
ASSEMBLY BILL NO. 301—ASSEMBLYMEN C.H. MILLER;
ANDERSON, CONSIDINE, FLORES, GONZÁLEZ, LEAVITT,
MONROE-MORENO AND THOMAS

MARCH 16, 2021

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions governing the towing of motor vehicles. (BDR 58-696)

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; requiring a tow operator to immediately release to the owner at no charge a vehicle that has been connected to a tow car or that has been towed for certain reasons related to registration of the vehicle if the owner provides proof that the vehicle is registered; revising provisions governing certain fees for towing a motor vehicle; requiring the owner of real property, or authorized agent of the owner, who requests that a vehicle be towed from a residential complex to make reasonable efforts to notify the owner or operator of the vehicle of the date and time after which the vehicle will be towed; requiring a tow operator to independently verify the registration status of a vehicle before towing the vehicle in certain situations; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires an operator of a tow car to allow the owner, or agent of
2 the owner, of a motor vehicle that has been connected to a tow car to obtain the
3 release of the vehicle at the point of origination of the towing if: (1) a request is
4 made to release the vehicle; and (2) the owner or agent pays a fee established by the
5 operator for releasing the vehicle. (NRS 706.4469) If a vehicle that has been
6 connected to a tow car due to the vehicle not being registered or due to the vehicle
7 having an expired registration and the owner of the motor vehicle or agent of the
8 owner of the motor vehicle provides proof that the motor vehicle is registered,
9 **section 1** of this bill: (1) requires the operator to immediately release the motor



10 vehicle to the owner or agent of the motor vehicle; and (2) provides that the owner
11 or agent is not responsible for paying the fee established by the operator for
12 releasing the vehicle. Under **section 1**, if the owner of the motor vehicle or the
13 agent of the owner of the motor vehicle does not provide proof that the motor
14 vehicle is registered, the fee for releasing the vehicle must not exceed \$50.

15 Existing law provides that the owner of real property, or an authorized agent of
16 the owner, may only have a vehicle towed: (1) because of a parking violation; (2) if
17 the vehicle is not registered; (3) if the registration of the vehicle has been expired
18 for not less than 60 days or is expired; or (4) if the vehicle is blocking a fire
19 hydrant, fire lane or parking space designated for the handicapped or is posing an
20 imminent threat of causing a substantial adverse effect on the health, safety or
21 welfare of the residents of a residential complex. (NRS 706.4477) If a vehicle has
22 been towed due to the vehicle not being registered or due to the vehicle having
23 expired registration and the registered owner of the vehicle provides proof that the
24 vehicle is registered, **section 2** of this bill: (1) requires the operator to immediately
25 release the vehicle to the registered owner of the vehicle; and (2) provides that the
26 registered owner is not responsible for the cost of removal and storage of the
27 vehicle. **Sections 1 and 2** provide that a person may provide proof by providing
28 current registration documents that predate the date on which the vehicle was
29 connected or towed.

30 Existing law provides that the owner of real property, or an authorized agent of
31 the owner, who requests that a vehicle be towed from a residential complex at
32 which the vehicle is located may not have a vehicle towed until 48 hours after
33 affixing a notice to the vehicle which explains when the vehicle is to be towed,
34 unless the tow is requested for an issue relating to the health, safety or welfare of
35 the residents of the residential complex. (NRS 706.4477) **Section 2** requires the
36 owner of real property, or the authorized agent of the owner, to, in addition to
37 affixing the notice to the vehicle, make reasonable efforts to notify the owner or
38 operator of the vehicle to explain that the vehicle will be towed. **Section 2** provides
39 that such reasonable efforts include the use of a telephone number or electronic
40 mail address, if available.

41 **Section 2** requires a tow operator who has been requested by the owner of real
42 property, or an authorized agent of the owner, to tow a vehicle based on the vehicle
43 not being registered or if the registration of the vehicle has expired to independently
44 verify the registration status of the vehicle before towing the vehicle. **Section 2**
45 requires the tow operator to retain evidence of such verification for not less than 1
46 year and further provides that a tow operator who fails to comply with this
47 requirement is responsible for the cost of the removal and storage of the vehicle.

48 Existing law provides that, in certain situations, a registered owner of a motor
49 vehicle that is towed is responsible for the cost of removal and storage of the motor
50 vehicle and further provides that an operator of a tow car may impose a fee on the
51 owner of the motor vehicle for the towing and storage of the vehicle. (NRS
52 706.4477, 706.4479) If a vehicle has been towed due to the vehicle not being
53 registered or due to the vehicle having an expired registration and the registered
54 owner of the vehicle does not provide proof that the vehicle is registered, **section 2**
55 provides: (1) the fee for removing the motor vehicle must be not more than \$50;
56 and (2) the operator shall not charge any fee or cost for the storage of the motor
57 vehicle until at least 48 hours has passed since the motor vehicle arrived and was
58 registered at the place of storage. **Section 3** of this bill makes changes similar to
59 those in **sections 1 and 2** that apply to the fee that an operator may impose for the
60 towing and storage of the vehicle.



