

Amendment No. 479

Assembly Amendment to Assembly Bill No. 301	(BDR 58-696)
<b>Proposed by:</b> Assembly Committee on Growth and Infrastructure	
<b>Amendment Box:</b> Replaces Amendment No. 363.	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>
Receded <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

ALA/WLK



Date: 4/19/2021

A.B. No. 301—Revises provisions governing the towing of motor vehicles.  
(BDR 58-696)





ASSEMBLY BILL NO. 301—ASSEMBLYMEN C.H. MILLER; ANDERSON, CONSIDINE, FLORES, GONZÁLEZ, ~~HEAVITT~~ MONROE-MORENO ~~AND~~ , 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~~ 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 the owner,  
2 of a motor vehicle that has been connected to a tow car to obtain the release of the vehicle at  
3 the point of origination of the towing if: (1) a request is made to release the vehicle; and (2)  
4 the owner or agent pays a fee established by the operator for releasing the vehicle. (NRS  
5 706.4469) If a vehicle that has been connected to a tow car due to the vehicle not being  
6 registered or due to the vehicle having an expired registration and the owner of the motor  
7 vehicle or agent of the owner of the motor vehicle provides proof that the motor vehicle is  
8 registered, **section 1** of this bill: (1) requires the operator to immediately release the motor  
9 vehicle to the owner or agent of the motor vehicle; and (2) provides that the owner or agent is  
10 not responsible for paying the fee established by the operator for releasing the vehicle. ~~Under~~  
11 ~~section 1, if the owner of the motor vehicle or the agent of the owner of the motor vehicle~~  
12 ~~does not provide proof that the motor vehicle is registered, the fee for releasing the vehicle~~  
13 ~~must not exceed \$50.]~~

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

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

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

Existing law provides that, in certain situations, a registered owner of a motor vehicle that is towed is responsible for the cost of removal and storage of the motor vehicle and further provides that an operator of a tow car may impose a fee on the owner of the motor vehicle for the towing and storage of the vehicle. (NRS 706.4477, 706.4479) ~~[If a vehicle has been towed due to the vehicle not being registered or due to the vehicle having an expired registration and the registered owner of the vehicle does not provide proof that the vehicle is registered, section]~~ **Section 2** provides [ (1) the fee for removing the motor vehicle must be not more than \$50; and (2) that the operator shall not charge any fee or cost for the storage of the motor vehicle until at least 48 hours has passed since the motor vehicle arrived and was registered at the place of storage. [Section 3 of this bill makes changes similar to those in sections 1 and 2 that apply to the fee that an operator may impose for the towing and storage of the vehicle.] If a vehicle has been towed due to the vehicle not being registered or due to the vehicle having an expired registration and the registered owner of the vehicle does not provide proof that the vehicle is registered, section 2 provides that a registered owner shall pay a hardship tariff for the removal and storage of a towed motor vehicle if, for reasons outside of the registered owner's control, the registered owner is incapable of paying the normal rate for the removal and storage of the towed motor vehicle. Section 2 requires the Nevada Transportation Authority to adopt regulations to carry out the hardship tariff program.

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

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

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

~~1.1.~~ (a) A request is made to release the vehicle; and

~~2. The~~

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Must:

(1) Meet the requirements of subsection 1.

1 (2) Except as otherwise provided in this subparagraph, if the vehicle is  
2 being towed pursuant to subparagraph (1) ~~or~~ (2) or sub-subparagraph (I) or  
3 (III) of subparagraph (3) of paragraph (b), notify the owner or operator of the  
4 vehicle of the tow not less than 48 hours before the tow by affixing to the vehicle a  
5 sticker which provides the date and time after which the vehicle will be towed ~~and~~  
6 ~~and by making reasonable efforts to notify the owner or operator of the vehicle~~  
7 ~~of the date and time after which the vehicle will be towed, including, without~~  
8 ~~limitation, by the use of a telephone number or electronic mail address, if~~  
9 ~~available.~~ The provisions of this subparagraph do not apply and the vehicle may be  
10 immediately towed if it is a vehicle for which a notice was previously affixed:

11 (I) For the same or a similar reason within the same residential  
12 complex.

