

Amendment No. 123

Senate Amendment to Senate Bill No. 259	(BDR 58-179)
<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.

EGO



Date: 4/19/2021

S.B. No. 259—Revises provisions relating to operators of tow cars. (BDR 58-179)





## SENATE BILL NO. 259—SENATOR DENIS

MARCH 16, 2021

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to ~~operators of~~ tow cars. (BDR 58-179)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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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 tow cars; requiring the Nevada Transportation Authority to provide certain ~~annual trainings to a holder of a certificate of public convenience and necessity;~~ **training;** requiring ~~a holder of a certificate of public convenience and necessity;~~ **certain employees of the Authority and owners and operators of tow cars** to attend such training; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law **with certain exceptions**, requires an operator of a tow car to obtain a certificate of public convenience and necessity from the Nevada Transportation Authority before the operator provides certain services. Existing law also requires an operator of a tow car to comply with the provisions and regulations governing motor carriers. (NRS 706.4463) **Under existing law, the Authority is required to: (1) employ compliance enforcement officers to perform enforcement activities for the Authority; and (2) adopt regulations setting forth the training required to be completed by such officers. (NRS 706.176, 706.178)** Section 1 of this bill requires the Authority to provide ~~each year to a holder of a certificate of public convenience and necessity~~ training **each year** on any provision or regulation governing the regulation and licensing of motor carriers that was added, **revised** or adopted ~~since the last training was provided,~~ **in the immediately preceding year.** Section 1 authorizes the Authority not to provide such training **in any year** if no ~~new~~ **such** provisions **were added or revised** or regulations were ~~added or~~ adopted ~~since the last training was provided,~~ **in the immediately preceding year.** Section 1 requires ~~a holder of a certificate of public convenience and necessity~~ **a compliance enforcement officer employed by the Authority and any owner or operator of a tow car under the jurisdiction of the Authority** to attend such training ~~when~~ **annually if it is provided,** ~~that year.~~ **Section 1.3 of this bill makes a conforming change to indicate the placement of section 1 in the Nevada Revised Statutes. Section 1.5 of this bill makes a conforming change relating to the additional training required in section 1 for compliance enforcement officers employed by the Authority. Section 7** of this bill requires the Authority to provide the first of such trainings not later than October 1, 2022.

~~Sections 2-6 of this bill make conforming changes by indicating the placement of section 1 in the Nevada Revised Statutes. Additionally, sections 5 and 6 of this bill provide that an operator of a tow car who is requested to tow a vehicle pursuant to an ordinance in certain counties and cities has to comply with the provisions of section 1. Section 2 of this bill requires the Authority to investigate a complaint brought by any person who claims that~~

28 ~~section 1 has been violated. Section 4 of this bill provides that the provisions of section 1 do~~  
 29 ~~not apply to certain automobile wreckers.]~~

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

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

3 *1. Except as otherwise provided in subsection 2, the Authority shall provide*  
 4 ~~*each year to a holder of a certificate of public convenience and necessity]*~~  
 5 *training each year on [any new] :*

6 *(a) Any addition to or revision of the provisions [added to] of NRS 706.011 to*  
 7 *706.791, inclusive, [for any new] ; or*

8 *(b) Any regulations adopted by the Authority pursuant to those provisions.*

9 *2. If no [new] addition or revision was made to the provisions [were added*  
 10 ~~*to] of NRS 706.011 to 706.791, inclusive, or [if] no [new] regulations were*~~  
 11 ~~*adopted by the Authority pursuant to those provisions [ ] in a year, the Authority*~~  
 12 ~~*may, for [that] the immediately succeeding year, choose not to provide the*~~  
 13 ~~*training required by subsection 1.*~~

14 *3. A [holder of a certificate of public convenience and necessity]*  
 15 ~~*compliance enforcement officer employed by the Authority and an owner or*~~  
 16 ~~*operator of a tow car subject to the jurisdiction of the Authority shall attend the*~~  
 17 ~~*training [when it is provided by] prescribed in subsection 1 annually unless the*~~  
 18 ~~*Authority [ ] chooses not to provide the training in accordance with subsection 2.*~~

