

ASSEMBLY BILL NO. 512—COMMITTEE ON TRANSPORTATION

MARCH 28, 2011

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to the towing of motor vehicles. (BDR 43-222)

FISCAL NOTE: Effect on Local Government: No.
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; revising the requirement for the notice a property owner or a person in lawful possession of residential real property must give to the local police department or sheriff’s office before having a vehicle towed that is parked in an unauthorized manner; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes a person in lawful possession of real property to have
2 towed from the property any vehicle parked in an unauthorized manner on that
3 property. The person must, before having the vehicle towed, provide oral notice to
4 the police department or sheriff’s office, whichever is appropriate, that includes the
5 time the vehicle was removed, the location from which the vehicle was removed
6 and the location to which the vehicle was taken. (NRS 487.038) This bill revises
7 the notice requirement to give the person 24 hours to provide law enforcement with
8 the pertinent information.

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

1 **Section 1.** NRS 487.038 is hereby amended to read as follows:
2 487.038 1. Except as otherwise provided in subsections 3 and
3 4, the owner or person in lawful possession of any real property may
4 ~~[, after giving notice pursuant to subsection 2,]~~ utilize the services of
5 any tow car operator subject to the jurisdiction of the Nevada
6 Transportation Authority to remove any vehicle parked in an



1 unauthorized manner on that property to the nearest public garage or
2 storage yard if:

3 (a) A sign is displayed in plain view on the property declaring
4 public parking to be prohibited or restricted in a certain manner;

5 ~~{and}~~

6 (b) The sign shows the telephone number of the police
7 department or sheriff's office ~~{}~~; *and*

8 *(c) Notice is given pursuant to subsection 2.*

9 2. Oral notice must be given to the police department or
10 sheriff's office, whichever is appropriate, *within 24 hours after the*
11 *removal of the vehicle*, indicating:

12 (a) The time the vehicle was removed;

13 (b) The location from which the vehicle was removed; and

14 (c) The location to which the vehicle was taken.

15 3. Any vehicle which is parked in a space designated for
16 persons with disabilities and is not properly marked for such parking
17 may be removed if notice is given to the police department or
18 sheriff's office pursuant to subsection 2, whether or not a sign is
19 displayed pursuant to subsection 1.

20 4. The owner or person in lawful possession of residential real
21 property upon which a single-family dwelling is located may ~~{, after~~
22 ~~giving notice pursuant to subsection 2,}~~ utilize the services of any
23 tow car operator subject to the jurisdiction of the Nevada
24 Transportation Authority to remove any vehicle parked in an
25 unauthorized manner on that property to the nearest public garage or
26 storage yard ~~{}~~ *if notice is given to the police department or*
27 *sheriff's office pursuant to subsection 2*, whether or not a sign is
28 displayed pursuant to subsection 1.

29 5. All costs incurred under the provisions of this section for
30 towing and storage must be borne by the owner of the vehicle, as
31 that term is defined in NRS 484A.150.

32 6. The provisions of this section do not limit or affect any
33 rights or remedies which the owner or person in lawful possession
34 of real property may have by virtue of other provisions of the law
35 authorizing the removal of a vehicle parked on that property.

36 **Sec. 2.** This act becomes effective upon passage and approval.

