

LCB File No. R080-00

**PROPOSED REGULATION OF THE
TRANSPORTATION SERVICES AUTHORITY**

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Amendment of Regulations of the
Transportation Services Authority

The Transportation Services Authority will hold a public hearing at 9:00 a.m., on June 8, 2000, at the Offices of the Transportation Services Authority, 2290 S. Jones, #110, Las Vegas Nevada, 89146. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations that pertain to chapter 706 of the Nevada Administrative Code with regard to the Tow Car industry.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment

The Amendment of the Nevada Administrative Code (NAC) sections 706.402 through 706.448 is necessary to comply with the partial deregulation of the Tow Car industry on the federal level, which occurred in 1995. The effect of federal deregulation limits the states power to regulate the industry to the following areas:

- 1) Safety and welfare;
- 2) Insurance; and
- 3) The price of for-hire motor vehicle transportation by a tow truck, if such transportation is performed
 - a) at the request of law enforcement; or
 - b) without the prior consent or authorization of the owner or operator of the motor vehicle.

2. Substance of the regulations to be amended.

The proposed amendment restructures NAC sections 706.402 through 706.448 to reflect the current status of the federal law. To this end the amendment changes NAC sections 706.402 through 706.448 to apply only to those areas mentioned in section one of this notice.

3. The estimated economic effect of the regulation on carriers in the Tow Car business and on the general public:

It is estimated that there will be no change in the current economic effect of regulation of the industry to either members of the industry or the general public with the exception of the amendment to NAC 706.404, which would allow for an increase in the fee charged to Tow Car operators per vehicle. See Item 5 below.

This notice of hearing has been posted at the following locations:

Attn: Barbara Mathews, Director
Churchill County Library
5553 S Maine Street
Fallon, NV 89406

Attn: Darryl Batson, Director
Las Vegas - Clark County Library
833 Las Vegas, Boulevard N.
Las Vegas, NV 89101

Attn: Sara Jones, Director
Elko County Library
720 Court Street
Elko, NV 89801

Esmerelda County:
P.O. Box 430
(Fourth and Crook Street)

Attn: Lauri Oki, Director
Eureka Branch Library
P.O. Box 293
Eureka, NV 89316

Attn: Sherry Allen, Director
Humboldt County Library
85 East 5th Street
Winnemucca, NV 89445

Lincoln County Library
93 Main Street
P.O. Box 330
Pioche, NV 89043

Attn: Christian Freer-Parsons, Director
Lyon County Library
20 Nevin Way
Yerington, NV 89447

Attn: Steve Schlatter, Director
Mineral County Library
P.O. Box 1390
Hawthorne, NV 89415
(First & A Street)

Goldfield Public Library
P.O. Box 430
Goldfield, NV 89013

Attn: Diane Hartssock, Director
Tonopah Public Library
P.O. Box 449
Tonopah, NV 89049
(171 Central Street)

Attn: Jeanne Munk, Director
Pershing County Library
P.O. Box 781
Lovelock, NV 89419
(1125 Central Avenue)

Storey County Library
P.O. Box 14
Virginia City, NV 89440
(95 South R Street)

Attn: Nancy Cummings, Director
Washoe County Library
P.O. Box 2151
Reno, NV 89505
(301 South Center)

Attn: Lori Romero, Director
White Pine County Library
950 Campton Street
Ely, NV 89301

Attn: Lynn Chambliss, Director
Battle Mountain Branch Library (Lander County)
P.O. Box 141
Battle Mountain, NV 89820

Attn: Sally Edwards, Director
Carson City Library
900 N. Roop Street
Carson City, NV 89701

Attn: Carolyn Rawles-Heiser, Director
Douglas County Library
P.O. Box 337
Minden, NV 89423

PROPOSED REGULATION OF THE TRANSPORTATION SERVICES AUTHORITY

PROPOSED AMENDMENTS TO NAC 706.402 THROUGH NAC 706.448

TOW CARS

NAC 706.402 "Operator of a tow car" defined. (NRS 706.171 and sec. 347 of ch. 482, Stats. of Nevada 1997) As used in NAC 706.402 to 706.448, inclusive, "operator of a tow car" means the owner, manager, employee or agent of a company operating a tow car which holds a certificate of public convenience and necessity issued by the transportation services authority.

