

Amendment No. 655

Senate Amendment to Assembly Bill No. 408 First Reprint	(BDR 43-95)
<b>Proposed by:</b> Senate Committee on Growth and Infrastructure	
<b>Amends:</b> Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No 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.





## ASSEMBLY BILL NO. 408--ASSEMBLYWOMAN BROWN-MAY

MARCH 27, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to ~~reckless driving;~~ motor vehicles.  
(BDR 43-95)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.  
Effect on the State: No.

~

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

AN ACT relating to motor vehicles; authorizing the removal of a vehicle or part of a vehicle from the highway following the issuance of a citation for reckless driving; requiring the inclusion of certain information regarding hardship tariffs in the annual report submitted by the operator of a tow car to the Nevada Transportation Authority; revising provisions governing the towing of a motor vehicle requested by a person other than the owner of the vehicle; prohibiting a tow car operator from charging fees or costs for the storage of ~~such~~ a vehicle until the vehicle has been stored for a certain period; requiring the ~~owner of such a vehicle to pay~~ operator of a tow car to consider charging a hardship tariff instead of the normal rate for the storage and removal of the vehicle under certain circumstances; ~~revising provisions relating to the applicability of certain traffic laws concerning reckless driving;~~ requiring the operator of a tow car to display certain information in his or her place of business; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes a law enforcement officer to remove, or cause to be removed, a vehicle or part of a vehicle found on the highway to a place of safekeeping under certain circumstances. (NRS 484B.443) **Section 1** of this bill authorizes a law enforcement officer to take such action if the person driving or in actual physical control of the vehicle is issued a citation for reckless driving. **Section 3** of this bill provides that the provisions of law requiring a tow car operator to allow the owner, or agent of the owner, of a motor vehicle that has been connected to a tow car to obtain the release of the vehicle at the point of origination of the towing do not apply if the towing was requested by a law enforcement officer pursuant to the amendatory provisions of **section 1**.

Existing law makes it unlawful for a person to drive a vehicle in an unauthorized trick driving display or to facilitate an unauthorized trick driving display on a public highway.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11

12 (NRS 484B.653) **Section 2** of this bill additionally prohibits a person from driving a vehicle in  
13 an unauthorized trick driving display or facilitating an unauthorized trick driving display on  
14 premises to which the public has access.

15 ~~[Existing law requires that, under certain circumstances, a registered owner of a vehicle  
16 that is towed must pay certain fees and charges to the tow car operator for the towing, storage  
17 and removal of the vehicle. (NRS 484B.443, 706.4477, 706.4479)] Existing law [ (1)  
18 prohibits the tow car operator from charging any fee or cost for the storage of the vehicle until  
19 at least 48 hours has passed since the motor vehicle arrived and was registered at the place of  
20 storage, and (2) requires that if the motor vehicle arrives at the place of storage after the  
21 regular business hours of the place of storage, the 48-hour period must begin when the regular  
22 business hours of the place of storage next begin. (NRS 706.4477) Section 2.2 of this bill  
23 makes these provisions applicable when a tow car operator tows a vehicle at the request of a  
24 law enforcement officer pursuant to section 1.] provides that if the towing of a motor  
25 vehicle is requested by a person other than the owner, an agent of the owner, a law  
26 enforcement officer or other person employed to enforce the laws, ordinances and codes  
27 of a local government, the operator of a tow car shall not charge any fee or cost for the  
28 storage of the motor vehicle until at least 48 hours after the motor vehicle arrives and is  
29 registered at the place of storage. (NRS 706.4477) Section 3.1 of this bill provides that the  
30 operator of a tow car shall not charge any fee or cost for the storage of the motor vehicle  
31 until at least 24 hours after the motor vehicle arrives and is registered at the place of  
32 storage.~~

33 Existing law provides that an owner of real property may not have a vehicle towed  
34 from a residential complex solely because the registration of the vehicle is expired. (NRS  
35 706.4477) Section 3.1: (1) prohibits an operator from charging any fee or cost for the  
36 towing of a vehicle solely because the registration of the vehicle is expired; and (2)  
37 provides that the towing of such a vehicle by an operator is a violation subject to certain  
38 penalties.

39 Existing law further requires the owner of a vehicle that has been towed to pay a hardship  
40 tariff, instead of the normal rate, for the cost of removal and storage of the vehicle if: (1) the  
41 vehicle was towed from a residential complex at the request of a person other than the owner  
42 of the vehicle or the owner's authorized agent because the vehicle was not registered in this  
43 State or any other state; and (2) the owner is unable to pay the normal rate for reasons outside  
44 of the owner's control. (NRS 706.4477) ~~[Section 2.2 of this bill similarly provides that if the  
45 tow car operator tows a vehicle at the request of a law enforcement officer pursuant to section  
46 1, the owner of the vehicle is required to pay the hardship tariff, instead of the normal rate, for  
47 the cost of the removal and storage of the vehicle if the owner establishes the inability to pay  
48 the normal rate. Section 2.2 further provides that the owner establishes the inability to pay the  
49 normal rate by providing evidence that the owner is a recipient of certain public assistance,  
50 has a household net income below a certain amount, has certain expenses in excess of income  
51 or otherwise qualifies for the hardship tariff for a reason established by the Nevada  
52 Transportation Authority by regulation.~~

