

ASSEMBLY BILL NO. 385—ASSEMBLYWOMAN KIRKPATRICK

MARCH 17, 2015

Referred to Committee on Transportation

SUMMARY—Revises provisions related to tow cars.  
(BDR 58-967)

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: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to tow cars; prohibiting operators of tow cars from towing certain vehicles to any location other than a designated vehicle storage lot under certain circumstances; revising provisions relating to operators of tow cars; providing civil and criminal penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes an insurance company to designate vehicle storage lots to which certain vehicles insured by the insurance company must be towed under certain circumstances. Existing law also requires an operator of a tow car who fails to tow a vehicle to a vehicle storage lot designated by an insurance company to forfeit the charge for towing and storage of the vehicle and tow the vehicle free of charge to the designated lot. (NRS 706.4489) **Section 3** of this bill prohibits an operator of a tow car from towing a vehicle, or seeking authorization from the owner or operator of a vehicle to tow the vehicle, to a location other than a vehicle storage lot designated by the insurance company that provides coverage for the vehicle. **Section 3** also imposes civil penalties on an operator of a tow car who fails to tow certain vehicles to certain vehicle storage lots designated by an insurance company.

Existing law requires a law enforcement officer to make a good faith effort to determine the identity of the insurance company that provides coverage for the vehicle before the vehicle is towed. (NRS 706.4489) **Section 16** of this bill requires the operator of a tow car to make a good faith effort to determine the identity of the insurance company that provides coverage for the vehicle if the law enforcement officer does not communicate that information to the operator. Existing law requires an operator of a tow car to maintain a dispatcher's log identifying certain information for each vehicle towed. (NRS 706.4465) **Section 13** of this bill requires



\* A B 3 8 5 \*

21 an operator to record the insurance company of each vehicle towed if such  
22 information is known.

---

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

1     **Section 1.** Chapter 706 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 and 3 of this act.

3     **Sec. 2.** *As used in NRS 706.445 to 706.453, inclusive, and*  
4 *sections 2 and 3 of this act, "insurance company" means any*  
5 *entity authorized to provide insurance for motor vehicles in this*  
6 *State, including, without limitation, a captive insurer, as defined*  
7 *in NRS 694C.060, and a person qualified as a self-insurer,*  
8 *pursuant to NRS 485.380.*

9     **Sec. 3. 1.** *An operator of a tow car who is required to tow a*  
10 *vehicle to a designated vehicle storage lot pursuant to NRS*  
11 *706.4489 shall not tow the vehicle to another location. If an*  
12 *operator of a tow car fails to tow a vehicle to the designated*  
13 *vehicle storage lot pursuant to NRS 706.4489, the operator of the*  
14 *tow car must:*

15     *(a) Forfeit the charge for towing and storage of the vehicle;*  
16 *and*

17     *(b) Tow the vehicle free of charge to the vehicle storage lot*  
18 *designated by the insurance company or its representative not*  
19 *later than 24 hours after receiving a demand, which must be made*  
20 *in writing or by electronic mail, from the insurance company or its*  
21 *representative.*

22     **2.** *An operator of a tow car who is required to tow a vehicle to*  
23 *a designated storage lot pursuant to NRS 706.4489 shall not solicit*  
24 *the owner or operator of the vehicle to divert the towing of the*  
25 *vehicle to a location other than the designated vehicle storage lot.*  
26 *A request or demand by the owner or operator of a vehicle that the*  
27 *vehicle be towed to a location other than the designated vehicle*  
28 *storage lot does not relieve the operator of a tow car of any*  
29 *obligation set forth in this section.*

30     **3.** *If an operator of a tow car violates the provisions of*  
31 *subsection 1 or 2, the Authority may:*

32     *(a) For a first offense, impose an administrative fine of not*  
33 *more than \$5,000.*

34     *(b) For a second offense within a period of 24 consecutive*  
35 *months:*

36     *(1) Impose an administrative fine of not more than*  
37 *\$10,000; and*

38     *(2) Suspend the certificate of public convenience and*  
39 *necessity of the operator for a period of not more than 1 year.*



(c) *For a third or subsequent offense within a period of 24 consecutive months:*

(1) *Impose an administrative fine of not more than \$10,000; and*

(2) *Suspend the certificate of public convenience and necessity of the operator for a period of not more than 1 year or revoke the certificate.*

4. *Before taking any administrative action authorized pursuant to subsection 3, the Authority shall provide notice to the holder of the certificate of public convenience and necessity and conduct a hearing pursuant to the provisions of chapter 233B of NRS and NRS 706.286.*

5. *If a vehicle is insured by an insurance company that has designated one or more vehicle storage lots pursuant to NRS 706.4489 and an operator of a tow car does not tow the vehicle to a designated vehicle storage lot, the burden of proof in a hearing held pursuant to subsection 4 is on the operator of the tow car to demonstrate that he or she did not know the identity of the insurance company or that the insurance company had designated a vehicle storage lot.*