(Added to NAC by Pub. Service Comm'n, eff. 9-1-87; A 9-16-92; A by Transportation Serv. Auth. by R071-98, 10-28-98)

NAC 706.403 Scope of Authority defined. Pursuant to 49 USC section 14501 and the Nevada Revised Statutes the Transportation Services Authority shall regulate the Tow Car industry with respect to the following areas:

- 1) *Safety and welfare;*
- 2) *Insurance; and*
- 3) *The price of for-hire motor vehicle transportation by a tow truck, if such transportation is performed*
 - a) *at the request of law enforcement; or*
 - b) *without the prior consent or authorization of the owner or operator of the motor vehicle herein referred to as "non-consent."*

NAC 706.4031 "Tow at the request of law enforcement" defined. A tow at the request of law enforcement is one which is performed in any of the following situations:

- 1) *An impound pursuant to an arrest;*
- 2) *An impound pursuant to a traffic accident;*
- 3) *An impound of an abandoned vehicle; or*
- 4) *A non-consent tow at the request of law enforcement to clear a roadway.*

NAC 706.404 Annual fee for operation of tow car. (NRS 706.171 and sec. 347 of ch. 482, Stats. of Nevada 1997) The *maximum* annual fee charged by the transportation services authority pursuant to NRS 706.451 will be ~~\$36~~ **\$75** for each tow car operated *or as set by NRS 706.451*.

(Added to NAC by Pub. Service Comm'n, eff. 12-16-91; A by Transportation Serv. Auth. by R071-98, 10-28-98)

NAC 706.406 Categories of tariffs. (NRS 706.171 and sec. 347 of ch. 482, Stats. of Nevada 1997) Tariffs for tow cars filed with the transportation services authority will be divided into the following categories:

1. CATEGORY A: Towing or removing a vehicle at the request of a law enforcement agency, ~~the owner of the vehicle, his agent or the driver of the vehicle which~~ requires the use of a tow car with an unladen weight of ~~9,000~~ **15,000** pounds or ~~more~~ **less**.
2. CATEGORY B: Towing or removing a vehicle at the request of a law enforcement agency, ~~the owner of the vehicle, his agent or the driver of the vehicle which~~ **requires** ~~does not require~~ the use of a tow car with an unladen weight of **more than 15,000 pounds.** ~~9,000 pounds or more.~~
3. CATEGORY C: Towing or removing a vehicle at the request of a person other than a law enforcement agency, the owner of the vehicle, his agent or the driver of the vehicle.
4. Storage of a vehicle inside a secure building, in a secure exterior area enclosed by a fence with a locked gate or in an unsecured open area under the control of the tow car operator **as a result of a tow without the prior consent of the owner of the vehicle, his agent or the driver of the vehicle or at the request of law enforcement.**

(Added to NAC by Pub. Service Comm'n, eff. 9-1-87; A by Transportation Serv. Auth. by R071-98, 10-28-98)

NAC 706.408 Permissible rates and charges for towing. (NRS 706.171 and sec. 347 of ch. 482, Stats. of Nevada 1997)

1. The operator of a tow car shall include on a bill for ~~towing~~ **each non-consent tow** only those rates and charges approved by the transportation services authority in the operator's tariff.
2. The rates and charges for Category C must be based upon a flat rate. The flat rate may vary for the time of day at which the vehicle is towed, but may not vary according to the time required to tow the vehicle, the distance or the equipment used, except that a rate for mileage similar to the rate for mileage for Category A or B may be charged for a tow of more than 10 miles. An operator ~~authorized to~~ **who** operates a tow car ~~with an unladen weight of 9,000 pounds or more and to operate a tow car with an unladen weight of less than 9,000 pounds~~ **as described in Categories A and B in NAC 706.406** may file a separate schedule of rates and charges for Category C **for each type of vehicle operated** ~~for each of the two certificates.~~
3. An operator of a tow car shall include in his tariff **for non-consent tows** a specific reduction in the flat rate charged for releases of a vehicle if the owner of the vehicle or his agent arrives at the scene of the tow before the vehicle is towed.
4. The distance for which a rate is charged must be determined by the shortest practical route. A fraction of a mile must be rounded to the nearest mile. The operator of a tow car may use another route only at the request of the owner of the vehicle, his agent or the driver of the vehicle.
- 5. The rates and charges for Categories A and B may differ from the rates and charges for Category C.**

