

Amendment No. 769

Senate Amendment to Assembly Bill No. 288 First Reprint	(BDR 43-938)
Proposed by: Senate Committee on Growth and Infrastructure	
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/BJE



Date: 5/22/2019

A.B. No. 288—Makes various changes relating to motor vehicles. (BDR 43-938)



ASSEMBLY BILL NO. 288—ASSEMBLYWOMAN SPIEGEL

MARCH 18, 2019

Referred to Committee on Growth and Infrastructure

SUMMARY—Makes various changes relating to ~~motor vehicles.~~ services provided by the Department of Motor Vehicles.
(BDR 43-938)

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; requiring the Department of Motor Vehicles to make certain efforts to provide employees who are fluent in certain languages at offices of the Department in certain circumstances; ~~revising provisions related to towing certain vehicles from a residential complex;~~ requiring the Department to provide certain services to document preparation services and the clients of document preparation services in certain circumstances; requiring the Secretary of State, the Attorney General or the district attorney to notify the Department of certain actions taken regarding a document preparation service; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under federal law, certain voting materials must be provided in a language other than English in certain political subdivisions if more than 5 percent of the citizens of voting age in the subdivision are members of a single language minority and are limited-English proficient. (52 U.S.C. § 10503) **Section ~~H~~ 1.3** of this bill requires the Department of Motor Vehicles, in any office of the Department located in a county where federal law requires voting materials in a language other than English, to make every effort to provide at least one employee who is fluent in the language of the relevant single language minority.

~~[Existing law imposes certain requirements on the towing of a vehicle from a residential complex when the tow is at the request of a person other than the owner of the vehicle. (NRS 706.4477) Section 76 of this bill newly requires a tow operator who has been requested by the owner of the real property where the residential complex is located, or an authorized agent of the owner, to tow a vehicle from the residential complex based on an expired registration of the vehicle to independently verify the registration status of the vehicle before towing the vehicle. A tow operator who fails to comply with that requirement is responsible for the cost of the towing and storage of the vehicle.] Existing law requires a person who wishes to conduct business as a document preparation service to register with the Secretary of State and meet certain requirements. (NRS 240A.100) A person who alleges certain~~

violations against the document preparation service may file a complaint with the Secretary of State, who may investigate the complaint to determine if a violation has occurred. (NRS 240A.260) Upon making such a determination, the Secretary of State is authorized to deny, suspend, revoke or refuse to renew the registration of the document preparation service, and may refer the violation to the Attorney General or a district attorney to commence a civil action against the document preparation service, with available remedies including injunctive relief, civil penalties and restitution. (NRS 240A.270, 240A.280)

Section 1.5 of this bill authorizes the Department of Motor Vehicles to maintain service windows or locations in an office of the Department that are dedicated to serving document preparation services conducting transactions on behalf of clients if the Department determines that enough such transactions are conducted to warrant it, and requires the Department to maintain such windows or locations in certain counties. Such windows or locations may be used to provide services to the general public during times when no document preparation services are in the office seeking to conduct transactions. Section 1.5 also authorizes a client of a document preparation service who alleges a violation by the document preparation service that involves a transaction with the Department of Motor Vehicles to file the complaint with the Department. If the Department determines that the alleged violation or violations more likely than not occurred, the Department must forward the complaint to the Secretary of State for further action under existing laws. Section 1.5 also provides that, if the registration of a document preparation service is suspended or revoked, the Department must not allow the document preparation service to conduct transactions with the Department on behalf of clients. If some penalty other than suspension or revocation of registration is imposed on a document preparation service, the Department may suspend, for a reasonable time, the privilege of the document preparation service to: (1) conduct transactions with the Department on behalf of clients; or (2) use a service window or location dedicated to document preparation services at any office of the Department where such a window or location is provided. Sections 1.7 and 1.9 of this bill make conforming changes.

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

Section 1. Chapter 481 of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ the provisions set forth as sections 1.3 and 1.5 of this act.

Sec. 1.3. At each office of the Department in which voting materials are required pursuant to NRS 293.2699 to be provided in the language or languages of a minority group, the Department shall make every effort to ensure that not less than one employee who is fluent in each such language is available to provide services in the office in the language or languages of the minority group. Such efforts must include, without limitation, including fluency in any such language as a consideration when hiring employees for or transferring employees to an office that lacks such an employee.

