

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; requiring a holder of a certificate of public convenience and necessity to attend such training; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires an operator of a tow car to obtain a certificate of public
2 convenience and necessity from the Nevada Transportation Authority before the
3 operator provides certain services. Existing law also requires an operator of a tow
4 car to comply with the provisions and regulations governing motor carriers. (NRS
5 706.4463) **Section 1** of this bill requires the Authority to provide each year to a
6 holder of a certificate of public convenience and necessity training on any provision
7 or regulation governing the regulation and licensing of motor carriers that was
8 added or adopted since the last training was provided. **Section 1** authorizes the
9 Authority not to provide such training if no new provisions or regulations were
10 added or adopted since the last training was provided. **Section 1** requires a holder
11 of a certificate of public convenience and necessity to attend such training when it
12 is provided. **Section 7** of this bill requires the Authority to provide the first of such
13 trainings not later than October 1, 2022.

14 **Sections 2-6** of this bill make conforming changes by indicating the placement
15 of **section 1** in the Nevada Revised Statutes. Additionally, **sections 5 and 6** of this
16 bill provide that an operator of a tow car who is requested to tow a vehicle pursuant
17 to an ordinance in certain counties and cities has to comply with the provisions of
18 **section 1**. **Section 2** of this bill requires the Authority to investigate a complaint
19 brought by any person who claims that **section 1** has been violated. **Section 4** of
20 this bill provides that the provisions of **section 1** do not apply to certain automobile
21 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
2 thereto a new section to read as follows:

3 1. *Except as otherwise provided in subsection 2, the Authority*
4 *shall provide each year to a holder of a certificate of public*
5 *convenience and necessity training on any new provisions added*
6 *to NRS 706.011 to 706.791, inclusive, or any new regulations*
7 *adopted by the Authority pursuant to those provisions.*

8 2. *If no new provisions were added to NRS 706.011 to*
9 *706.791, inclusive, or if no new regulations were adopted by the*
10 *Authority pursuant to those provisions, the Authority may, for that*
11 *year, choose not to provide the training required by subsection 1.*

12 3. *A holder of a certificate of public convenience and*
13 *necessity shall attend the training when it is provided by the*
14 *Authority.*

15 4. *The Authority may adopt such regulations as are necessary*
16 *to carry out the provisions of this section.*

17 5. *As used in this section, "new" means any provision or*
18 *regulation that was added or adopted since the last training that*
19 *was provided by the Authority.*

20 **Sec. 2.** NRS 706.286 is hereby amended to read as follows:

21 706.286 1. When a complaint is made against any fully
22 regulated carrier or operator of a tow car by any person that:

23 (a) Any of the rates, tolls, charges or schedules, or any joint rate
24 or rates assessed by any fully regulated carrier or by any operator of
25 a tow car for towing services performed without the prior consent of
26 the owner of the vehicle or the person authorized by the owner to
27 operate the vehicle are in any respect unreasonable or unjustly
28 discriminatory;

29 (b) Any of the provisions of NRS 706.444 to 706.453, inclusive,
30 *and section 1 of this act* have been violated;

31 (c) Any regulation, measurement, practice or act directly
32 relating to the transportation of persons or property, including the
33 handling and storage of that property, is, in any respect,
34 unreasonable, insufficient or unjustly discriminatory; or

35 (d) Any service is inadequate,

36 ➔ the Authority shall investigate the complaint. After receiving the
37 complaint, the Authority shall give a copy of it to the carrier or
38 operator of a tow car against whom the complaint is made. Within a
39 reasonable time thereafter, the carrier or operator of a tow car shall
40 provide the Authority with its written response to the complaint
41 according to the regulations of the Authority.



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

4 3. No order affecting a rate, toll, charge, schedule, regulation,
5 measurement, practice or act complained of may be entered without
6 a formal hearing unless the hearing is dispensed with as provided in
7 NRS 706.2865.

8 **Sec. 3.** NRS 706.444 is hereby amended to read as follows:

9 706.444 As used in NRS 706.444 to 706.453, inclusive, *and*
10 *section 1 of this act*, “insurance company” means any entity
11 authorized to provide insurance for motor vehicles in this State,
12 including, without limitation, a captive insurer, as defined in NRS
13 694C.060, and a person qualified as a self-insurer, pursuant to
14 NRS 485.380.

15 **Sec. 4.** NRS 706.453 is hereby amended to read as follows:

16 706.453 The provisions of NRS 706.444 to 706.451, inclusive,
17 *and section 1 of this act* do not apply to automobile wreckers who
18 are licensed pursuant to chapter 487 of NRS.