6. *All administrative fines imposed and collected by the Authority pursuant to this section are payable to the State Treasurer and must be credited to a separate account to be used by the Authority to enforce the provisions of this chapter.*

**Sec. 4.** NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, *and sections 2 and 3 of this act*, unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

**Sec. 5.** NRS 706.158 is hereby amended to read as follows:

706.158 The provisions of NRS 706.011 to 706.791, inclusive, *and sections 2 and 3 of this act* relating to brokers do not apply to any person whom the Authority determines is:

1. A motor club which holds a valid certificate of authority issued by the Commissioner of Insurance;

2. A bona fide charitable organization, such as a nonprofit corporation or a society, organization or association for educational, religious, scientific or charitable purposes; or

3. A broker of transportation services provided by an entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421.

**Sec. 6.** NRS 706.163 is hereby amended to read as follows:

706.163 The provisions of NRS 706.011 to 706.861, inclusive, *and sections 2 and 3 of this act* do not apply to vehicles leased to or owned by:



1 1. The Federal Government or any instrumentality thereof.

2 2. Any state or a political subdivision thereof.

3 **Sec. 7.** NRS 706.166 is hereby amended to read as follows:

4 706.166 The Authority shall:

5 1. Subject to the limitation provided in NRS 706.168 and to the  
6 extent provided in this chapter, supervise and regulate:

7 (a) Every fully regulated carrier and broker of regulated services  
8 in this State in all matters directly related to those activities of the  
9 motor carrier and broker actually necessary for the transportation of  
10 persons or property, including the handling and storage of that  
11 property, over and along the highways.

12 (b) Every operator of a tow car concerning the rates and charges  
13 assessed for towing services performed without the prior consent of  
14 the operator of the vehicle or the person authorized by the owner to  
15 operate the vehicle and pursuant to the provisions of NRS 706.011  
16 to 706.791, inclusive ~~§~~, *and sections 2 and 3 of this act.*

17 2. Supervise and regulate the storage of household goods and  
18 effects in warehouses and the operation and maintenance of such  
19 warehouses in accordance with the provisions of this chapter and  
20 chapter 712 of NRS.

21 3. Enforce the standards of safety applicable to the employees,  
22 equipment, facilities and operations of those common and contract  
23 carriers subject to the Authority or the Department by:

24 (a) Providing training in safety;

25 (b) Reviewing and observing the programs or inspections of the  
26 carrier relating to safety; and

27 (c) Conducting inspections relating to safety at the operating  
28 terminals of the carrier.

29 4. To carry out the policies expressed in NRS 706.151, adopt  
30 regulations providing for agreements between two or more fully  
31 regulated carriers or two or more operators of tow cars relating to:

32 (a) Fares of fully regulated carriers;

33 (b) All rates of fully regulated carriers and rates of operators of  
34 tow cars for towing services performed without the prior consent of  
35 the owner of the vehicle or the person authorized by the owner to  
36 operate the vehicle;

37 (c) Classifications;

38 (d) Divisions;

39 (e) Allowances; and

40 (f) All charges of fully regulated carriers and charges of  
41 operators of tow cars for towing services performed without the  
42 prior consent of the owner of the vehicle or the person authorized by  
43 the owner to operate the vehicle, including charges between carriers  
44 and compensation paid or received for the use of facilities and  
45 equipment.



1    ➤ These regulations may not provide for collective agreements  
2    which restrain any party from taking free and independent action.

3    5. Review decisions of the Taxicab Authority appealed to the  
4    Authority pursuant to NRS 706.8819.

5    **Sec. 8.** NRS 706.286 is hereby amended to read as follows:

6    706.286 1. When a complaint is made against any fully  
7    regulated carrier or operator of a tow car by any person that:

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

14   (b) Any of the provisions of NRS 706.445 to 706.453, inclusive,  
15   *and sections 2 and 3 of this act* have been violated;

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

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

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

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

34   **Sec. 9.** NRS 706.2885 is hereby amended to read as follows:

35   706.2885 1. A certificate of public convenience and  
36   necessity, permit or license issued in accordance with this chapter is  
37   not a franchise and may be revoked.

38   2. ~~[The]~~ *Except as otherwise provided in subsection 3 of*  
39   *section 3 of this act, the* Authority may at any time, for good cause  
40   shown, after investigation and hearing and upon 5 days' written  
41   notice to the grantee, suspend any certificate, permit or license  
42   issued in accordance with the provisions of NRS 706.011 to  
43   706.791, inclusive, *and sections 2 and 3 of this act* for a period not  
44   to exceed 60 days.



3. Upon receipt of a written complaint or on its own motion, the Authority may, after investigation and hearing, revoke any certificate, permit or license. If service of the notice required by subsection 2 cannot be made or if the grantee relinquishes the grantee's interest in the certificate, permit or license by so notifying the Authority in writing, the Authority may revoke the certificate, permit or license without a hearing.