(Added to NAC by Pub. Service Comm'n, eff. 9-1-87; A by Transportation Serv. Auth. by R071-98, 10-28-98)

NAC 706.410 Permissible fees and charges for storage and access *of vehicles towed without the prior consent of the owner.*

1. If an operator of a tow car includes in his tariff a fee to be charged the owner of a towed vehicle for the storage of the vehicle, the fee may not be charged:

(a) For more than 15 days, unless the operator complies with the requirements set forth in NAC 706.432;

(b) If the owner of the vehicle, his agent or the driver of the vehicle arrives at the place of storage to secure its release before the towed vehicle is placed in storage; or

(c) If the tow was under Category C and is released to the owner or his agent within 24 hours after the vehicle is towed. The charge for the first 24 hours of storage of a vehicle towed under Category C must be included as part of the flat rate charged for the tow.

2. If an operator of a tow car includes in his tariff a fee for allowing the owner of a towed vehicle or his agent to have access to a vehicle held in storage, that fee may not be charged the first time the owner or his agent visits the stored vehicle or when the vehicle is being claimed by the owner or his agent. The operator of a tow car shall not deny the owner of the stored vehicle or his agent reasonable access to the vehicle unless required to do so by a law enforcement agency. The operator of a tow car may require the fee charged for visiting a stored vehicle to be paid in advance of the visit.

3. The operator of a tow car may include in his tariff a charge for opening a secured facility for storage after normal business hours to release or allow access to a towed vehicle. Normal business hours shall be deemed to be between 8 a.m. and 5 p.m. on Monday through Friday, excluding legal holidays. Such a charge is in addition to any other charge for storage or access to the vehicle. The operator of a tow car may require that the charge for opening a secured facility for storage be paid in advance of opening the facility.

(Added to NAC by Pub. Service Comm'n, eff. 9-1-87)

NAC 706.412 Public inspection of tariffs and regulations; notices in tow cars and at facilities for storage. (NRS 706.171 and sec. 347 of ch. 482, Stats. of Nevada 1997)

1. The operator of a tow car shall maintain at all times a copy of the tariff approved by the transportation services authority and a copy of NAC 706.402 to 706.448, inclusive, in each location where requests for *non-consent* towing are received and in each tow car *used for non-consent towing*.

2. A notice stating that a copy of the tariff is available in the tow car for inspection by the public must be placed on each side of the tow car. The notice must be at least 24 inches wide and 4

inches in height, and the lettering must have a stroke of at least one-quarter of an inch. The text of the notice must be:

Notice: A copy of the applicable charges is available for public inspection within this vehicle.

3. A notice must be prominently posted at a facility where vehicles are stored after *non-consent* towing which states that stored vehicles will be released only after arrangements for payment of all charges have been made between the operator of the tow car and the owner, driver or authorized representative of the owner or driver of the vehicle. The notice must contain the telephone number of the operator of the tow car or a person authorized to make the arrangements for payment.

(Added to NAC by Pub. Service Comm'n, eff. 9-1-87; A by Transportation Serv. Auth. by R071-98, 10-28-98)

NAC 706.414 Cost of special permit to tow vehicle. (NRS 706.171 and sec. 347 of ch. 482, Stats. of Nevada 1997) If a governmental agency requires an operator of a tow car to acquire a special permit to tow a particular vehicle, the operator may, in addition to the charges included in the tariff approved by the transportation services authority, charge the owner or driver of the vehicle for the cost of the special permit if the amount charged is:

1. Equal to the cost of obtaining the special permit; and
2. Itemized on the bill for towing and supported by written statements attached to that bill.

