

Amendment No. 807

Assembly Amendment to Senate Bill No. 110 First Reprint (BDR 43-609)

Proposed by: Assembly Committee on Transportation

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 110 R1 (§ 1).

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of *green bold underlining* is language proposed to be added 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 proposed to be retained in this amendment.

MSM/BJE



Date: 5/21/2015

S.B. No. 110—Revises provisions governing the disposal of abandoned recreational vehicles. (BDR 43-609)



SENATE BILL NO. 110—SENATOR GOICOECHEA

PREFILED FEBRUARY 1, 2015

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the disposal of abandoned recreational vehicles. (BDR 43-609)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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 vehicles; authorizing a person to apply for title to an abandoned recreational vehicle in certain circumstances; providing that a person who owns ~~for occupies~~ private property on which a recreational vehicle has been abandoned has a lien on the recreational vehicle; requiring a municipal solid waste landfill to accept a recreational vehicle for disposal under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that certain persons who store, maintain, keep, repair or furnish facilities or services for certain vehicles have a lien on such a vehicle. After providing notice to the owner of a vehicle on which such a lien is held, the vehicle may be sold to satisfy the lien. Any proceeds from such a sale in excess of those necessary to satisfy the lien must be returned to the owner of the vehicle. (NRS 108.270-108.367) **Section 1.4** of this bill provides that a person who owns ~~for occupies~~ private property on which a recreational vehicle is abandoned has a lien on the recreational vehicle. **Sections 1 and 1.2** of this bill set forth a procedure by which a person may obtain title to a recreational vehicle abandoned on private property after attempting to provide notice to the owner.

Existing law sets forth the procedure for disposal of an abandoned vehicle. (NRS 487.205-487.300) **Section 2** of this bill requires a municipal solid waste landfill to accept a recreational vehicle for disposal if: (1) the person disposing of the recreational vehicle pays any applicable fee and provides the title to the recreational vehicle which indicates that he or she is the owner of the vehicle; and (2) accepting the recreational vehicle for disposal does not violate any applicable federal or state law concerning the operation of the municipal solid waste landfill.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who holds a lien on an abandoned recreational vehicle pursuant to NRS 108.270 may apply to the Department for title to the abandoned recreational vehicle upon the expiration of:

(a) Thirty days after the date on which the owner ~~for occupant~~ of the property where the abandoned recreational vehicle is located mails the registered or certified letter pursuant to paragraph (a) of subsection 1 of section 1.2 of this act, if such a letter is required; or

*(b) Thirty days after the date of publication of the notice required by paragraph (b) of subsection 1 of section 1.2 of this act,
↳ whichever is later.*

2. An application for title to an abandoned recreational vehicle must contain:

(a) A completed application form prescribed by the Department;

(b) Proof that the letter required by paragraph (a) of subsection 1 of section 1.2 of this act was mailed at least 30 days before the submission of the application or, if no letter was sent, a detailed explanation of the steps taken to identify an owner of the abandoned recreational vehicle;

(c) Proof that notice was printed in a newspaper as required by paragraph (b) of subsection 1 of section 1.2 of this act at least 30 days before the submission of the application;

(d) A clear and accurate photograph of the abandoned recreational vehicle; and

(e) The serial number, vehicle identification number, registration number or any other identifying information relating to the abandoned recreational vehicle.

3. The Department may charge and collect a fee for issuing a certificate of title pursuant to this section, which must ~~not exceed the actual cost to~~ be the fee established by law for the Department ~~for issuing~~ to issue the certificate of title.

4. Upon receipt of the materials and information required in subsection 2 and any fees required pursuant to subsection 3, the Department shall enter the application upon the records of its office and issue the certificate of title for the abandoned recreational vehicle.

5. A person to whom a certificate of title is issued pursuant to this section is not required to provide consideration for the recreational vehicle to the owner of the recreational vehicle.

6. The Department may adopt any regulations necessary to carry out the provisions of this section.

Sec. 1.2. Chapter 108 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An owner ~~for occupant~~ of private property where an abandoned recreational vehicle is located who claims a lien on the abandoned recreational vehicle shall:

(a) If the abandoned recreational vehicle has a serial number, vehicle identification number, registration number or other means of identifying any owner of the abandoned recreational vehicle, obtain the last known address of the owner and provide the owner with notice of the lien by registered or certified letter to the last known address of the owner. The owner ~~for occupant~~ of the property where the abandoned recreational vehicle is located is not required to

1 *send a registered or certified letter if an owner cannot be located or if an address*
2 *for an owner cannot be ascertained.*

