

LCB File No. R075-08

**PROPOSED REGULATION OF THE
NEVADA TRANSPORTATION AUTHORITY OF
THE DEPARTMENT OF BUSINESS AND INDUSTRY**

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

AUTHORITY: §1, NRS 706.171 and 706.4477; §§2-3, 5, NRS 706.171; §4, NRS 706.171 and 706.4479.

A REGULATION relating to motor carriers; requiring certain items of information on specific requests for private property tows; requiring a certain amount of time to elapse before a vehicle may be towed from private property; authorizing the removal of illegally parked vehicles under certain circumstances; requiring certain odometer information on bills for towing; clarifying when tow car operators must notify law enforcement agencies when a vehicle is towed under Category C; removing certain prohibited acts for solicitation of business; and providing other matters properly relating thereto.

Section 1. Chapter 706 of NAC is hereby amended by adding thereto a new section to read as follows:

- 1. A specific request to tow required pursuant to NRS 706.4477 shall:*
 - (a) Be in writing;*
 - (b) Be signed by the property owner or his authorized agent within the 24 hours prior to the removal of the vehicle by tow car from the private property;*
 - (c) Include the name, title in relation to the private property, residential or business address, and telephone number of the person requesting the tow;*
 - (d) Include the make, model, vehicle identification number, and license plate number of the vehicle towed from the property;*
 - (e) Include the reason(s) for the removal of the vehicle; and*
 - (f) Include the date and time the request was made.*

2. Except as provided in paragraph 5 of this section, the operator of a tow car shall not commence the towing of a vehicle from private property without the owner's consent unless he has first obtained a specific request to tow complying with subparagraph 1 of this provision.

3. Upon request of the owner of a vehicle or his authorized agent, a tow car operator shall provide a photocopy of the specific request to tow. If the vehicle was towed from a residential property, the tow car operator shall redact from the photocopy the information required in subparagraph 1(c) of this provision.

4. If a vehicle has been parked on the private property for less than one hour, a tow car operator shall not commence the towing of the vehicle without the owner's consent from any private property that is held open to the public for the parking of vehicles at no fee unless the vehicle is parked:

(a) Within 15 feet of a fire hydrant;

(b) In a fire lane; or

(c) In a manner that interferes with an entrance to or exit from the private property.

5. General authorization granted by a property owner or his authorized representative to a tow car operator allowing the towing or removal of vehicles from private property at the tow car operator's discretion is not permissible unless:

(a) The property owner or his authorized representative and the tow car operator have a written agreement granting such general authorization; and

(b) The vehicles authorized to be towed from the private property under such a general authorization agreement are limited to those which are parked:

(1) Within 15 feet of a fire hydrant;

(2) In a fire lane; or

(3) In a manner that interferes with an entrance to or exit from the private property.

6. If a vehicle is towed pursuant to a written general authorization agreement, the tow car operator shall:

(a) Prior to commencing the tow, take a photograph the vehicle that clearly indicates the parking violation;

(b) At the time the vehicle is claimed, allow the registered owner or his authorized agent to view the photograph; and

(c) Provide a copy of the photograph to the registered owner or his authorized representative upon request.

Sec. 2. NAC 706.418 is hereby amended to read as follows:

706.418 For nonconsensual tows under Category C, no charges may be assessed against the owner of the vehicle or his agent under the following circumstances, and any charges so paid must be returned by the operator:

1. The person who requested the tow was not the owner of the real property from which the vehicle was towed or his authorized agent. For the purposes of this section, the operator of a tow car is not an authorized agent of the owner of the real property, *except as allowed pursuant to paragraph 5 of Section 1 of this regulation.*

2. The property from which the tow was made was required by statute, ordinance or NAC 706.427 to have particular signs displayed and there were no such signs on the property.

3. In the case of a parking facility that charges a fee, the operator of the facility did not comply with the provisions of NRS 487.037.

4. Notification of the appropriate law enforcement agency pursuant to subsection 1 of NAC 706.432 was not made.

5. The operator of the tow car was directed to terminate the tow by an officer of a law enforcement agency.

Sec. 3 NAC 706.420 is hereby amended to read as follows:

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

(a) The name, address, telephone number and number of the certificate of the operator of the tow car.

(b) The address of the facility where the towed vehicle is stored if it is different from the address of the operator of the tow car.

(c) The date and time of the request for the nonconsensual tow, including a designation of “a.m.” or “p.m.” or other comparable designation of time.

(d) The name and address of the registered owner of the towed vehicle, if available.

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

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

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

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

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

(j) The time of the departure of the tow car from the site of the vehicle to be towed *and the reading of the odometer upon departure.*

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

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

(m) The exact mileage and hourly charges.

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

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

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

(q) A statement of the total charges.

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

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

4. An operator of a tow car may keep forms for bills for nonconsensual tows in an electronic storage device, including, without limitation, on a computer.

Sec. 4. NAC 706.432 is hereby amended to read as follows:

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

~~[2. If the identity of the registered and legal owner, or, if not the same person, the registered owner and legal owner, is known, the operator of a tow car shall notify the owner or owners of the vehicle by certified mail, within 15 days after placing a vehicle which was the subject of a nonconsensual tow in storage. The notice must include:~~

~~—(a) The location of the storage;~~

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

~~—(c) The charge for storage; and~~

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

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

~~—4.]~~ 2. The operator of a tow car that tows a vehicle, upon which a law enforcement agency places a “Hold” designation so that the law enforcement agency may conduct further investigations, shall:

(a) Send a certified letter to the owner of the vehicle that contains the information set forth in ~~[subsection 2]~~ *NRS 4479 (1)(a)*; and

(b) Release the vehicle as instructed by the law enforcement agency that placed the “Hold” designation on the vehicle,

↳ within 24 hours after receiving notice from the law enforcement agency to change the “Hold” designation to a “Released” designation.

Sec. 5. NAC 706.442 is hereby amended to read as follows:

706.442 ~~[1. The operator of a tow car shall not drive upon the streets or highways or drive through parking lots searching for the opportunity to tow a vehicle. Except as otherwise provided in this subsection, service provided by an operator of a tow car must be specifically requested, and a tow car must be properly dispatched on each occasion. An operator of a tow car may stop to provide towing service to a motorist in distress if the operator is physically hailed by the motorist. Before an operator of a tow car may tow the vehicle of a motorist who has physically hailed the operator, the operator must obtain a written waiver signed by the motorist acknowledging that the motorist has not already arranged or called for tow service.~~

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