

**PROPOSED REGULATION OF THE
NEVADA TRANSPORTATION AUTHORITY**

LCB File No. R112-10

September 15, 2010

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

AUTHORITY: §§1-3, NRS 706.171 and 706.321; §4, NRS 706.171.

A REGULATION relating to operators of tow cars; requiring operators of tow cars to use a model tariff adopted by the Nevada Transportation Authority for nonconsensual tows; amending provisions concerning variations to flat rates for certain nonconsensual tows; allowing operators of tow cars to discount rates under certain circumstances; revising provisions concerning access to stored vehicles by the owners of such vehicles and their agents; revising provisions concerning the information which must be included on a bill for a nonconsensual tow; 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:

The Authority will adopt a model tariff for nonconsensual tows which includes, without limitation, rules and definitions. In addition to the requirements for tariffs and supplements set forth in NAC 706.1385, the operator of a tow car shall use the model tariff adopted by the Authority pursuant to this section.

Sec. 2. NAC 706.408 is hereby amended to read as follows:

706.408 1. The operator of a tow car shall include on a bill for a nonconsensual tow only those rates and charges approved by the Authority in the operator's tariff.

2. The rates and charges for Category C must be based upon a flat rate. ~~[The flat rate may vary for the time of day at which the vehicle is towed, but may not vary according to the time required to tow the vehicle, the distance or the equipment used, except that a rate for mileage~~

~~similar to the rate for mileage for Category A or B may be charged for a tow of more than 10 miles. An operator of a tow car that is operating under tariffs that are Category A or B may file a separate schedule of rates and charges for Category C for each type of tow car operated.]~~

3. An operator of a tow car shall include in his tariff a specific reduction in the flat rate charged for releases of a vehicle if the owner of the vehicle or his agent arrives at the scene of the tow before the vehicle is towed.

4. The distance for which a rate is charged must be determined by the shortest practical route. A fraction of a mile must be rounded to the nearest mile. The operator of a tow car may use another route only at the request of the owner of the vehicle, his agent or the driver of the vehicle.

5. The rates and charges in a tariff for Categories A and B may differ from the rates and charges in a tariff for Category C.

6. The operator of a tow car may discount the rates with respect to a single towed vehicle which are specified in the operator's tariff if:

(a) The operator submits to the Authority in the form required by the Authority all information related to the tow for which the operator is requesting such a discount;

(b) The operator shows that such a discount is based on compelling public policy grounds and will not operate to defeat the legislative policies set forth in NRS 706.151; and

(c) The Chair or the designee of the Chair provides written authorization for the discount.

7. If, pursuant to subsection 6, the Chair provides written authorization for a discount in the rates specified in the tariff of an operator of a tow car, the operator shall keep a copy of the written authorization with the operator's copy of the bill for the tow to which the discount applies.

Sec. 3. NAC 706.410 is hereby amended to read as follows:

706.410 1. If an operator of a tow car includes in his tariff a fee to be charged the owner of a towed vehicle for the storage of the vehicle, the fee may not be charged:

(a) For more than 15 days, unless the operator complies with the requirements set forth in NRS 706.4479;

(b) If the owner of the vehicle, his agent or the driver of the vehicle arrives at the place of storage to secure its release before the towed vehicle is placed in storage; or

(c) If the tow was under Category C and is released to the owner or his agent within 24 hours after the vehicle is towed. The charge for the first 24 hours of storage of a vehicle towed under Category C must be included as part of the flat rate charged for the tow.

2. If an operator of a tow car includes in his tariff a fee for allowing the owner of a towed vehicle or his agent to have access to a vehicle held in storage, that fee may not be charged the first time the owner or his agent visits the stored vehicle or when the vehicle is being claimed by the owner or his agent. The operator of a tow car ~~shall~~ :

(a) *Shall* not deny the owner of the stored vehicle or his agent reasonable access to the vehicle unless required to do so by a law enforcement agency. ~~[The operator of a tow car may]~~

(b) *May* require the fee charged for visiting a stored vehicle to be paid in advance of the visit.

(c) *Shall not charge the fee for visiting a stored vehicle on a per person basis if a reasonable number of people visit the same stored vehicle at the same time.*

(d) *Shall establish and maintain a log to track each time the owner of a stored vehicle or his or her agent visits the vehicle. The operator shall record in the log:*

(1) *The name of the person who visits a stored vehicle and the date and time of the visit;*
and

(2) The date and time on which the owner of the stored vehicle or his or her agent recovers the vehicle.

(e) Shall confirm the identity of each person visiting a stored vehicle by requiring such persons to provide:

(1) A driver's license;

(2) An identification card; or

(3) Any other valid form of identification.

3. The operator of a tow car may include in his tariff a charge for opening a secured facility for storage after normal business hours to release or allow access to a towed vehicle. Normal business hours shall be deemed to be between 8 a.m. and 5 p.m. on Monday through Friday, excluding legal holidays. Such a charge is in addition to any other charge for storage or access to the vehicle. The operator of a tow car may require that the charge for opening a secured facility for storage be paid in advance of opening the facility.

Sec. 4. 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) *An identification of the tow car that performed the tow.*

(c) 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.

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

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

~~[(f)]~~ (g) The exact location from which the vehicle was towed.

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

~~[(h)]~~ (i) The time when the tow car was sent to the vehicle and the reading of *at least the last 4 digits of* the odometer at the beginning of the trip.

~~[(i)]~~ (j) The time of the arrival of the tow car at the site of the car to be towed ~~[(j)]~~ *and the reading of at least the last four digits of the odometer upon its arrival.*

~~[(j)]~~ (k) The time of the departure of the tow car from the site of the vehicle to be towed and the reading ~~[(k)]~~ *of at least the last four digits of* the odometer of the tow car upon departure.

~~[(k)]~~ (l) The time of the arrival of the tow car at the location to which the vehicle was towed and the reading ~~[(l)]~~ *of at least the last four digits of* the odometer of the tow car upon its arrival.

~~[(l)]~~ (m) The exact mileage and hourly charges.

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

~~[(n)]~~ (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)]~~ (p) *The names of all persons who visited a stored vehicle and the date and time of each visit.*

(q) 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.

~~[(p)]~~ (r) 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.