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FIRST REPRINT

A.B. 301

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

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 in physical or certain electronic formats 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 if the vehicle is parked in an assigned or designated parking space; requiring a tow operator to independently verify by use of the Internet website of the Department of Motor Vehicles 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.

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

28 Existing law provides that the owner of real property, or an authorized agent of
29 the owner, who requests that a vehicle be towed from a residential complex at
30 which the vehicle is located may not have a vehicle towed until 48 hours after
31 affixing a notice to the vehicle which explains when the vehicle is to be towed,
32 unless the tow is requested for an issue relating to the health, safety or welfare of
33 the residents of the residential complex. (NRS 706.4477) **Section 2** requires the
34 owner of real property, or the authorized agent of the owner, to, in addition to
35 affixing the notice to the vehicle, make reasonable efforts to notify the owner or
36 operator of the vehicle to explain that the vehicle will be towed if the vehicle is
37 parked in an assigned or designated parking space. **Section 2** provides that such
38 reasonable efforts include the use of a telephone number or electronic mail address,
39 if available. **Section 2** additionally requires such an owner or authorized agent of
40 the owner to affix a notice to the door of the residential unit whose assigned or
41 designated parking space is being occupied by the vehicle. Furthermore, **section 2**
42 requires that a vehicle may not be towed until 5 days after such notices are provided
43 and efforts are made.

44 **Section 2** requires a tow operator who has been requested by the owner of real
45 property, or an authorized agent of the owner, to tow a vehicle if the registration of
46 the vehicle has expired to independently verify the registration status of the vehicle
47 before towing the vehicle by using the Internet website of the Department of Motor
48 Vehicles. **Section 2** requires the tow operator to retain evidence of such verification
49 for not less than 1 year and further provides that a tow operator who fails to comply
50 with this requirement is responsible for the cost of the removal and storage of the
51 vehicle.

52 Existing law provides that, in certain situations, a registered owner of a motor
53 vehicle that is towed is responsible for the cost of removal and storage of the motor
54 vehicle and further provides that an operator of a tow car may impose a fee on the
55 owner of the motor vehicle for the towing and storage of the vehicle. (NRS
56 706.4477, 706.4479) **Section 2** provides that the operator shall not charge any fee
57 or cost for the storage of the motor vehicle until at least 48 hours has passed since
58 the motor vehicle arrived and was registered at the place of storage. If a vehicle has
59 been towed due to the vehicle not being registered or due to the vehicle having an
60 expired registration and the registered owner of the vehicle does not provide proof



61 that the vehicle is registered, **section 2** provides that a registered owner shall pay a
62 hardship tariff for the removal and storage of a towed motor vehicles if, for reasons
63 outside of the registered owner's control, the registered owner is incapable of
64 paying the normal rate for the removal and storage of the towed motor vehicle.
65 **Section 2** requires the Nevada Transportation Authority to adopt regulations to
66 carry out the hardship tariff program.

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 subsection 2, the** owner or
10 agent pays a fee established by the operator for releasing the
11 vehicle.

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

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

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

21 **3. As used in this section, "provide proof" includes, without**
22 **limitation, the registered owner providing current registration**
23 **documents in a physical format or in an electronic format as set**
24 **forth in NRS 482.255 that predate the date on which the vehicle**
25 **was connected to the tow car.**

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

27 706.4477 **1.** If towing is requested by a person other than the
28 owner, or an agent of the owner, of the motor vehicle or a law
29 enforcement officer:

30 **(a)** The person requesting the towing must be the owner of the
31 real property from which the vehicle is towed or an authorized agent
32 of the owner of the real property and must sign a specific request for
33 the towing. Except as otherwise provided in subsection 2, for the
34 purposes of this section, the operator is not an authorized agent of
35 the owner of the real property.



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

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

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

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

14 (a) Must:

15 (1) Meet the requirements of subsection 1.

16 (2) Except as otherwise provided in this subparagraph, if the
17 vehicle is being towed pursuant to subparagraph (1) ~~or~~ (2) or
18 *sub-subparagraph (I) or (III) of subparagraph* (3) of paragraph
19 (b), notify the owner or operator of the vehicle of the tow not less
20 than 48 hours before the tow by affixing to the vehicle a sticker
21 which provides the date and time after which the vehicle will be
22 towed. The provisions of this subparagraph do not apply and the
23 vehicle may be immediately towed if it is a vehicle for which a
24 notice was previously affixed:

25 (I) For the same or a similar reason within the same
26 residential complex.