53 ~~— Section 2.4 of this bill makes a conforming change to make the definitions in existing law  
54 governing tow car operators applicable to the provisions of section 2.2.~~

55 ~~— Sections 2.6, 2.8 and 3.3-3.7 of this bill make conforming changes to provide that the  
56 requirements of section 2.2 are enforced by the Authority in the same manner as other laws  
57 governing tow car operators.] **Section 3.1 removes the requirement for the owner of a  
58 vehicle to pay a hardship tariff under these circumstances and instead requires an  
59 operator of a tow car to consider charging a hardship tariff for the removal and storage  
60 of a motor vehicle if the owner is unable to pay the normal rate for reasons outside of the  
61 owner's control. Section 3.1 requires an operator of a tow car to display a written notice  
62 in his or her place of business: (1) regarding the requirement for the operator to  
63 consider charging a hardship tariff; and (2) containing a telephone number for the  
64 Authority where a person may report certain alleged violations of law.**~~

65 ~~Existing law requires each fully regulated carrier, operator of a tow car and  
66 common or contract motor carrier regulated by the Nevada Transportation Authority to  
67 furnish an annual report to the Authority in the form and detail required by the  
68 Authority. (NRS 706.167) Section 2.9 of this bill requires the annual report submitted by~~

69  
70

the operator of a tow car to include the number of times that the operator charged a hardship tariff during the calendar year.

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

**Section 1.** NRS 484B.443 is hereby amended to read as follows:

484B.443 1. Except as otherwise provided in subsection 2, whenever any law enforcement officer finds a vehicle standing upon a highway in violation of any of the provisions of chapters 484A to 484E, inclusive, of NRS, the officer may move the vehicle, or require the driver or person in charge of the vehicle to move it, to a position off the paved, improved or main-traveled part of the highway.

2. Whenever any law enforcement officer finds a vehicle, the cargo of a vehicle or other property unattended, disabled or spilled upon any highway, bridge or causeway, or in any tunnel, where the vehicle, cargo or property constitutes an obstruction to traffic, interferes with the normal flow of traffic or otherwise endangers public safety, the officer or the law enforcement agency employing the officer, in coordination with unified command, if applicable, may provide for the immediate removal of the vehicle, cargo or property to a position where the vehicle, cargo or property no longer constitutes an obstruction to traffic, interferes with the normal flow of traffic or otherwise endangers public safety.

3. Except as otherwise provided in subsection 2, any law enforcement officer may, subject to the requirements of subsection 4, remove any vehicle or part of a vehicle found on the highway, or cause it to be removed, to a garage or other place of safekeeping if:

(a) The vehicle has been involved in a crash and is so disabled that its normal operation is impossible or impractical and the person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or are not in the immediate vicinity of the disabled vehicle;

(b) The person driving or in actual physical control of the vehicle is arrested for any alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay; ~~to~~

(c) *The person driving or in actual physical control of the vehicle has been issued a citation for reckless driving pursuant to NRS 484B.653; or*

(d) The person in charge of the vehicle is unable to provide for its custody or removal within:

(1) Twenty-four hours after abandoning the vehicle on any freeway, United States highway or other primary arterial highway.

(2) Seventy-two hours after abandoning the vehicle on any other highway.

4. Unless a different course of action is necessary to preserve evidence of a criminal offense, a law enforcement officer who wishes to have a vehicle or part of a vehicle removed from a highway pursuant to subsection 3 shall, in accordance with any applicable protocol such as a rotational schedule regarding the selection and use of towing services, cause the vehicle or part of a vehicle to be removed by a tow car operator. The tow car operator shall, to the extent practicable and using the shortest and most direct route, remove the vehicle or part of a vehicle to the garage of the tow car operator unless directed otherwise by the officer. The tow car operator is liable for any loss of or damage to the vehicle or its contents that occurs while the vehicle is in the possession or control of the tow car operator.

1 5. A person or entity, including a law enforcement officer, the law  
2 enforcement agency employing the law enforcement officer, unified command or a  
3 tow car operator who provides for the removal of a vehicle, the cargo of a vehicle  
4 or other property pursuant to subsection 2:

5 (a) Is not liable for any loss of or damage to the vehicle, the contents of the  
6 vehicle, the cargo or the property that is removed; and

7 (b) Must make a reasonable attempt, as soon as practicable, to notify the owner  
8 of the vehicle, cargo or property as to the location of the vehicle, cargo or property  
9 if the owner of the vehicle or property is not present at the time of removal and the  
10 owner of the vehicle, cargo or property is ascertainable by the officer.

