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SECOND 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

JOINT SPONSOR: SENATOR SPEARMAN

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions governing 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; revising provisions governing the release of a motor vehicle connected to a tow car at the point of origination of the towing; revising provisions relating to the towing of a motor vehicle from a residential complex or a common-interest community; revising provisions restricting the keeping of unregistered vehicles on real property; 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 and the owner of the
7 motor vehicle or agent of the owner of the motor vehicle provides proof that the
8 motor vehicle is registered, **section 1** of this bill: (1) requires the operator to
9 immediately release the motor vehicle to the owner or agent of the motor vehicle;
10 and (2) provides that the owner or agent is not responsible for paying the fee
11 established by the operator for releasing the vehicle.

12 Existing law imposes certain conditions on the towing of a motor vehicle which
13 is requested by a person other than the owner of the vehicle, an agent of the owner



14 of the vehicle or a law enforcement officer. (NRS 706.4477) **Section 2** of this bill
15 provides that the conditions also do not apply to a person that is employed by a
16 local government to enforce the laws, ordinances or codes of the local government.
17 Existing law provides that the owner of real property on which a residential
18 complex is located, or an authorized agent of the owner, may only have a vehicle
19 towed: (1) because of a parking violation; (2) if the vehicle is not registered; (3) if
20 the registration of the vehicle has been expired for not less than 60 days or is
21 expired; or (4) if the vehicle is blocking a fire hydrant, fire lane or parking space
22 designated for the handicapped or is posing an imminent threat of causing a
23 substantial adverse effect on the health, safety or welfare of the residents of a
24 residential complex. (NRS 706.4477) **Section 2** prohibits the owner or agent from
25 having a motor vehicle towed solely because the registration of the vehicle is
26 expired. **Section 5** of this bill makes a conforming change as a result of this
27 prohibition.

28 Existing law provides that, in certain situations, a registered owner of a motor
29 vehicle that is towed is responsible for the cost of removal and storage of the motor
30 vehicle and further provides that an operator of a tow car may impose a fee on the
31 owner of the motor vehicle for the towing and storage of the vehicle. (NRS
32 706.4477, 706.4479) **Section 2** provides that the operator shall not charge any fee
33 or cost for the storage of the motor vehicle until at least 48 hours has passed since
34 the motor vehicle arrived and was registered at the place of storage. If a vehicle has
35 been towed due to the vehicle not being registered and the owner of the vehicle
36 does not provide proof that the vehicle is registered, **section 2** provides that the
37 owner shall pay a hardship tariff for the removal and storage of a towed motor
38 vehicle if, for reasons outside of the owner's control, the owner is incapable of
39 paying the normal rate for the removal and storage of the towed motor vehicle.
40 **Section 2** requires the Nevada Transportation Authority to adopt regulations to
41 carry out the hardship tariff program.

42 **Sections 1 and 2** provide that a person may provide proof of registration of a
43 vehicle by providing current registration documents in a physical format or in
44 certain electronic formats that predate the date on which the vehicle was connected
45 or towed.

46 Existing law authorizes the unit-owners' association of a common-interest
47 community to direct the removal of vehicles improperly parked on property owned
48 or leased by the association. (NRS 116.3102) **Section 4** of this bill prohibits an
49 association from having a vehicle that is parked on property owned or leased by the
50 association removed solely because the registration of the vehicle is expired.
51 **Section 5** makes a conforming change as a result of this prohibition.

52 With certain exceptions, existing law makes it a misdemeanor for a person to
53 keep more than two unregistered cars on real property owned by or under
54 possession or control of the person if the vehicles are no longer intended for or in
55 condition for lawful use on the highway. (NRS 487.290, 487.300) **Section 5**
56 exempts from prosecution for this crime the owner of real property on which a
57 residential complex is located or an agent thereof and the association of a common-
58 interest community or an agent thereof.



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 (2) 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, providing current registration documents in a physical**
23 **format or in an electronic format as set forth in NRS 482.255 that**
24 **predate the date on which the vehicle was connected to the tow**
25 **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 ~~1.~~ **or other person who is employed to enforce**
30 **the laws, ordinances and codes of a local government:**

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

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

39 **(c)** Notice must be given to the appropriate law enforcement
40 agency pursuant to state and local requirements.

41 **(d)** The operator may be directed to terminate the towing by a
42 law enforcement officer.



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

8 (a) Must:

9 (1) Meet the requirements of subsection 1.

10 (2) Except as otherwise provided in this subparagraph, if the
11 vehicle is being towed pursuant to subparagraph (1) ~~or~~ **or** (2) ~~or~~
12 ~~(3)~~ of paragraph (b), notify the owner or operator of the vehicle of
13 the tow not less than 48 hours before the tow by affixing to the
14 vehicle a sticker which provides the date and time after which the
15 vehicle will be towed. The provisions of this subparagraph do not
16 apply and the vehicle may be immediately towed if it is a vehicle for
17 which a notice was previously affixed:

18 (I) For the same or a similar reason within the same
19 residential complex.

