

ASSEMBLY BILL NO. 333—ASSEMBLYMEN DENIS AND ATKINSON

MARCH 13, 2009

Referred to Committee on Transportation

SUMMARY—Revises certain provisions relating to motor vehicles.
(BDR 58-835)

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 certain provisions relating to the towing of vehicles; authorizing an electronic notification to the Department of Motor Vehicles of the transfer of ownership of a motor vehicle; authorizing the Department to provide certain information about the transfer of ownership of a motor vehicle to tow car operators and other interested parties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 1** of this bill requires the Nevada Transportation Authority to reduce
2 any charge for preparing or satisfying a lien which is filed by the operator of a tow
3 car if the Authority determines that all or part of the charge is attributable to the
4 operator's failure to prepare or satisfy the lien in a timely manner. (NRS 706.4468)

5 Existing law presumes that an abandoned motor vehicle was abandoned by its
6 registered owner. The registered owner is thus responsible for the costs of removing
7 and disposing of the vehicle. Existing law also provides for the rebuttal of this
8 presumption. (NRS 487.220) **Section 2** of this bill provides a similar presumption,
9 and opportunity for rebuttal, for the registered owner of a vehicle that is towed at
10 the request of the owner of real property from which the vehicle is towed.
11 (NRS 706.4477)

12 Existing law provides that if an operator of a tow car tows a motor vehicle at
13 the request of someone other than the owner, the operator is required to notify the
14 owner of certain information within a particular period of time. (NRS 706.4479)

15 **Section 3** of this bill: (1) requires such information to be provided earlier than the
16 existing law; and (2) adds to the list of the information that must be provided notice
17 to the registered and legal owner of the vehicle as to the actions the owner may take
18 to reduce his liability for any potentially applicable assessments, fees, penalties or
19 other charges, and as to the opportunity to rebut presumptions about the ownership
20 of a vehicle.



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21 **Section 4** of this bill authorizes a person who transfers ownership of a motor
22 vehicle to notify the Department of Motor Vehicles of the transfer electronically.
23 **Section 4** also authorizes the Department to provide information regarding
24 vehicle ownership transfers to tow car operators and other interested parties.
25 (NRS 482.400)

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

1 **Section 1.** NRS 706.4468 is hereby amended to read as
2 follows:

3 706.4468 1. Each operator of a tow car shall file its charges
4 for preparing or satisfying a lien to which the operator is entitled
5 against a vehicle that was towed without the prior consent of the
6 owner of the vehicle or the person authorized by the owner to
7 operate the vehicle. The Authority ~~may~~:

8 (a) *May* investigate any charge filed pursuant to this subsection
9 and revise the charge as necessary to ensure that the charge is
10 reasonable.

11 (b) *Shall reduce any charge filed pursuant to this subsection if*
12 *the Authority determines that the charge is unreasonable because*
13 *the charge is attributable, in whole or in part, to failure on the*
14 *part of the operator of the tow car to prepare or satisfy his lien in a*
15 *timely manner.*

16 2. An operator of a tow car may not impose a charge or any
17 part of a charge filed pursuant to subsection 1 unless the operator:

18 (a) Has initiated the procedure by which a person may satisfy a
19 lien; and

20 (b) Stores the vehicle for at least 96 hours.

21 3. If an operator of a tow car stores a vehicle that was towed
22 without the prior consent of the owner of the vehicle or the person
23 authorized by the owner to operate the vehicle for at least 96 hours
24 but not more than 336 hours, the operator may charge an amount not
25 to exceed 50 percent of the charge approved by the Authority
26 pursuant to subsection 1 for preparing or satisfying a lien.

27 4. If an operator of a tow car stores a vehicle that was towed
28 without the prior consent of the owner of the vehicle or the person
29 authorized by the owner to operate the vehicle for more than 336
30 hours, the operator may charge an amount not to exceed 50 percent
31 of the charge approved by the Authority pursuant to subsection 1 for
32 preparing or satisfying a lien in addition to the amount charged
33 pursuant to subsection 3.



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

2 706.4477 **1.** If towing is requested by a person other than the
3 owner, or an agent of the owner, of the motor vehicle or a law
4 enforcement officer:

5 ~~[1-]~~ **(a)** The person requesting the towing must be the owner of
6 the real property from which the vehicle is towed or his authorized
7 agent and must sign a specific request for the towing. For the
8 purposes of this section, the operator is not an authorized agent of
9 the owner of the real property.

10 ~~[2-]~~ **(b)** The area from which the vehicle is to be towed must be
11 appropriately posted in accordance with state or local requirements.

12 ~~[3-]~~ **(c)** Notice must be given to the appropriate law
13 enforcement agency pursuant to state and local requirements.

14 ~~[4-]~~ **(d)** The operator may be directed to terminate the towing by
15 a law enforcement officer.