11 6. All costs incurred under the provisions of subsection 2 must be borne by  
12 the owner of the vehicle, cargo or property.

13 7. As used in this section:

14 (a) "Traffic incident" has the meaning ascribed to it in NRS 484B.607.

15 (b) "Unified command" means a group of law enforcement officers or other  
16 persons organized to provide a coordinated response to a traffic incident which  
17 requires two or more responding entities within a jurisdiction or which requires  
18 responding entities from two or more jurisdictions. The responding entities may  
19 include, without limitation, police, fire or emergency medical personnel, a tow car  
20 operator, or a state or local governmental entity responsible for roadway or other  
21 infrastructure repair or maintenance.

22 **Sec. 2.** NRS 484B.653 is hereby amended to read as follows:

23 484B.653 1. It is unlawful for a person to:

24 (a) Drive a vehicle in willful or wanton disregard of the safety of persons or  
25 property on a highway or premises to which the public has access.

26 (b) Drive a vehicle in an unauthorized speed contest on a highway or premises  
27 to which the public has access.

28 (c) Organize an unauthorized speed contest on a highway or premises to which  
29 the public has access.

30 (d) Drive a vehicle in an unauthorized trick driving display on a ~~public~~  
31 highway ~~or~~ *premises to which the public has access.*

32 (e) Facilitate an unauthorized trick driving display on a ~~public~~ highway ~~or~~  
33 *premises to which the public has access.*

34 ~~↳~~ A violation of paragraph (a), (b) or (d) of this subsection or subsection 1 of NRS  
35 484B.550 constitutes reckless driving.

36 2. If, while violating the provisions of subsections 1 to 5, inclusive, of NRS  
37 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283,  
38 NRS 484B.350, subsections 1 to 4, inclusive, of NRS 484B.363 or subsection 1 of  
39 NRS 484B.600, the driver of a motor vehicle on a highway or premises to which  
40 the public has access is the proximate cause of a collision with a pedestrian or a  
41 person riding a bicycle, an electric bicycle or an electric scooter, the violation  
42 constitutes reckless driving.

43 3. A person who violates paragraph (a) of subsection 1 is guilty of a  
44 misdemeanor and:

45 (a) For the first offense, shall be punished:

46 (1) By a fine of not less than \$250 but not more than \$1,000; or

47 (2) By both fine and imprisonment in the county jail for not more than 6  
48 months.

49 (b) For the second offense, shall be punished:

50 (1) By a fine of not less than \$1,000 but not more than \$1,500; or

51 (2) By both fine and imprisonment in the county jail for not more than 6  
52 months.

53 (c) For the third and each subsequent offense, shall be punished:

1 (1) By a fine of not less than \$1,500 but not more than \$2,000; or  
2 (2) By both fine and imprisonment in the county jail for not more than 6  
3 months.

4 4. A person who violates paragraph (b) or (c) of subsection 1 or commits a  
5 violation which constitutes reckless driving pursuant to subsection 2 is guilty of a  
6 misdemeanor and:

7 (a) For the first offense:

8 (1) Shall be punished by a fine of not less than \$250 but not more than  
9 \$1,000;

10 (2) Shall perform not less than 50 hours, but not more than 99 hours, of  
11 community service; and

12 (3) May be punished by imprisonment in the county jail for not more than  
13 6 months.

14 (b) For the second offense:

15 (1) Shall be punished by a fine of not less than \$1,000 but not more than  
16 \$1,500;

17 (2) Shall perform not less than 100 hours, but not more than 199 hours, of  
18 community service; and

19 (3) May be punished by imprisonment in the county jail for not more than  
20 6 months.

21 (c) For the third and each subsequent offense:

22 (1) Shall be punished by a fine of not less than \$1,500 but not more than  
23 \$2,000;

24 (2) Shall perform 200 hours of community service; and

25 (3) May be punished by imprisonment in the county jail for not more than  
26 6 months.

27 5. In addition to any fine, community service and imprisonment imposed  
28 upon a person pursuant to subsection 4, the court:

29 (a) Shall issue an order suspending the driver's license of the person for a  
30 period of not less than 6 months but not more than 2 years and requiring the person  
31 to surrender all driver's licenses then held by the person;

32 (b) Within 5 days after issuing an order pursuant to paragraph (a), shall  
33 forward to the Department any licenses, together with a copy of the order;

34 (c) For the first offense, may issue an order impounding, for a period of 15  
35 days, any vehicle that is registered to the person who violates paragraph (b) or (c)  
36 of subsection 1 if the vehicle is used in the commission of the offense; and

37 (d) For the second and each subsequent offense, shall issue an order  
38 impounding, for a period of 30 days, any vehicle that is registered to the person  
39 who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the  
40 commission of the offense.