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

23 (b) May only have a vehicle towed:

24 (1) Because of a parking violation;

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

27 (3) ~~If the registration of the vehicle:~~

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

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

34 ~~(4)~~ If the vehicle is:

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

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

42 ***(c) May not have a vehicle towed solely because the***
43 ***registration of the vehicle is expired.***

44 3. If towing is requested by a county or city pursuant to NRS
45 244.3605 or 268.4122, as applicable:



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

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

5 4. The [registered] owner of a motor vehicle towed pursuant to
6 the provisions of subsection 1, 2 or 3:

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

9 (b) ~~Is~~ *Subject to the provisions of subsection 7, is* responsible
10 for the cost of removal and storage of the motor vehicle.

11 5. The [registered] owner may rebut the presumption in
12 subsection 4 by showing that:

13 (a) The [registered] owner transferred the [registered] owner's
14 interest in the motor vehicle:

15 (1) Pursuant to the provisions set forth in NRS 482.399 to
16 482.420, inclusive; or

17 (2) As indicated by a bill of sale for the vehicle that is signed
18 by the [registered] owner; or

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

24 6. *An operator shall not charge any fee or cost for the storage
25 of the motor vehicle until at least 48 hours after the motor vehicle
26 arrives and is registered at the place of storage. If the motor
27 vehicle arrives at the place of storage after the regular business
28 hours of the place of storage, the 48-hour period begins when the
29 regular business hours of the place of storage next begin.*

30 7. *The owner of the vehicle shall pay a hardship tariff for the
31 cost of removal and storage of the motor vehicle if:*

32 (a) *A vehicle has been towed pursuant to subparagraph (2) of
33 paragraph (b) of subsection 2;*

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

37 (c) *The owner, for reasons outside of his or her control as
38 determined by the regulations adopted pursuant to this section, is
39 incapable of paying the normal rate charged for the removal and
40 storage of the motor vehicle.*

41 *↳ The Authority shall adopt regulations to carry out the
42 provisions of this section, including, without limitation,
43 establishing a range of hardship tariffs a person may pay pursuant
44 to this section and setting forth what qualifies as a reason that is
45 outside of the control of the owner.*



1 8. As used in this section:

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

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

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

7 (b) *"Provide proof" includes, without limitation, providing*
8 *current registration documents in a physical format or in an*
9 *electronic format as set forth in NRS 482.255 that predate the date*
10 *on which the vehicle was towed.*

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

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

17 **Sec. 4.** NRS 116.3102 is hereby amended to read as follows:

18 116.3102 1. Except as otherwise provided in this chapter, and
19 subject to the provisions of the declaration, the association:

20 (a) Shall adopt and, except as otherwise provided in the bylaws,
21 may amend bylaws and may adopt and amend rules and regulations.

22 (b) Shall adopt and may amend budgets in accordance with the
23 requirements set forth in NRS 116.31151, may collect assessments
24 for common expenses from the units' owners and may invest funds
25 of the association in accordance with the requirements set forth in
26 NRS 116.311395.

27 (c) May hire and discharge managing agents and other
28 employees, agents and independent contractors.

29 (d) May institute, defend or intervene in litigation or in
30 arbitration, mediation or administrative proceedings in its own name
31 on behalf of itself or two or more units' owners on matters affecting
32 the common-interest community. The association may not institute,
33 defend or intervene in litigation or in arbitration, mediation or
34 administrative proceedings in its own name on behalf of itself or
35 units' owners with respect to an action for a constructional defect
36 pursuant to NRS 40.600 to 40.695, inclusive, unless the action
37 pertains to:

38 (1) Common elements;

39 (2) Any portion of the common-interest community that the
40 association owns; or

41 (3) Any portion of the common-interest community that the
42 association does not own but has an obligation to maintain, repair,
43 insure or replace because the governing documents of the
44 association expressly make such an obligation the responsibility of
45 the association.



1 (e) May make contracts and incur liabilities. Any contract
2 between the association and a private entity for the furnishing of
3 goods or services must not include a provision granting the private
4 entity the right of first refusal with respect to extension or renewal
5 of the contract.

6 (f) May regulate the use, maintenance, repair, replacement and
7 modification of common elements.

8 (g) May cause additional improvements to be made as a part of
9 the common elements.

