Assembly Bill No. 415–Assemblymembers
Carter, Goulding; and Dickman

Joint Sponsors: Senators Titus, Taylor; and Lange

CHAPTER.....

AN ACT relating to motor vehicles; revising provisions governing the disposition of certain vehicles abandoned on public or private property; revising provisions governing the issuance of junk certificates by the Department of Motor Vehicles; revising provisions governing lists of operators of tow cars used by law enforcement agencies; prohibiting the operator of a tow car from falsely reporting the location of the operator or tow car to a law enforcement agency for certain purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes certain persons and law enforcement agencies to request the removal of a vehicle that has been abandoned on public or private property; and (2) requires the person who requests such a removal to inquire into whether the vehicle was stolen and the identity of the vehicle's owner. (NRS 487.230, 487.235) Existing law requires a person who removed an abandoned vehicle to notify the registered owner and any person having a security interest in the vehicle by registered or certified mail that the vehicle has been removed and will be junked, dismantled or otherwise disposed of unless the owner or the person having the security interest responds and pays the costs of removal. (NRS 487.250) Existing law additionally requires a tow operator to notify the registered and legal owner of a vehicle if the vehicle was towed and placed in storage at the request of someone other than the owner or the owner's authorized agent. (NRS 706.4479)

Existing law authorizes the Department of Motor Vehicles to issue a junk certificate to a tow operator or automobile wrecker for a vehicle that: (1) has been discarded or abandoned; (2) has been ruined, wrecked, dismantled or rendered inoperative; (3) is unfit for further use in accordance with the vehicle's original purpose; (4) is unregistered or is not reclaimed by the registered owner or person having a security interest in the vehicle within a certain period of time; and (5) has value principally as scrap which does not exceed $200. (NRS 487.260) **Section 4** of this bill increases the value of a vehicle for which a junk certificate may be issued to include a vehicle which has value principally as scrap which does not exceed $500. **Section 4** authorizes the Department to issue a junk certificate for a vehicle that is appraised as a junk vehicle by an automobile wrecker or tow operator in accordance with regulations prescribed by the Department. **Sections 1 and 2** of this bill authorize certain persons, with respect to an abandoned, unregistered vehicle which appears likely to be appraised as a junk vehicle and for which the identity of the owner is not known or readily ascertainable, to affix to the vehicle a notice that if the abandoned vehicle is not removed from the public or private property within 7 days, the vehicle is subject to being junked, dismantled or otherwise disposed of. **Sections 1 and 2** require the notice to include certain information, including that the owner of the vehicle may request an expedited hearing in the local justice court to contest the classification of the vehicle as an abandoned junk vehicle. If the notice is affixed to certain unregistered vehicles which are appraised as junk

vehicles, **sections 1-5** of this bill excuse the person or law enforcement agency that authorized the removal of the vehicle and the tow operator who removed the vehicle from other provisions requiring such persons to make inquiries into the identity of the owner of the vehicle and provide the owner with certain notice regarding the removal of the vehicle. **Section 4** requires the person or law enforcement agency that authorized the removal of the vehicle to provide the contact information of the automobile wrecker or tow operator who removed the vehicle if contacted by the vehicle's owner.

Existing law prohibits a law enforcement agency that maintains and uses a list of tow cars which are called by that agency to provide towing from including an operator of a tow car on that list unless the operator meets certain requirements. Existing law prohibits the Nevada Highway Patrol from removing an operator of a tow car from the list used by the Nevada Highway Patrol solely on the ground that the operator is insured under the same policy of insurance as one other operator of a tow car who is included on the list and operates in the same geographical area. (NRS 706.4485)

Section 6 of this bill: (1) expands the applicability of this prohibition to all law enforcement agencies; and (2) prohibits an operator of a tow car from using any software, device or other means to falsely report the location of the operator or tow car to a law enforcement agency or any agent of a law enforcement agency for the purpose of securing a request from the law enforcement agency to provide towing services. **Section 6** requires a law enforcement agency to remove an operator of a tow car from the list used by the law enforcement agency for 1 year if the operator violates that prohibition.