41 6. A person who violates paragraph (d) of subsection 1 is guilty of a gross  
42 misdemeanor and:

43 (a) For the first offense:

44 (1) Shall be punished by a fine of not less than \$1,000 but not more than  
45 \$1,500;

46 (2) Shall perform not less than 100 hours, but not more than 199 hours, of  
47 community service; and

48 (3) May be punished by imprisonment in the county jail for not more than  
49 364 days.

50 (b) For the second offense and each subsequent offense:

51 (1) Shall be punished by a fine of not less than \$1,500 but not more than  
52 \$2,000;

53 (2) Shall perform 200 hours of community service; and

1 (3) May be punished by imprisonment in the county jail for not more than  
2 364 days.

3 7. A person who violates paragraph (e) of subsection 1 is guilty of:

4 (a) For the first offense, a misdemeanor and:

5 (1) Shall be punished by a fine of not more than \$1,000;

6 (2) Shall perform not less than 50 hours, but not more than 99 hours, of  
7 community service; and

8 (3) May be punished by imprisonment in the county jail for not more than  
9 6 months.

10 (b) For the second offense and each subsequent offense, a gross misdemeanor  
11 and:

12 (1) Shall be punished by a fine of not less than \$1,000 and not more than  
13 \$1,500;

14 (2) Shall perform not less than 100 hours, but not more than 199 hours, of  
15 community service; and

16 (3) May be punished by imprisonment in the county jail for not more than  
17 364 days.

18 8. In addition to any fine, community service and imprisonment imposed  
19 upon a person pursuant to subsection 6 or 7, the court:

20 (a) May issue an order suspending the driver's license of the person for a  
21 period of not less than 6 months but not more than 2 years and requiring the person  
22 to surrender all driver's licenses then held by the person;

23 (b) Within 5 days after issuing an order pursuant to paragraph (a), shall  
24 forward to the Department any licenses, together with a copy of the order; and

25 (c) May issue an order impounding, for a period of 30 days, any vehicle that is  
26 registered to the person if the vehicle is used in the commission of the offense.

27 9. Unless a greater penalty is provided pursuant to subsection 4 of NRS  
28 484B.550, a person who does any act or neglects any duty imposed by law while  
29 driving or in actual physical control of any vehicle on a highway or premises to  
30 which the public has access in willful or wanton disregard of the safety of persons  
31 or property, if the act or neglect of duty proximately causes the death of or  
32 substantial bodily harm to another person, is guilty of a category B felony and shall  
33 be punished by imprisonment in the state prison for a minimum term of not less  
34 than 1 year and a maximum term of not more than 6 years and by a fine of not less  
35 than \$2,000 but not more than \$5,000.

36 10. A person who violates any provision of this section may be subject to any  
37 additional penalty set forth in NRS 484B.130 or 484B.135 unless the person is  
38 subject to the penalty provided pursuant to subsection 4 of NRS 484B.550.

39 11. As used in this section:

40 (a) "Facilitate" means to plan, schedule or promote, or assist in the planning,  
41 scheduling or promotion of, an unauthorized trick driving display or in any other  
42 way participate in an unauthorized trick driving display, including, without  
43 limitation:

44 (1) Using a vehicle to divert, slow, impede or otherwise block traffic with  
45 the intent to enable or assist an unauthorized trick driving display; or

46 (2) Filming or otherwise recording an unauthorized trick driving display  
47 with the intent to promote an unauthorized trick driving display.

48 (b) "Organize" means to plan, schedule or promote, or assist in the planning,  
49 scheduling or promotion of, an unauthorized speed contest on a [public] highway [;]  
50 *or premises to which the public has access*, regardless of whether a fee is charged  
51 for attending the unauthorized speed contest.

52 (c) "Trick driving display" means using a vehicle to perform tricks, stunts or  
53 other maneuvers on a [public] highway , *or premises to which the public has*



1 **access**, upon which traffic has been diverted, slowed, impeded or blocked to enable  
 2 the performing of such tricks, stunts or maneuvers or having such tricks, stunts or  
 3 maneuvers filmed or otherwise recorded.

4 **Sec. 2.2.** ~~[Chapter 706 of NRS is hereby amended by adding thereto a new~~  
 5 ~~section to read as follows:~~

6 ~~— 1. If the operator of a tow car tows a vehicle at the request of a law~~  
 7 ~~enforcement officer pursuant to paragraph (c) of subsection 3 of NRS 484B.443,~~  
 8 ~~the operator shall not charge any fee or cost for the storage of the vehicle until at~~  
 9 ~~least 48 hours after the vehicle arrives and is registered at the place of storage. If~~  
 10 ~~the vehicle arrives at the place of storage after the regular business hours of the~~  
 11 ~~place of storage, the 48-hour period begins when the regular business hours of~~  
 12 ~~the place of storage next begin.~~