Sec. 1.5. 1. At each office of the Department where the Department determines that document preparation services conduct a sufficient number of transactions on behalf of clients to warrant it, the Department may maintain public service windows or locations dedicated to serving document preparation services conducting transactions on behalf of clients, except that the Department must maintain:

(a) In a county where motor vehicle owners are required to participate in a program for the control of emissions pursuant to NRS 445B.795 and where four

1 or more offices of the Department are located, not less than two such public
2 service windows or locations at each office in the county;

3 (b) Except as otherwise provided in paragraph (a), in a county where motor
4 vehicle owners are required to participate in a program for the control of
5 emissions pursuant to NRS 445B.795, not less than one such public service
6 window or location in each office in the county; and

7 (c) At the main office of the Department, not less than one such public
8 service window or location.

9 ↳ Such public service windows or locations may be used to provide services to
10 the general public during times when no document preparation service is in the
11 office seeking to conduct transactions on behalf of clients.

12 2. A person who is a client of a document preparation service may file with
13 the Department a complaint alleging a violation of chapter 240A of NRS by the
14 document preparation service in lieu of notifying the Secretary of State pursuant
15 to chapter 240A of NRS if at least one allegation in the complaint involves a
16 transaction with the Department by the document preparation service on behalf
17 of the client.

18 3. Upon receipt of a complaint filed pursuant to subsection 2 and evidence
19 satisfactory to the Department that a violation of chapter 240A of NRS is more
20 likely than not to have occurred, the Department shall forward the complaint to
21 the Secretary of State or his or her designee for investigation pursuant to NRS
22 240A.260. Such evidence may include, without limitation, a written receipt for
23 payment to the document preparation service by the client, as required pursuant
24 to NRS 240A.230, for the transaction or transactions that are the subject of the
25 complaint.

26 4. Upon receipt by the Department of a notice from the Secretary of State
27 pursuant to NRS 240A.270 or from the Attorney General or a district attorney
28 pursuant to NRS 240A.280 that a violation of the provisions of chapter 240A of
29 NRS has been committed by a document preparation service concerning a
30 transaction with the Department that resulted in:

31 (a) A suspension or revocation of or the refusal to renew the registration of
32 the document preparation service, the Department shall not allow the document
33 preparation service to conduct transactions with the Department on behalf of a
34 client.

35 (b) The imposition of any civil remedy authorized by chapter 240A of NRS
36 other than the suspension or revocation of the registration of the document
37 preparation service, the Department may suspend, for an amount of time
38 determined to be reasonable by the Department, the privilege of the document
39 preparation service to:

40 (1) Conduct transactions with the Department on behalf of clients; or
41 (2) Use a service window or location dedicated to document preparation
42 services at any office of the Department where such a window or location is
43 provided.

44 Sec. 1.7. NRS 240A.270 is hereby amended to read as follows:

45 240A.270 1. The Secretary of State may deny, suspend, revoke or refuse to
46 renew the registration of any person who violates a provision of this chapter or a
47 regulation or order adopted or issued pursuant thereto. Except as otherwise
48 provided in subsection 2, a suspension or revocation may be imposed only after a
49 hearing.

50 2. The Secretary of State shall immediately revoke the registration of a
51 registrant upon the receipt of an official document or record showing:

- 52 (a) The entry of a judgment or conviction; or
53 (b) The occurrence of any other event,

1 ↳ that would disqualify the registrant from registration pursuant to subsection 2 of
2 NRS 240A.100.

3 3. Upon the suspension or revocation of or refusal to renew the registration
4 of a document preparation service pursuant to this section, the Secretary of State
5 shall notify the Department of Motor Vehicles of the name of the document
6 preparation service for the purposes of section 1.5 of this act.

7 Sec. 1.9. NRS 240A.280 is hereby amended to read as follows:

8 240A.280 1. Upon referral by the Secretary of State, the Attorney General
9 or the district attorney of the county in which the defendant resides or maintains a
10 place of business may bring an action in the name of the State of Nevada in a court
11 of competent jurisdiction:

12 (a) For injunctive relief against any person who violates or threatens to violate
13 a provision of this chapter or a regulation or order adopted or issued pursuant
14 thereto;

15 (b) For the recovery of a civil penalty against the defendant of not less than
16 \$100 or more than \$5,000 for each such violation;

17 (c) For an order directing restitution to be made by the defendant to any person
18 who suffers pecuniary loss as a result of such a violation; or

19 (d) For any combination of the remedies described in this subsection.

20 2. Any civil penalty recovered pursuant to this section must be paid to the
21 Secretary of State and deposited in the State General Fund.

