

**PROPOSED REGULATION OF THE
COMMISSIONER OF INSURANCE**

LCB File No. R036-12

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: NRS 679B.130 and Senate Bill 142 (2011).

A REGULATION relating to the towing of a motor vehicle; establishing a standard consent form authorizing an insurer to take possession of a motor vehicle upon obtaining the consent of the owner of the motor vehicle or the authorized agent of the owner under certain circumstances; and providing other matters properly relating thereto.

Section 1. Chapter 690B of NAC is hereby amended by adding thereto a new section to read as follows:

1. Except as provided in subsection 2, the consent form required by Section 1 of Senate Bill 142 (2011) must be in substantially the following form:

***CERTIFICATION OF THE VEHICLE OWNER’S CONSENT TO AN
INSURER’S TOWING OF A MOTOR VEHICLE***

TO: _____ (***“Releasor”***)
(Name of Tow Company or Person Currently in Possession of Vehicle Described Below)

An insurer must obtain consent from the owner of a motor vehicle, or the owner’s authorized representative, to take possession of the vehicle from a tow-car operator. The owner’s authorized representative may not be a representative, employee, or other agent of the insurer.

Vehicle Information

Make: _____ ***Model:*** _____ ***Year:*** _____ ***VIN:*** _____

Vehicle Owner: _____

Owner’s Authorized Representative (if other than owner): _____

Insurer: _____

Insurer’s Authorized Representative (if other than insurer): _____

Policy Number: _____ ***Claim Number:*** _____

STATEMENT OF CONSENT: “On behalf of the Insurer, I hereby warrant that the Insurer has obtained the explicit consent of the Vehicle Owner or the Owner’s Authorized Representative to have the vehicle towed pursuant to Senate Bill 142 (2011). I warrant that the Insurer has documented such consent and shall be able to produce evidence of such documentation at the request of the Owner or the Owner’s Authorized Representative. This form does not, in any manner, transfer ownership of the vehicle and does not waive any rights or prerogatives pertaining to such ownership. The vehicle owner retains all other rights, as provided under applicable Nevada law, to consent to the subsequent treatment of the vehicle within the insurer’s claim-handling process.”

STATEMENT OF INDEMNIFICATION: “On behalf of the Insurer, I hereby warrant that the Insurer shall indemnify the Releasor for any liability relating to the release of the motor vehicle to the Insurer.”

AFFIRMATION OF TRUTH: “On behalf of the Insurer, I declare under penalty of perjury, and all other applicable penalties under Nevada law, that the foregoing is true and correct.”

Employee of Insurer or Insurer’s Authorized Representative

Date

(Name of tow company taking possession of vehicle on Insurer’s behalf)
vehicle)

(Telephone number of tow company taking possession of
vehicle)

(Address of tow company taking possession of vehicle on Insurer’s behalf)

No towing by the Insurer may commence until the consent of the Owner or the Owner’s Authorized Representative has been obtained, and this form has been completed by an employee of the Insurer or of the Insurer’s Authorized Representative.

2. If an insurer uses a form that differs substantially from the form in subsection 1, the form must be submitted for review and approval by the Commissioner of Insurance prior to use.

3. The insurance company shall document the consent of the owner or the owner’s authorized representative to towing and produce the documentation at the request of the owner, the owner’s representative or the Commissioner of Insurance.