19 *4. The Authority shall provide the training required by subsection 1*  
 20 ~~*uniformly with respect to content throughout the State to all persons who are*~~  
 21 ~~*required to attend the training.*~~

22 *5. The Authority may adopt such regulations as are necessary to carry out*  
 23 ~~*the provisions of this section.*~~

24 ~~*[ ] 5. As used in this section, "new" means any provision or regulation that*~~  
 25 ~~*was added or adopted since the last training that was provided by the Authority.]*~~

26 **Sec. 1.3.** NRS 706.011 is hereby amended to read as follows:

27 706.011 As used in NRS 706.011 to 706.791, inclusive, and section 1 of this  
 28 act, unless the context otherwise requires, the words and terms defined in NRS  
 29 706.013 to 706.146, inclusive, have the meanings ascribed to them in those  
 30 sections.

31 **Sec. 1.5.** NRS 706.178 is hereby amended to read as follows:

32 706.178 ~~[The] In addition to the training required pursuant to section 1 of~~  
 33 ~~this act, the~~ Authority shall adopt regulations setting forth the training which a  
 34 compliance enforcement officer employed by the Authority pursuant to NRS  
 35 706.176 must complete, including, without limitation, training in commercial  
 36 vehicle safety inspections provided by the Nevada Highway Patrol.

37 **Sec. 2.** ~~[NRS 706.286 is hereby amended to read as follows:~~

38 ~~706.286 1. When a complaint is made against any fully regulated carrier or~~  
 39 ~~operator of a tow car by any person that:~~

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

1 ~~— (b) Any of the provisions of NRS 706.444 to 706.453, inclusive, and section 1~~  
2 ~~of this act have been violated;~~

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

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

7 ~~— the Authority shall investigate the complaint. After receiving the complaint, the~~  
8 ~~Authority shall give a copy of it to the carrier or operator of a tow car against whom~~  
9 ~~the complaint is made. Within a reasonable time thereafter, the carrier or operator~~  
10 ~~of a tow car shall provide the Authority with its written response to the complaint~~  
11 ~~according to the regulations of the Authority.~~

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

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

19 ~~Sec. 3. [NRS 706.444 is hereby amended to read as follows:~~

20 ~~— 706.444 As used in NRS 706.444 to 706.453, inclusive, and section 1 of this~~  
21 ~~act, "insurance company" means any entity authorized to provide insurance for~~  
22 ~~motor vehicles in this State, including, without limitation, a captive insurer, as~~  
23 ~~defined in NRS 694C.060, and a person qualified as a self insurer, pursuant to NRS~~  
24 ~~485.380.] (Deleted by amendment.)~~

25 ~~Sec. 4. [NRS 706.453 is hereby amended to read as follows:~~

26 ~~— 706.453 The provisions of NRS 706.444 to 706.451, inclusive, and section 1~~  
27 ~~of this act do not apply to automobile wreckers who are licensed pursuant to~~  
28 ~~chapter 487 of NRS.] (Deleted by amendment.)~~

29 ~~Sec. 5. [NRS 244.3605 is hereby amended to read as follows:~~

30 ~~— 244.3605 1. Notwithstanding the provisions of NRS 244.360 and 244.3601,~~  
31 ~~the board of county commissioners of a county may, to abate public nuisances,~~  
32 ~~adopt by ordinance procedures pursuant to which the board or its designee may~~  
33 ~~order an owner of property within the county to:~~

34 ~~— (a) Repair, safeguard or eliminate a dangerous structure or condition;~~

35 ~~— (b) Clear debris, rubbish, refuse, litter, garbage, abandoned or junk vehicles or~~  
36 ~~junk appliances which are not subject to the provisions of chapter 459 of NRS;~~

37 ~~— (c) Clear weeds and noxious plant growth; or~~

38 ~~— (d) Repair, clear, correct, rectify, safeguard or eliminate any other public~~  
39 ~~nuisance as defined in the ordinance adopted pursuant to this section;~~

40 ~~— to protect the public health, safety and welfare of the residents of the county.~~

41 ~~— 2. An ordinance adopted pursuant to subsection 1 must:~~

42 ~~— (a) Contain procedures pursuant to which the owner of the property is:~~

43 ~~— (1) Sent notice, by certified mail, return receipt requested, of the existence~~  
44 ~~on the owner's property of a public nuisance set forth in subsection 1 and the date~~  
45 ~~by which the owner must abate the public nuisance.~~

