

SENATE BILL NO. 320—SENATOR DENIS

MARCH 20, 2017

Referred to Committee on Transportation

SUMMARY—Sets forth certain conditions relating to the towing of a motor vehicle from a residential complex. (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 from a residential complex; 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  
12 the 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) may only have a vehicle towed for a parking violation, for an issue  
15 related to the health and safety of the residents of the complex or because the  
16 vehicle is unregistered or the registration on the vehicle has been expired for not  
17 less than 60 days; and (2) may not have a vehicle towed until 48 hours after  
18 affixing a notice to the vehicle which explains when the vehicle is to be towed,  
19 unless the tow is requested for an issue relating to the health and safety of the  
20 residents of the residential complex. Existing law makes a violation of any of these  
21 provisions a misdemeanor. (NRS 706.756)



\* S B 3 2 0 R 1 \*

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, the owner of the real property or authorized agent of*  
21 *the owner:*

22       (a) *Must:*

23           (1) *Meet the requirements of subsection 1.*

24           (2) *If the vehicle is being towed pursuant to subparagraph*  
25 *(1), (2) or (3) of paragraph (b), notify the owner or operator of the*  
26 *vehicle of the tow not less than 48 hours before the tow by affixing*  
27 *to the vehicle a sticker which provides the date and time at which*  
28 *the vehicle will be towed.*

29       (b) *May only have a vehicle towed:*

30           (1) *Because of a parking violation;*

31           (2) *If the vehicle is not registered pursuant to chapter 482*  
32 *or 706 of NRS or in any other state;*

33           (3) *If the registration of the vehicle has been expired for*  
34 *not less than 60 days; or*

35           (4) *For any issue that is related to the health and safety of*  
36 *the residents of the residential complex that requires the removal*  
37 *of the vehicle from the residential complex, including, without*  
38 *limitation, a vehicle that is:*

39               (I) *Blocking egress or ingress to the residential complex;*

40               (II) *Blocking access to a fire hydrant;*

41               (III) *Preventing the movement of another vehicle; or*

42               (IV) *Emitting toxic substances.*



\* S B 3 2 0 R 1 \*

1       **3.** If towing is requested by a county or city pursuant to NRS  
2 244.3605 or 268.4122, as applicable:

3       (a) Notice must be given to the appropriate law enforcement  
4 agency pursuant to state and local requirements.

5       (b) The operator may be directed to terminate the towing by a  
6 law enforcement officer.

7       ~~3-~~ **4.** The registered owner of a motor vehicle towed pursuant  
8 to the provisions of subsection 1 ~~for 2-~~, **2 or 3:**

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

11       (b) Is responsible for the cost of removal and storage of the  
12 motor vehicle.

13       ~~4-~~ **5.** The registered owner may rebut the presumption in  
14 subsection ~~3-~~ **4** by showing that:

15       (a) The registered owner transferred the registered owner's  
16 interest in the motor vehicle:

17           (1) Pursuant to the provisions set forth in NRS 482.399 to  
18 482.420, inclusive; or

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

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

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

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

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

29           ***(2) Parking rule promulgated by the owner or manager of***  
30 ***the residential complex that applies to vehicles on the property of***  
31 ***the residential complex.***

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

37       **Sec. 2.** (Deleted by amendment.)

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

