

Amendment No. 722

Senate Amendment to Assembly Bill No. 408 Second Reprint	(BDR 43-95)
Proposed by: Senator D. Harris	
Amends: Summary: No 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 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.

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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; 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~~ certain deviations from the rates set forth in certain schedules and 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 a vehicle until the vehicle has been stored for a certain period; requiring the operator of a tow car to consider charging a ~~hardship tariff instead of the normal~~ lower rate for the storage and removal of the vehicle under certain circumstances; requiring the operator of a tow car to display certain information in his or her place of business; revising provisions prohibiting the solicitation of a tort victim to employ, hire or retain any attorney at law in certain circumstances; 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. (NRS 484B.653) **Section 2** of this bill additionally prohibits a person from driving a vehicle in

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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 provides that if the towing of a motor vehicle is requested by a person other
 16 than the owner, an agent of the owner, a law enforcement officer or other person employed to
 17 enforce the laws, ordinances and codes of a local government, the operator of a tow car shall
 18 not charge any fee or cost for the storage of the motor vehicle until at least 48 hours after the
 19 motor vehicle arrives and is registered at the place of storage. (NRS 706.4477) Section 3.1 of
 20 this bill provides that the operator of a tow car shall not charge any fee or cost for the storage
 21 of the motor vehicle until at least 24 hours after the motor vehicle arrives and is registered at
 22 the place of storage.~~

23 Existing law provides that an owner of real property may not have a vehicle towed from a
 24 residential complex solely because the registration of the vehicle is expired. (NRS 706.4477)
 25 **Section 3.1** ~~(4)~~ **of this bill:** (1) prohibits an operator from charging any fee or cost for the
 26 towing of a vehicle solely because the registration of the vehicle is expired; and (2) provides
 27 that the towing of such a vehicle by an operator is a violation subject to certain penalties.

28 Existing law further requires the owner of a vehicle that has been towed to pay a hardship
 29 tariff, instead of the normal rate, for the cost of removal and storage of the vehicle if: (1) the
 30 vehicle was towed from a residential complex at the request of a person other than the owner
 31 of the vehicle or the owner's authorized agent because the vehicle was not registered in this
 32 State or any other state; and (2) the owner is unable to pay the normal rate for reasons outside
 33 of the owner's control. (NRS 706.4477) **Section 3.1** removes the requirement for the owner of
 34 a vehicle to pay a hardship tariff under these circumstances and instead requires an operator of
 35 a tow car to consider charging a ~~hardship tariff~~ **lower rate** for the removal and storage of a
 36 motor vehicle if the owner is unable to pay the normal rate for reasons outside of the owner's
 37 control. **Section 3.1** requires an operator of a tow car to display a written notice in his or her
 38 place of business: (1) regarding the requirement for the operator to consider charging a
 39 ~~hardship tariff~~ **lower rate**; and (2) containing a telephone number for the Authority where a
 40 person may report certain alleged violations of law.

41 Existing law requires each fully regulated carrier, operator of a tow car and common or
 42 contract motor carrier regulated by the Nevada Transportation Authority to furnish an annual
 43 report to the Authority in the form and detail required by the Authority. (NRS 706.167)
 44 **Section 2.9** of this bill requires the annual report submitted by the operator of a tow car to
 45 include the number of times that the operator ~~charged~~ **deviated from the otherwise**
 46 **applicable schedule or tariff to charge** a ~~hardship tariff~~ **lower rate** during the calendar
 47 year.

48 Existing law prohibits a person, in exchange for compensation, from soliciting a tort
 49 victim to employ, hire or retain any attorney at law at the scene of a traffic crash that
 50 may result in a civil action or at a county or city jail or detention facility. Existing law
 51 authorizes a tort victim to void any contract, agreement or obligation that is made,
 52 obtained, procured or incurred in violation of this prohibition. (NRS 7.045) Section 3.9
 53 of this bill: (1) further prohibits a person from soliciting a tort victim at any medical
 54 facility or other location where a provider of health care performs health care services
 55 or within 72 hours after the time that the tort occurred; and (2) prohibits such
 56 solicitations regardless of whether the solicitation is in exchange for compensation.
 57 Section 3.9 provides that any contract, agreement or obligation made, obtained,
 58 procured or incurred in violation of the prohibition against such solicitations is void.
 59 Section 3.9 establishes certain amounts which may be obtained from a civil action
 60 brought for a prohibited solicitation and revises the applicable criminal penalties.

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

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

2 484B.443 1. Except as otherwise provided in subsection 2, whenever any
 3 law enforcement officer finds a vehicle standing upon a highway in violation of any
 4 of the provisions of chapters 484A to 484E, inclusive, of NRS, the officer may

1 move the vehicle, or require the driver or person in charge of the vehicle to move it,
2 to a position off the paved, improved or main-traveled part of the highway.

