

Amendment No. 215

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| Assembly Amendment to Assembly Bill No. 303 | (BDR 58-113) |
| Proposed by: Assembly Committee on Growth and Infrastructure | |
| Amends: Summary: No Title: No 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.

AMD/ERS



Date: 4/16/2023

A.B. No. 303—Revises provisions relating to the towing of a motor vehicle under certain circumstances. (BDR 58-113)



ASSEMBLY BILL NO. 303—COMMITTEE
ON GROWTH AND INFRASTRUCTURE

MARCH 15, 2023

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to the towing of a motor vehicle under certain circumstances. (BDR 58-113)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to motor vehicles; revising provisions relating to the towing of a motor vehicle when a tow is requested by certain persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if the towing of a motor vehicle is requested by a person other than the owner, an agent of the owner, a law enforcement officer or other person employed to enforce the laws, ordinances and codes of a local government, the operator of the tow car shall not charge any fee or cost for the storage of the motor vehicle until at least 48 hours after the motor vehicle arrives and is registered at the place of storage. (NRS 706.4477) This bill ~~provides instead that an operator is prohibited from charging any fee or cost for the towing of the motor vehicle, including, without limitation, any fee or cost for the removal, impoundment or storage of the motor vehicle, until at least 48 hours after the motor vehicle arrives and is registered at the place of storage.~~ **removes this provision.** This bill also provides that an operator who tows a vehicle in violation of the requirements of this bill or charges a fee or cost in violation of this bill may be subject to certain penalties and the owners of the vehicle may bring an action against the operator to recover costs.

Existing law provides that an owner of real property may not have a vehicle towed solely because the registration of the vehicle is expired. (NRS 706.4477) This bill: (1) prohibits an operator from charging any fee or cost for the towing of a vehicle solely because the registration of the vehicle is expired; and (2) provides that the towing of such a vehicle by an operator is a violation subject to the penalties provided for in this bill.

Existing law provides that, in certain situations, a registered owner of a motor vehicle that is towed is responsible for the cost of removal and storage of the motor vehicle, but if, for reasons outside of the owner's control, he or she is incapable of paying the normal rate charged for the removal and storage of the towed motor vehicle, the owner may pay a hardship tariff in accordance with regulations adopted by the Nevada Transportation Authority. (NRS 706.4477) This bill ~~sets forth certain reasons outside of the owner's control for which he or she is determined to be incapable of paying the normal rate charged for the removal and storage of the towed motor vehicle.~~ **revises the situations in which an owner may pay a hardship tariff, but limits an owner from paying the hardship tariff more than once per calendar year.**

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 or other person who is employed to enforce the laws, ordinances and codes of a local government:

(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. Except as otherwise provided in subsection 2, 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, which may be the tow operator if the tow operator has entered into a contract for that purpose with the owner of the real property:

(a) Must:

(1) Meet the requirements of subsection 1.

(2) Except as otherwise provided in this subparagraph, if the vehicle is being towed pursuant to subparagraph (1) or (2) 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. The provisions of this subparagraph do not apply and the vehicle may be immediately towed if it is a vehicle for which a notice was previously affixed:

(I) For the same or a similar reason within the same residential complex.

(II) Three or more times during the immediately preceding 6 months within the same residential complex for any reason, regardless of whether the vehicle was subsequently 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; or

(3) 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, which may include, without limitation, if the vehicle is parked in a space that is clearly marked for a specific resident or the use of a specific unit in the residential complex.

(c) May not have a vehicle towed solely because the registration of the vehicle is expired. An operator may not charge any fee or cost for towing a vehicle in

violation of this paragraph. The towing of a vehicle solely because the registration of the vehicle is expired is a violation of this section, subject to the provisions of the regulations adopted pursuant to subsection 8.

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 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) Subject to the provisions of subsection ~~7~~ 6, is responsible for the cost of removal and storage of the motor vehicle.

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

(a) The owner transferred the 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 owner; or

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

~~6. [An operator shall not charge any fee or cost for the storage towing of the motor vehicle pursuant to subsection 1, including, without limitation, any fee or cost for the removal, impoundment or storage of the motor vehicle, until at least 48 hours after the motor vehicle arrives and is registered at the place of storage. If the motor vehicle arrives at the place of storage after the regular business hours of the place of storage, the 48 hour period begins when the regular business hours of the place of storage next begin.~~

~~7. The]~~ Except as otherwise provided in subsection 7, the owner of the vehicle shall pay a hardship tariff for the cost of removal and storage of the motor vehicle if:

(a) A vehicle has been towed pursuant to subparagraph (1) or (2) of paragraph (b) of subsection 2 ~~;~~ or sub-subparagraph (II) of subparagraph (3) of paragraph (b) of subsection 2; and

~~(b) [The owner of the vehicle does not provide proof that the vehicle was registered pursuant to this chapter or chapter 482 of NRS or in any other state at the time the vehicle was towed; and~~

~~(c)]~~ The owner, for reasons outside of his or her control, as determined by the regulations adopted pursuant to this section, is incapable of paying the normal rate charged for the removal and storage of the motor vehicle.

~~;~~ (d) The owner is incapable of paying the normal rate charged for reasons outside of his or her control if the owner provides evidence that he or she

~~(1) Is receiving benefits provided by a federal or state program of public assistance;~~

~~(2) Has a household net income which is equal to or less than 200 percent of the federally designated level signifying poverty as provided in the most recent federal poverty guidelines published in the Federal Register by the United States Department of Health and Human Services;~~

~~(3) Resides in public housing, as that term is defined in NRS 315.021;~~

~~(4) Has expenses for the necessities of life that exceeds his or her income; or~~

~~(5) Any other reason established by the Authority in accordance with the regulations adopted pursuant to subsection 8.~~

7. The owner of a motor vehicle is only entitled to pay a hardship tariff pursuant to subsection 6 once per calendar year.

8. The Authority shall adopt regulations to carry out the provisions of this section, including, without limitation, establishing a range of hardship tariffs a person may pay pursuant to this section ~~subsection 7~~ and setting forth what qualifies as a reason ~~any additional reasons~~ that is ~~are~~ outside of the control of the owner.

9. If a motor vehicle is towed in violation of the provisions of this section or an operator charges any fee or cost for the towing of a motor vehicle in violation of this section:

(a) The operator may be subject to a penalty in accordance with the provisions of NRS 706.756 to 706.781, inclusive; and

(b) The owner of the vehicle may bring an action against the operator to recover any costs incurred by the person as a result of the violation, including, without limitation, any loss of income.

~~18.]~~ 10. 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) ["Provide proof" includes, without limitation, providing current registration documents in a physical format or in an electronic format as set forth in NRS 482.255 that predate the date on which the vehicle was towed.]~~

~~(c)]~~ "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.

Sec. 2. This act becomes effective on July 1, 2023.