10 (h) May acquire, hold, encumber and convey in its own name
11 any right, title or interest to real estate or personal property, but:

12 (1) Common elements in a condominium or planned
13 community may be conveyed or subjected to a security interest only
14 pursuant to NRS 116.3112; and

15 (2) Part of a cooperative may be conveyed, or all or part of a
16 cooperative may be subjected to a security interest, only pursuant to
17 NRS 116.3112.

18 (i) May grant easements, leases, licenses and concessions
19 through or over the common elements.

20 (j) May impose and receive any payments, fees or charges for
21 the use, rental or operation of the common elements, other than
22 limited common elements described in subsections 2 and 4 of NRS
23 116.2102, and for services provided to the units' owners, including,
24 without limitation, any services provided pursuant to
25 NRS 116.310312.

26 (k) May impose charges for late payment of assessments
27 pursuant to NRS 116.3115.

28 (l) May impose construction penalties when authorized pursuant
29 to NRS 116.310305.

30 (m) May impose reasonable fines for violations of the governing
31 documents of the association only if the association complies with
32 the requirements set forth in NRS 116.31031.

33 (n) May impose reasonable charges for the preparation and
34 recordation of any amendments to the declaration or any statements
35 of unpaid assessments, and impose reasonable fees, not to exceed
36 the amounts authorized by NRS 116.4109, for preparing and
37 furnishing the documents and certificate required by that section.

38 (o) May impose a reasonable fee for opening or closing any file
39 for each unit. Such a fee:

40 (1) Must be based on the actual cost the association incurs to
41 open or close any file.

42 (2) Must not exceed \$350.

43 (3) Must not be charged to both the seller and the purchaser
44 of a unit.



1 (4) Except as otherwise provided in this subparagraph and
2 subject to the limitation set forth in subparagraph (2), may increase,
3 on an annual basis, by a percentage equal to the percentage of
4 increase in the Consumer Price Index (All Items) published by the
5 United States Department of Labor for the preceding calendar year.
6 The fee must not increase by more than 3 percent each year.

7 (p) May provide for the indemnification of its officers and
8 executive board and maintain directors and officers liability
9 insurance.

10 (q) May assign its right to future income, including the right to
11 receive assessments for common expenses, but only to the extent the
12 declaration expressly so provides.

13 (r) May exercise any other powers conferred by the declaration
14 or bylaws.

15 (s) May exercise all other powers that may be exercised in this
16 State by legal entities of the same type as the association.

17 (t) ~~May~~ *Except as otherwise provided in this paragraph, may*
18 *direct the removal of vehicles improperly parked on property owned*
19 *or leased by the association, as authorized pursuant to NRS 487.038,*
20 *or improperly parked on any road, street, alley or other thoroughfare*
21 *within the common-interest community in violation of the*
22 *governing documents. An association may not direct the removal*
23 *of a vehicle parked on property owned or leased by the association*
24 *solely because the registration of the vehicle is expired.* In addition
25 to complying with the requirements of NRS 487.038 and any
26 requirements in the governing documents, if a vehicle is improperly
27 parked as described in this paragraph, the association must post
28 written notice in a conspicuous place on the vehicle or provide oral
29 or written notice to the owner or operator of the vehicle at least 48
30 hours before the association may direct the removal of the vehicle,
31 unless the vehicle:

32 (1) Is blocking a fire hydrant, fire lane or parking space
33 designated for the handicapped; or

34 (2) Poses an imminent threat of causing a substantial adverse
35 effect on the health, safety or welfare of the units' owners or
36 residents of the common-interest community.

37 (u) May exercise any other powers necessary and proper for the
38 governance and operation of the association.

39 2. The declaration may not limit the power of the association to
40 deal with the declarant if the limit is more restrictive than the limit
41 imposed on the power of the association to deal with other persons.

42 3. The executive board may determine whether to take
43 enforcement action by exercising the association's power to impose
44 sanctions or commence an action for a violation of the declaration,
45 bylaws or rules, including whether to compromise any claim for



1 unpaid assessments or other claim made by or against it. The
2 executive board does not have a duty to take enforcement action if it
3 determines that, under the facts and circumstances presented:

4 (a) The association's legal position does not justify taking any or
5 further enforcement action;

6 (b) The covenant, restriction or rule being enforced is, or is
7 likely to be construed as, inconsistent with current law;

8 (c) Although a violation may exist or may have occurred, it is
9 not so material as to be objectionable to a reasonable person or to
10 justify expending the association's resources; or

11 (d) It is not in the association's best interests to pursue an
12 enforcement action.

13 4. The executive board's decision under subsection 3 not to
14 pursue enforcement under one set of circumstances does not prevent
15 the executive board from taking enforcement action under another
16 set of circumstances, but the executive board may not be arbitrary or
17 capricious in taking enforcement action.