46 ~~— (2) If the public nuisance is not an immediate danger to the public health,~~  
47 ~~safety or welfare and was caused by the criminal activity of a person other than the~~  
48 ~~owner, afforded a minimum of 30 days to abate the public nuisance.~~

49 ~~— (3) Afforded an opportunity for a hearing before the designee of the board~~  
50 ~~relating to the order of abatement and an appeal of that decision either to the board~~  
51 ~~or to a court of competent jurisdiction, as determined by the ordinance adopted~~  
52 ~~pursuant to subsection 1.~~

~~1 (4) Afforded an opportunity for a hearing before the designee of the board  
2 relating to the imposition of civil penalties and an appeal of that decision either to  
3 the board or to a court of competent jurisdiction, as determined by the ordinance  
4 adopted pursuant to subsection 1.~~

~~5 (b) Provide that the date specified in the notice by which the owner must abate  
6 the public nuisance is tolled for the period during which the owner requests a  
7 hearing and receives a decision.~~

~~8 (c) Provide the manner in which the county will recover money expended to  
9 abate the public nuisance on the property if the owner fails to abate the public  
10 nuisance.~~

~~11 (d) Provide for civil penalties for each day that the owner did not abate the  
12 public nuisance after the date specified in the notice by which the owner was  
13 required to abate the public nuisance.~~

~~14 3. In any county whose population is 700,000 or more, an ordinance adopted  
15 pursuant to subsection 1 may authorize the county to request the operator of a tow  
16 car to abate a public nuisance by towing abandoned or junk vehicles which are not  
17 concealed from ordinary public view by means of inside storage, suitable fencing,  
18 opaque covering, trees, shrubbery or other means if the conditions of subsection 4  
19 are satisfied. The operator of a tow car requested to tow a vehicle pursuant to this  
20 section must comply with the provisions of NRS 706.444 to 706.453, inclusive [.]  
21 and section 1 of this act.~~

~~22 4. The county may abate the public nuisance on the property and may recover  
23 the amount expended by the county for labor and materials used to abate the public  
24 nuisance or request abatement by the operator of a tow car pursuant to subsection 3  
25 if:~~

~~26 (a) The owner has not requested a hearing within the time prescribed in the  
27 ordinance adopted pursuant to subsection 1 and has failed to abate the public  
28 nuisance on the owner's property within the period specified in the notice;~~

~~29 (b) After a hearing in which the owner did not prevail, the owner has not filed  
30 an appeal within the time prescribed in the ordinance adopted pursuant to  
31 subsection 1 and has failed to abate the public nuisance within the period specified  
32 in the order; or~~

~~33 (c) The board or a court of competent jurisdiction has denied the appeal of the  
34 owner and the owner has failed to abate the public nuisance within the period  
35 specified in the order.~~

~~36 5. In addition to any other reasonable means for recovering money expended  
37 by the county to abate the public nuisance and, except as otherwise provided in  
38 subsection 6, for collecting civil penalties imposed pursuant to the ordinance  
39 adopted pursuant to subsection 1, the board or its designee may make the expense  
40 and civil penalties a special assessment against the property upon which the public  
41 nuisance is located, and this special assessment may be collected pursuant to the  
42 provisions set forth in subsection 4 of NRS 244.360.~~

~~43 6. Any civil penalties that have not been collected from the owner of the  
44 property may not be made a special assessment against the property pursuant to  
45 subsection 5 by the board or its designee unless:~~

~~46 (a) At least 12 months have elapsed after the date specified in the notice by  
47 which the owner must abate the public nuisance or the date specified in the order of  
48 the board or court by which the owner must abate the public nuisance, whichever is  
49 later;~~

~~50 (b) The owner has been billed, served or otherwise notified that the civil  
51 penalties are due; and~~

~~52 (c) The amount of the uncollected civil penalties is more than \$5,000.~~

~~7. If a designee of the board imposes a special assessment pursuant to subsection 5, the designee shall submit a written report to the board at least once each calendar quarter that sets forth, for each property against which such an assessment has been imposed:~~