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

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

Section 1. NRS 487.230 is hereby amended to read as follows:

487.230 1. Except as otherwise provided in NRS 487.235, any sheriff or designee of a sheriff, constable, member of the Nevada Highway Patrol, officer of the Legislative Police, investigator of the Division of Compliance Enforcement of the Department, personnel of the Capitol Police Division of the Department of Public Safety, designated employees of the Housing Division of the Department of Business and Industry, special investigator employed by the office of a district attorney, marshal or police officer of a city or town or his or her designee, a marshal or park ranger who is part of a unit of specialized law enforcement established pursuant to NRS 280.125, or any other person charged with the enforcement of county or city ordinances who has reason to believe that a vehicle has been abandoned on public property in his or her jurisdiction may remove the vehicle from that property or cause the vehicle to be removed from that property. At the request of the owner or person in possession or control of private property

who has reason to believe that a vehicle has been abandoned on his or her property, the vehicle may be removed by the operator of a tow car or an automobile wrecker from that private property.

2. ~~[A]~~ ***Except as otherwise provided in NRS 487.260, a*** person who authorizes the removal of an abandoned vehicle pursuant to subsection 1 shall:

(a) Have the vehicle taken to the nearest garage or other place designated for storage by:

(1) The state agency or political subdivision making the request if the vehicle is removed from public property.

(2) The owner or person in possession or control of the property if the vehicle is removed from private property.

(b) Make all practical inquiries to ascertain if the vehicle is stolen by checking the license plate number, vehicle identification number and other available information which will aid in identifying the registered and legal owner of the vehicle and supply the information to the person who is storing the vehicle.

3. If:

(a) The vehicle appears likely to be appraised as a junk vehicle;

(b) The vehicle is not registered with the Department and it is not readily ascertainable whether the vehicle is registered in any other state; and

(c) The identity of the owner of the vehicle is not known or readily ascertainable,

➥ an operator of a tow car, an automobile wrecker or, in the case of a vehicle abandoned on public property, a state agency or political subdivision, may, before the removal of a vehicle pursuant to this section, affix a notice to the vehicle stating that the vehicle, if not removed from the property within 7 days, is subject to being junked, dismantled or otherwise disposed of without further notice. The notice must state the date and time that the notice was affixed to the vehicle and that the owner of the vehicle may, at any time before the vehicle is removed from the property, request an expedited hearing in the justice court of the township where the property on which the vehicle was purportedly abandoned is located to contest the classification of the vehicle as an abandoned junk vehicle.

4. As used in this section, "junk vehicle" has the meaning ascribed to it in NRS 487.260.

Sec. 2. NRS 487.235 is hereby amended to read as follows:

487.235 1. ~~[If]~~ ***Except as otherwise provided in NRS 487.260, if*** a sheriff's office or other law enforcement agency

discovers that, or receives notification that, a vehicle has been abandoned on public lands, the sheriff's office or other law enforcement agency shall:

(a) Make all practical inquiries to ascertain if the vehicle is stolen by checking the license plate number, vehicle identification number and other available information which will aid in identifying the owner of the vehicle; and

(b) If the vehicle has not been reported as stolen and the sheriff's office or other law enforcement agency is able to determine the identity of the owner of the vehicle, notify the Department of those facts.

2. Upon the receipt of a notice from a sheriff's office or other law enforcement agency pursuant to paragraph (b) of subsection 1 and if the registration of the vehicle has not expired, the Department shall send by registered or certified mail, return receipt requested, a written notice to the owner of the vehicle stating that the owner must remove or cause the vehicle to be removed from the public lands within 30 days after the date on which the notice was sent.

3. If an owner receives a notice pursuant to subsection 2, the owner may submit to the Department an affidavit which states that the owner has taken action which meets the requirements of paragraph (a) or (b) of subsection 2 of NRS 487.220. If the owner submits such an affidavit, the Department:

(a) Shall maintain a record of the affidavit; and

(b) Shall not suspend the registration of each vehicle currently registered to that owner as otherwise required by subsection 4.