16 **2.** *The registered owner of a motor vehicle towed pursuant to*
17 *the provisions of subsection 1:*

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

20 *(b) Is responsible for the cost of removal and storage of the*
21 *motor vehicle.*

22 **3.** *The registered owner may rebut the presumption in*
23 *subsection 2 by showing that:*

24 *(a) He transferred his 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*
28 *signed by the registered owner; or*

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

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

34 706.4479 **1.** If a motor vehicle is towed at the request of
35 someone other than the owner, or authorized agent of the owner, of
36 the motor vehicle, the operator shall, in addition to the requirements
37 set forth in the provisions of chapter 108 of NRS:

38 **(a)** Notify the registered and legal owner of the motor vehicle by
39 certified mail not later than ~~[2-]~~ **14** days after placing the motor
40 vehicle in storage if the motor vehicle was towed at the request of a
41 law enforcement officer following an accident involving the motor
42 vehicle or not later than ~~[1-]~~ **7 business** days after placing any other
43 vehicle in storage:

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



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

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

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

5 ~~;~~;

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

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

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

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

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

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

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

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

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

36 ➤ unless the operator complies with the requirements set forth in
37 subsection 1.

38 **Sec. 4.** NRS 482.400 is hereby amended to read as follows:

39 482.400 1. Except as otherwise provided in this subsection
40 and subsections ~~[2, 5 and 6,]~~ **3, 6 and 7,** and NRS 482.247, upon a
41 transfer of the title to, or the interest of an owner in, a vehicle
42 registered or issued a certificate of title under the provisions of this
43 chapter, the person or persons whose title or interest is to be
44 transferred and the transferee shall write their signatures with pen
45 and ink upon the certificate of title issued for the vehicle, together



1 with the residence address of the transferee, in the appropriate
2 spaces provided upon the reverse side of the certificate. The
3 Department may, by regulation, prescribe alternative methods by
4 which a signature may be affixed upon a manufacturer's certificate
5 of origin or a manufacturer's statement of origin issued for a
6 vehicle. The alternative methods must ensure the authenticity of the
7 signatures.

8 2. *Within 5 days after the transfer of the title to, or the*
9 *interest of an owner in, a vehicle registered or issued a certificate*
10 *of title under the provisions of this chapter, the person or person*
11 *whose title or interest is to be transferred may submit*
12 *electronically to the Department a notice of the transfer. The*
13 *Department may provide, by request and at the discretion of the*
14 *Department, information submitted to the Department pursuant to*
15 *this section to a tow car operator or other interested party. The*
16 *Department shall adopt regulations establishing:*

17 (a) *Procedures for electronic submissions pursuant to this*
18 *section; and*

19 (b) *Standards for determining who may receive information*
20 *from the Department pursuant to this section.*

21 3. The Department shall provide a form for use by a dealer for
22 the transfer of ownership of a vehicle. The form must be produced
23 in a manner which ensures that the form may not be easily
24 counterfeited. Upon the attachment of the form to a certificate of
25 title issued for a vehicle, the form becomes a part of that certificate
26 of title. The Department may charge a fee not to exceed the cost to
27 provide the form.

28 ~~[3.]~~ 4. Except as otherwise provided in subsections ~~[4, 5 and~~
29 ~~6.]~~ 5, 6 and 7, the transferee shall immediately apply for registration
30 as provided in NRS 482.215 and shall pay the governmental
31 services taxes due.

32 ~~[4.]~~ 5. If the transferee is a dealer who intends to resell the
33 vehicle, he is not required to register, pay a transfer or registration
34 fee for, or pay a governmental services tax on the vehicle. When the
35 vehicle is resold, the purchaser shall apply for registration as
36 provided in NRS 482.215 and shall pay the governmental services
37 taxes due.

38 ~~[5.]~~ 6. If the transferee consigns the vehicle to a wholesale
39 vehicle auctioneer:

40 (a) The transferee shall, within 30 days after that consignment,
41 provide the wholesale vehicle auctioneer with the certificate of title
42 for the vehicle, executed as required by subsection 1, and any other
43 documents necessary to obtain another certificate of title for the
44 vehicle.



1 (b) The wholesale vehicle auctioneer shall be deemed a
2 transferee of the vehicle for the purposes of subsection ~~[4.]~~ 5. The
3 wholesale vehicle auctioneer is not required to comply with
4 subsection 1 if he:

5 (1) Does not take an ownership interest in the vehicle;

6 (2) Auctions the vehicle to a vehicle dealer or automobile
7 wrecker who is licensed as such in this or any other state; and

8 (3) Stamps his name, his identification number as a vehicle
9 dealer and the date of the auction on the certificate of title and the
10 bill of sale and any other documents of transfer for the vehicle.

11 ~~[6.]~~ 7. A charitable organization which intends to sell a vehicle
12 which has been donated to the organization must deliver
13 immediately to the Department or its agent the certificate of
14 registration and the license plate or plates for the vehicle, if the
15 license plate or plates have not been removed from the vehicle. The
16 charitable organization must not be required to register, pay a
17 transfer or registration fee for, or pay a governmental services tax on
18 the vehicle. When the vehicle is sold by the charitable organization,
19 the purchaser shall apply for registration as provided in NRS
20 482.215 and pay the governmental services taxes due.

21 ~~[7.]~~ 8. As used in this section, "wholesale vehicle auctioneer"
22 means a dealer who:

23 (a) Is engaged in the business of auctioning consigned motor
24 vehicles to vehicle dealers or automobile wreckers, or both, who are
25 licensed as such in this or any other state; and

26 (b) Does not in the ordinary course of his business buy, sell or
27 own the vehicles he auctions.

28 **Sec. 5.** 1. This section and sections 1, 2 and 3 of this act
29 become effective on July 1, 2009.

30 2. Section 4 of this act becomes effective on October 1, 2010.

