

ASSEMBLY BILL NO. 463—COMMITTEE ON JUDICIARY

MARCH 28, 2011

Referred to Committee on Judiciary

SUMMARY—Provides an expedited process for the forfeiture of certain seized vehicles. (BDR 43-1128)

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; providing an expedited process for the forfeiture of certain seized vehicles; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides for the seizure and forfeiture of certain vehicles,
2 including vehicles which have or which contain a part that has an identification
3 number or mark that has been falsely attached, removed, defaced, altered or
4 obliterated. (NRS 482.540) **Section 1** of this bill requires a court to schedule a
5 hearing for the forfeiture of such a vehicle not later than 7 business days after an
6 action for forfeiture is filed. **Section 1** also requires the court to: (1) order the
7 owner of the vehicle, if the owner can be identified, to pay the cost of towing and
8 storing the vehicle; or (2) declare the vehicle forfeited if the owner of the vehicle
9 cannot after due diligence be found.

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

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

3 *1. If a vehicle is seized pursuant to NRS 482.540, the*
4 *Department may file a civil action for forfeiture of the vehicle:*

5 *(a) Pursuant to paragraph (c) of subsection 1 of NRS 4.370 in*
6 *the justice court of the township where the vehicle which is the*
7 *subject of the action was seized if the fair market value of the*
8 *vehicle and the cost of towing and storing the vehicle does not*
9 *exceed \$10,000; or*



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1 ***(b) In the district court for the county where the vehicle which***
2 ***is the subject of the action was seized if the fair market value of***
3 ***the vehicle and the cost of towing and storing the vehicle exceeds***
4 ***\$10,000.***

5 ***2. Upon the filing of a civil action pursuant to subsection 1,***
6 ***the court shall schedule a date for a hearing. The hearing must be***
7 ***held not later than 7 business days after the action is filed. The***
8 ***court shall affix the date of the hearing on a form for that purpose***
9 ***and order a copy served by the sheriff, constable or other process***
10 ***server upon each claimant whose identity is known to the***
11 ***Department or who can be identified through the exercise of due***
12 ***diligence.***

13 ***3. The court shall:***

14 ***(a) Determine the actual cost incurred in towing and storing***
15 ***the vehicle; and***

16 ***(b) If the court determines pursuant to subsection 2 of NRS***
17 ***482.542 that the rightful owner of the vehicle:***

18 ***(1) Cannot after due diligence be found, declare the vehicle***
19 ***forfeited; or***

20 ***(2) Can be identified, order the owner of the vehicle to pay***
21 ***the cost of towing and storing the vehicle and order the person***
22 ***who is storing the vehicle to immediately release the vehicle to the***
23 ***owner.***

24 ***4. As used in this section, "claimant" means any person who***
25 ***claims to have:***

26 ***(a) Any right, title or interest of record in the property or***
27 ***proceeds subject to forfeiture;***

28 ***(b) Any community property interest in the property or***
29 ***proceeds; or***

30 ***(c) Had possession of the property or proceeds at the time of***
31 ***the seizure thereof by the plaintiff.***

32 **Sec. 2.** NRS 482.540 is hereby amended to read as follows:

33 482.540 1. Any police officer, without a warrant, may seize
34 and take possession of any vehicle:

35 (a) Which is being operated with improper registration;

36 (b) Which the officer has probable cause to believe has been
37 stolen;

38 (c) On which any motor number, manufacturer's number or
39 identification mark has been falsely attached, removed, defaced,
40 altered or obliterated; or

41 (d) Which contains a part on which was placed or stamped by
42 the manufacturer pursuant to federal law or regulation an
43 identification number or other distinguishing number or mark that
44 has been falsely attached, removed, defaced, altered or obliterated.



1 2. A law enforcement agency or an employee of the
2 Department whose primary responsibility is to conduct
3 investigations involving the theft of motor vehicles shall inspect any
4 vehicle seized pursuant to paragraph (c) or (d) of subsection 1 to
5 determine whether the number or mark in question on the vehicle or
6 part from the vehicle has been falsely attached, removed, defaced,
7 altered or obliterated and whether any person has presented
8 satisfactory evidence of ownership of the vehicle. The agency or
9 employee shall prepare a written report which sets forth the results
10 of the inspection within 30 days after the vehicle is seized.

11 3. If the results of the report conclude that the number or mark
12 in question has been falsely attached, removed, defaced, altered or
13 obliterated and ~~[that there is no satisfactory evidence of ownership,]~~
14 the court ~~[shall declare]~~ *determines that the rightful owner of the*
15 *vehicle cannot be identified and declares* the vehicle forfeited ~~[and]~~
16 *pursuant to section 1 of this act, the Department may* proceed in
17 the manner set forth in *subsection 3 of* NRS 482.542.

18 4. A person must not be charged with any criminal act
19 which caused a motor vehicle to be seized pursuant to paragraph (c)
20 or (d) of subsection 1 until the report is completed pursuant to
21 subsection 2.

22 5. As used in this section, "police officer" means:

- 23 (a) Any peace officer of the Department;
24 (b) Sheriffs of counties and officers of metropolitan police
25 departments and their deputies; and
26 (c) Marshals and police officers of cities and towns.

27 **Sec. 3.** This act becomes effective on July 1, 2011.

