

## Amendment No. 111

Senate Amendment to Senate Bill No. 320

(BDR 58-1143)

**Proposed by:** Senate Committee on Transportation**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<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.

DLJ/JRS



Date: 4/6/2017

S.B. No. 320—Revises provisions relating to tow cars. (BDR 58-1143)





## SENATE BILL NO. 320—SENATOR DENIS

MARCH 20, 2017

Referred to Committee on Transportation

SUMMARY—~~[Revises provisions]~~ **Sets forth certain conditions** relating to ~~tow cars,~~ **the towing of a motor vehicle from a residential complex.** (BDR 58-1143)

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.

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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 motor vehicles; setting forth certain conditions relating to the towing of a motor vehicle ~~requested by a law enforcement officer or a person or authorized agent of a person other than the owner of the motor vehicle;~~ **from a residential complex;** providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law imposes certain conditions on the towing of a motor vehicle which is requested by a person other than the owner of the vehicle, an agent of the owner or a law enforcement officer. Those conditions require that: (1) the person requesting the tow must be the owner of the real property from which the vehicle is being towed, or an authorized agent of the owner of the real property; (2) the person requesting the tow must sign a specific request for the towing; (3) the area from which the vehicle is to be towed must be appropriately posted in accordance with state or local requirements; (4) notice must be given to the appropriate law enforcement agency pursuant to state or local requirements; and (5) the operator of the tow car may be directed to terminate the towing by a law enforcement officer. (NRS 706.4477) **Section 1** of this bill sets forth certain additional conditions if the real property from which the vehicle is to be towed is a residential complex. Those conditions state that the owner of the real property, or an authorized agent of the owner: (1) ~~must be present when the vehicle is towed;~~ (2) ~~must notify the operator of the tow car of the address of the owner of the vehicle, if the address is known to the owner or authorized agent and is in the complex where the vehicle is located;~~ (3) ~~may only have a vehicle towed for a parking violation for~~ **may only have a vehicle towed for a parking violation for not less than 60 days;** and (4) ~~may not have a vehicle towed solely~~ **may not have a vehicle towed solely** ~~or because the vehicle is unregistered or the registration on the vehicle has expired.~~ **for not less than 60 days; and (2) may not have a vehicle towed solely because the vehicle is unregistered or the registration on the vehicle is expired; towed until 48 hours after affixing a notice to the vehicle which explains when the vehicle is to be towed, unless the tow is requested for an issue relating to the health and safety of the residents of the residential complex.** Existing law makes a

violation of any of these provisions a misdemeanor. (NRS 706.756) ~~Section 2 of this bill makes a conforming change.~~

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

**Section 1.** NRS 706.4477 is hereby amended to read as follows:

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

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

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

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

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

2. *If, pursuant to subsection 1, the owner of the real property or authorized agent of the owner of the real property requests that a vehicle be towed from a residential complex at which the vehicle is located:*

~~(a) The owner of the real property or authorized agent of the owner:~~

~~(1) Must meet:~~

~~(1) Meet the requirements of subsection 1.~~

~~(2) Must be present when the vehicle is towed.~~

~~(3) Must notify the operator of the address of the vehicle. If the vehicle is being towed pursuant to subparagraph (1), (2) or (3) of paragraph (b), notify the owner or operator of the vehicle at the time the vehicle is towed, if that address is in the residential complex and is known to the owner or authorized agent of the owner.~~

~~(4) Except as otherwise provided in subparagraph (5), may only have a vehicle towed:~~

~~(i) At of the tow not less than 48 hours before the tow by affixing to the vehicle a sticker which provides the date and time at which the vehicle will be towed.~~

~~(b) May only have a vehicle towed:~~

~~(1) Because of a parking violation; for~~

~~(ii) An issue related to the health and safety of the residents of the residential complex that requires the vehicle be removed from the residential complex.~~

~~(5) May not have a vehicle towed solely because the:~~

~~(i) Vehicle; (2) If the vehicle is not registered pursuant to chapter 482 or 706 of NRS or in any other state; for~~

~~(ii) Registration; (3) If the registration of the vehicle has been expired.~~

~~(b) The operator:~~

~~(1) Must, if the address of the owner of the vehicle is provided by the owner or agent of the owner pursuant to subparagraph (3) of paragraph (a), securely attach a notice to the door of the residence which informs the resident of the apartment, condominium or townhouse of~~

~~(i) The location where the vehicle is being towed;~~

~~(II) The name of the owner or agent of the owner who requested the towing;~~

~~(III) The date and time the vehicle was towed;~~

~~(IV) The charge for the tow and the daily charge for storage at the location where the vehicle is being towed; and~~

~~(1) The actions that the registered owner of the vehicle may take to recover the vehicle while incurring the lowest possible liability in accrued assessments, fees, penalties or other charges.~~

~~(2) May not tow a vehicle solely because the:~~

~~(I) Vehicle is not registered pursuant to chapter 482 or 706 of NRS or in any other state; or~~