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

1 **Section 1.** NRS 706.4469 is hereby amended to read as
2 follows:

3 706.4469 **1.** The operator shall allow the owner, or agent of
4 the owner, of a motor vehicle that has been connected to a tow car to
5 obtain the release of the vehicle at the point of origination of the
6 towing if:

7 ~~1.] (a)~~ A request is made to release the vehicle; and

8 ~~2. The]~~

9 **(b) Except as otherwise provided in subsections 2 and 3, the**
10 owner or agent pays a fee established by the operator for releasing
11 the vehicle.

12 **2. If a vehicle that has been connected to a tow car was**
13 **requested to be towed pursuant to subparagraph (2) or (3) of**
14 **paragraph (b) of subsection 2 of NRS 706.4477 and the owner, or**
15 **agent of the owner, provides proof that the vehicle is registered**
16 **pursuant to this chapter or chapter 482 of NRS or in any other**
17 **state:**

18 **(a) The operator shall immediately release the motor vehicle to**
19 **the owner or agent; and**

20 **(b) The owner or agent is not responsible for paying the fee**
21 **established by the operator for releasing the vehicle.**

22 **3. If a vehicle that has been connected to a tow car was**
23 **requested to be towed pursuant to subparagraph (2) or (3) of**
24 **paragraph (b) of subsection 2 of NRS 706.4477 and the owner, or**
25 **agent of the owner, does not provide proof that the vehicle is**
26 **registered pursuant to this chapter or chapter 482 of NRS or in**
27 **any other state, the fee established by the operator pursuant to**
28 **paragraph (b) of subsection 1 for releasing the vehicle must be not**
29 **more than \$50.**

30 **4. As used in this section, “provide proof” includes, without**
31 **limitation, the registered owner providing current registration**
32 **documents that predate the date on which the vehicle was**
33 **connected to the tow car.**

34 **Sec. 2.** NRS 706.4477 is hereby amended to read as follows:

35 706.4477 **1.** If towing is requested by a person other than the
36 owner, or an agent of the owner, of the motor vehicle or a law
37 enforcement officer:

38 **(a) The person requesting the towing must be the owner of the**
39 **real property from which the vehicle is towed or an authorized agent**
40 **of the owner of the real property and must sign a specific request for**
41 **the towing. Except as otherwise provided in subsection 2, for the**



1 purposes of this section, the operator is not an authorized agent of
2 the owner of the real property.

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

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

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

9 2. If, pursuant to subsection 1, the owner of the real property or
10 authorized agent of the owner of the real property requests that a
11 vehicle be towed from a residential complex at which the vehicle is
12 located, the owner of the real property or authorized agent of the
13 owner, which may be the tow operator if the tow operator has
14 entered into a contract for that purpose with the owner of the real
15 property:

16 (a) Must:

17 (1) Meet the requirements of subsection 1.

18 (2) Except as otherwise provided in this subparagraph, if the
19 vehicle is being towed pursuant to subparagraph (1), (2) or (3) of
20 paragraph (b), notify the owner or operator of the vehicle of the tow
21 not less than 48 hours before the tow by affixing to the vehicle a
22 sticker which provides the date and time after which the vehicle will
23 be towed **and by making reasonable efforts to notify the owner**
24 **or operator of the vehicle of the date and time after which the**
25 **vehicle will be towed, including, without limitation, by the use of a**
26 **telephone number or electronic mail address, if available.** The
27 provisions of this subparagraph do not apply and the vehicle may be
28 immediately towed if it is a vehicle for which a notice was
29 previously affixed:

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

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

35 (b) May only have a vehicle towed:

36 (1) Because of a parking violation;

37 (2) If the vehicle is not registered pursuant to this chapter or
38 chapter 482 of NRS or in any other state;

39 (3) If the registration of the vehicle:

40 (I) Has been expired for not less than 60 days, if the
41 vehicle is owned or operated by a resident of the residential complex
42 or does not meet the requirements of sub-subparagraph (II); or

43 (II) Is expired, if the owner of real property or authorized
44 agent of the owner verifies that the vehicle is not owned or operated
45 by a resident of the residential complex; or



1 (4) If the vehicle is:

2 (I) Blocking a fire hydrant, fire lane or parking space
3 designated for the handicapped; or

4 (II) Posing an imminent threat of causing a substantial
5 adverse effect on the health, safety or welfare of the residents of the
6 residential complex, which may include, without limitation, if the
7 vehicle is parked in a space that is clearly marked for a specific
8 resident or the use of a specific unit in the residential complex.