(Added to NAC by Pub. Service Comm'n, eff. 9-1-87; A by Transportation Serv. Auth. by R071-98, 10-28-98)

NAC 706.416 Charge for lien on towed vehicle; administrative costs. (NRS 706.171 and sec. 347 of ch. 482, Stats. of Nevada 1997)

1. The operator of a tow car shall specifically itemize on the bill for *non-consent towing services* ~~towing~~ any fee charged by the department of motor vehicles and public safety for processing a lien on a towed vehicle. ~~and identify it as a charge not subject to regulation by the transportation services authority.~~

2. In addition to the charges included in the tariff approved by the transportation services authority, an operator of a tow car may charge for any administrative costs associated with the sale of a vehicle or the processing of any lien on a towed vehicle.

(Added to NAC by Pub. Service Comm'n, eff. 9-1-87; A by Transportation Serv. Auth. by R071-98, 10-28-98)

NAC 706.418 Circumstances under which charges prohibited. For *non-consent* tows under Category C, no charges may be assessed against the owner of the vehicle or his agent under the following circumstances, and any charges so paid must be returned by the operator:

1. The person who requested the tow was not the owner of the real property from which the vehicle was towed or his authorized agent. For the purposes of this section, the operator of a tow car is not an authorized agent of the owner of the real property.
2. The property from which the tow was made was required by statute, ordinance or NAC 706.427 to have particular signs displayed and there were no such signs on the property.
3. In the case of a parking facility that charges a fee, the operator of the facility did not comply with the provisions of NRS 487.037.
4. Notification of the appropriate law enforcement agency pursuant to subsection 1 of NAC 706.432 was not made.
5. The operator of the tow car was directed to terminate the tow by a law enforcement officer.

(Added to NAC by Pub. Service Comm'n, eff. 9-1-87; A 9-16-92)

NAC 706.420 Bills for towing.

1. The operator of a tow car shall itemize on the bill for towing *each non-consent tow* each rate used or fee charged to compute the total bill. All charges must be substantiated in writing and attached to the bill. In addition to the rates and fees, each bill must contain, except as otherwise provided in subsection 2:

- (a) The name, address, telephone number and number of the certificate of the operator of the tow car.
- (b) The address of the facility where the towed vehicle is stored if it is different from the address of the operator of the tow car.
- (c) The date and time of the request for towing, including a designation of "a.m." or "p.m." *or other comparable time designation.*
- ~~(d) The name, address and, if available, signature of the person requesting that the vehicle be towed, except that for a tow under Category C, the signature of the person requesting the tow must be affixed to the bill.~~
- (d) ~~(e)~~ The name and address of the registered owner of the towed vehicle, if available.
- ~~(f) The name and address of the person responsible for paying the charges incurred in towing the vehicle.~~

(e) ~~(g)~~ The model, make, identification number, number of the license plate, state of registration and year of manufacture of the towed vehicle, if available.

(f) ~~(h)~~ The exact location from which the vehicle was towed.

(g) ~~(i)~~ The exact location to which the vehicle was initially towed, if different from the address of the facility where the vehicle is stored.

(h) ~~(j)~~ The time when the tow car was sent to the vehicle and the reading of the odometer at the beginning of the trip.

(i) ~~(k)~~ The time of the arrival of the tow car at the site of the car to be towed and the reading on the odometer upon its arrival.

(j) ~~(l)~~ The time of the departure of the tow car from the site of the vehicle to be towed.

(k) ~~(m)~~ The time of the arrival of the tow car at the location to which the vehicle was towed and the reading of the odometer upon its arrival.

(l) ~~(n)~~ The total time which passes while at the site of the towing in hours and minutes.

(m) ~~(o)~~ The exact mileage and hourly charges.

(n) ~~(p)~~ If an extra person was required, the time he was sent to the site and the time he returned.

(o) ~~(q)~~ A detailed listing of all charges and, if charges are based on time, the starting and ending times. If more space is needed for the listing, a separate sheet of paper must be attached to the bill and a notation made on the bill that an additional sheet is attached.

(p) ~~(r)~~ The date and the time the storage of the vehicle started and ended and a notation of whether the vehicle was stored inside a locked building or in a secured, fenced area.

(q) ~~(s)~~ A statement of the total charges.

