

SENATE BILL NO. 319—SENATOR BREEDEN (BY REQUEST)

MARCH 21, 2011

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to abandoned vehicles.
(BDR 43-763)

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 abandoned vehicles; requiring an automobile wrecker to verify certain information regarding an abandoned vehicle on private property before removing the vehicle; requiring an automobile wrecker who removes an abandoned vehicle from private property to provide certain notices; limiting the fees that automobile wreckers may charge and collect for the removal and storage of abandoned vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an operator of a tow car or an automobile wrecker to remove an abandoned vehicle discovered on public lands or other public or private property. (NRS 487.210-487.300) **Section 2** of this bill requires an automobile wrecker to verify that an abandoned vehicle on private property meets certain requirements before the automobile wrecker may remove the vehicle.

Existing law requires an operator of a tow car to provide certain notices to appropriate law enforcement agencies and to the registered and legal owner of a vehicle when the vehicle is towed without the consent of the registered or legal owner. (NRS 706.4477, 706.4479) **Section 3** of this bill requires an automobile wrecker who removes an abandoned vehicle from private property to provide the same notices to the appropriate law enforcement agency and the registered and legal owner of the vehicle.

Existing law authorizes an automobile wrecker to charge and collect only those fees established by regulation of the Department of Motor Vehicles. (NRS 487.095) **Section 4** of this bill authorizes an automobile wrecker to charge and collect a fee of not more than \$100 for towing an abandoned vehicle and not more than \$30 per day for storing an abandoned vehicle.



* S B 3 1 9 *

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

Section 1. Chapter 487 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *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 the property, the vehicle may be removed by:*

1. The operator of a tow car in accordance with NRS 706.4477 and 706.4479.

2. An automobile wrecker if the automobile wrecker verifies before removing the vehicle that:

(a) The owner or person in possession or control of the private property from which the vehicle is being removed notified the registered owner or a person having a security interest in the vehicle that the vehicle will be removed and the owner or other person failed to reclaim the vehicle within 15 days after being provided such notice; or

(b) The vehicle was discarded by the owner of the vehicle and the vehicle:

(1) Has value only as a source of parts or scrap metal;

(2) Has been designated by its owner for dismantling as a source of parts or scrap metal;

(3) Has been stripped of all body panels, doors and hatches, substantially all interior components and substantially all grill and light assemblies;

(4) Has been burned, destroyed or otherwise damaged to such an extent that it cannot be returned to a condition which is legal for operation on the highways of this State; or

(5) Is not currently registered to the owner, is not exempt from registration pursuant to chapter 482 of NRS and is:

(I) Ten model years old or older and does not have classic or historic significance; or

(II) Appraised at a value of \$500 or less. For the purposes of this sub-subparagraph, the appraised value of the vehicle must be calculated as a value that is 10 percent below the suggested retail value which is established by a current issue of a nationally recognized guide used by financial institutions in this State for the valuation of used motor vehicles.

↪ A person who requests the removal of an abandoned vehicle pursuant to this section must have the vehicle taken to the nearest garage or other place designated for storage by the person requesting the removal.



1 **Sec. 3. 1. An automobile wrecker who removes an**
2 **abandoned vehicle pursuant to section 2 of this act, in addition to**
3 **the requirements set forth in chapter 108 of NRS:**

4 **(a) Shall, not later than 1 hour after removing the vehicle,**
5 **notify the appropriate law enforcement agency that the vehicle**
6 **was removed and provide the make, model and license plate**
7 **number of the vehicle.**

8 **(b) Shall, not later than 15 days after removing the vehicle,**
9 **notify the registered and legal owner of the vehicle by certified**
10 **mail of:**

11 **(1) The location where the motor vehicle is being stored;**

12 **(2) The conditions in which the vehicle is being stored,**
13 **including whether it is in a locked building, in a secured or fenced**
14 **area or in an unsecured and open area;**

15 **(3) The charge for towing the vehicle and for storing the**
16 **vehicle;**

17 **(4) The date and time at which the vehicle was towed and**
18 **was placed in storage;**