13 ~~— 2. The owner of a vehicle towed pursuant to paragraph (c) of subsection 3~~  
 14 ~~of NRS 484B.443 shall pay the hardship tariff described in NRS 706.4477 for the~~  
 15 ~~cost of removal and storage of the vehicle if the owner demonstrates that the~~  
 16 ~~owner is incapable of paying the normal rate charged for the removal and~~  
 17 ~~storage of the vehicle by providing evidence that the owner:~~

18 ~~— (a) Is receiving benefits provided by a federal or state program of public~~  
 19 ~~assistance;~~

20 ~~— (b) Has a household net income which is equal to or less than 200 percent of~~  
 21 ~~the federally designated level signifying poverty as provided in the most recent~~  
 22 ~~federal poverty guidelines published in the Federal Registrar by the United States~~  
 23 ~~Department of Health and Human Services;~~

24 ~~— (c) Resides in public housing, as that term is defined in NRS 315.021;~~

25 ~~— (d) Has expenses for the necessities of life that exceed his or her income; or~~

26 ~~— (e) Qualifies for a hardship tariff for any other reason established by the~~  
 27 ~~Authority by regulation.] (Deleted by amendment.)~~

28 **Sec. 2.4.** ~~[NRS 706.011 is hereby amended to read as follows:~~

29 ~~— 706.011 As used in NRS 706.011 to 706.791, inclusive, and section 2.2 of~~  
 30 ~~this act, unless the context otherwise requires, the words and terms defined in NRS~~  
 31 ~~706.013 to 706.146, inclusive, have the meanings ascribed to them in those~~  
 32 ~~sections.] (Deleted by amendment.)~~

33 **Sec. 2.6.** ~~[NRS 706.286 is hereby amended to read as follows:~~

34 ~~— 706.286 1. When a complaint is made against any fully regulated carrier or~~  
 35 ~~operator of a tow car by any person that:~~

36 ~~— (a) Any of the rates, tolls, charges or schedules, or any joint rate or rates~~  
 37 ~~assessed by any fully regulated carrier or by any operator of a tow car for towing~~  
 38 ~~services performed without the prior consent of the owner of the vehicle or the~~  
 39 ~~person authorized by the owner to operate the vehicle are in any respect~~  
 40 ~~unreasonable or unjustly discriminatory;~~

41 ~~— (b) Any of the provisions of NRS 706.444 to 706.453, inclusive, and section~~  
 42 ~~2.2 of this act, have been violated;~~

43 ~~— (c) Any regulation, measurement, practice or act directly relating to the~~  
 44 ~~transportation of persons or property, including the handling and storage of that~~  
 45 ~~property, is, in any respect, unreasonable, insufficient or unjustly discriminatory; or~~

46 ~~— (d) Any service is inadequate;~~

47 ~~— the Authority shall investigate the complaint. After receiving the complaint, the~~  
 48 ~~Authority shall give a copy of it to the carrier or operator of a tow car against whom~~  
 49 ~~the complaint is made. Within a reasonable time thereafter, the carrier or operator~~  
 50 ~~of a tow car shall provide the Authority with its written response to the complaint~~  
 51 ~~according to the regulations of the Authority.~~

~~2. If the Authority determines that probable cause exists for the complaint, it shall order a hearing thereof, give notice of the hearing and conduct the hearing as it would any other hearing.~~

~~3. No order affecting a rate, toll, charge, schedule, regulation, measurement, practice or act complained of may be entered without a formal hearing unless the hearing is dispensed with as provided in NRS 706.2865.] (Deleted by amendment.)~~

**Sec. 2.8.** ~~NRS 706.4463 is hereby amended to read as follows:~~

~~706.4463 1. In addition to the other requirements of this chapter, each operator of a tow car shall, to protect the health, safety and welfare of the public:~~

~~(a) Obtain a certificate of public convenience and necessity from the Authority before the operator provides any services other than those services which the operator provides as a private motor carrier of property pursuant to the provisions of this chapter;~~

~~(b) Use a tow car of sufficient size and weight which is appropriately equipped to transport safely the vehicle which is being towed; and~~

~~(c) Comply with the provisions of NRS 706.011 to 706.791, inclusive [.] and section 2.2 of this act.~~

~~2. A person who wishes to obtain a certificate of public convenience and necessity to operate a tow car must:~~

~~(a) File an application with the Authority; and~~

~~(b) Submit to the Authority a complete set of fingerprints of each natural person who is identified by the Authority as a significant principal, partner, officer, manager, member, director or trustee of the applicant and written permission authorizing the Authority to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.~~

~~3. The Authority shall issue a certificate of public convenience and necessity to an operator of a tow car if it determines that the applicant:~~

~~(a) Complies with the requirements of paragraphs (b) and (c) of subsection 1;~~

~~(b) Complies with the requirements of the regulations adopted by the Authority pursuant to the provisions of this chapter;~~

~~(c) Has provided evidence that the applicant has filed with the Authority a liability insurance policy, a certificate of insurance or a bond of a surety and bonding company or other surety required for every operator of a tow car pursuant to the provisions of NRS 706.291; and~~