22 3. If the court determines that the State of Nevada is the prevailing party in an
23 action brought pursuant to this section, the court shall award the State the costs of
24 suit and reasonable attorney's fees incurred in the action.

25 4. Upon the imposition of any remedy pursuant to this section against a
26 document preparation service, the Attorney General or district attorney shall
27 notify the Department of Motor Vehicles of the name of the document
28 preparation service and the remedy imposed for the purposes of section 1.5 of this
29 act.

30 Sec. 2. (Deleted by amendment.)

31 Sec. 3. (Deleted by amendment.)

32 Sec. 4. (Deleted by amendment.)

33 Sec. 5. (Deleted by amendment.)

34 Sec. 6. (Deleted by amendment.)

35 Sec. 7. (Deleted by amendment.)

36 Sec. 8. (Deleted by amendment.)

37 Sec. 9. (Deleted by amendment.)

38 Sec. 10. (Deleted by amendment.)

39 Sec. 11. (Deleted by amendment.)

40 Sec. 12. (Deleted by amendment.)

41 Sec. 13. (Deleted by amendment.)

42 Sec. 14. (Deleted by amendment.)

43 Sec. 15. (Deleted by amendment.)

44 Sec. 16. (Deleted by amendment.)

45 Sec. 17. (Deleted by amendment.)

46 Sec. 18. (Deleted by amendment.)

47 Sec. 19. (Deleted by amendment.)

48 Sec. 20. (Deleted by amendment.)

49 Sec. 21. (Deleted by amendment.)

50 Sec. 22. (Deleted by amendment.)

51 Sec. 23. (Deleted by amendment.)

52 Sec. 24. (Deleted by amendment.)

53 Sec. 25. (Deleted by amendment.)

1 **Sec. 26.** (Deleted by amendment.)

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41 **Sec. 66.** (Deleted by amendment.)

42 **Sec. 67.** (Deleted by amendment.)

43 **Sec. 68.** (Deleted by amendment.)

44 **Sec. 69.** (Deleted by amendment.)

45 **Sec. 70.** (Deleted by amendment.)

46 **Sec. 71.** (Deleted by amendment.)

47 **Sec. 72.** (Deleted by amendment.)

48 **Sec. 73.** (Deleted by amendment.)

49 **Sec. 74.** (Deleted by amendment.)

50 **Sec. 75.** (Deleted by amendment.)

51 **Sec. 76.** ~~[NRS 706.4477 is hereby amended to read as follows:~~

52 ~~706.4477 1. If towing is requested by a person other than the owner, or an~~
53 ~~agent of the owner, of the motor vehicle or a law enforcement officer;~~

~~1. (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, the owner of the real property or authorized agent of the owner:~~

~~(a) Must:~~

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

~~(2) If the vehicle is being towed pursuant to subparagraph (1), (2) or (3) of paragraph (b), notify the owner or operator of the vehicle of the tow not less than 48 hours before the tow by affixing to the vehicle a sticker which provides the date and time after which the vehicle will be towed.~~

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

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

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

~~(3) If the registration of the vehicle:~~

~~(I) Has been expired for not less than 60 days, if the vehicle is owned or operated by a resident of the residential complex or does not meet the requirements of sub subparagraph (II); or~~

~~(II) Is expired, if the owner of real property or authorized agent of the owner verifies that the vehicle is not owned or operated by a resident of the residential complex; or~~

~~(4) If the vehicle is:~~

~~(I) Blocking a fire hydrant, fire lane or parking space designated for the handicapped; or~~

~~(II) Posing an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the residents of the residential complex.~~

~~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. If towing is requested based on subparagraph (2) or (3) of paragraph (b) of subsection 3, the operator shall independently verify the registration status of the vehicle before towing the vehicle. If, upon accessing the Internet website of the Department for such verification the operator encounters a failure of the verification system or receives an error message, the operator shall be considered to have met the requirements of this subsection. The operator shall retain evidence of such verification, system failure or error message for not less than 1 year. An operator who fails to comply with this subsection is responsible for the cost of removal and storage of the vehicle.~~

~~5. The registered owner of a motor vehicle towed pursuant to the provisions of subsection 1, 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] Except as otherwise provided in subsection 4, is responsible for the cost of removal and storage of the motor vehicle.~~

~~[5.] 6. The registered owner may rebut the presumption in subsection [4] 5 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.] 7. 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.] (Deleted by amendment.)~~

Sec. 77. (Deleted by amendment.)

Sec. 78. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On ~~[July 1, 2020,]~~ October 1, 2019, for all other purposes.