

SENATE BILL NO. 407—COMMITTEE ON TRANSPORTATION

MARCH 28, 2011

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to tow cars.
(BDR 58-1031)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
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; requiring the Nevada Transportation Authority to conduct a review of all tariffs and schedules filed for certain activities by operators of tow cars; requiring the Authority to submit a report of such review to the Legislative Commission; requiring the Authority to adopt regulations establishing a system of model tariffs for towing or moving certain vehicles, the storage of such vehicles and the processing of liens upon such vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 4 of this bill requires the Nevada Transportation Authority to: (1) conduct a review of all tariffs and schedules filed for certain activities by operators of tow cars; (2) determine whether those tariffs and schedules are appropriate and reasonable; (3) develop a system of model tariffs; and (4) submit a report to the Legislative Commission.

Section 1 of this bill requires the Authority to adopt regulations to establish a system of model tariffs for towing or moving a vehicle pursuant to a request by a law enforcement agency, the storage of such vehicles and the processing of liens upon such vehicles.



* S B 4 0 7 R 1 *

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

Section 1. Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:

The Authority shall adopt regulations to establish a system of model tariffs for towing or moving a vehicle pursuant to a request by a law enforcement agency, the storage of such vehicles and the processing of liens upon such vehicles.

Sec. 2. NRS 706.286 is hereby amended to read as follows:

706.286 1. When a complaint is made against any fully regulated carrier or operator of a tow car by any person, that:

(a) Any of the rates, tolls, charges or schedules, or any joint rate or rates assessed by any fully regulated carrier or by any operator of a tow car for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle are in any respect unreasonable or unjustly discriminatory;

(b) Any of the provisions of NRS 706.445 to 706.453, inclusive, *or section 1 of this act* have been violated;

(c) Any regulation, measurement, practice or act directly relating to the transportation of persons or property, including the handling and storage of that property, is, in any respect, unreasonable, insufficient or unjustly discriminatory; or

(d) Any service is inadequate,
→ the Authority shall investigate the complaint. After receiving the complaint, the Authority shall give a copy of it to the carrier or operator of a tow car against whom the complaint is made. Within a reasonable time thereafter, the carrier or operator of a tow car shall provide the Authority with its written response to the complaint according to the regulations of the Authority.

2. If the Authority determines that probable cause exists for the complaint, it shall order a hearing thereof, give notice of the hearing and conduct the hearing as it would any other hearing.

3. No order affecting a rate, toll, charge, schedule, regulation, measurement, practice or act complained of may be entered without a formal hearing unless the hearing is dispensed with as provided in NRS 706.2865.

Sec. 3. NRS 706.453 is hereby amended to read as follows:

706.453 The provisions of NRS 706.445 to 706.451, inclusive, *and section 1 of this act* do not apply to automobile wreckers who are licensed pursuant to chapter 487 of NRS.

Sec. 4. 1. On or before December 31, 2011, the Nevada Transportation Authority shall conduct a review of all tariffs and schedules filed for towing or moving vehicles pursuant to requests



1 by law enforcement agencies, storing those vehicles and processing
2 liens upon those vehicles and:

3 (a) Determine whether those tariffs and schedules are
4 appropriate and reasonable; and

5 (b) Develop a system of model tariffs for those tariffs and
6 schedules pursuant to section 1 of this act.

7 2. In conducting the review pursuant to subsection 1, the
8 Nevada Transportation Authority shall, insofar as practicable,
9 consult with representatives of insurance companies, operators of
10 tow cars, operators of vehicle storage lots and other interested
11 parties.

12 3. On or before March 1, 2012, the Nevada Transportation
13 Authority shall submit a report of the review conducted pursuant to
14 subsection 1 to the Director of the Legislative Counsel Bureau for
15 transmittal to the Legislative Commission.

16 4. On or before October 1, 2012, the Nevada Transportation
17 Authority shall adopt regulations to establish a system of model
18 tariffs for towing or moving a vehicle pursuant to section 1 of this
19 act.

20 **Sec. 5.** This act becomes effective upon passage and approval.