2. Any name or address which is the same as another on the bill may be so indicated. Odometer readings need not be listed for tows not involving charges for mileage.

3. If a bill is prepared incorrectly or is incomplete, only the substantiated charges may be collected.

4. This bill may be maintained in an electronic storing device. (Computer record)

(Added to NAC by Pub. Service Comm'n, eff. 9-1-87)

NAC 706.422 Forms for billing; distribution, maintenance and inspection of bills. (NRS 706.171 and sec. 347 of ch. 482, Stats. of Nevada 1997)

1. The forms to be used for billing *of non-consent tows* must be preprinted and numbered *or maintained in an electronic tracking system*. The operator shall account for each such numbered form *or maintain an electronic tracking system*.
2. A copy of the bill for *non-consent tows* towing must be given to the person paying the rates and charges. The operator of the tow car shall retain a copy (*either hard copy or electronic*) of each bill for 3 years. The operator shall, upon request, open his files *of non-consent tows* for inspection and audit by the transportation services authority during normal business hours.

(Added to NAC by Pub. Service Comm'n, eff. 9-1-87; A by Transportation Serv. Auth. by R071-98, 10-28-98)

NAC 706.424 Payment of charges.

1. The operator of a tow car may accept a check, credit card or make any reasonable arrangement for payment that is acceptable to the operator.
2. Except in the case of a vehicle towed at the direction of a law enforcement agency, if the operator of the tow car believes the value of the vehicle to be towed is less than the charge for the towing, payment of the charge must be made or guaranteed to the satisfaction of the operator before the vehicle is towed.

(Added to NAC by Pub. Service Comm'n, eff. 9-1-87)

NAC 706.426 Information for filing complaints. (NRS 706.171 and sec. 347 of ch. 482, Stats. of Nevada 1997) The operator of a tow car shall give the person paying a bill for *non-consent* towing information on procedures for filing complaints, including, without limitation, the name and address of the transportation services authority. This information may be printed on:

1. The bill for towing if it is in a prominent place on the bill in 12-point or larger type; or
2. An informational card of a design and wording established by the transportation services authority.

(Added to NAC by Pub. Service Comm'n, eff. 9-1-87; A by Transportation Serv. Auth. by R071-98, 10-28-98)

NAC 706.427 Authority to tow vehicles from private property: Display of signs on and marking of property. (NRS 706.171 and sec. 347 of ch. 482, Stats. of Nevada 1997)

1. Except as otherwise provided in subsection 7, an operator of a tow car shall not tow a vehicle from private property at the request of the owner or person in lawful possession of the property, or a designated agent of the owner or person in lawful possession of the property, unless a sign is

displayed on the property in accordance with the provisions of NRS 487.038, any applicable municipal and county ordinances and subsection 6.

2. In residential complexes, reserved parking spaces and areas in which parking is prohibited must be clearly marked.

3. The staff of the transportation services authority will, upon request by the operator of a tow car:

(a) Verify by inspection a map of each property from which tows may be made which is submitted by the operator; and

(b) Send a letter to the operator describing the size, color, number and placement of the sign or signs on each property and stating whether the sign or signs are in compliance with this section.

4. If a sign is removed, destroyed or damaged, it must be replaced or repaired within a reasonable time.

5. The transportation services authority may grant a waiver from any of the provisions of this section if, upon application of the operator of a tow car or the owner or person in lawful possession of the property from which tows are made, it determines that a waiver is in the public interest.

6. A sign or signs displayed on a parking lot pursuant to subsection 1 must:

(a) Be printed with contrasting background and lettering;

(b) Use readable lettering;

(c) Be placed on the parking lot in such a manner that it is in the field of view of all drivers entering the lot;

(d) Be of sufficient quantity to notify all users of the lot of the parking restrictions; and

(e) Include the name and telephone number of the local law enforcement agency which is to be notified of a tow.