4. The proceedings thereafter are governed by the provisions of chapter 233B of NRS.

**Sec. 10.** NRS 706.321 is hereby amended to read as follows:

706.321 1. Except as otherwise provided in subsection 2, every common or contract motor carrier shall file with the Authority:

(a) Within a time to be fixed by the Authority, schedules and tariffs that must:

(1) Be open to public inspection; and

(2) Include all rates, fares and charges which the carrier has established and which are in force at the time of filing for any service performed in connection therewith by any carrier controlled and operated by it.

(b) As a part of that schedule, all regulations of the carrier that in any manner affect the rates or fares charged or to be charged for any service and all regulations of the carrier that the carrier has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive **H**, and sections 2 and 3 of this act.

2. Every operator of a tow car shall file with the Authority:

(a) Within a time to be fixed by the Authority, schedules and tariffs that must:

(1) Be open to public inspection; and

(2) Include all rates and charges 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 which the operator has established and which are in force at the time of filing.

(b) As a part of that schedule, all regulations of the operator of the tow car which in any manner affect the rates charged or to be charged 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 and all regulations of the operator of the tow car that the operator has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive **H**, and sections 2 and 3 of this act.

3. No changes may be made in any schedule, including schedules of joint rates, or in the regulations affecting any rates or charges, except upon 30 days' notice to the Authority, and all those changes must be plainly indicated on any new schedules filed in lieu thereof 30 days before the time they are to take effect. The



Authority, upon application of any carrier, may prescribe a shorter time within which changes may be made. The 30 days' notice is not applicable when the carrier gives written notice to the Authority 10 days before the effective date of its participation in a tariff bureau's rates and tariffs, provided the rates and tariffs have been previously filed with and approved by the Authority.

4. The Authority may at any time, upon its own motion, investigate any of the rates, fares, charges, regulations, practices and services filed pursuant to this section and, after hearing, by order, make such changes as may be just and reasonable.

5. The Authority may dispense with the hearing on any change requested in rates, fares, charges, regulations, practices or service filed pursuant to this section.

6. All rates, fares, charges, classifications and joint rates, regulations, practices and services fixed by the Authority are in force, and are prima facie lawful, from the date of the order until changed or modified by the Authority, or pursuant to NRS 706.2883.

7. All regulations, practices and service prescribed by the Authority must be enforced and are prima facie reasonable unless suspended or found otherwise in an action brought for the purpose, or until changed or modified by the Authority itself upon satisfactory showing made.

**Sec. 11.** NRS 706.4463 is hereby amended to read as follows:

706.4463 1. In addition to the other requirements of this chapter, each operator of a tow car shall, to protect the health, safety and welfare of the public:

(a) Obtain a certificate of public convenience and necessity from the Authority before the operator provides any services other than those services which the operator provides as a private motor carrier of property pursuant to the provisions of this chapter;

(b) Use a tow car of sufficient size and weight which is appropriately equipped to transport safely the vehicle which is being towed; and

(c) Comply with the provisions of NRS 706.011 to 706.791, inclusive ~~H~~, and sections 2 and 3 of this act.

2. A person who wishes to obtain a certificate of public convenience and necessity to operate a tow car must:

(a) File an application with the Authority; and

(b) Submit to the Authority a complete set of fingerprints of each natural person who is identified by the Authority as a significant principal, partner, officer, manager, member, director or trustee of the applicant and written permission authorizing the Authority to forward the fingerprints to the Central Repository for





1 Nevada Records of Criminal History for submission to the Federal  
2 Bureau of Investigation for its report.

3 3. The Authority shall issue a certificate of public convenience  
4 and necessity to an operator of a tow car if it determines that the  
5 applicant:

6 (a) Complies with the requirements of paragraphs (b) and (c) of  
7 subsection 1;

8 (b) Complies with the requirements of the regulations adopted  
9 by the Authority pursuant to the provisions of this chapter;

10 (c) Has provided evidence that the applicant has filed with the  
11 Authority a liability insurance policy, a certificate of insurance or a  
12 bond of a surety and bonding company or other surety required for  
13 every operator of a tow car pursuant to the provisions of NRS  
14 706.291; and

15 (d) Has provided evidence that the applicant has filed with the  
16 Authority schedules and tariffs pursuant to subsection 2 of  
17 NRS 706.321.

18 4. An applicant for a certificate has the burden of proving to  
19 the Authority that the proposed operation will meet the requirements  
20 of subsection 3.

21 5. The Authority may hold a hearing to determine whether an  
22 applicant is entitled to a certificate only if:

23 (a) Upon the expiration of the time fixed in the notice that an  
24 application for a certificate of public convenience and necessity is  
25 pending, a petition to intervene has been granted by the Authority;  
26 or

27 (b) The Authority finds that after reviewing the information  
28 provided by the applicant and inspecting the operations of the  
29 applicant, it cannot make a determination as to whether the applicant  
30 has complied with the requirements of subsection 3.