19 **(5) The actions that the owner of the vehicle may take to**
20 **recover the vehicle to accrue the lowest amount of assessments,**
21 **fees, penalties or other charges; and**

22 **(6) The opportunity to rebut the presumption set forth in**
23 **NRS 487.220.**

24 **(c) May charge the owner a fee for towing and storing the**
25 **vehicle in accordance with NRS 487.095.**

26 **2. An automobile wrecker shall make all practical inquiries to**
27 **ascertain the identity of the registered and legal owner of an**
28 **abandoned vehicle and document those efforts in writing.**

29 **Sec. 4. NRS 487.095 is hereby amended to read as follows:**

30 487.095 1. Except as otherwise provided in subsection 2:

31 **(a) An automobile wrecker may ~~only~~ charge and collect ~~those~~**
32 **~~fees~~ a fee of not more than \$100 for towing an abandoned**
33 **~~automobile as are prescribed by regulations of the Department.~~**
34 **vehicle.**

35 **(b) An automobile wrecker may charge and collect a fee of not**
36 **more than \$30 per day for storing an abandoned vehicle.**

37 **(c) An automobile wrecker shall not charge a fee to tow an**
38 **abandoned vehicle if the automobile wrecker ~~does~~ :**

39 **(1) Does not obtain the consent of the owner or person in**
40 **possession or control of the property to tow the vehicle ~~H~~ ;**

41 **(2) Does not comply with the requirements of subsection 2**
42 **of section 2 of this act; or**

43 **(3) Fails to notify the appropriate law enforcement agency**
44 **and the registered or legal owner of the vehicle pursuant to section**
45 **3 of this act.**



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 the automobile wrecker is able to satisfy his or her own lien, as provided in NRS 487.270.

Sec. 5. NRS 487.210 is hereby amended to read as follows:

487.210 As used in NRS 487.210 to 487.300, inclusive, *and sections 2 and 3 of this act*, unless the context otherwise requires:

1. "Abandoned vehicle" means a vehicle:

(a) If the vehicle is discovered upon public lands, that the owner has discarded.

(b) If the vehicle is discovered upon public or private property other than public lands:

(1) That the owner has discarded; or

(2) Which has not been reclaimed by the registered owner or a person having a security interest in the vehicle within 15 days after notification pursuant to NRS 487.250.

2. "Public lands" has the meaning ascribed to it in NRS 321.5963.

Sec. 6. NRS 487.230 is hereby amended to read as follows:

487.230 1. Except as otherwise provided in NRS 487.235, any sheriff or designee of a sheriff, 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 police officer of a city or town or his or her 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 or her jurisdiction may remove the vehicle from that property 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~~



1 ~~that a vehicle has been abandoned on his or her property, the vehicle~~
2 ~~may be removed by the operator of a tow car or an automobile~~
3 ~~wrecker from that private property.]~~

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

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

8 ~~— (1) The~~ *the* state agency or political subdivision making the
9 request ~~[if the vehicle is removed from public property.~~

10 ~~— (2) The owner or person in possession or control of the~~
11 ~~property if the vehicle is removed from private property.] ; and~~

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

17 **Sec. 7.** NRS 487.270 is hereby amended to read as follows:

18 487.270 1. Whenever a vehicle has been removed to a garage
19 or other place as provided by NRS 487.230 ~~H~~ *or section 2 of this*
20 *act*, the owner of the garage or the automobile wrecker who towed
21 the vehicle has a lien on the vehicle for:

22 (a) The costs of towing and storing for a period not exceeding
23 90 days; and

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

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

33 3. If the vehicle is appraised at a value of more than \$500 and
34 is not reclaimed within 45 days, the owner of the garage or
35 automobile wrecker may satisfy his or her lien, in accordance with
36 the provisions of NRS 108.265 to 108.367, inclusive. Before such a
37 person may sell the vehicle, the person shall obtain a certificate
38 pursuant to NRS 487.880, if applicable, or a salvage title as
39 provided in NRS 487.810.



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

