

Amendment No. 562

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| Senate Amendment to Assembly Bill No. 301 First Reprint | (BDR 58-696) |
| Proposed by: Senate Committee on Growth and Infrastructure | |
| Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: Yes 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.

EGO



Date: 5/17/2021

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, 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 ~~[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]~~ the release of 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;]~~ 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 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 ~~for 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.

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

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

43 ~~Section 2 requires a tow operator who has been requested by the owner of real property,~~
44 ~~or an authorized agent of the owner, to tow a vehicle if the registration of the vehicle has~~
45 ~~expired to independently verify the registration status of the vehicle before towing the vehicle~~
46 ~~by using the Internet website of the Department of Motor Vehicles. Section 2 requires the tow~~
47 ~~operator to retain evidence of such verification for not less than 1 year and further provides~~
48 ~~that a tow operator who fails to comply with this requirement is responsible for the cost of the~~
49 ~~removal and storage of the vehicle.] prohibits the owner or agent from having a motor~~
50 ~~vehicle towed solely because the registration of the vehicle is expired. Section 5 of this~~
51 ~~bill makes a conforming change as a result of this prohibition.~~

52 Existing law provides that, in certain situations, a registered owner of a motor vehicle that
53 is towed is responsible for the cost of removal and storage of the motor vehicle and further
54 provides that an operator of a tow car may impose a fee on the owner of the motor vehicle for
55 the towing and storage of the vehicle. (NRS 706.4477, 706.4479) **Section 2** provides that the
56 operator shall not charge any fee or cost for the storage of the motor vehicle until at least 48
57 hours has passed since the motor vehicle arrived and was registered at the place of storage. If
58 a vehicle has been towed due to the vehicle not being registered ~~for due to the vehicle having~~
59 ~~an expired registration~~ and the ~~registered~~ owner of the vehicle does not provide proof that
60 the vehicle is registered, **section 2** provides that ~~a registered~~ the owner shall pay a hardship
61 tariff for the removal and storage of a towed motor vehicle if, for reasons outside of the
62 ~~registered~~ owner's control, the ~~registered~~ owner is incapable of paying the normal rate for the
63 removal and storage of the towed motor vehicle. **Section 2** requires the Nevada
64 Transportation Authority to adopt regulations to carry out the hardship tariff program.

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

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

74 With certain exceptions, existing law makes it a misdemeanor for a person to keep
 75 more than two unregistered cars on real property owned by or under possession or
 76 control of the person if the vehicles are no longer intended for or in condition for lawful
 77 use on the highway. (NRS 487.290, 487.300) Section 5 exempts from prosecution for this
 78 crime the owner of real property on which a residential complex is located or an agent
 79 thereof and the association of a common-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 follows:

2 706.4469 1. The operator shall allow the owner, or agent of the owner, of a
 3 motor vehicle that has been connected to a tow car to obtain the release of the
 4 vehicle at the point of origination of the towing if:

5 ~~1-1~~ (a) A request is made to release the vehicle; and

6 ~~1-2~~ ~~The~~

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

9 2. *If a vehicle that has been connected to a tow car was requested to be*
 10 *towed pursuant to subparagraph ~~1-3~~ (2) of paragraph (b) of subsection 2 of*
 11 *NRS 706.4477 and the owner, or agent of the owner, provides proof that the*
 12 *vehicle is registered pursuant to this chapter or chapter 482 of NRS or in any*
 13 *other state:*

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

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

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

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

23 706.4477 1. If towing is requested by a person other than the owner, or an
 24 agent of the owner, of the motor vehicle or a law enforcement officer ~~1-1~~ or other
 25 person who is employed to enforce the laws, ordinances and codes of a local
 26 government:

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

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

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

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

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

10 (a) Must:

11 (1) Meet the requirements of subsection 1.

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

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

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

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

37 ~~————— (I) For the same or a similar reason within the same residential~~
38 ~~complex.~~

39 ~~————— (II) Three or more times during the immediately preceding 6 months~~
40 ~~within the same residential complex for any reason, regardless of whether the~~
41 ~~vehicle was subsequently towed.]~~

42 (b) May only have a vehicle towed:

43 (1) Because of a parking violation;

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

46 (3) ~~[If the registration of the vehicle:~~

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

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

~~(III) Is expired, if the owner of real property or authorized agent of the owner verifies that the vehicle is not owned or operated by a resident of the 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.

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

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 (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 (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) ~~[Is Except as otherwise provided in subsection 4 or 5 and subject]~~ Subject to the provisions of subsection ~~[9.]~~ 7, is responsible for the cost of removal and storage of the motor vehicle.

5. ~~[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

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

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

7 ~~6. 9. Subject to the provisions of subsection 9 an~~ **An operator shall not**
8 **charge any fee or cost for the storage of the motor vehicle until at least 48 hours**
9 **after the motor vehicle arrives and is registered at the place of storage. If the**
10 **motor vehicle arrives at the place of storage after the regular business hours of**
11 **the place of storage, the 48-hour period begins when the regular business hours**
12 **of the place of storage next begin.**

13 ~~9. 7. The registered~~ owner of the vehicle shall pay a hardship tariff for
14 the cost of removal and storage of the motor vehicle if:

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

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

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

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

27 ~~10. 8.~~ As used in this section:

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

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

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

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

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

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

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

42 116.3102 1. Except as otherwise provided in this chapter, and subject to the
43 provisions of the declaration, the association:

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

46 (b) Shall adopt and may amend budgets in accordance with the requirements
47 set forth in NRS 116.31151, may collect assessments for common expenses from
48 the units' owners and may invest funds of the association in accordance with the
49 requirements set forth in NRS 116.311395.