31 **Sec. 12.** NRS 706.4464 is hereby amended to read as follows:

32 706.4464 1. An operator of a tow car who is issued a  
33 certificate of public convenience and necessity may transfer it to  
34 another operator of a tow car qualified pursuant to the provisions of  
35 NRS 706.011 to 706.791, inclusive, *and sections 2 and 3 of this*  
36 *act*, but no such transfer is valid for any purpose until a joint  
37 application to make the transfer is made to the Authority by the  
38 transferor and the transferee, and the Authority has authorized the  
39 substitution of the transferee for the transferor. The application must  
40 include a complete set of fingerprints of each natural person who is  
41 identified by the Authority as a significant principal, partner, officer,  
42 manager, member, director or trustee of the transferee and written  
43 permission authorizing the Authority to forward the fingerprints to  
44 the Central Repository for Nevada Records of Criminal History for  
45 submission to the Federal Bureau of Investigation for its report. No





1 transfer of stock of a corporate operator of a tow car subject to the  
2 jurisdiction of the Authority is valid without the prior approval of  
3 the Authority if the effect of the transfer would be to change the  
4 corporate control of the operator of a tow car or if a transfer of 15  
5 percent or more of the common stock of the operator of a tow car is  
6 proposed.

7 2. The Authority shall approve an application filed with it  
8 pursuant to subsection 1 if it determines that the transferee:

9 (a) Complies with the provisions of NRS 706.011 to 706.791,  
10 inclusive, *and sections 2 and 3 of this act* and the regulations  
11 adopted by the Authority pursuant to those provisions;

12 (b) Uses equipment that is in compliance with the regulations  
13 adopted by the Authority;

14 (c) Has provided evidence that the transferee has filed with the  
15 Authority a liability insurance policy, a certificate of insurance or a  
16 bond of a surety and bonding company or other surety required for  
17 every operator of a tow car pursuant to the provisions of NRS  
18 706.291; and

19 (d) Has provided evidence that the transferee has filed with the  
20 Authority schedules and tariffs pursuant to NRS 706.321 which  
21 contain rates and charges and the terms and conditions that the  
22 operator of the tow car requires to perform towing services without  
23 the prior consent of the owner of the vehicle or the person  
24 authorized by the owner to operate the vehicle which do not exceed  
25 the rates and charges that the transferor was authorized to assess for  
26 the same services.

27 3. The Authority may hold a hearing concerning an application  
28 submitted pursuant to this section only if:

29 (a) Upon the expiration of the time fixed in the notice that an  
30 application for transfer of a certificate of public convenience and  
31 necessity is pending, a petition to intervene has been granted by the  
32 Authority; or

33 (b) The Authority finds that after reviewing the information  
34 provided by the applicant and inspecting the operations of the  
35 applicant, it cannot make a determination as to whether the applicant  
36 has complied with the requirements of subsection 2.

37 4. The Authority shall not hold a hearing on an application  
38 submitted pursuant to this section if the application is made to  
39 transfer the certificate of public convenience and necessity from a  
40 natural person or partners to a corporation whose controlling  
41 stockholders will be substantially the same person or partners.

42 5. The approval by the Authority of an application for transfer  
43 of a certificate of public convenience and necessity of an operator of  
44 a tow car is not valid after the expiration of the term for the  
45 transferred certificate.



**Sec. 13.** NRS 706.4465 is hereby amended to read as follows:

706.4465 The operator shall maintain a dispatcher's log which shows for each vehicle towed:

1. The date and time the call to provide towing was received.

2. The name of the person requesting that the vehicle be towed.

3. The date and time a tow car was dispatched to provide the towing.

4. The date and time the tow car arrived at the location of the vehicle to be towed.

5. The date and time the towing was completed.

6. The model, make, year of manufacture, vehicle identification number and license plate number of the towed motor vehicle.

*7. The name of the insurance company that provides coverage for the towed vehicle, if the operator determines the identity of the insurance company or is otherwise informed of the identity of the insurance company.*

**Sec. 14.** NRS 706.4483 is hereby amended to read as follows:

706.4483 1. The Authority shall act upon complaints regarding the failure of an operator of a tow car to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~H~~, *and sections 2 and 3 of this act.*

2. In addition to any other remedies that may be available to the Authority to act upon complaints, the Authority may order the release of towed motor vehicles, cargo or personal property upon such terms and conditions as the Authority determines to be appropriate.

**Sec. 15.** NRS 706.4487 is hereby amended to read as follows:

706.4487 The Legislature hereby finds and declares that:

1. Towing a vehicle, either after an accident or after the vehicle is stolen and subsequently recovered, to a vehicle storage lot designated by the insurer of the vehicle will result in the placement of vehicle storage lots in more locations, as insurance companies will designate as many vehicle storage lots as are necessary to provide coverage throughout the county, thus enhancing safety by limiting both the time and distance that a tow car is traveling with a towed vehicle.