19 **Sec. 5.** NRS 244.3605 is hereby amended to read as follows:

20 244.3605 1. Notwithstanding the provisions of NRS 244.360
21 and 244.3601, the board of county commissioners of a county may,
22 to abate public nuisances, adopt by ordinance procedures pursuant
23 to which the board or its designee may order an owner of property
24 within the county to:

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

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

30 (c) Clear weeds and noxious plant growth; or

31 (d) Repair, clear, correct, rectify, safeguard or eliminate any
32 other public nuisance as defined in the ordinance adopted pursuant
33 to this section,

34 ➔ to protect the public health, safety and welfare of the residents of
35 the county.

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

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

39 (1) Sent notice, by certified mail, return receipt requested, of
40 the existence on the owner’s property of a public nuisance set forth
41 in subsection 1 and the date by which the owner must abate the
42 public nuisance.

43 (2) If the public nuisance is not an immediate danger to the
44 public health, safety or welfare and was caused by the criminal



1 activity of a person other than the owner, afforded a minimum of 30
2 days to abate the public nuisance.

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

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

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

15 (c) Provide the manner in which the county will recover money
16 expended to abate the public nuisance on the property if the owner
17 fails to abate the public nuisance.

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

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

31 4. The county may abate the public nuisance on the property
32 and may recover the amount expended by the county for labor and
33 materials used to abate the public nuisance or request abatement by
34 the operator of a tow car pursuant to subsection 3 if:

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

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

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



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

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

14 (a) At least 12 months have elapsed after the date specified in
15 the notice by which the owner must abate the public nuisance or the
16 date specified in the order of the board or court by which the owner
17 must abate the public nuisance, whichever is later;

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

20 (c) The amount of the uncollected civil penalties is more than
21 \$5,000.

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

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

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

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

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

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

42 (b) Violates an ordinance, rule or regulation regulating health
43 and safety enacted, adopted or passed by the board of county
44 commissioners of a county, the violation of which is designated by
45 the board as a public nuisance in the ordinance, rule or regulation.



1 **Sec. 6.** NRS 268.4122 is hereby amended to read as follows:
2 268.4122 1. The governing body of a city may adopt by
3 ordinance procedures pursuant to which the governing body or its
4 designee may order an owner of property within the city to:

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

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

10 (c) Clear weeds and noxious plant growth,
11 ➔ to protect the public health, safety and welfare of the residents of
12 the city.

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

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

16 (1) Sent a notice, by certified mail, return receipt requested,
17 of the existence on the property of a condition set forth in subsection
18 1 and the date by which the owner must abate the condition.

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

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

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

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

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

39 (d) Provide for civil penalties for each day that the owner did
40 not abate the condition after the date specified in the notice by
41 which the owner was requested to abate the condition.

42 (e) If the county board of health, city board of health or district
43 board of health in whose jurisdiction the incorporated city is located
44 has adopted a definition of garbage, use the definition of garbage



1 adopted by the county board of health, city board of health or
2 district board of health, as applicable.

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

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

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

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

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

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

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



1 (a) At least 12 months have elapsed after the date specified in
2 the notice by which the owner must abate the condition or the date
3 specified in the order of the governing body or court by which the
4 owner must abate the condition, whichever is later;

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

7 (c) The amount of the uncollected civil penalties is more than
8 \$5,000.

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

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

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

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

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

27 (a) Does not meet the requirements of a code or regulation
28 adopted pursuant to NRS 268.413 with respect to minimum levels
29 of health, maintenance or safety; or

30 (b) Violates an ordinance, rule or regulation regulating health
31 and safety enacted, adopted or passed by the governing body of a
32 city, the violation of which is designated as a nuisance in the
33 ordinance, rule or regulation.

34 **Sec. 7.** Not later than October 1, 2022, the Nevada
35 Transportation Authority shall provide to a holder of a certificate of
36 public convenience and necessity training on the provisions of NRS
37 706.011 to 706.791, inclusive, and any regulations adopted by the
38 Nevada Transportation Authority pursuant thereto. Such training
39 must conform to the requirements of section 1 of this act and any
40 regulations adopted by the Nevada Transportation Authority
41 pursuant thereto.

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

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



- 1 (a) Upon passage and approval for the purpose of adopting any
2 regulations and performing any other preparatory administrative
3 tasks that are necessary to carry out the provisions of this act; and
4 (b) On October 1, 2021, for all other purposes.