~~(d) Has provided evidence that the applicant has filed with the Authority schedules and tariffs pursuant to subsection 2 of NRS 706.321.~~

~~4. An applicant for a certificate has the burden of proving to the Authority that the proposed operation will meet the requirements of subsection 3.~~

~~5. The Authority may hold a hearing to determine whether an applicant is entitled to a certificate only if:~~

~~(a) Upon the expiration of the time fixed in the notice that an application for a certificate of public convenience and necessity is pending, a petition to intervene has been granted by the Authority; or~~

~~(b) The Authority finds that after reviewing the information provided by the applicant and inspecting the operations of the applicant, it cannot make a determination as to whether the applicant has complied with the requirements of subsection 3.] (Deleted by amendment.)~~

**Sec. 2.9.** NRS 706.167 is hereby amended to read as follows:

706.167 1. Each fully regulated carrier, operator of a tow car and common or contract carrier regulated by the Authority shall:

1 (a) Keep uniform and detailed accounts of all business transacted in the manner  
2 required by the Authority by regulation and render them to the Authority upon its  
3 request.

4 (b) Furnish an annual report to the Authority in the form and detail that it  
5 prescribes by regulation.

6 ↪ The regulations of the Authority may not require an operator of a tow car to keep  
7 accounts and report information concerning towing services other than information  
8 that is necessary to permit the Authority to enforce the provisions of NRS 706.011  
9 to 706.791, inclusive.

10 2. Except as otherwise provided in subsection 3, the reports required by this  
11 section must be prepared for each calendar year and submitted not later than May  
12 15 of the year following the year for which the report is submitted.

13 3. A carrier may, with the permission of the Authority, prepare the reports  
14 required by this section for a year other than a calendar year that the Authority  
15 specifies and submit them not later than a date specified by the Authority in each  
16 year.

17 4. If the Authority finds that necessary information is not contained in a report  
18 submitted pursuant to this section, it may call for the omitted information at any  
19 time.

20 5. The Authority shall require an operator of a tow car to include in his or  
21 her annual report the number of times the operator charged a hardship tariff  
22 pursuant to NRS 706.4477 during the calendar year.

23 **Sec. 3.** NRS 706.4469 is hereby amended to read as follows:

24 706.4469 1. The operator shall allow the owner, or agent of the owner, of a  
25 motor vehicle that has been connected to a tow car to obtain the release of the  
26 vehicle at the point of origination of the towing if:

27 (a) A request is made to release the vehicle; and

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

30 2. If a vehicle that has been connected to a tow car was requested to be towed  
31 pursuant to subparagraph (2) of paragraph (b) of subsection 2 of NRS 706.4477 and  
32 the owner, or agent of the owner, provides proof that the vehicle is registered  
33 pursuant to this chapter or chapter 482 of NRS or in any other state:

34 (a) The operator shall immediately release the motor vehicle to the owner or  
35 agent; and

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

38 3. The provisions of this section do not apply if a vehicle that has been  
39 connected to a tow car was requested to be towed by a law enforcement officer  
40 pursuant to paragraph (c) of subsection 3 of NRS 484B.443.

41 4. As used in this section, "provide proof" includes, without limitation,  
42 providing current registration documents in a physical format or in an electronic  
43 format as set forth in NRS 482.255 that predate the date on which the vehicle was  
44 connected to the tow car.

45 **Sec. 3.1.** NRS 706.4477 is hereby amended to read as follows:

46 706.4477 1. If towing is requested by a person other than the owner, or an  
47 agent of the owner, of the motor vehicle or a law enforcement officer or other  
48 person who is employed to enforce the laws, ordinances and codes of a local  
49 government:

50 (a) The person requesting the towing must be the owner of the real property  
51 from which the vehicle is towed or an authorized agent of the owner of the real  
52 property and must sign a specific request for the towing. Except as otherwise

1 provided in subsection 2, for the purposes of this section, the operator is not an  
2 authorized agent of the owner of the real property.

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

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

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

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

14 (a) Must:

15 (1) Meet the requirements of subsection 1.

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

23 (I) For the same or a similar reason within the same residential  
24 complex.

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

28 (b) May only have a vehicle towed:

29 (1) Because of a parking violation;

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

32 (3) If the vehicle is:

33 (I) Blocking a fire hydrant, fire lane or parking space designated for the  
34 handicapped; or

35 (II) Posing an imminent threat of causing a substantial adverse effect  
36 on the health, safety or welfare of the residents of the residential complex, which  
37 may include, without limitation, if the vehicle is parked in a space that is clearly  
38 marked for a specific resident or the use of a specific unit in the residential  
39 complex.

40 (c) May not have a vehicle towed solely because the registration of the vehicle  
41 is expired. An operator may not charge any fee or cost for towing a vehicle in  
42 violation of this paragraph. The towing of a vehicle solely because the  
43 registration of the vehicle is expired is a violation of this section, subject to the  
44 provisions of subsection 9.