9 3. If towing is requested by a county or city pursuant to NRS
10 244.3605 or 268.4122, as applicable:

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

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

15 4. *If towing is requested pursuant to subparagraph (2) or (3)*
16 *of paragraph (b) of subsection 2, the operator must independently*
17 *verify the registration status of the vehicle before towing the*
18 *vehicle. The operator shall retain evidence of such verification for*
19 *not less than 1 year. If an operator fails to comply with this*
20 *subsection, the registered owner of the motor vehicle is not*
21 *responsible for the cost of removal and storage of the vehicle.*

22 5. *If a vehicle has been towed pursuant to subparagraph (2)*
23 *or (3) of paragraph (b) of subsection 2 and the registered owner of*
24 *the vehicle provides proof that the vehicle was registered pursuant*
25 *to this chapter or chapter 482 of NRS or in any other state at the*
26 *time the vehicle was towed:*

27 (a) *The operator shall immediately release the vehicle to the*
28 *registered owner of the vehicle; and*

29 (b) *The registered owner is not responsible for the cost of*
30 *removal and storage of the vehicle.*

31 6. The registered owner of a motor vehicle towed pursuant to
32 the provisions of subsection 1, 2 or 3:

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

35 (b) ~~Is~~ *Except as otherwise provided in subsection 4 or 5, is*
36 *responsible for the cost of removal and storage of the motor vehicle.*

37 ~~Is~~ 7. The registered owner may rebut the presumption in
38 subsection ~~4~~ 6 by showing that:

39 (a) The registered owner transferred the registered owner's
40 interest in the motor vehicle:

41 (1) Pursuant to the provisions set forth in NRS 482.399 to
42 482.420, inclusive; or

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



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

6 ~~6.~~ **8. If a vehicle has been towed pursuant to subparagraph**
7 **(2) or (3) of paragraph (b) of subsection 2 and the registered**
8 **owner of the vehicle does not provide proof that the vehicle was**
9 **registered pursuant to this chapter or chapter 482 of NRS or in**
10 **any other state at the time the vehicle was towed:**

11 (a) *The fee for removing the motor vehicle must be not more*
12 *than \$50; and*

13 (b) *The operator shall not charge any fee or cost for the*
14 *storage of the motor vehicle until at least 48 hours after the motor*
15 *vehicle arrives and is registered at the place of storage. If the*
16 *motor vehicle arrives at the place of storage after the regular*
17 *business hours of the place of storage, the 48-hour period begins*
18 *when the regular business hours of the place of storage next*
19 *begin.*

20 **9.** As used in this section:

21 (a) "Parking violation" means a violation of any:

22 (1) State or local law or ordinance governing parking; or

23 (2) Parking rule promulgated by the owner or manager of the
24 residential complex that applies to vehicles on the property of the
25 residential complex.

26 (b) ***"Provide proof" includes, without limitation, the registered***
27 ***owner providing current registration documents that predate the***
28 ***date on which the vehicle was towed.***

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

34 **Sec. 3.** NRS 706.4479 is hereby amended to read as follows:

35 706.4479 1. If a motor vehicle is towed at the request of
36 someone other than the owner, or authorized agent of the owner, of
37 the motor vehicle, the operator of the tow car shall, in addition to the
38 requirements set forth in the provisions of chapter 108 of NRS:

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

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



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

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

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

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

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

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

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

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

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

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

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

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

35 ↪ unless the operator complies with the requirements set forth in
36 subsection 1.

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

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



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

4 *4. If a vehicle has been towed pursuant to subparagraph (2)*
5 *or (3) of paragraph (b) of subsection 2 of NRS 706.4477 and the*
6 *registered owner of the vehicle does not provide proof that the*
7 *vehicle is registered pursuant to this chapter or chapter 482 of*
8 *NRS or in any other state:*

9 (a) *The charge for towing the motor vehicle must be not more*
10 *than \$50;*

11 (b) *The fee set forth in subsection 2 must be not more than*
12 *\$50; and*

13 (c) *The operator shall not charge any fee or cost for the*
14 *storage of the motor vehicle until at least 48 hours after the motor*
15 *vehicle arrives and is registered at the place of storage. If the*
16 *motor vehicle arrives at the place of storage after the regular*
17 *business hours of the place of storage, the 48-hour period begins*
18 *when the regular business hours of the place of storage next*
19 *begin.*