4. If an owner:

(a) Receives a notice pursuant to subsection 2;

(b) Fails to remove or cause the vehicle to be removed within the 30-day period set forth in that notice; and

(c) Does not submit an affidavit as described in subsection 3,

➥ the Department shall suspend the registration of each vehicle currently registered to the owner pursuant to chapter 482 of NRS. For the purposes of this subsection, the determination of the sheriff's office or other law enforcement agency that notified the Department pursuant to paragraph (b) of subsection 1 is conclusive as to whether the abandoned vehicle was removed within the 30-day period.

5. If the registration of a vehicle is suspended pursuant to subsection 4, the Department shall reinstate the registration upon receipt from the registered owner of the vehicle of:

(a) An affidavit setting forth that the registered owner caused the removal and disposition of, or proof that the registered owner paid

the cost of removal and disposition of, the vehicle discovered abandoned upon public lands; and

(b) If applicable, proof that the registered owner redeemed any lien placed pursuant to NRS 487.270 on the vehicle discovered abandoned on public lands.

6. ***If a vehicle has been abandoned on public lands and:***

(a) The vehicle appears likely to be appraised as a junk vehicle;

(b) The vehicle is not registered with the Department and it is not readily ascertainable whether the vehicle is registered in any other state; and

(c) The identity of the owner of the vehicle is not known or readily ascertainable,

➥ the sheriff's office or other law enforcement agency, an operator of a tow car or an automobile wrecker may, before the removal of the vehicle, affix a notice to the vehicle stating that the vehicle, if not removed from the property within 7 days, is subject to being junked, dismantled or otherwise disposed of without further notice. The notice must state the date and time that the notice was affixed to the vehicle and state that the owner of the vehicle may, at any time before the vehicle is removed from the property, request an expedited hearing in the justice court of the township where the property on which the vehicle was purportedly abandoned is located to contest the classification of the vehicle as an abandoned junk vehicle.

7. If a sheriff's office or other law enforcement agency is notified by a person or another governmental entity that a vehicle has been abandoned on public lands, the sheriff's office or other law enforcement agency shall, insofar as practicable and authorized by law, inform the person or entity making such notification of the actions taken by the sheriff's office or other law enforcement agency pursuant to this section.

8. As used in this section, "junk vehicle" has the meaning ascribed to it in NRS 487.260.

Sec. 3. NRS 487.250 is hereby amended to read as follows:

487.250 1. The state agency or political subdivision shall, within 48 hours after the appraisal, notify the head of the state agency of the removal of the vehicle. The notice must contain:

(a) A description of the vehicle.

(b) The appraised value of the vehicle.

(c) A statement as to whether the vehicle will be junked, dismantled or otherwise disposed of.

2. ~~[The]~~ ***Except as otherwise provided in NRS 487.260, the*** person who removed the vehicle must notify the registered owner and any person having a security interest in the vehicle by registered or certified mail that the vehicle has been removed and will be junked or dismantled or otherwise disposed of unless the registered owner or the person having a security interest in the vehicle responds and pays the costs of removal.

3. Failure to reclaim within 15 days after notification a vehicle appraised at $500 or less constitutes a waiver of interest in the vehicle by any person having an interest in the vehicle.

4. If all recorded interests in a vehicle appraised at $500 or less are waived, either as provided in subsection 3 or by written disclaimer by any person having an interest in the vehicle, the state agency, except as otherwise provided in subsection 3 of NRS 487.100, shall issue a salvage title pursuant to NRS 487.810 to the automobile wrecker who towed the vehicle or to whom the vehicle may have been delivered, or a certificate of title to the garage owner if the garage owner elects to retain the vehicle and the vehicle is equipped as required by chapter 484D of NRS.

Sec. 4. NRS 487.260 is hereby amended to read as follows:

487.260 1. If the vehicle is appraised at a value of more than $500, the state agency or political subdivision shall dispose of it as provided in NRS 487.270.

