

**PROPOSED REGULATION OF THE  
COMMISSIONER OF INSURANCE**

**LCB File No. R036-12**

June 22, 2012

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

AUTHORITY: §1, NRS 679B.130 and 706.4481.

A REGULATION relating to possession of motor vehicles; prescribing the standard consent form which must be completed before an insurer may take possession of a motor vehicle from the operator of a tow car 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. If a motor vehicle is towed at the request of someone other than the owner or an authorized agent of the owner, an insurer may, in accordance with NRS 706.4481, obtain possession of the motor vehicle from the operator of the tow car upon obtaining the consent of the owner or authorized agent of the owner pursuant to NRS 690B.037 and providing a consent form to the operator of the tow car. Except as otherwise provided in subsection 2, the consent form required by NRS 706.4481 must be in substantially the following form:*

**CERTIFICATION OF CONSENT TO THE TOWING  
AND RELEASE TO AN INSURER 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 agent, to take possession of the motor vehicle from an operator of a tow car. The owner’s authorized agent must not be a representative, employee or other agent of the insurer.*

**Vehicle Information**

**Make:** \_\_\_\_\_ **Model:** \_\_\_\_\_ **Year:** \_\_\_\_\_ **VIN:** \_\_\_\_\_

**Vehicle Owner:** \_\_\_\_\_

**Owner’s Authorized Agent (if applicable):** \_\_\_\_\_

**Insurer:** \_\_\_\_\_

**Insurer’s Employee or Authorized Representative:** \_\_\_\_\_

**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 Agent to have the vehicle towed and released to the Insurer. I warrant that the Insurer has documented such consent and will be able to produce evidence of such documentation at the request of the Owner or the Owner’s Authorized Agent. 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 will 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)* \_\_\_\_\_  
*(Telephone number of tow company taking possession of vehicle)*

*(Address of tow company taking possession of vehicle)*

*No towing on behalf of the Insurer may commence until the consent of the Owner or the Owner's Authorized Agent has been obtained and this form has been completed by an employee of the Insurer or the Insurer's Authorized Representative.*

*2. An insurer that wishes to use a form which differs substantially from the form prescribed in subsection 1 must submit the form to the Commissioner and receive his or her approval before the insurer uses the form to obtain possession of a motor vehicle.*

*3. An insurer shall:*

*(a) Document the consent of an owner or an authorized agent of the owner which grants permission to the insurer to obtain possession of the motor vehicle; and*

*(b) Produce the documentation concerning consent at the request of the owner of the motor vehicle, an authorized agent of the owner or the Commissioner.*