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

16 (3) Except as otherwise provided in this subparagraph, if the vehicle is  
17 being towed pursuant to sub-subparagraph (I) of subparagraph (3) of paragraph  
18 (b), notify the owner or operator of the vehicle of the tow not less than 5 days  
19 before the tow by affixing to the vehicle a sticker which provides the date and  
20 time after which the vehicle will be towed and by making reasonable efforts to  
21 notify the owner or operator of the vehicle of the date and time after which the  
22 vehicle will be towed, including, without limitation, by the use of a telephone  
23 number or electronic mail address, if available. In addition to these efforts, the  
24 owner of the real property or authorized agent of the owner, which may be the  
25 tow operator, shall also affix a notice to the door of the residential unit whose  
26 assigned or designated parking space is being occupied by the vehicle. The  
27 provisions of this subparagraph do not apply and the vehicle may be immediately  
28 towed if it is a vehicle for which a notice was previously affixed.

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

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

34 (b) May only have a vehicle towed:

35 (1) Because of a parking violation;

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

38 (3) If the registration of the vehicle:

39 (I) Has been expired for not less than 60 days, if the vehicle is owned  
40 or operated by a resident of the residential complex and the vehicle is not parked  
41 in a parking space that is clearly marked as being assigned or designated for a  
42 specific resident of the residential complex or for a specific residential unit  
43 located in the residential complex, or does not meet the requirements of sub-  
44 subparagraph ~~(II) or (III);~~

45 (II) Has been expired for not less than 60 days, if the vehicle is  
46 owned or operated by a resident of the residential complex and the vehicle is  
47 parked in a parking space that is clearly marked as being assigned or designated  
48 for a specific resident of the residential complex or for a specific residential unit  
49 located in the residential complex, or does not meet the requirements of sub-  
50 subparagraph (III); or

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

(4) If the vehicle is:

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

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

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

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

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

4. *If towing is requested pursuant to subparagraph ~~[(2) or]~~ (3) of paragraph (b) of subsection 2, the operator , by use of the Internet website of the Department, must independently verify the registration status of the vehicle before towing the vehicle. The operator shall retain evidence of such verification for not less than 1 year. If an operator fails to comply with this subsection, the registered owner of the motor vehicle is not responsible for the cost of removal and storage of the vehicle.*

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

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

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

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

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

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

~~[(6)]~~ 7. The registered owner may rebut the presumption in subsection ~~[(4)]~~ 6 by showing that:

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

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

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

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

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

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

~~1~~ ~~2~~ ~~3~~ ~~4~~ ~~5~~ ~~6~~ ~~7~~ ~~8~~ ~~9~~ ~~10~~ ~~11~~ ~~12~~ ~~13~~ ~~14~~ ~~15~~ ~~16~~ ~~17~~ ~~18~~ ~~19~~ ~~20~~ ~~21~~ ~~22~~ ~~23~~ ~~24~~ ~~25~~ ~~26~~ ~~27~~ ~~28~~ ~~29~~ ~~30~~ ~~31~~ ~~32~~ ~~33~~ ~~34~~ ~~35~~ ~~36~~ ~~37~~ ~~38~~ ~~39~~ ~~40~~ ~~41~~ ~~42~~ ~~43~~ ~~44~~ ~~45~~ ~~46~~ ~~47~~ ~~48~~ ~~49~~ ~~50~~ ~~51~~ ~~52~~ ~~53~~

~~(b) The~~ Subject to the provisions of subsection 9 an operator shall not charge any fee or cost for the storage of the motor vehicle until at least 48 hours after the motor vehicle arrives and is registered at the place of storage. If the motor vehicle arrives at the place of storage after the regular business hours of the place of storage, the 48-hour period begins when the regular business hours of the place of storage next begin.

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

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

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

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

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

10. As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

~~(2) Fifteen days after placing any other motor vehicle in storage;~~  
~~➤ The operator shall attempt to notify the owner of the vehicle by certified mail as soon as possible, but in no case later than 15 days after identification of the owner is obtained for any motor vehicle.~~

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

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

~~(b) For more than 15 days after placing any other vehicle in storage;~~  
~~➤ unless the operator complies with the requirements set forth in subsection 1.~~

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

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

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

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

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

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

~~(c) The operator shall not charge any fee or cost for the storage of the motor vehicle until at least 48 hours after the motor vehicle arrives and is registered at the place of storage. If the motor vehicle arrives at the place of storage after the regular business hours of the place of storage, the 48 hour period begins when the regular business hours of the place of storage next begin.] (Deleted by amendment.)~~