3 *(b) Place a notice of the lien in a newspaper of general circulation published*
4 *in the county in which the abandoned recreational vehicle is located.*

5 *2. The notice of the lien must contain:*

6 *(a) An itemized statement of the claim, showing the sum due at the time of*
7 *the notice and the date when it became due.*

8 *(b) A description of the abandoned recreational vehicle and the location*
9 *where the abandoned recreational vehicle was discovered and providing the serial*
10 *number, vehicle identification number, registration number or any other*
11 *identifying information relating to the abandoned recreational vehicle.*

12 *(c) A demand that the amount of the claim as stated in the notice, and of any*
13 *further claim as may accrue, must be paid on or before a date mentioned.*

14 *(d) A statement that, if ownership is not claimed and the abandoned*
15 *recreational vehicle is not removed within 30 days after the publication date of*
16 *the newspaper, the owner ~~for occupant~~ of the property where the abandoned*
17 *recreational vehicle is located will advertise the recreational vehicle for sale and*
18 *sell the recreational vehicle by auction at a specified time and place or apply for*
19 *title to the recreational vehicle as prescribed in section 1 of this act.*

20 *3. The owner ~~for occupant~~ of the private property where the abandoned*
21 *recreational vehicle is located shall determine a day for the purposes of the*
22 *demand in paragraph (c) of subsection 2. The day mentioned must be:*

23 *(a) Not less than 30 days after delivery of the letter pursuant to paragraph (a)*
24 *of subsection 1, if any; and*

25 *(b) Not less than 30 days after publication of the notice pursuant to*
26 *paragraph (b) of subsection 1.*

27 *4. As used in this section, "private property" has the meaning ascribed to it*
28 *in NRS 108.270.*

29 **Sec. 1.3.** NRS 108.270 is hereby amended to read as follows:

30 108.270 Subject to the provisions of NRS 108.315:

31 1. A person engaged in the business of:

32 (a) Buying or selling automobiles;

33 (b) Keeping a garage or place for the storage, maintenance, keeping or repair
34 of motor vehicles, motorcycles, motor equipment, trailers, mobile homes or
35 manufactured homes, including the operator of a salvage pool; or

36 (c) Keeping a mobile home park, mobile home lot or other land for rental of
37 spaces for trailers, mobile homes or manufactured homes,

38 and who in connection therewith stores, maintains, keeps or repairs any motor
39 vehicle, motorcycle, motor equipment, trailer, mobile home or manufactured home,
40 or furnishes accessories, facilities, services or supplies therefor, at the request or
41 with the consent of the owner or the owner's representatives, or at the direction of
42 any peace officer or other authorized person who orders the towing or storage of
43 any vehicle through any action permitted by law, has a lien upon the motor vehicle,
44 motorcycle, motor equipment, trailer, mobile home or manufactured home or any
45 part or parts thereof for the sum due for the towing, storing, maintaining, keeping or
46 repairing of the motor vehicle, motorcycle, motor equipment, trailer, mobile home
47 or manufactured home or for labor furnished thereon, or for furnishing accessories,
48 facilities, services or supplies therefor, and for all costs incurred in enforcing such a
49 lien.

50 2. Subject to the provisions of NRS 108.315, a person engaged in the business
51 of keeping a recreational vehicle park who, at the request or with the consent of the
52 owner of a recreational vehicle or the owner's representative, furnishes facilities or
53 services in the recreational vehicle park for the recreational vehicle, has a lien upon

the recreational vehicle for the amount of rent due for furnishing those facilities and services, and for all costs incurred in enforcing such a lien.

3. A person who at the request of the legal owner performed labor on, furnished materials or supplies or provided storage for any aircraft, aircraft equipment or aircraft parts is entitled to a lien for such services, materials or supplies and for the costs incurred in enforcing the lien.

4. *A person who owns ~~for-occupies~~ private property on which a recreational vehicle is abandoned has a lien upon the recreational vehicle for the amount of rent due for the use of the private property to store the recreational vehicle and for the costs incurred in enforcing the lien.*

5. Any person who is entitled to a lien as provided in subsections 1 ~~1, 2 and 3~~ to 4, inclusive, may, without process of law, detain the motor vehicle, motorcycle, motor equipment, trailer, recreational vehicle, mobile home, manufactured home, aircraft, aircraft equipment or aircraft parts at any time it is lawfully in the person's possession until the sum due is paid.