2. Authorizing insurance companies to designate vehicle storage lots will enhance safety by ensuring that the vehicles towed thereto are stored in locations which:

(a) Guarantee safe access to the vehicles by their owners; and

(b) Protect the property of the owners of the vehicles, including, without limitation, the vehicles themselves.



3. The provisions of NRS 706.4489 *and section 3 of this act* constitute an exercise of the safety regulatory authority of this State with respect to motor vehicles.

**Sec. 16.** NRS 706.4489 is hereby amended to read as follows:

706.4489 1. An insurance company may designate one or more vehicle storage lots to which all vehicles that are towed at the request of a law enforcement officer:

(a) Following an accident; or

(b) Following recovery after having been stolen,

➤ and which are insured by that insurance company must be towed pursuant to subsection 2. The designation of a vehicle storage lot must be provided in writing by the insurance company, its representative or the owner or operator of the vehicle storage lot to all providers of towing services that have obtained a certificate of public convenience and necessity and operate in the same geographical area in which the designated vehicle storage lot is situated.

2. If a law enforcement officer requests that an operator of a tow car tow a vehicle following an accident or following recovery after having been stolen and the vehicle is not otherwise subject to impoundment, the law enforcement officer shall make a good faith effort to determine the identity of the insurance company that provides coverage for the ~~[owner-of-the]~~ vehicle. If the law enforcement officer determines the identity of the insurance company, he or she shall inform the operator of the tow car of the identity of the insurance company. *If the law enforcement officer does not inform the operator of the tow car of the identity of the insurance company, the operator shall make a good faith effort to determine the identity of the insurance company from the law enforcement officer and the owner or operator of the vehicle.* If the operator of the tow car:

(a) Is informed by a law enforcement officer of the identity of the insurance company that provides coverage for the ~~[owner-of-the]~~ vehicle; or

(b) Otherwise determines the identity of the insurance company that provides coverage for the ~~[owner-of-the]~~ vehicle,

➤ and the insurance company has designated a vehicle storage lot pursuant to subsection 1, the operator of the tow car shall tow the vehicle to the designated vehicle storage lot unless ~~[the-owner-of-the vehicle-or]~~ a representative of the insurance company has directed otherwise. *The owner or operator of the vehicle shall be deemed to have consented to towing the vehicle to the vehicle storage lot designated by the insurance company that provides coverage for the vehicle.*



3. ~~If an operator of a tow car fails to tow a vehicle to the designated vehicle storage lot pursuant to subsection 2, the operator of the tow car shall:~~

~~— (a) Forfeit the charge for towing and storage of the vehicle; and~~  
~~— (b) Tow the vehicle free of charge to the vehicle storage lot designated by the insurance company or its representative not later than 24 hours after receiving a demand, which must be made in writing or by electronic mail, from the insurance company or its representative.]~~ *The operator of a tow car shall retain any documents provided by a law enforcement officer indicating the identity of the insurance company that provides coverage for a vehicle that is towed at the request of the law enforcement officer.*

4. The owners of a vehicle storage lot designated by an insurance company pursuant to subsection 1 shall agree in writing to indemnify the relevant law enforcement agencies and their officers, employees, agents and representatives from any liability relating to the towing of a vehicle insured by the designating insurance company and to the storing of the vehicle at the vehicle storage lot if the law enforcement officer who requested the towing of the vehicle made a good faith effort to comply with the provisions of subsection 2.

5. A vehicle storage lot must:

(a) Maintain adequate, accessible and secure storage within the State of Nevada for any vehicle that is towed to the vehicle storage lot;

(b) Comply with all standards a law enforcement agency may adopt pursuant to NRS 706.4485 to protect the health, safety and welfare of the public;

(c) Comply with all local laws and ordinances applicable to that business, including, without limitation, local laws and ordinances relating to business licenses, zoning, building and fire codes, parking, paving, lights and security; and

(d) If the vehicle storage lot is a salvage pool as that term is defined in NRS 487.400, comply with all applicable requirements imposed pursuant to NRS 487.400 to 487.510, inclusive.

6. If a vehicle storage lot has rates and charges that have been approved by the Authority for the storage of a vehicle, the vehicle storage lot is not required to assess those rates and charges for the storage of a vehicle that is towed to the vehicle storage lot in accordance with this section, but may not assess a rate or charge in excess of those approved rates and charges. If a vehicle storage lot does not have rates and charges that have been approved by the Authority, it may not assess a rate or charge in excess of the rates and charges for the storage of a vehicle that have been approved by the law enforcement agency that requested the tow. If the requesting



law enforcement agency does not have approved rates and charges, the vehicle storage lot may not assess a rate or charge in excess of the rates and charges for the storage of a vehicle that have been approved by the largest law enforcement agency in the county. An operator of a tow car who tows a vehicle to a vehicle storage lot pursuant to this section:

(a) Shall assess the rates and charges approved by the Authority for towing the vehicle.