~~(II) Registration of the vehicle has expired; for not less than 60 days; or~~

~~(4) For any issue that is related to the health and safety of the residents of the residential complex that requires the removal of the vehicle from the residential complex, including, without limitation, a vehicle that is:~~

~~(I) Blocking egress or ingress to the residential complex;~~

~~(II) Blocking access to a fire hydrant;~~

~~(III) Preventing the movement of another vehicle; or~~

~~(IV) Emitting toxic substances.~~

3. If towing is requested by a county or city pursuant to NRS 244.3605 or 268.4122, as applicable:

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

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

~~4. The registered owner of a motor vehicle towed pursuant to the provisions of subsection 1 ~~for 2~~, 2 or 3:~~

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

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

~~5. The registered owner may rebut the presumption in subsection ~~4~~ 4 by showing that:~~

(a) The registered owner transferred the registered owner's interest in the motor vehicle:

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

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

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

6. *As used in this section:*

(a) *"Parking violation" means a violation of any:*

*(1) State or local law or ordinance governing parking; or*

*(2) Parking rule promulgated by the owner or manager of the residential complex that applies to vehicles on the property of the residential complex.*

*(b) "Residential complex" means a group of apartments, condominiums or townhomes intended for use as residential units and for which a common parking area is provided, regardless of whether each resident or unit has been assigned a specific parking space in the common parking area.*

1        **Sec. 2.** ~~NRS 706.4479 is hereby amended to read as follows:~~  
2        ~~706.4479. 1. If a motor vehicle is towed at the request of someone other than~~  
3        ~~the owner, or authorized agent of the owner, of the motor vehicle, the operator of~~  
4        ~~the tow car shall, in addition to the requirements set forth in the provisions of~~  
5        ~~chapter 108 of NRS [-] and subsection 2 of NRS 706.4477:~~  
6        ~~(a) Notify the registered and legal owner of the motor vehicle by certified mail~~  
7        ~~not later than 21 days after placing the motor vehicle in storage if the motor vehicle~~  
8        ~~was towed at the request of a law enforcement officer following a crash involving~~  
9        ~~the motor vehicle or not later than 15 days after placing any other vehicle in~~  
10       ~~storage:~~  
11       ~~(1) Of the location where the motor vehicle is being stored;~~  
12       ~~(2) Whether the storage is inside a locked building, in a secured, fenced~~  
13       ~~area or in an unsecured, open area;~~  
14       ~~(3) Of the charge for towing and storage;~~  
15       ~~(4) Of the date and time the vehicle was placed in storage;~~  
16       ~~(5) Of the actions that the registered and legal owner of the vehicle may~~  
17       ~~take to recover the vehicle while incurring the lowest possible liability in accrued~~  
18       ~~assessments, fees, penalties or other charges; and~~  
19       ~~(6) Of the opportunity to rebut the presumptions set forth in NRS 487.220~~  
20       ~~and 706.4477.~~  
21       ~~(b) If the identity of the registered and legal owner is not known or readily~~  
22       ~~available, make every reasonable attempt and use all resources reasonably~~  
23       ~~necessary, as evidenced by written documentation, to obtain the identity of the~~  
24       ~~owner and any other necessary information from the agency charged with the~~  
25       ~~registration of the motor vehicle in this State or any other state within:~~  
26       ~~(1) Twenty one days after placing the motor vehicle in storage if the motor~~  
27       ~~vehicle was towed at the request of a law enforcement officer following a crash~~  
28       ~~involving the motor vehicle; or~~  
29       ~~(2) Fifteen days after placing any other motor vehicle in storage.~~  
30       ~~→ The operator shall attempt to notify the owner of the vehicle by certified mail as~~  
31       ~~soon as possible, but in no case later than 15 days after identification of the owner~~  
32       ~~is obtained for any motor vehicle.~~  
33       ~~2. If an operator includes in the operator's tariff a fee to be charged to the~~  
34       ~~registered and legal owner of a vehicle for the towing and storage of the vehicle, the~~  
35       ~~fee may not be charged:~~  
36       ~~(a) For more than 21 days after placing the motor vehicle in storage if the~~  
37       ~~motor vehicle was towed at the request of a law enforcement officer following a~~  
38       ~~crash involving the motor vehicle; or~~  
39       ~~(b) For more than 15 days after placing any other vehicle in storage;~~  
40       ~~→ unless the operator complies with the requirements set forth in subsection 1.~~  
41       ~~3. If a motor vehicle that is placed in storage was towed at the request of a~~  
42       ~~law enforcement officer following a crash involving the motor vehicle or after~~  
43       ~~having been stolen and subsequently recovered, the operator shall not:~~  
44       ~~(a) Satisfy any lien or impose any administrative fee or processing fee with~~  
45       ~~respect to the motor vehicle for the period ending 4 business days after the date on~~  
46       ~~which the motor vehicle was placed in storage; or~~  
47       ~~(b) Impose any fee relating to the auction of the motor vehicle until after the~~  
48       ~~operator complies with the notice requirements set forth in NRS 108.265 to~~  
49       ~~108.267, inclusive. (Deleted by amendment.)~~

50       **Sec. 3.** This act becomes effective on July 1, 2017.