6. *As used in this section, "private property" means any property not owned by a governmental entity or devoted to public use.*

Sec. 1.4. NRS 108.272 is hereby amended to read as follows:

108.272 1. Except as otherwise provided in subsection 2 ~~1~~ and section 1.2 of this act, the notice of a lien must be given by delivery in person or by registered or certified letter addressed to the last known place of business or abode of:

(a) The legal owner and registered owner of the property.

(b) Each person who holds a security interest in the property.

(c) If the lien is on a mobile home or manufactured home, each person who is listed in the records of the Manufactured Housing Division of the Department of Business and Industry as holding an ownership or other interest in the home.

➤ If no address is known, the notice must be addressed to that person at the place where the lien claimant has his or her place of business.

2. Any person who claims a lien on aircraft, aircraft equipment or parts shall:

(a) Within 120 days after the person furnishes supplies or services; or

(b) Within 7 days after the person receives an order to release the property, ➤ whichever time is less, serve the legal owner by mailing a copy of the notice of the lien to the owner's last known address, or if no address is known, by leaving a copy with the clerk of the court in the county where the notice is filed.

3. ~~1. The~~ *Except as otherwise provided in section 1.2 of this act, the* notice must contain:

(a) An itemized statement of the claim, showing the sum due at the time of the notice and the date when it became due.

(b) A brief description of the motor vehicle, airplane, motorcycle, motor or airplane equipment, trailer, recreational vehicle, mobile home or manufactured home against which the lien exists.

(c) A demand that the amount of the claim as stated in the notice, and of any further claim as may accrue, must be paid on or before a day mentioned.

(d) A statement that unless the claim is paid within the time specified the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, trailer, recreational vehicle, mobile home or manufactured home will be advertised for sale, and sold by auction at a specified time and place.

4. The lienholder shall determine a day for the purposes of the demand in paragraph (c) of subsection 3. The day mentioned must be:

(a) Not less than 10 days after the delivery of the notice if it is personally delivered; or

(b) Not less than 10 days after the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail.

1 **Sec. 1.5.** NRS 108.290 is hereby amended to read as follows:

2 108.290 1. If property that is the subject of a lien which is acquired as
3 provided in NRS 108.270 to 108.367, inclusive, *and section 1.2 of this act* is the
4 subject of a secured transaction in accordance with the laws of this State, the lien:

5 (a) In the case of a lien acquired pursuant to NRS 108.315, is a first lien.

6 (b) In the case of a lien on a motor vehicle for charges for towing, storing and
7 any related administrative fees:

8 (1) For the first 30 days of the lien:

9 (I) If the amount of the lien does not exceed \$1,000, is a first lien.

10 (II) If the amount of the lien exceeds \$1,000, is a second lien.

11 (2) After the first 30 days of the lien:

12 (I) If the amount of the lien does not exceed \$2,500, is a first lien.

13 (II) If the amount of the lien exceeds \$2,500, is a second lien.

14 (c) In all other cases, if the amount of the lien:

15 (1) Does not exceed \$1,000, is a first lien.

16 (2) Exceeds \$1,000, is a second lien.

17 2. The lien of a landlord may not exceed \$2,500 or the total amount due and
18 unpaid for rentals and utilities, whichever is less.

19 **Sec. 1.6.** NRS 108.310 is hereby amended to read as follows:

20 108.310 Subject to the provisions of NRS 108.315, *and section 1.2 of this*
21 *act*, the lien created in NRS 108.270 to 108.367, inclusive, may be satisfied as
22 follows:

23 1. The lien claimant shall give written notice to the person on whose account
24 the storing, maintaining, keeping, repairing, labor, fuel, supplies, facilities, services
25 or accessories were made, done or given, and to any other person known to have or
26 to claim an interest in the motor vehicle, aircraft, motorcycle, motor or aircraft
27 equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured
28 home, upon which the lien is asserted, and to the:

29 (a) Manufactured Housing Division of the Department of Business and
30 Industry with regard to mobile homes, manufactured homes and commercial
31 coaches as defined in chapter 489 of NRS; or

32 (b) Department of Motor Vehicles with regard to all other items included in
33 this section.

34 2. In accordance with the terms of a notice so given, a sale by auction may be
35 held to satisfy any valid claim which has become a lien on the motor vehicle,
36 aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational
37 vehicle, mobile home or manufactured home. The sale must be held in the place
38 where the lien was acquired or, if that place is manifestly unsuitable for the
39 purpose, at the nearest suitable place.