2. If the vehicle is appraised as a junk vehicle ~~[,]~~ ***by the Department, or by an automobile wrecker or tow operator pursuant to such regulations as the Department may prescribe,*** the Department may issue a junk certificate to the automobile wrecker or tow operator who removed the vehicle.

3. If a notice is affixed to a vehicle pursuant to subsection 3 of NRS 487.230 or subsection 6 of NRS 487.235, the vehicle is not registered with the Department, it is not readily ascertainable whether the vehicle is registered in any other state and the vehicle is appraised as a junk vehicle, the automobile wrecker or tow operator who removed the vehicle:

(a) Shall notify the person or law enforcement agency that authorized the removal of the vehicle of that fact, and the person or agency:

(1) Is relieved of the duty to:

(I) Make inquiries to ascertain if the vehicle is stolen or determine the identity of the owner of the vehicle pursuant to NRS 487.230 or 487.235; or

(II) Provide notice to the registered owner and any person having a security interest in the vehicle pursuant to subsection 2 of NRS 487.250.

(2) Shall, if contacted by the owner of the vehicle, provide the owner with the contact information of the automobile wrecker or tow operator who removed the vehicle.

(b) Is not required to obtain the identity of or attempt to notify the owner pursuant to NRS 706.4479.

~~[3.]~~ ***4.*** An automobile wrecker who possesses a junk certificate for a junk vehicle may process the vehicle for parts or scrap metal pursuant to NRS 487.105.

~~[4.]~~ ***5.*** A vehicle for which a junk certificate has been issued may be sold to an automobile wrecker by the person to whom the junk certificate was issued by the seller's endorsement on the certificate. Except as otherwise provided in subsection 3 of NRS 487.100, an automobile wrecker who purchases a vehicle for which a junk certificate has been issued shall immediately affix the business name of the automobile wrecker as purchaser to the first available space provided on the reverse side of the certificate. For the purposes of this subsection, such an automobile wrecker is the owner of the junk vehicle.

~~[5.]~~ ***6.*** If insufficient space exists on the reverse side of a junk certificate to transfer the vehicle pursuant to subsection ~~[4,]~~ ***5,*** except as otherwise provided in subsection 3 of NRS 487.100, an automobile wrecker who purchases a junk vehicle for which a junk certificate has been previously issued shall, within 10 days after purchase, apply to the Department for a new junk certificate and surrender the original certificate.

~~[6.]~~ ***7.*** A person who sells a junk vehicle shall maintain, for at least 2 years, a copy of the junk certificate and a record of the name and address of the person from whom the vehicle was acquired and the date thereof. The person shall allow any peace officer or any investigator employed by a state agency to inspect the records during business hours.

~~[7.]~~ ***8.*** An automobile wrecker who processes a junk vehicle for parts or scrap metal shall maintain records as required by NRS 487.170.

~~[8.]~~ ***9.*** As used in this section, "junk vehicle" means a vehicle, including component parts, which:

(a) Has been discarded or abandoned;

(b) Has been ruined, wrecked, dismantled or rendered inoperative;

(c) Is unfit for further use in accordance with the original purpose for which it was constructed;

(d) Is not registered with the Department or has not been reclaimed by the registered owner or a person having a security interest in the vehicle within 15 days after notification pursuant to NRS 487.250; and

(e) Has value principally as scrap which does not exceed ~~[~~$200.~~]~~ ***$500.***

Sec. 5. NRS 706.4479 is hereby amended to read as follows:

706.4479 1. ~~[If]~~ ***Except as otherwise provided in NRS 487.260, if*** a motor vehicle is towed at the request of someone other than the owner, or authorized agent of the owner, of the motor vehicle, the operator of the tow car shall, in addition to the requirements set forth in the provisions of chapter 108 of NRS:

(a) Notify the registered and legal owner of the motor vehicle by certified mail not later than 21 days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following a crash involving the motor vehicle or not later than 15 days after placing any other vehicle in storage:

(1) Of the location where the motor vehicle is being stored;

(2) Whether the storage is inside a locked building, in a secured, fenced area or in an unsecured, open area;

(3) Of the charge for towing and storage;

(4) Of the date and time the vehicle was placed in storage;

(5) Of the actions that the registered and legal owner of the vehicle may take to recover the vehicle while incurring the lowest possible liability in accrued assessments, fees, penalties or other charges; and

(6) Of the opportunity to rebut the presumptions set forth in NRS 487.220 and 706.4477.