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

30 *(3) Except as otherwise provided in this subparagraph, if*
31 *the vehicle is being towed pursuant to sub-subparagraph (II) of*
32 *subparagraph (3) of paragraph (b), notify the owner or operator of*
33 *the vehicle of the tow not less than 5 days before the tow by*
34 *affixing to the vehicle a sticker which provides the date and time*
35 *after which the vehicle will be towed and by making reasonable*
36 *efforts to notify the owner or operator of the vehicle of the date*
37 *and time after which the vehicle will be towed, including, without*
38 *limitation, by the use of a telephone number or electronic mail*
39 *address, if available. In addition to these efforts, the owner of the*
40 *real property or authorized agent of the owner, which may be the*
41 *tow operator, shall also affix a notice to the door of the residential*
42 *unit whose assigned or designated parking space is being occupied*
43 *by the vehicle. The provisions of this subparagraph do not apply*
44 *and the vehicle may be immediately towed if it is a vehicle for*
45 *which a notice was previously affixed:*



1 *(I) For the same or a similar reason within the same*
2 *residential complex.*

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

6 (b) May only have a vehicle towed:

7 (1) Because of a parking violation;

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

10 (3) If the registration of the vehicle:

11 (I) Has been expired for not less than 60 days, if the
12 vehicle is owned or operated by a resident of the residential complex
13 *and the vehicle is not parked in a parking space that is clearly*
14 *marked as being assigned or designated for a specific resident of*
15 *the residential complex or for a specific residential unit located in*
16 *the residential complex, or does not meet the requirements of sub-*
17 *subparagraph ~~[(II); or]~~ (III);*

18 (II) *Has been expired for not less than 60 days, if the*
19 *vehicle is owned or operated by a resident of the residential*
20 *complex and the vehicle is parked in a parking space that is*
21 *clearly marked as being assigned or designated for a specific*
22 *resident of the residential complex or for a specific residential unit*
23 *located in the residential complex, or does not meet the*
24 *requirements of sub-subparagraph (III); or*

25 (III) Is expired, if the owner of real property or
26 authorized agent of the owner verifies that the vehicle is not owned
27 or operated by a resident of the residential complex; or

28 (4) If the vehicle is:

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

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

36 3. If towing is requested by a county or city pursuant to NRS
37 244.3605 or 268.4122, as applicable:

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

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

42 4. *If towing is requested pursuant to subparagraph (3) of*
43 *paragraph (b) of subsection 2, the operator, by use of the Internet*
44 *website of the Department, must independently verify the*
45 *registration status of the vehicle before towing the vehicle. The*



1 *operator shall retain evidence of such verification for not less than*
2 *I year. If an operator fails to comply with this subsection, the*
3 *registered owner of the motor vehicle is not responsible for the*
4 *cost of removal and storage of the vehicle.*

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

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

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

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

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

18 (b) ~~Is~~ *Except as otherwise provided in subsection 4 or 5 and*
19 *subject to the provisions of subsection 9, is* responsible for the cost
20 of removal and storage of the motor vehicle.

21 ~~Is~~ **7.** The registered owner may rebut the presumption in
22 subsection ~~4~~ **6** by showing that:

23 (a) The registered owner transferred the registered owner's
24 interest in the motor vehicle:

25 (1) Pursuant to the provisions set forth in NRS 482.399 to
26 482.420, inclusive; or

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

29 (b) The vehicle is stolen, if the registered owner submits
30 evidence that, before the discovery of the vehicle, the registered
31 owner filed an affidavit with the Department or a written report with
32 an appropriate law enforcement agency alleging the theft of the
33 vehicle.

34 ~~Is~~ **8.** *Subject to the provisions of subsection 9 an operator*
35 *shall not charge any fee or cost for the storage of the motor*
36 *vehicle until at least 48 hours after the motor vehicle arrives and is*
37 *registered at the place of storage. If the motor vehicle arrives at*
38 *the place of storage after the regular business hours of the place*
39 *of storage, the 48-hour period begins when the regular business*
40 *hours of the place of storage next begin.*

41 **9.** *The registered owner of the vehicle shall pay a hardship*
42 *tariff for the cost of removal and storage of the motor vehicle if:*

43 (a) *A vehicle has been towed pursuant to subparagraph (2) or*
44 *(3) of paragraph (b) of subsection 2;*



1 ***(b) The registered owner of the vehicle does not provide proof***
2 ***that the vehicle was registered pursuant to this chapter or chapter***
3 ***482 of NRS or in any other state at the time the vehicle was towed;***
4 ***and***

5 ***(c) The registered owner, for reasons outside of their control***
6 ***as determined by the regulations adopted pursuant to this section,***
7 ***is incapable of paying the normal rate charged for the removal***
8 ***and storage of the motor vehicle.***

9 ***↳ The Authority shall adopt regulations to carry out the***
10 ***provisions of this section, including, without limitation,***
11 ***establishing a range of hardship tariffs a person may pay pursuant***
12 ***to this section and setting forth what qualifies as a reason that is***
13 ***outside of the control of the registered owner.***

14 **10.** As used in this section:

15 (a) “Parking violation” means a violation of any:

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

17 (2) Parking rule promulgated by the owner or manager of the
18 residential complex that applies to vehicles on the property of the
19 residential complex.

20 (b) ***“Provide proof” includes, without limitation, the registered***
21 ***owner providing current registration documents in a physical***
22 ***format or in an electronic format as set forth in NRS 482.255 that***
23 ***predate the date on which the vehicle was towed.***

24 (c) “Residential complex” means a group of apartments,
25 condominiums or townhomes intended for use as residential units
26 and for which a common parking area is provided, regardless of
27 whether each resident or unit has been assigned a specific parking
28 space in the common parking area.

29 **Sec. 3.** (Deleted by amendment.)