40 3. After the time for the payment of the claim specified in the notice has
41 elapsed, an advertisement of the sale, describing the motor vehicle, aircraft,
42 motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle,
43 mobile home or manufactured home to be sold, and stating the name of the owner
44 or person on whose account it is held, and the time and place of the sale, must be
45 published once a week for 3 consecutive weeks in a newspaper published in the
46 place where the sale is to be held, but if no newspaper is published in that place,
47 then in a newspaper published in this State that has a general circulation in that
48 place. The sale must not be held less than 22 days after the time of the first
49 publication.

50 4. From the proceeds of the sale the lien claimant who furnished the services,
51 labor, fuel, accessories, facilities or supplies shall satisfy the lien, including the
52 reasonable charges of notice, advertisement and sale. The balance, if any, of the
53 proceeds must be delivered, on demand, to the person to whom the lien claimant

1 would have been bound to deliver, or justified in delivering, the motor vehicle,
2 aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational
3 vehicle, mobile home or manufactured home.

4 **Sec. 1.7.** NRS 108.320 is hereby amended to read as follows:

5 108.320 At any time before the motor vehicle, aircraft, motorcycle, motor or
6 aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or
7 manufactured home is so sold ~~or~~ *or before a certificate of title to an abandoned*
8 *recreational vehicle is issued pursuant to section 1 of this act*, any person claiming
9 a right of property or possession therein may pay the lien claimant the amount
10 necessary to satisfy the lien claimant's lien and to pay the reasonable expenses and
11 liabilities incurred in serving notices and advertising and preparing for the sale up
12 to the time of such payment. The lien claimant shall deliver the motor vehicle,
13 aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational
14 vehicle, mobile home or manufactured home to the person making the payment if
15 the person is entitled to the possession of the property on payment of the charges
16 thereon.

17 **Sec. 1.8.** NRS 108.330 is hereby amended to read as follows:

18 108.330 The remedy for enforcing the lien provided in NRS 108.270 to
19 108.367, inclusive, *and section 1.2 of this act* does not preclude any other remedies
20 allowed by law for the enforcement of a lien against personal property nor bar the
21 right to recover so much of the lienholder's claim as is not paid by the proceeds of
22 the sale of the property.

23 **Sec. 1.9.** NRS 108.350 is hereby amended to read as follows:

24 108.350 Nothing contained in NRS 108.270 to 108.367, inclusive, *and*
25 *section 1.2 of this act* precludes:

26 1. The owner of any motor vehicle, aircraft, motorcycle, motor or aircraft
27 equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured
28 home; or

29 2. Any other person having an interest or equity in the property,
30 ➤ from contesting the validity of the lien. All legal rights and remedies otherwise
31 available to the person are reserved to and retained, except that, after a sale has
32 been made to an innocent third party, the lien claimant is solely responsible for loss
33 or damage occasioned the owner, or any other person having an interest or equity in
34 the property, by reason of the invalidity of the lien, or by reason of failure of the
35 lien claimant to proceed in the manner provided in those sections.

36 **Sec. 2.** Chapter 444 of NRS is hereby amended by adding thereto a new
37 section to read as follows:

38 *A municipal solid waste landfill shall accept a recreational vehicle for*
39 *disposal if:*

40 1. *The person disposing of the recreational vehicle pays any applicable fee*
41 *and provides the title to the recreational vehicle, indicating that he or she is the*
42 *owner.*

43 2. *Accepting the recreational vehicle for disposal does not violate any*
44 *applicable federal or state law or regulation relating to the operation of the*
45 *municipal solid waste landfill.*

46 **Sec. 3.** NRS 444.450 is hereby amended to read as follows:

47 444.450 As used in NRS 444.440 to 444.620, inclusive, *and section 2 of this*
48 *act*, unless the context otherwise requires, the words and terms defined in NRS
49 444.460 to 444.501, inclusive, have the meanings ascribed to them in those
50 sections.

51 **Sec. 4.** NRS 444.580 is hereby amended to read as follows:

52 444.580 *Except as otherwise provided in section 2 of this act:*

1 1. Any district board of health created pursuant to NRS 439.362 or 439.370
2 and any governing body of a municipality may adopt standards and regulations for
3 the location, design, construction, operation and maintenance of solid waste
4 disposal sites and solid waste management systems or any part thereof more
5 restrictive than those adopted by the State Environmental Commission, and any
6 district board of health may issue permits thereunder.

7 2. Any district board of health created pursuant to NRS 439.362 or 439.370
8 may adopt such other regulations as are necessary to carry out the provisions of
9 NRS 444.440 to 444.620, inclusive ~~H~~, *and section 2 of this act*. Such regulations
10 must not conflict with regulations adopted by the State Environmental Commission.

11 **Sec. 5.** This act becomes effective on July 1, 2015.