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

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

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

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

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

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

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

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

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

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

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

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

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

53 7. As used in this section:

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

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

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

10 484B.653 1. It is unlawful for a person to:

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

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

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

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

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

21 A violation of paragraph (a), (b) or (d) of this subsection or subsection 1 of NRS
22 484B.550 constitutes reckless driving.

23 2. If, while violating the provisions of subsections 1 to 5, inclusive, of NRS
24 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283,
25 NRS 484B.350, subsections 1 to 4, inclusive, of NRS 484B.363 or subsection 1 of
26 NRS 484B.600, the driver of a motor vehicle on a highway or premises to which
27 the public has access is the proximate cause of a collision with a pedestrian or a
28 person riding a bicycle, an electric bicycle or an electric scooter, the violation
29 constitutes reckless driving.

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

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

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

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

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

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

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

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

41 (1) By a fine of not less than \$1,500 but not more than \$2,000; or

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

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

47 (a) For the first offense:

48 (1) Shall be punished by a fine of not less than \$250 but not more than
49 \$1,000;

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

52 (3) May be punished by imprisonment in the county jail for not more than
53 6 months.

1 (b) For the second offense:

2 (1) Shall be punished by a fine of not less than \$1,000 but not more than
3 \$1,500;

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

6 (3) May be punished by imprisonment in the county jail for not more than
7 6 months.

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

9 (1) Shall be punished by a fine of not less than \$1,500 but not more than
10 \$2,000;

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

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

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

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

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

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

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

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

30 (a) For the first offense:

31 (1) Shall be punished by a fine of not less than \$1,000 but not more than
32 \$1,500;

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

35 (3) May be punished by imprisonment in the county jail for not more than
36 364 days.

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

38 (1) Shall be punished by a fine of not less than \$1,500 but not more than
39 \$2,000;

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

41 (3) May be punished by imprisonment in the county jail for not more than
42 364 days.

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

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

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

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

48 (3) May be punished by imprisonment in the county jail for not more than
49 6 months.

50 (b) For the second offense and each subsequent offense, a gross misdemeanor
51 and:

52 (1) Shall be punished by a fine of not less than \$1,000 and not more than
53 \$1,500;

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

3 (3) May be punished by imprisonment in the county jail for not more than
4 364 days.

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

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

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

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

14 9. Unless a greater penalty is provided pursuant to subsection 4 of NRS
15 484B.550, a person who does any act or neglects any duty imposed by law while
16 driving or in actual physical control of any vehicle on a highway or premises to
17 which the public has access in willful or wanton disregard of the safety of persons
18 or property, if the act or neglect of duty proximately causes the death of or
19 substantial bodily harm to another person, is guilty of a category B felony and shall
20 be punished by imprisonment in the state prison for a minimum term of not less
21 than 1 year and a maximum term of not more than 6 years and by a fine of not less
22 than \$2,000 but not more than \$5,000.

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

26 11. As used in this section:

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

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

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

35 (b) "Organize" means to plan, schedule or promote, or assist in the planning,
36 scheduling or promotion of, an unauthorized speed contest on a ~~public~~
37 *or premises to which the public has access*, regardless of whether a fee is charged
38 for attending the unauthorized speed contest.

39 (c) "Trick driving display" means using a vehicle to perform tricks, stunts or
40 other maneuvers on a ~~public~~ highway, *or premises to which the public has*
41 *access*, upon which traffic has been diverted, slowed, impeded or blocked to enable
42 the performing of such tricks, stunts or maneuvers or having such tricks, stunts or
43 maneuvers filmed or otherwise recorded.

44 **Sec. 2.2.** (Deleted by amendment.)

45 **Sec. 2.4.** (Deleted by amendment.)

46 **Sec. 2.6.** (Deleted by amendment.)

47 **Sec. 2.8.** (Deleted by amendment.)

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

49 706.167 1. Each fully regulated carrier, operator of a tow car and common
50 or contract carrier regulated by the Authority shall:

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

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

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

7 2. Except as otherwise provided in subsection 3, the reports required by this
8 section must be prepared for each calendar year and submitted not later than May
9 15 of the year following the year for which the report is submitted.

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

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

17 ***5. The Authority shall require an operator of a tow car to include in his or
18 her annual report the number of times the operator ~~charged a hardship tariff~~
19 deviated from the otherwise applicable schedule or tariff to charge a lower rate
20 pursuant to NRS 706.4477 during the calendar year.***

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

22 706.4469 1. The operator shall allow the owner, or agent of the owner, of a
23 motor vehicle that has been connected to a tow car to obtain the release of the
24 vehicle at the point of origination of the towing if:

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

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

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

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

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

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

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

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

44 706.4477 1. If towing is requested by a person other than the owner, or an
45 agent of the owner, of the motor vehicle or a law enforcement officer or other
46 person who is employed to enforce the laws, ordinances and codes of a local
47 government:

48 (a) The person requesting the towing must be the owner of the real property
49 from which the vehicle is towed or an authorized agent of the owner of the real
50 property and must sign a specific request for the towing. Except as otherwise
51 provided in subsection 2, for the purposes of this section, the operator is not an
52 authorized agent of the owner of the real property.