(b) Is entitled to payment from the operator of the vehicle storage lot at the time the vehicle is towed to the vehicle storage lot.

7. Before designating a vehicle storage lot pursuant to subsection 1, an insurance company must obtain the approval of the Authority. The Authority shall approve the designation if the Authority determines that the vehicle storage lot has:

(a) Executed an indemnification agreement that meets the requirements of subsection 4;

(b) Satisfied the requirements of subsection 5; and

(c) Otherwise satisfied the requirements of this section.

8. The provisions of this section apply only to a county whose population is 700,000 or more.

9. As used in this section:

(a) "Boat" means any vessel or other watercraft, other than a seaplane, used or capable of being used as a means of transportation on the water.

(b) "Vehicle" has the meaning ascribed to it in NRS 706.146 and includes all terrain vehicles and boats.

(c) "Vehicle storage lot" means a business which, for a fee, stores vehicles that are towed at the request of a law enforcement officer following an accident or following recovery after having been stolen and includes, without limitation, a salvage pool, as that term is defined in NRS 487.400, which operates a vehicle storage lot in accordance with the provisions of this section. The term does not include a salvage pool that has not elected to operate a vehicle storage lot in accordance with the provisions of this section and is operating within the scope of its authority pursuant to NRS 487.400 to 487.510, inclusive.

**Sec. 17.** NRS 706.453 is hereby amended to read as follows:

706.453 The provisions of NRS 706.445 to 706.451, inclusive, *and sections 2 and 3 of this act* do not apply to automobile wreckers who are licensed pursuant to chapter 487 of NRS.

**Sec. 18.** NRS 706.736 is hereby amended to read as follows:

706.736 1. Except as otherwise provided in subsection 2, the provisions of NRS 706.011 to 706.791, inclusive, *and sections 2 and 3 of this act* do not apply to:



(a) The transportation by a contractor licensed by the State Contractors' Board of the contractor's own equipment in the contractor's own vehicles from job to job.

(b) Any person engaged in transporting the person's own personal effects in the person's own vehicle, but the provisions of this subsection do not apply to any person engaged in transportation by vehicle of property sold or to be sold, or used by the person in the furtherance of any commercial enterprise other than as provided in paragraph (d), or to the carriage of any property for compensation.

(c) Special mobile equipment.

(d) The vehicle of any person, when that vehicle is being used in the production of motion pictures, including films to be shown in theaters and on television, industrial training and educational films, commercials for television and video discs and tapes.

(e) A private motor carrier of property which is used for any convention, show, exhibition, sporting event, carnival, circus or organized recreational activity.

(f) A private motor carrier of property which is used to attend livestock shows and sales.

(g) The transportation by a private school of persons or property in connection with the operation of the school or related school activities, so long as the vehicle that is used to transport the persons or property does not have a gross vehicle weight rating of 26,001 pounds or more and is not registered pursuant to NRS 706.801 to 706.861, inclusive.

2. Unless exempted by a specific state statute or a specific federal statute, regulation or rule, any person referred to in subsection 1 is subject to:

(a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

(b) All rules and regulations adopted by reference pursuant to paragraph (b) of subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

(c) All standards adopted by regulation pursuant to NRS 706.173.

3. The provisions of NRS 706.311 to 706.453, inclusive, *and sections 2 and 3 of this act*, 706.471, 706.473, 706.475 and 706.6411 which authorize the Authority to issue:

(a) Except as otherwise provided in paragraph (b), certificates of public convenience and necessity and contract carriers' permits and to regulate rates, routes and services apply only to fully regulated carriers.



(b) Certificates of public convenience and necessity to operators of tow cars and to regulate rates 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 apply to operators of tow cars.

4. Any person who operates pursuant to a claim of an exemption provided by this section but who is found to be operating in a manner not covered by any of those exemptions immediately becomes liable, in addition to any other penalties provided in this chapter, for the fee appropriate to the person's actual operation as prescribed in this chapter, computed from the date when that operation began.

5. As used in this section, "private school" means a nonprofit private elementary or secondary educational institution that is licensed in this State.

**Sec. 19.** NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, *and sections 2 and 3 of this act* apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, *and sections 2 and 3 of this act* or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~§~~, *and sections 2 and 3 of this act;*

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~§~~, *and sections 2 and 3 of this act;*

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~§~~, *and sections 2 and 3 of this act;*

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

↪ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;





(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

↪ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than \$500 nor more than \$1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of \$1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.



5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

**Sec. 20.** NRS 706.781 is hereby amended to read as follows:

706.781 In addition to all the other remedies provided by NRS 706.011 to 706.861, inclusive, *and sections 2 and 3 of this act*, for the prevention and punishment of any violation of the provisions thereof and of all orders of the Authority or the Department, the Authority or the Department may compel compliance with the provisions of NRS 706.011 to 706.861, inclusive, *and sections 2 and 3 of this act*, and with the orders of the Authority or the Department by proceedings in mandamus, injunction or by other civil remedies.

