title. The Department may charge a fee not to exceed the cost to provide the form.

20 ~~3.4~~ 4. Except as otherwise provided in subsections ~~4.4, 5 and 6~~ 5, 6 and 7,
21 the transferee shall immediately apply for registration as provided in NRS 482.215
22 and shall pay the governmental services taxes due.

23 ~~4.4~~ 5. If the transferee is a dealer who intends to resell the vehicle, he is not
24 required to register, pay a transfer or registration fee for, or pay a governmental
25 services tax on the vehicle. When the vehicle is resold, the purchaser shall apply for
26 registration as provided in NRS 482.215 and shall pay the governmental services
27 taxes due.

28 ~~5.4~~ 6. If the transferee consigns the vehicle to a wholesale vehicle
29 auctioneer:

30 (a) The transferee shall, within 30 days after that consignment, provide the
31 wholesale vehicle auctioneer with the certificate of title for the vehicle, executed as
32 required by subsection 1, and any other documents necessary to obtain another
33 certificate of title for the vehicle.

34 (b) The wholesale vehicle auctioneer shall be deemed a transferee of the
35 vehicle for the purposes of subsection ~~4.4~~ 5. The wholesale vehicle auctioneer is
36 not required to comply with subsection 1 if he:

- 37 (1) Does not take an ownership interest in the vehicle;
38 (2) Auctions the vehicle to a vehicle dealer or automobile wrecker who is
39 licensed as such in this or any other state; and
40 (3) Stamps his name, his identification number as a vehicle dealer and the
41 date of the auction on the certificate of title and the bill of sale and any other
42 documents of transfer for the vehicle.

43 ~~6.4~~ 7. A charitable organization which intends to sell a vehicle which has
44 been donated to the organization must deliver immediately to the Department or its
45 agent the certificate of registration and the license plate or plates for the vehicle, if
46 the license plate or plates have not been removed from the vehicle. The charitable
47 organization must not be required to register, pay a transfer or registration fee for,
48 or pay a governmental services tax on the vehicle. When the vehicle is sold by the
49 charitable organization, the purchaser shall apply for registration as provided in
50 NRS 482.215 and pay the governmental services taxes due.

51 ~~7.4~~ 8. As used in this section, "wholesale vehicle auctioneer" means a dealer
52 who:

1 (a) Is engaged in the business of auctioning consigned motor vehicles to
2 vehicle dealers or automobile wreckers, or both, who are licensed as such in this or
3 any other state; and

4 (b) Does not in the ordinary course of his business buy, sell or own the vehicles
5 he auctions.

6 ~~{Sec. 3.}~~ Sec. 5. 1. This section and sections 1, 2 and 3 of this act
7 ~~{becomes}~~ become effective on July 1, 2009.

8 2. Section 4 of this act becomes effective on October 1, 2010.