45 3. If towing is requested by a county or city pursuant to NRS 244.3605 or  
46 268.4122, as applicable:

47 (a) Notice must be given to the appropriate law enforcement agency pursuant  
48 to state and local requirements.

49 (b) The operator may be directed to terminate the towing by a law enforcement  
50 officer.

51 4. The owner of a motor vehicle towed pursuant to the provisions of  
52 subsection 1, 2 or 3:

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

3 (b) Subject to the provisions of subsection 7, is responsible for the cost of  
4 removal and storage of the motor vehicle.

5 5. The owner may rebut the presumption in subsection 4 by showing that:

6 (a) The owner transferred the owner's interest in the motor vehicle:

7 (1) Pursuant to the provisions set forth in NRS 482.399 to 482.420,  
8 inclusive; or

9 (2) As indicated by a bill of sale for the vehicle that is signed by the owner;  
10 or

11 (b) The vehicle is stolen, if the owner submits evidence that, before the  
12 discovery of the vehicle, the owner filed an affidavit with the Department or a  
13 written report with an appropriate law enforcement agency alleging the theft of the  
14 vehicle.

15 6. An operator shall not charge any fee or cost for the storage of the motor  
16 vehicle until at least ~~48~~ 24 hours after the motor vehicle arrives and is registered  
17 at the place of storage. If the motor vehicle arrives at the place of storage after the  
18 regular business hours of the place of storage, the ~~48-hour~~ 24-hour period begins  
19 when the regular business hours of the place of storage next begin.

20 7. ~~The owner of the vehicle.~~ An operator shall ~~pay~~ consider charging a  
21 hardship tariff for the cost of removal and storage of the motor vehicle if ~~—~~

22 ~~(a) A vehicle has been towed pursuant to subparagraph (2) of paragraph (b) of~~  
23 ~~subsection 2;~~

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

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

30 ~~8.~~ 8. The Authority shall adopt regulations to carry out the provisions of this  
31 section, including, without limitation, establishing a range of hardship tariffs ~~for~~  
32 ~~person~~ an operator may ~~pay~~ charge pursuant to this section and setting forth  
33 what qualifies as a reason that is outside of the control of the owner.

34 ~~9.~~ 9. If a motor vehicle is towed in violation of the provisions of this  
35 section or an operator charges any fee or cost for the towing of a motor vehicle in  
36 violation of this section:

37 (a) The operator may be subject to a penalty in accordance with the  
38 provisions of NRS 706.756 to 706.781, inclusive; and

39 (b) The owner of the vehicle may bring an action against the operator to  
40 recover any costs incurred by the person as a result of the violation, including,  
41 without limitation, any loss of income.

42 10. An operator shall display conspicuously in his or her place of business a  
43 written notice which must contain, in boldface type letters not less than 1 inch in  
44 height and 1 inch in width:

45 (a) A statement that the operator must consider charging a hardship tariff  
46 under certain circumstances; and

47 (b) A telephone number for the Authority where a person may report a  
48 violation of the provisions of this chapter.

49 11. As used in this section:

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

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

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

1 (b) ~~“Provide proof” includes, without limitation, providing current registration~~  
2 ~~documents in a physical format or in an electronic format as set forth in NRS~~  
3 ~~482.255 that predate the date on which the vehicle was towed.~~

4 ~~—(c) “Residential complex” means a group of apartments, condominiums or~~  
5 ~~townhomes intended for use as residential units and for which a common parking~~  
6 ~~area is provided, regardless of whether each resident or unit has been assigned a~~  
7 ~~specific parking space in the common parking area.~~

8 **Sec. 3.3.** ~~NRS 706.4483 is hereby amended to read as follows:~~

9 ~~706.4483 1. The Authority shall act upon complaints regarding the failure~~  
10 ~~of an operator of a tow car to comply with the provisions of NRS 706.011 to~~  
11 ~~706.791, inclusive [;], and section 2.2 of this act.~~

12 ~~2. In addition to any other remedies that may be available to the Authority to~~  
13 ~~act upon complaints, the Authority may order the release of towed motor vehicles,~~  
14 ~~cargo or personal property upon such terms and conditions as the Authority~~  
15 ~~determines to be appropriate.] (Deleted by amendment.)~~

16 **Sec. 3.5.** ~~NRS 706.756 is hereby amended to read as follows:~~

17 ~~706.756 1. Except as otherwise provided in subsection 2, any person who:~~

18 ~~(a) Operates a vehicle or causes it to be operated in any carriage to which the~~  
19 ~~provisions of NRS 706.011 to 706.861, inclusive, and section 2.2 of this act apply~~  
20 ~~without first obtaining a certificate, permit or license, or in violation of the terms~~  
21 ~~thereof;~~

22 ~~(b) Fails to make any return or report required by the provisions of NRS~~  
23 ~~706.011 to 706.861, inclusive, and section 2.2 of this act or by the Authority or the~~  
24 ~~Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive [;]~~  
25 ~~and section 2.2 of this act;~~