**Sec. 21.** NRS 244.3605 is hereby amended to read as follows:

244.3605 1. Notwithstanding the provisions of NRS 244.360 and 244.3601, the board of county commissioners of a county may, to abate public nuisances, adopt by ordinance procedures pursuant to which the board or its designee may order an owner of property within the county to:

(a) Repair, safeguard or eliminate a dangerous structure or condition;

(b) Clear debris, rubbish, refuse, litter, garbage, abandoned or junk vehicles or junk appliances which are not subject to the provisions of chapter 459 of NRS;

(c) Clear weeds and noxious plant growth; or

(d) Repair, clear, correct, rectify, safeguard or eliminate any other public nuisance as defined in the ordinance adopted pursuant to this section,

↳ to protect the public health, safety and welfare of the residents of the county.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, of the existence on the owner's property of a public nuisance set forth in subsection 1 and the date by which the owner must abate the public nuisance.

(2) If the public nuisance is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the public nuisance.

(3) Afforded an opportunity for a hearing before the designee of the board relating to the order of abatement and an appeal of that



1 decision either to the board or to a court of competent jurisdiction,  
2 as determined by the ordinance adopted pursuant to subsection 1.

3 (4) Afforded an opportunity for a hearing before the designee  
4 of the board relating to the imposition of civil penalties and an  
5 appeal of that decision either to the board or to a court of competent  
6 jurisdiction, as determined by the ordinance adopted pursuant to  
7 subsection 1.

8 (b) Provide that the date specified in the notice by which the  
9 owner must abate the public nuisance is tolled for the period during  
10 which the owner requests a hearing and receives a decision.

11 (c) Provide the manner in which the county will recover money  
12 expended to abate the public nuisance on the property if the owner  
13 fails to abate the public nuisance.

14 (d) Provide for civil penalties for each day that the owner did  
15 not abate the public nuisance after the date specified in the notice by  
16 which the owner was required to abate the public nuisance.

17 3. In any county whose population is 700,000 or more, an  
18 ordinance adopted pursuant to subsection 1 may authorize the  
19 county to request the operator of a tow car to abate a public nuisance  
20 by towing abandoned or junk vehicles which are not concealed from  
21 ordinary public view by means of inside storage, suitable fencing,  
22 opaque covering, trees, shrubbery or other means if the conditions  
23 of subsection 4 are satisfied. The operator of a tow car requested to  
24 tow a vehicle pursuant to this section must comply with the  
25 provisions of NRS 706.445 to 706.453, inclusive **H**, *and sections 2*  
26 *and 3 of this act.*

27 4. The county may abate the public nuisance on the property  
28 and may recover the amount expended by the county for labor and  
29 materials used to abate the public nuisance or request abatement by  
30 the operator of a tow car pursuant to subsection 3 if:

31 (a) The owner has not requested a hearing within the time  
32 prescribed in the ordinance adopted pursuant to subsection 1 and has  
33 failed to abate the public nuisance on the owner's property within  
34 the period specified in the notice;

35 (b) After a hearing in which the owner did not prevail, the owner  
36 has not filed an appeal within the time prescribed in the ordinance  
37 adopted pursuant to subsection 1 and has failed to abate the public  
38 nuisance within the period specified in the order; or

39 (c) The board or a court of competent jurisdiction has denied the  
40 appeal of the owner and the owner has failed to abate the public  
41 nuisance within the period specified in the order.

42 5. In addition to any other reasonable means for recovering  
43 money expended by the county to abate the public nuisance and,  
44 except as otherwise provided in subsection 6, for collecting civil  
45 penalties imposed pursuant to the ordinance adopted pursuant to



subsection 1, the board or its designee may make the expense and civil penalties a special assessment against the property upon which the public nuisance is located, and this special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

6. Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 5 by the board or its designee unless:

(a) At least 12 months have elapsed after the date specified in the notice by which the owner must abate the public nuisance or the date specified in the order of the board or court by which the owner must abate the public nuisance, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than \$5,000.

7. If a designee of the board imposes a special assessment pursuant to subsection 5, the designee shall submit a written report to the board at least once each calendar quarter that sets forth, for each property against which such an assessment has been imposed:

(a) The street address or assessor's parcel number of the property;

(b) The name of each owner of record of the property as of the date of the assessment; and

(c) The total amount of the assessment, stating the amount assessed for the expense of abatement and any amount assessed for civil penalties.

8. As used in this section, "dangerous structure or condition" means a structure or condition that is a public nuisance which may cause injury to or endanger the health, life, property or safety of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:

(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 244.3675 with respect to minimum levels of health or safety; or

(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the board of county commissioners of a county, the violation of which is designated by the board as a public nuisance in the ordinance, rule or regulation.