18 5. Notwithstanding any provision of this chapter or the
19 governing documents to the contrary, an association may not impose
20 any assessment pursuant to this chapter or the governing documents
21 on the owner of any property in the common-interest community
22 that is exempt from taxation pursuant to NRS 361.125. For the
23 purposes of this subsection, "assessment" does not include any
24 charge for any utility services, including, without limitation,
25 telecommunications, broadband communications, cable television,
26 electricity, natural gas, sewer services, garbage collection, water or
27 for any other service which is delivered to and used or consumed
28 directly by the property in the common-interest community that is
29 exempt from taxation pursuant to NRS 361.125.

30 **Sec. 5.** NRS 487.038 is hereby amended to read as follows:

31 487.038 1. Except as otherwise provided in subsections 3 and
32 4 **and NRS 116.3102 and 706.4477**, the owner or person in
33 lawful possession of any real property may, after giving notice
34 pursuant to subsection 2, utilize the services of any tow car operator
35 subject to the jurisdiction of the Nevada Transportation Authority to
36 remove any vehicle parked in an unauthorized manner on that
37 property to the nearest public garage or storage yard if:

38 (a) A sign is displayed in plain view on the property declaring
39 public parking to be prohibited or restricted in a certain manner; and

40 (b) The sign shows the telephone number of the police
41 department or sheriff's office.

42 2. Unless notice has been provided pursuant to NRS 706.4477,
43 oral notice must be given to the police department or sheriff's
44 office, whichever is appropriate, indicating:

45 (a) The time the vehicle was removed;



1 (b) The location from which the vehicle was removed; and

2 (c) The location to which the vehicle was taken.

3 3. Any vehicle which is parked in a space designated for
4 persons with disabilities and is not properly marked for such parking
5 may be removed if notice is given to the police department or
6 sheriff's office pursuant to subsection 2, whether or not a sign is
7 displayed pursuant to subsection 1.

8 4. The owner or person in lawful possession of residential real
9 property upon which a single-family dwelling is located may, after
10 giving notice pursuant to subsection 2, utilize the services of any
11 tow car operator subject to the jurisdiction of the Nevada
12 Transportation Authority to remove any vehicle parked in an
13 unauthorized manner on that property to the nearest public garage or
14 storage yard, whether or not a sign is displayed pursuant to
15 subsection 1.

16 5. All costs incurred under the provisions of this section for the
17 towing, storage and disposition of the vehicle, as applicable, must be
18 borne by the owner of the vehicle, as that term is defined in
19 NRS 484A.150.

20 6. The provisions of this section do not limit or affect any
21 rights or remedies which the owner or person in lawful possession
22 of real property may have by virtue of other provisions of the law
23 authorizing the removal of a vehicle parked on that property.

24 7. If the owner or person in lawful possession of real property
25 and the tow operator agree that the vehicle is likely to be ultimately
26 disposed of as an abandoned vehicle and that the estimated
27 disposition value of a vehicle to be towed pursuant to this section is
28 less than the estimated cost for the towing, storage and disposal of
29 the vehicle, the owner or person in lawful possession of real
30 property and the tow operator may enter into an agreement whereby
31 the owner or person in lawful possession of real property makes a
32 voluntary payment to the tow operator. Such a payment:

33 (a) Does not reduce the costs incurred by the owner of the
34 vehicle pursuant to subsection 5.

35 (b) May not be a condition for the towing of the vehicle.

36 **Sec. 6.** NRS 487.290 is hereby amended to read as follows:

37 487.290 1. Unless the person first obtains a license pursuant
38 to NRS 487.050 or 487.410, a person shall not for any reason keep
39 more than two unregistered vehicles on real property owned by or
40 under possession or control of the person if the vehicles are no
41 longer intended for or in condition for lawful use on the highway.

42 2. The provisions of subsection 1 do not apply to:

43 (a) Premises used by a licensed dealer, manufacturer, distributor
44 or rebuilder.



1 (b) Vehicles to be restored or used as a source of parts in
2 conjunction with the operation or maintenance of a fleet of vehicles
3 for the carriage of persons or property.

4 (c) Premises used as a farm, ranch, mine or repair shop for
5 motor vehicles.

6 (d) Any person engaged in the restoration of one or more
7 vehicles entitled to registration as a Horseless Carriage or otherwise
8 having classic or historic significance.

9 (e) *The owner of real property on which a residential complex*
10 *is located or an agent thereof.*

11 (f) *The unit-owners' association of a common-interest*
12 *community or an agent thereof.*

13 3. *As used in this section:*

14 (a) *"Common-interest community" has the meaning ascribed*
15 *to it in NRS 116.021.*

16 (b) *"Residential complex" has the meaning ascribed to it in*
17 *NRS 706.4477.*

18 (c) *"Unit-owners' association" has the meaning ascribed to it*
19 *in NRS 116.011.*