26 ~~(c) Violates, or procures, aids or abets the violating of, any provision of NRS~~  
27 ~~706.011 to 706.861, inclusive [;] and section 2.2 of this act;~~

28 ~~(d) Fails to obey any order, decision or regulation of the Authority or the~~  
29 ~~Department;~~

30 ~~(e) Procures, aids or abets any person in the failure to obey such an order,~~  
31 ~~decision or regulation of the Authority or the Department;~~

32 ~~(f) Advertises, solicits, proffers bids or otherwise is held out to perform~~  
33 ~~transportation as a common or contract carrier in violation of any of the provisions~~  
34 ~~of NRS 706.011 to 706.861, inclusive [;] and section 2.2 of this act;~~

35 ~~(g) Advertises as providing:~~

36 ~~—(1) The services of a fully regulated carrier; or~~

37 ~~—(2) Towing services;~~

38 ~~—without including the number of the person’s certificate of public convenience~~  
39 ~~and necessity or contract carrier’s permit in each advertisement;~~

40 ~~(h) Knowingly offers, gives, solicits or accepts any rebate, concession or~~  
41 ~~discrimination in violation of the provisions of this chapter;~~

42 ~~(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes~~  
43 ~~of this chapter;~~

44 ~~(j) Operates or causes to be operated a vehicle which does not have the proper~~  
45 ~~identifying device;~~

46 ~~(k) Displays or causes or permits to be displayed a certificate, permit, license~~  
47 ~~or identifying device, knowing it to be fictitious or to have been cancelled, revoked,~~  
48 ~~suspended or altered;~~

49 ~~(l) Lends or knowingly permits the use of by one not entitled thereto any~~  
50 ~~certificate, permit, license or identifying device issued to the person so lending or~~  
51 ~~permitting the use thereof; or~~

1 ~~— (m) Refuses or fails to surrender to the Authority or Department any~~  
2 ~~certificate, permit, license or identifying device which has been suspended,~~  
3 ~~cancelled or revoked pursuant to the provisions of this chapter;~~

4 ~~— is guilty of a misdemeanor, and upon conviction thereof shall be punished by a~~  
5 ~~fine of not less than \$100 nor more than \$1,000, or by imprisonment in the county~~  
6 ~~jail for not more than 6 months, or by both fine and imprisonment.~~

7 ~~— 2. Any person who, in violation of the provisions of NRS 706.386, operates~~  
8 ~~as a fully regulated common motor carrier without first obtaining a certificate of~~  
9 ~~public convenience and necessity or any person who, in violation of the provisions~~  
10 ~~of NRS 706.421, operates as a contract motor carrier without first obtaining a~~  
11 ~~permit is guilty of a misdemeanor and shall be punished:~~

12 ~~— (a) For a first offense within a period of 12 consecutive months, by a fine of~~  
13 ~~not less than \$500 nor more than \$1,000. In addition to the fine, the person may be~~  
14 ~~punished by imprisonment in the county jail for not more than 6 months.~~

15 ~~— (b) For a second offense within a period of 12 consecutive months and for each~~  
16 ~~subsequent offense that is committed within a period of 12 consecutive months of~~  
17 ~~any prior offense under this subsection, by a fine of \$1,000. In addition to the fine,~~  
18 ~~the person may be punished by imprisonment in the county jail for not more than 6~~  
19 ~~months.~~

20 ~~— 3. Any person who, in violation of the provisions of NRS 706.386, operates~~  
21 ~~or permits the operation of a vehicle in passenger service without first obtaining a~~  
22 ~~certificate of public convenience and necessity is guilty of a gross misdemeanor.~~

23 ~~— 4. If a law enforcement officer witnesses a violation of any provision of~~  
24 ~~subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed~~  
25 ~~immediately from the scene and impounded in accordance with NRS 706.476.~~

26 ~~— 5. The fines provided in this section are mandatory and must not be reduced~~  
27 ~~under any circumstances by the court.~~

28 ~~— 6. Any bail allowed must not be less than the appropriate fine provided for by~~  
29 ~~this section.] (Deleted by amendment.)~~

30 **Sec. 3.7.** ~~[NRS 706.781 is hereby amended to read as follows:~~

31 ~~— 706.781. In addition to all the other remedies provided by NRS 706.011 to~~  
32 ~~706.861, inclusive, *and section 2.2 of this act* for the prevention and punishment of~~  
33 ~~any violation of the provisions thereof and of all orders of the Authority or the~~  
34 ~~Department, the Authority or the Department may compel compliance with the~~  
35 ~~provisions of NRS 706.011 to 706.861, inclusive, *and section 2.2 of this act* and~~  
36 ~~with the orders of the Authority or the Department by proceedings in mandamus,~~  
37 ~~injunction or by other civil remedies.] (Deleted by amendment.)~~