(b) If the identity of the registered and legal owner is not known or readily available, make every reasonable attempt and use all resources reasonably necessary, as evidenced by written documentation, to obtain the identity of the owner and any other necessary information from the agency charged with the registration of the motor vehicle in this State or any other state within:

(1) Twenty-one days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following a crash involving the motor vehicle; or

(2) Fifteen days after placing any other motor vehicle in storage.

➥ The operator shall attempt to notify the owner of the vehicle by certified mail as soon as possible, but in no case later than 15 days after identification of the owner is obtained for any motor vehicle.

2. If an operator includes in the operator's tariff a fee to be charged to the registered and legal owner of a vehicle for the towing and storage of the vehicle, the fee may not be charged:

(a) For more than 21 days after placing the motor vehicle in storage if the motor vehicle was towed at the request of a law enforcement officer following a crash involving the motor vehicle; or

(b) For more than 15 days after placing any other vehicle in storage,

➥ unless the operator complies with the requirements set forth in subsection 1.

3. If a motor vehicle that is placed in storage was towed at the request of a law enforcement officer following a crash involving the motor vehicle or after having been stolen and subsequently recovered, the operator shall not:

(a) Satisfy any lien or impose any administrative fee or processing fee with respect to the motor vehicle for the period ending 4 business days after the date on which the motor vehicle was placed in storage; or

(b) Impose any fee relating to the auction of the motor vehicle until after the operator complies with the notice requirements set forth in NRS 108.265 to 108.367, inclusive.

Sec. 6. NRS 706.4485 is hereby amended to read as follows:

706.4485 1. A law enforcement agency that maintains and uses a list of operators of tow cars which are called by that agency to provide towing shall not include an operator of a tow car on the list unless the operator:

(a) Holds a certificate of public convenience and necessity issued by the Authority.

(b) Complies with all applicable provisions of this chapter and chapters 482 and 484A to 484E, inclusive, of NRS.

(c) Agrees to respond in a timely manner to requests for towing made by the agency.

(d) Maintains adequate, accessible and secure storage within the State of Nevada for any vehicle that is towed.

(e) Complies with all standards the law enforcement agency may adopt to protect the health, safety and welfare of the public.

(f) Except as otherwise provided in NRS 706.4489, assesses only rates and charges that have been approved by the Authority 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.

2. The Authority shall not require that an operator of a tow car charge the same rate to law enforcement agencies 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 that the operator charges to other persons for such services.

3. Except as otherwise provided in this subsection, if an operator of a tow car is included on a list of operators of tow cars that is maintained and used by ~~[the Nevada Highway Patrol]~~ ***a law enforcement agency*** pursuant to this section, the ~~[Nevada Highway Patrol]~~ ***law enforcement agency*** shall not remove the operator of the tow car from the list, or restrict the operator's use pursuant thereto, solely on the ground that the operator is insured under the same policy of insurance as one other operator of a tow car who is included on the list and operates in the same geographical area. An operator of a tow car is not eligible for inclusion on the list if the operator is insured under the same policy of insurance as two or more other operators of tow cars who are included on the list and operate in the same geographical area.

4. An operator of a tow car shall not use any software, device or other means to falsely report the location of the operator or tow car to a law enforcement agency or any agent of a law enforcement agency for the purpose of securing a request from the law enforcement agency to provide towing services. If an operator of a tow car violates the provisions of this subsection, the law enforcement agency shall remove for 1 year the operator from the list of operators of tow cars that is maintained and used by the law enforcement agency.

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