~~(a) The street address or assessor's parcel number of the property;~~

~~(b) The name of each owner of record of the property as of the date of the assessment; and~~

~~(c) The total amount of the assessment, stating the amount assessed for the expense of abatement and any amount assessed for civil penalties.~~

~~8. As used in this section, "dangerous structure or condition" means a structure or condition that is a public nuisance which may cause injury to or endanger the health, life, property or safety of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:~~

~~(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 244.3675 with respect to minimum levels of health or safety; or~~

~~(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the board of county commissioners of a county, the violation of which is designated by the board as a public nuisance in the ordinance, rule or regulation.] **(Deleted by amendment.)**~~

**Sec. 6.** ~~[NRS 268.4122 is hereby amended to read as follows:~~

~~268.4122 1. The governing body of a city may adopt by ordinance procedures pursuant to which the governing body or its designee may order an owner of property within the city to:~~

~~(a) Repair, safeguard or eliminate a dangerous structure or condition;~~

~~(b) Clear debris, rubbish, refuse, litter, garbage, abandoned or junk vehicles or junk appliances which are not subject to the provisions of chapter 459 of NRS; or~~

~~(c) Clear weeds and noxious plant growth,~~

~~to protect the public health, safety and welfare of the residents of the city.~~

~~2. An ordinance adopted pursuant to subsection 1 must:~~

~~(a) Contain procedures pursuant to which the owner of the property is:~~

~~(1) Sent a notice, by certified mail, return receipt requested, of the existence on the property of a condition set forth in subsection 1 and the date by which the owner must abate the condition.~~

~~(2) If the condition is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the condition.~~

~~(3) Afforded an opportunity for a hearing before the designee of the governing body relating to the order of abatement and an appeal of that decision. The ordinance must specify whether all such appeals are to be made to the governing body or to a court of competent jurisdiction.~~

~~(4) Afforded an opportunity for a hearing before the designee of the governing body relating to the imposition of civil penalties and an appeal of that decision. The ordinance must specify whether all such appeals are to be made to the governing body or to a court of competent jurisdiction.~~

~~(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.~~

~~(c) Provide the manner in which the city will recover money expended for labor and materials used to abate the condition on the property if the owner fails to abate the condition.~~

1 ~~— (d) Provide for civil penalties for each day that the owner did not abate the~~  
2 ~~condition after the date specified in the notice by which the owner was requested to~~  
3 ~~abate the condition.~~

4 ~~— (e) If the county board of health, city board of health or district board of health~~  
5 ~~in whose jurisdiction the incorporated city is located has adopted a definition of~~  
6 ~~garbage, use the definition of garbage adopted by the county board of health, city~~  
7 ~~board of health or district board of health, as applicable.~~

8 ~~— 3. In any county whose population is 700,000 or more, an ordinance adopted~~  
9 ~~pursuant to subsection 1 may authorize the city to request the operator of a tow car~~  
10 ~~to abate a condition by towing abandoned or junk vehicles which are not concealed~~  
11 ~~from ordinary public view by means of inside storage, suitable fencing, opaque~~  
12 ~~covering, trees, shrubbery or other means if the governing body or its designee has~~  
13 ~~directed the abatement of the condition pursuant to subsection 4. The operator of a~~  
14 ~~tow car requested to tow a vehicle by a city pursuant to this section must comply~~  
15 ~~with the provisions of NRS 706.444 to 706.453, inclusive [.] and section 1 of this~~  
16 ~~act.~~

17 ~~— 4. The governing body or its designee may direct the city to abate the~~  
18 ~~condition on the property and may recover the amount expended by the city for~~  
19 ~~labor and materials used to abate the condition or request abatement by the operator~~  
20 ~~of a tow car pursuant to subsection 3 if:~~

21 ~~— (a) The owner has not requested a hearing within the time prescribed in the~~  
22 ~~ordinance adopted pursuant to subsection 1 and has failed to abate the condition on~~  
23 ~~the property within the period specified in the notice;~~

24 ~~— (b) After a hearing in which the owner did not prevail, the owner has not filed~~  
25 ~~an appeal within the time prescribed in the ordinance adopted pursuant to~~  
26 ~~subsection 1 and has failed to abate the condition within the period specified in the~~  
27 ~~order; or~~