**Sec. 22.** NRS 268.4122 is hereby amended to read as follows:

268.4122 1. The governing body of a city may adopt by ordinance procedures pursuant to which the governing body or its designee may order an owner of property within the city to:



(a) Repair, safeguard or eliminate a dangerous structure or condition;

(b) Clear debris, rubbish, refuse, litter, garbage, abandoned or junk vehicles or junk appliances which are not subject to the provisions of chapter 459 of NRS; or

(c) Clear weeds and noxious plant growth, to protect the public health, safety and welfare of the residents of the city.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent a notice, by certified mail, return receipt requested, of the existence on the property of a condition set forth in subsection 1 and the date by which the owner must abate the condition.

(2) If the condition is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the condition.

(3) Afforded an opportunity for a hearing before the designee of the governing body relating to the order of abatement and an appeal of that decision. The ordinance must specify whether all such appeals are to be made to the governing body or to a court of competent jurisdiction.

(4) Afforded an opportunity for a hearing before the designee of the governing body relating to the imposition of civil penalties and an appeal of that decision. The ordinance must specify whether all such appeals are to be made to the governing body or to a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will recover money expended for labor and materials used to abate the condition on the property if the owner fails to abate the condition.

(d) Provide for civil penalties for each day that the owner did not abate the condition after the date specified in the notice by which the owner was requested to abate the condition.

(e) If the county board of health, city board of health or district board of health in whose jurisdiction the incorporated city is located has adopted a definition of garbage, use the definition of garbage adopted by the county board of health, city board of health or district board of health, as applicable.

3. In any county whose population is 700,000 or more, an ordinance adopted pursuant to subsection 1 may authorize the city to request the operator of a tow car to abate a condition by towing



1 abandoned or junk vehicles which are not concealed from ordinary  
2 public view by means of inside storage, suitable fencing, opaque  
3 covering, trees, shrubbery or other means if the governing body or  
4 its designee has directed the abatement of the condition pursuant to  
5 subsection 4. The operator of a tow car requested to tow a vehicle  
6 by a city pursuant to this section must comply with the provisions of  
7 NRS 706.445 to 706.453, inclusive ~~H~~, and sections 2 and 3 of this  
8 act.

9 4. The governing body or its designee may direct the city to  
10 abate the condition on the property and may recover the amount  
11 expended by the city for labor and materials used to abate the  
12 condition or request abatement by the operator of a tow car pursuant  
13 to subsection 3 if:

14 (a) The owner has not requested a hearing within the time  
15 prescribed in the ordinance adopted pursuant to subsection 1 and has  
16 failed to abate the condition on the property within the period  
17 specified in the notice;

18 (b) After a hearing in which the owner did not prevail, the owner  
19 has not filed an appeal within the time prescribed in the ordinance  
20 adopted pursuant to subsection 1 and has failed to abate the  
21 condition within the period specified in the order; or

22 (c) The governing body or a court of competent jurisdiction has  
23 denied the appeal of the owner and the owner has failed to abate the  
24 condition within the period specified in the order.

25 5. In addition to any other reasonable means for recovering  
26 money expended by the city to abate the condition and, except as  
27 otherwise provided in subsection 6, for collecting civil penalties  
28 imposed pursuant to the ordinance adopted pursuant to subsection 1,  
29 the governing body or its designee may make the expense and civil  
30 penalties a special assessment against the property upon which the  
31 condition is or was located. The special assessment may be collected  
32 at the same time and in the same manner as ordinary county taxes  
33 are collected, and is subject to the same penalties and the same  
34 procedure and sale in case of delinquency as provided for ordinary  
35 county taxes. All laws applicable to the levy, collection and  
36 enforcement of county taxes are applicable to such a special  
37 assessment.

38 6. Any civil penalties that have not been collected from the  
39 owner of the property may not be made a special assessment against  
40 the property pursuant to subsection 5 by the governing body or its  
41 designee unless:

42 (a) At least 12 months have elapsed after the date specified in  
43 the notice by which the owner must abate the condition or the date  
44 specified in the order of the governing body or court by which the  
45 owner must abate the condition, whichever is later;



(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than \$5,000.

7. If a designee of the governing body imposes a special assessment pursuant to subsection 5, the designee shall submit a written report to the governing body at least once each calendar quarter that sets forth, for each property against which such an assessment has been imposed:

(a) The street address or assessor's parcel number of the property;

(b) The name of each owner of record of the property as of the date of the assessment; and

(c) The total amount of the assessment, stating the amount assessed for the expense of abatement and any amount assessed for civil penalties.

8. As used in this section, "dangerous structure or condition" means a structure or condition that may cause injury to or endanger the health, life, property, safety or welfare of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:

(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 268.413 with respect to minimum levels of health, maintenance or safety; or

(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the governing body of a city, the violation of which is designated as a nuisance in the ordinance, rule or regulation.

