

SENATE BILL NO. 320—SENATOR DENIS

MARCH 20, 2017

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to tow cars. (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; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law imposes certain conditions on the towing of a motor vehicle which  
2 is requested by a person other than the owner of the vehicle, an agent of the owner  
3 or a law enforcement officer. Those conditions require that: (1) the person  
4 requesting the tow must be the owner of the real property from which the vehicle is  
5 being towed, or an authorized agent of the owner of the real property; (2) the  
6 person requesting the tow must sign a specific request for the towing; (3) the area  
7 from which the vehicle is to be towed must be appropriately posted in accordance  
8 with state or local requirements; (4) notice must be given to the appropriate law  
9 enforcement agency pursuant to state or local requirements; and (5) the operator of  
10 the tow car may be directed to terminate the towing by a law enforcement officer.  
11 (NRS 706.4477) **Section 1** of this bill sets forth certain additional conditions if the  
12 real property from which the vehicle is to be towed is a residential complex. Those  
13 conditions state that the owner of the real property, or an authorized agent of the  
14 owner: (1) must be present when the vehicle is towed; (2) must notify the operator  
15 of the tow car of the address of the owner of the vehicle, if the address is known to  
16 the owner or authorized agent and is in the complex where the vehicle is located;  
17 (3) may only have a vehicle towed for a parking violation or for an issue related to  
18 the health and safety of the residents of the complex; and (4) may not have a  
19 vehicle towed solely because the vehicle is unregistered or the registration on the  
20 vehicle is expired. The operator of the tow car: (1) must, if the owner or authorized  
21 agent of the owner who requested the tow provides the address of the owner of the



22 vehicle, securely attach a notice to the door of the residence of the owner of  
23 the vehicle which provides certain information about the tow; and (2) may not tow  
24 a vehicle solely because the vehicle is unregistered or the registration on the vehicle  
25 is expired. Existing law makes a violation of any of these provisions a  
26 misdemeanor. (NRS 706.756) **Section 2** of this bill makes a conforming change.

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

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

3 706.4477 1. If towing is requested by a person other than the  
4 owner, or an agent of the owner, of the motor vehicle or a law  
5 enforcement officer:

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

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

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

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

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

21 *(a) The owner of the real property or authorized agent of the  
22 owner:*

23 *(1) Must meet the requirements of subsection 1.*

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

25 *(3) Must notify the operator of the address of the owner of  
26 the vehicle at the time the vehicle is towed, if that address is in the  
27 residential complex and is known to the owner or authorized agent  
28 of the owner.*

29 *(4) Except as otherwise provided in subparagraph (5), may  
30 only have a vehicle towed for:*

31 *(I) A parking violation; or*

32 *(II) An issue related to the health and safety of the  
33 residents of the residential complex that requires the vehicle be  
34 removed from the residential complex.*

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



1           (I) *Vehicle is not registered pursuant to chapter 482 or*  
2 *706 of NRS or in any other state; or*

3           (II) *Registration of the vehicle has expired.*

4       (b) *The operator:*

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

10           (I) *The location where the vehicle is being towed;*

11           (II) *The name of the owner or agent of the owner who*  
12 *requested the towing;*

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

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

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

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

20           (I) *Vehicle is not registered pursuant to chapter 482 or*  
21 *706 of NRS or in any other state; or*

22           (II) *Registration of the vehicle has expired.*

23       3. *If towing is requested by a county or city pursuant to NRS*  
24 *244.3605 or 268.4122, as applicable:*

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

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

29       ~~3-1~~ 4. *The registered owner of a motor vehicle towed pursuant*  
30 *to the provisions of subsection 1 ~~for 2-1~~, 2 or 3:*

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

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

35       ~~4-1~~ 5. *The registered owner may rebut the presumption in*  
36 *subsection ~~3-1~~ 4 by showing that:*

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

39           (1) *Pursuant to the provisions set forth in NRS 482.399 to*  
40 *482.420, inclusive; or*

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

43       (b) *The vehicle is stolen, if the registered owner submits*  
44 *evidence that, before the discovery of the vehicle, the registered*  
45 *owner filed an affidavit with the Department or a written report with*



1 an appropriate law enforcement agency alleging the theft of the  
2 vehicle.

3 **6. As used in this section:**

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

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

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

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

14 **Sec. 2.** NRS 706.4479 is hereby amended to read as follows:

15 706.4479 1. If a motor vehicle is towed at the request of  
16 someone other than the owner, or authorized agent of the owner, of  
17 the motor vehicle, the operator of the tow car shall, in addition to the  
18 requirements set forth in the provisions of chapter 108 of NRS ~~706.4477~~  
19 **and subsection 2 of NRS 706.4477:**

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

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

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

28 (3) Of the charge for towing and storage;

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

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

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

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

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



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

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

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

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

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

15 ➤ unless the operator complies with the requirements set forth in  
16 subsection 1.

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

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

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

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