28 ~~— (c) The governing body or a court of competent jurisdiction has denied the~~  
29 ~~appeal of the owner and the owner has failed to abate the condition within the~~  
30 ~~period specified in the order.~~

31 ~~— 5. In addition to any other reasonable means for recovering money expended~~  
32 ~~by the city to abate the condition and, except as otherwise provided in subsection 6,~~  
33 ~~for collecting civil penalties imposed pursuant to the ordinance adopted pursuant to~~  
34 ~~subsection 1, the governing body or its designee may make the expense and civil~~  
35 ~~penalties a special assessment against the property upon which the condition is or~~  
36 ~~was located. The special assessment may be collected at the same time and in the~~  
37 ~~same manner as ordinary county taxes are collected, and is subject to the same~~  
38 ~~penalties and the same procedure and sale in case of delinquency as provided for~~  
39 ~~ordinary county taxes. All laws applicable to the levy, collection and enforcement~~  
40 ~~of county taxes are applicable to such a special assessment.~~

41 ~~— 6. Any civil penalties that have not been collected from the owner of the~~  
42 ~~property may not be made a special assessment against the property pursuant to~~  
43 ~~subsection 5 by the governing body or its designee unless:~~

44 ~~— (a) At least 12 months have elapsed after the date specified in the notice by~~  
45 ~~which the owner must abate the condition or the date specified in the order of the~~  
46 ~~governing body or court by which the owner must abate the condition, whichever is~~  
47 ~~later;~~

48 ~~— (b) The owner has been billed, served or otherwise notified that the civil~~  
49 ~~penalties are due; and~~

50 ~~— (c) The amount of the uncollected civil penalties is more than \$5,000.~~

51 ~~— 7. If a designee of the governing body imposes a special assessment pursuant~~  
52 ~~to subsection 5, the designee shall submit a written report to the governing body at~~



1 ~~least once each calendar quarter that sets forth, for each property against which~~  
2 ~~such an assessment has been imposed:~~

3 ~~— (a) The street address or assessor's parcel number of the property;~~

4 ~~— (b) The name of each owner of record of the property as of the date of the~~  
5 ~~assessment; and~~

6 ~~— (c) The total amount of the assessment, stating the amount assessed for the~~  
7 ~~expense of abatement and any amount assessed for civil penalties.~~

8 ~~8. As used in this section, "dangerous structure or condition" means a~~  
9 ~~structure or condition that may cause injury to or endanger the health, life, property,~~  
10 ~~safety or welfare of the general public or the occupants, if any, of the real property~~  
11 ~~on which the structure or condition is located. The term includes, without~~  
12 ~~limitation, a structure or condition that:~~

13 ~~— (a) Does not meet the requirements of a code or regulation adopted pursuant to~~  
14 ~~NRS 268.413 with respect to minimum levels of health, maintenance or safety; or~~

15 ~~— (b) Violates an ordinance, rule or regulation regulating health and safety~~  
16 ~~enacted, adopted or passed by the governing body of a city, the violation of which~~  
17 ~~is designated as a nuisance in the ordinance, rule or regulation.] (Deleted by~~

18 amendment.)

19 **Sec. 7.** Not later than October 1, 2022, the Nevada Transportation Authority  
20 shall provide to ~~fa holder of a certificate of public convenience and necessity]~~  
21 compliance enforcement officers employed by the Nevada Transportation  
22 Authority and owners and operators of tow cars subject to the jurisdiction of  
23 the Nevada Transportation Authority training on the provisions of NRS 706.011  
24 to 706.791, inclusive, and any regulations adopted by the Nevada Transportation  
25 Authority pursuant thereto. Such training must conform to the requirements of  
26 section 1 of this act and any regulations adopted by the Nevada Transportation  
27 Authority pursuant thereto.

28 **Sec. 8.** 1. This section becomes effective upon passage and approval.

29 2. Sections 1 to 7, inclusive, of this act become effective:

30 (a) Upon passage and approval for the purpose of adopting any regulations and  
31 performing any other preparatory administrative tasks that are necessary to carry  
32 out the provisions of this act; and

33 (b) On October 1, 2021, for all other purposes.