50 (c) May hire and discharge managing agents and other employees, agents and
51 independent contractors.

52 (d) May institute, defend or intervene in litigation or in arbitration, mediation
53 or administrative proceedings in its own name on behalf of itself or two or more

1 units' owners on matters affecting the common-interest community. The
2 association may not institute, defend or intervene in litigation or in arbitration,
3 mediation or administrative proceedings in its own name on behalf of itself or
4 units' owners with respect to an action for a constructional defect pursuant to NRS
5 40.600 to 40.695, inclusive, unless the action pertains to:

6 (1) Common elements;

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

9 (3) Any portion of the common-interest community that the association
10 does not own but has an obligation to maintain, repair, insure or replace because the
11 governing documents of the association expressly make such an obligation the
12 responsibility of the association.

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

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

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

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

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

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

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

29 (j) May impose and receive any payments, fees or charges for the use, rental or
30 operation of the common elements, other than limited common elements described
31 in subsections 2 and 4 of NRS 116.2102, and for services provided to the units'
32 owners, including, without limitation, any services provided pursuant to NRS
33 116.310312.

34 (k) May impose charges for late payment of assessments pursuant to NRS
35 116.3115.

36 (l) May impose construction penalties when authorized pursuant to NRS
37 116.310305.

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

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

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

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

49 (2) Must not exceed \$350.

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

51 (4) Except as otherwise provided in this subparagraph and subject to the
52 limitation set forth in subparagraph (2), may increase, on an annual basis, by a
53 percentage equal to the percentage of increase in the Consumer Price Index (All

1 Items) published by the United States Department of Labor for the preceding
2 calendar year. The fee must not increase by more than 3 percent each year.

3 (p) May provide for the indemnification of its officers and executive board and
4 maintain directors and officers liability insurance.

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

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

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

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

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

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

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

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

33 3. The executive board may determine whether to take enforcement action by
34 exercising the association's power to impose sanctions or commence an action for a
35 violation of the declaration, bylaws or rules, including whether to compromise any
36 claim for unpaid assessments or other claim made by or against it. The executive
37 board does not have a duty to take enforcement action if it determines that, under
38 the facts and circumstances presented:

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

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

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

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

47 4. The executive board's decision under subsection 3 not to pursue
48 enforcement under one set of circumstances does not prevent the executive board
49 from taking enforcement action under another set of circumstances, but the
50 executive board may not be arbitrary or capricious in taking enforcement action.

51 5. Notwithstanding any provision of this chapter or the governing documents
52 to the contrary, an association may not impose any assessment pursuant to this
53 chapter or the governing documents on the owner of any property in the common-

1 interest community that is exempt from taxation pursuant to NRS 361.125. For the
2 purposes of this subsection, “assessment” does not include any charge for any
3 utility services, including, without limitation, telecommunications, broadband
4 communications, cable television, electricity, natural gas, sewer services, garbage
5 collection, water or for any other service which is delivered to and used or
6 consumed directly by the property in the common-interest community that is
7 exempt from taxation pursuant to NRS 361.125.

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

9 487.038 1. Except as otherwise provided in subsections 3 and 4 ~~and~~ **and NRS**
10 **116.3102 and 706.4477**, the owner or person in lawful possession of any real
11 property may, after giving notice pursuant to subsection 2, utilize the services of
12 any tow car operator subject to the jurisdiction of the Nevada Transportation
13 Authority to remove any vehicle parked in an unauthorized manner on that property
14 to the nearest public garage or storage yard if:

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

17 (b) The sign shows the telephone number of the police department or sheriff’s
18 office.

19 2. Unless notice has been provided pursuant to NRS 706.4477, oral notice
20 must be given to the police department or sheriff’s office, whichever is appropriate,
21 indicating:

22 (a) The time the vehicle was removed;

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

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

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

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

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

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

42 7. If the owner or person in lawful possession of real property and the tow
43 operator agree that the vehicle is likely to be ultimately disposed of as an
44 abandoned vehicle and that the estimated disposition value of a vehicle to be towed
45 pursuant to this section is less than the estimated cost for the towing, storage and
46 disposal of the vehicle, the owner or person in lawful possession of real property
47 and the tow operator may enter into an agreement whereby the owner or person in
48 lawful possession of real property makes a voluntary payment to the tow operator.
49 Such a payment:

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

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

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

1 487.290 1. Unless the person first obtains a license pursuant to NRS
2 487.050 or 487.410, a person shall not for any reason keep more than two
3 unregistered vehicles on real property owned by or under possession or control of
4 the person if the vehicles are no longer intended for or in condition for lawful use
5 on the highway.

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

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

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

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

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

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

17 (f) The unit-owners' association of a common-interest community or an
18 agent thereof.

19 3. As used in this section:

20 (a) "Common-interest community" has the meaning ascribed to it in NRS
21 116.021.

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

23 (c) "Unit-owners' association" has the meaning ascribed to it in NRS
24 116.011.