

SENATE BILL NO. 212—SENATOR DENIS

FEBRUARY 18, 2019

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to the notice required before towing a motor vehicle from a residential complex. (BDR 58-373)

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 tow cars; revising provisions governing the notice required before towing a motor vehicle from a residential complex; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law imposes certain conditions on the towing of a motor vehicle from
2 a residential complex when the towing is requested by a person other than the
3 owner of the motor vehicle. Those conditions require that the owner of the real
4 property, or an authorized agent of the owner: (1) may only have a vehicle towed
5 for a parking violation, for an issue related to the health, safety or welfare of the
6 residents of the complex or because the vehicle is unregistered or the registration on
7 the vehicle is expired; and (2) may not have a vehicle towed until 48 hours after
8 affixing a notice to the vehicle which explains when the vehicle is to be towed,
9 unless the tow is requested for an issue related to the health, safety or welfare of the
10 residents of the complex. (NRS 706.4477) Existing law makes a violation of any of
11 these provisions a misdemeanor. (NRS 706.756)

12 **Section 1** of this bill allows the tow operator to affix the notice as the
13 authorized agent of the owner of the property if they have entered into an
14 agreement for that purpose. In addition, **section 1** provides some exceptions to the
15 requirement to provide notice and allows a vehicle to be towed immediately when a
16 notice was previously affixed to the vehicle: (1) for the same or a similar reason
17 within the residential complex; or (2) three or more times for any reason during the
18 immediately preceding 6 months, regardless of whether the vehicle was
19 subsequently towed.



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

1 **Section 1.** NRS 706.4477 is hereby amended to read as
2 follows:

3 706.4477 1. If towing is requested by a person other than the
4 owner, or an agent of the owner, of the motor vehicle or a law
5 enforcement officer:

6 (a) The person requesting the towing must be the owner of the
7 real property from which the vehicle is towed or an authorized agent
8 of the owner of the real property and must sign a specific request for
9 the towing. ~~For~~ *Except as otherwise provided in subsection 2, for*
10 the purposes of this section, the operator is not an authorized agent
11 of the owner of the real property.

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

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

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

18 2. If, pursuant to subsection 1, the owner of the real property or
19 authorized agent of the owner of the real property requests that a
20 vehicle be towed from a residential complex at which the vehicle is
21 located, the owner of the real property or authorized agent of the
22 owner ~~is~~, *which may be the tow operator if the tow operator has*
23 *entered into a contract for that purpose with the owner of the real*
24 *property:*

25 (a) Must:

26 (1) Meet the requirements of subsection 1.

27 (2) ~~Has~~ *Except as otherwise provided in this subparagraph,*
28 *if* the vehicle is being towed pursuant to subparagraph (1), (2) or (3)
29 of paragraph (b), notify the owner or operator of the vehicle of the
30 tow not less than 48 hours before the tow by affixing to the vehicle a
31 sticker which provides the date and time after which the vehicle will
32 be towed. *The provisions of this subparagraph do not apply and*
33 *the vehicle may be immediately towed if it is a vehicle for which a*
34 *notice was previously affixed:*

35 (I) *For the same or a similar reason within the same*
36 *residential complex.*

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

40 (b) May only have a vehicle towed:

41 (1) Because of a parking violation;



1 (2) If the vehicle is not registered pursuant to chapter 482 or
2 706 of NRS or in any other state;

3 (3) If the registration of the vehicle:

4 (I) Has been expired for not less than 60 days, if the
5 vehicle is owned or operated by a resident of the residential complex
6 or does not meet the requirements of sub-subparagraph (II); or

7 (II) Is expired, if the owner of real property or authorized
8 agent of the owner verifies that the vehicle is not owned or operated
9 by a resident of the residential complex; or

10 (4) If the vehicle is:

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

13 (II) Posing an imminent threat of causing a substantial
14 adverse effect on the health, safety or welfare of the residents of the
15 residential complex **[H]**, *which may include, without limitation, if*
16 *the vehicle is parked in a space that is clearly marked for a*
17 *specific resident or the use of a specific unit in the residential*
18 *complex.*

19 3. If towing is requested by a county or city pursuant to NRS
20 244.3605 or 268.4122, as applicable:

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

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

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

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

29 (b) Is responsible for the cost of removal and storage of the
30 motor vehicle.

31 5. The registered owner may rebut the presumption in
32 subsection 4 by showing that:

33 (a) The registered owner transferred the registered owner's
34 interest in the motor vehicle:

35 (1) Pursuant to the provisions set forth in NRS 482.399 to
36 482.420, inclusive; or

37 (2) As indicated by a bill of sale for the vehicle that is signed
38 by the registered owner; or

39 (b) The vehicle is stolen, if the registered owner submits
40 evidence that, before the discovery of the vehicle, the registered
41 owner filed an affidavit with the Department or a written report with
42 an appropriate law enforcement agency alleging the theft of the
43 vehicle.

44 6. As used in this section:

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



1 (1) State or local law or ordinance governing parking; or
2 (2) Parking rule promulgated by the owner or manager of the
3 residential complex that applies to vehicles on the property of the
4 residential complex.

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

10 **Sec. 2.** This act becomes effective on July 1, 2019.