7. This section does not apply:

(a) If the owner or person in lawful possession of private property, or the designated agent of the owner or person in lawful possession of the property, has entered into a written contract with the owner of the vehicle which describes the circumstances under which a vehicle may be towed;

(b) If the owner or person in lawful possession of private property, or the designated agent of an owner or person in lawful possession of the property, requests that the vehicle be towed because

it is parked in a "no parking" area, such as a marked fire lane, red zone, travel lane of a roadway, driveway, lawn or any other area commonly recognized as a "no parking" area;

(c) To the towing of a vehicle at the direction of a peace officer; or

(d) To the towing of a vehicle from an unimproved area or an area where no sign is displayed if a notice has been posted on the vehicle for not less than 24 hours.

8. As used in this section, "staff of the transportation services authority" means persons employed by the transportation services authority.

(Added to NAC by Pub. Service Comm'n, eff. 9-16-92; A by Transportation Serv. Auth. by R071-98, 10-28-98)

NAC 706.428 Refusal to tow vehicles. If a person other than a law enforcement agency, the owner of the vehicle, his agent, or the driver of the vehicle requests that a vehicle be towed or removed from an area, the operator of the tow car may refuse to tow or remove that vehicle.

(Added to NAC by Pub. Service Comm'n, eff. 9-1-87)

NAC 706.430 Logs for dispatch. An operator of a tow car shall maintain a log for dispatch which contains the following information for each request for *non-consent* towing:

1. The date and time of the request for *non-consent* towing, including a designation of "a.m." or "p.m." *or other comparable time designation*
2. The name ~~and address~~ of the person requesting that a vehicle be towed *without the prior consent of the owner of the vehicle.*
3. The model, make, identification number, number of the license plate, state of registration and year of manufacture of the towed vehicle, if available.
4. The exact location from which the vehicle was towed.
5. The exact location to which the vehicle was initially towed, if different from the address of the facility where the vehicle is stored.
6. *The date and time the non-consent tow was dispatched. The date and time the tow truck arrived at the location of the non-consent tow. The date and time the non-consent tow was completed.*
- 7 ~~6~~. The preprinted number *or reference number in the case of an electronic tracking system* on the bill for towing.
8. ~~7~~. The total charges for *each non-consent tow* towing, not including any charges for storage.

9. 8. For *non-consent* tows under Category C, the time of notification of the appropriate law enforcement agency.

(Added to NAC by Pub. Service Comm'n, eff. 9-1-87)

NAC 706.432 Notice of towing and storage.

1. The operator of a tow car shall notify the law enforcement agency having jurisdiction over the site from which the vehicle was towed of the make, model and license number of each vehicle towed under Category C within 1 hour after the vehicle is towed.

2. The operator of a tow car shall notify by certified mail, within 15 days after placing a vehicle in storage, the registered and legal owner of *each* the vehicle, *that is the subject of a non-consent tow* if known. The notice must include:

(a) The location of the storage;

(b) A statement of whether the storage is inside a locked building, in a secured, fenced area or in an unsecured, open area;

(c) The charge for storage; and

(d) The date and time the vehicle was placed in storage.

3. If the identity of the registered and legal owner is not known, the operator of a tow car shall *make a reasonable and documented attempt to* obtain the necessary information from the state agency charged with the registration of the particular vehicle within 15 days after the vehicle is placed in storage and attempt to notify the owner of the vehicle within 10 days after identification of the owner is obtained.

4. As stated in NRS 706.4479(3) the operator of a tow car shall use all resources reasonable necessary to ascertain the name of the owner of a vehicle, and is responsible for making an independent inquiry and correct notification of the owner.

(Added to NAC by Pub. Service Comm'n, eff. 9-1-87)

NAC 706.434 Equipment for towing; pushing. An operator of a tow car may use a rigid bar, tow line or cradle to tow a vehicle that is incapable of self-propulsion but is capable of being moved on its own wheels; however, the operator must have full control of the vehicle being towed. Unless it is necessary to remove a vehicle which is blocking a lane of traffic, an operator of a tow car shall not push any vehicle.

(Added to NAC by Pub. Service Comm'n, eff. 9-1-87)

NAC 706.436 Weight of vehicle to be towed. (NRS 706.171 and sec. 347 of ch. 482, Stats. of Nevada 1997)

1. The weight of the vehicle to be towed includes, without limitation, the weight of any load the vehicle is carrying. To determine the weight, the tow car operator may consider any manifest of the contents of the load.