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

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

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

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

12 (a) Must:

13 (1) Meet the requirements of subsection 1.

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

21 (I) For the same or a similar reason within the same residential
22 complex.

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

26 (b) May only have a vehicle towed:

27 (1) Because of a parking violation;

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

30 (3) If the vehicle is:

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

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

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

43 3. If towing is requested by a county or city pursuant to NRS 244.3605 or
44 268.4122, as applicable:

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

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

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

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

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

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

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

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

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

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

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

18 7. ~~[The owner of the vehicle]~~ An operator shall ~~[pay]~~ **consider charging a**
19 ~~[hardship]~~ **rate which is lower than the rate set forth in the otherwise applicable**
20 **schedule or** tariff for the cost of removal and storage of the motor vehicle if ~~[-~~

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

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

26 ~~—(c) The owner,]~~ for reasons outside of his or her control as determined by the
27 regulations adopted pursuant to this section, is incapable of paying the normal rate
28 charged for the removal and storage of the motor vehicle. **An operator may deviate**
29 **from the otherwise applicable schedule or tariff without the approval of the**
30 **Authority to charge a lower rate pursuant to this subsection.**

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

35 ~~[8.]~~ 9. **If a motor vehicle is towed in violation of the provisions of this**
36 **section or an operator charges any fee or cost for the towing of a motor vehicle in**
37 **violation of this section:**

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

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

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

46 (a) **A statement that the operator must consider charging a** ~~[hardship tariff]~~
47 **lower rate under certain circumstances; and**

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

50 11. As used in this section:

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

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

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

3 (b) ~~["Provide proof" includes, without limitation, providing current registration~~
4 ~~documents in a physical format or in an electronic format as set forth in NRS~~
5 ~~482.255 that predate the date on which the vehicle was towed.~~

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

10 **Sec. 3.3.** (Deleted by amendment.)

11 **Sec. 3.5.** (Deleted by amendment.)

12 **Sec. 3.7.** (Deleted by amendment.)

13 **Sec. 3.9.** NRS 7.045 is hereby amended to read as follows:

14 7.045 1. Except as otherwise provided in this section, it shall be unlawful
15 for a person ~~to, in exchange for compensation,~~ to solicit a tort victim to employ, hire
16 or retain any attorney at law:

17 (a) At the scene of a traffic crash that may result in a civil action; ~~or~~

18 (b) At a county or city jail or detention facility; ~~or~~;

19 (c) At a medical facility or other location where a provider of health care
20 provides health care services; or

21 (d) Within 72 hours after the tort occurred.

22 2. It is unlawful for a person to conspire with another person to commit an act
23 which violates the provisions of subsection 1.

24 3. This section does not prohibit or restrict:

25 (a) A recommendation for the employment, hiring or retention of an attorney at
26 law in a manner that complies with the Nevada Rules of Professional Conduct.

27 (b) The solicitation of motor vehicle repair or storage services by a tow car
28 operator.

29 (c) Any activity engaged in by police, fire or emergency medical personnel
30 acting in the normal course of duty.

31 (d) A communication by a tort victim with the tort victim's insurer concerning
32 the investigation of a claim or settlement of a claim for property damage.

33 (e) Any inquiries or advertisements performed in the ordinary course of a
34 person's business.

35 4. ~~["A tort victim may void any"]~~ Any contract, agreement or obligation that is
36 made, obtained, procured or incurred with a tort victim in violation of this section
37 ~~is void.~~

38 5. A tort victim who prevails in a civil action pursuant to this section:

39 (a) May recover:

40 (1) Twice the amount of actual damages he or she incurred from the
41 violation of this section; and

42 (2) An amount equal to twice the amount of the financial obligation
43 imposed upon the tort victim by the contract, agreement or obligation that was
44 made, obtained, procured or incurred in violation of this section.

45 (b) Is entitled to reasonable attorney's fees and costs.

46 6. A civil action pursuant to this section is subject to the limitation set forth
47 in subsection 1 of NRS 11.190.

48 7. Any person who violates any of the provisions of this section ~~is~~;

49 (a) For the first offense, is guilty of a gross misdemeanor.

50 ~~is~~ (b) For a second or any subsequent offense, is guilty of a category E
51 felony and shall be punished as provided in NRS 193.130.

52 8. As used in this section, "tort victim" means a person:

1 (a) Whose property has been damaged as a result of any accident or motor
2 vehicle crash that may result in a civil action, criminal action or claim for tort
3 damages by or against another person;

4 (b) Who has been injured or killed as a result of any accident or motor vehicle
5 crash that may result in a civil action, criminal action or claim for tort damages by
6 or against another person; or

7 (c) A parent, guardian, spouse, sibling or child of a person who has died as a
8 result of any accident or motor vehicle crash that may result in a civil action,
9 criminal action or claim for tort damages by or against another person.