2. An operator of a tow car who has been granted authority by the transportation services authority to operate a tow car *must use a tow car of sufficient size and weight which is equipped and rated to safely transport the vehicle being towed.* ~~of less than 9,000 pounds may use the tow car to tow or transport a vehicle with a gross weight of up to 14,000 pounds, except that:~~

~~(a) A tow car which is rated by the manufacturer to carry a load of 1,500 pounds or less may not be used to tow or transport a vehicle weighing more than the gross weight of the tow car; or~~

~~(b) A tow car which is rated by the manufacturer to carry a load of 1 ton may not be used to tow or transport a vehicle weighing more than the gross weight of the tow car plus 2,000 pounds.~~

(Added to NAC by Pub. Service Comm'n, eff. 9-1-87; A by Transportation Serv. Auth. by R071-98, 10-28-98)

NAC 706.440 Disposition of personal property.

1. The operator of a tow car shall not use or hold any cargo or personal property as a bailment for the rates and charges incurred in towing a vehicle, except that cargo may be held as security for payment of charges associated with cleaning the area where the cargo has spilled or for loading, transporting, securing or storing the cargo.

2. The operator of the tow car shall ensure that all property which comes into his possession because of the operation of a tow car is adequately protected. Any personal property in a towed vehicle must be released to the owner of the vehicle or his agent upon request.

3. Accessories and equipment for the vehicle shall be deemed part of the vehicle rather than personal property for the purposes of this section.

4. Cargo and personal property left unclaimed when final disposition is made of the associated vehicle may be sold or otherwise disposed of by the operator of a tow car.

(Added to NAC by Pub. Service Comm'n, eff. 9-1-87)

NAC 706.442 Prohibited acts for solicitation of business.

1. The operator of a tow car shall not drive upon the streets or highways or drive through parking lots searching for the opportunity to tow a vehicle. The service must be specifically requested, and a tow car properly dispatched on each occasion *except that an operator of a tow car may stop to provide towing services to a motorist in distress if the driver is physically hailed by the motorist. The motorist must sign a waiver acknowledging that he/she has not already arranged for or called for tow service*

2. The operator of a tow car shall not give any remuneration or other consideration to any person who requests, authorizes or in any way notifies the operator of a potential tow. Providing signs to a property owner which display the name, address and telephone number of the operator of a tow car is not remuneration for the purposes of this section.

(Added to NAC by Pub. Service Comm'n, eff. 9-1-87)

NAC 706.444 Disclosure of business interests. (NRS 706.171 and sec. 347 of ch. 482, Stats. of Nevada 1997) The operator of a tow car shall file a disclosure with the transportation services authority detailing any business interest he or his employees, family members or partners in other businesses may have in any:

1. Facility for the repair of vehicles.
2. Parking facility.
3. Business which manages property.
4. Business providing parking services.

(Added to NAC by Pub. Service Comm'n, eff. 9-1-87; A by Transportation Serv. Auth. by R071-98, 10-28-98)

~~**NAC 706.446 Agreements for periodic use of services. (NRS 706.171 and sec. 347 of ch. 482, Stats. of Nevada 1997)** A copy of any written agreement between an operator of a tow car and any person that the person will periodically use the services of the operator must be filed with the transportation services authority within 7 days after the agreement is signed. A copy of the agreement must be on file in the operator's office.~~

~~(Added to NAC by Pub. Service Comm'n, eff. 9-1-87; A by Transportation Serv. Auth. by R071-98, 10-28-98)~~

NAC 706.448 Prohibited acts concerning recommendations of facilities for repair.

1. An operator of a tow car shall not recommend any facility for the repair of a disabled vehicle. He may advise the operator of a disabled vehicle of the nearest facility for the repair of the vehicle and the nearest franchised dealership for the vehicle.
2. An operator of a tow car shall not solicit or accept any remuneration or consideration in any form from any person which is to influence the operator's decision concerning where a vehicle is to be taken for repairs. Any remuneration or other consideration given to the operator of a tow car by any person in the business of repairing vehicles shall be deemed to be for that purpose.

(Added to NAC by Pub. Service Comm'n, eff. 9-1-87)