

Amendment No. 780

Senate Amendment to Assembly Bill No. 385 First Reprint (BDR 58-967)

Proposed by: Senate Committee on Transportation

Amends: Summary: No Title: No 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.

DLJ/BJE



Date: 5/22/2015

A.B. No. 385—Revises provisions related to tow cars. (BDR 58-967)



ASSEMBLY BILL NO. 385--ASSEMBLYWOMAN KIRKPATRICK

MARCH 17, 2015

Referred to Committee on Transportation

SUMMARY—Revises provisions related to tow cars. (BDR 58-967)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.

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; prohibiting operators of tow cars from towing certain vehicles to any location other than a designated vehicle storage lot under certain circumstances; revising provisions relating to operators of tow cars; providing civil and criminal penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an insurance company to designate vehicle storage lots to which certain vehicles insured by the insurance company must be towed under certain circumstances. Existing law also requires an operator of a tow car who fails to tow a vehicle to a vehicle storage lot designated by an insurance company to forfeit the charge for towing and storage of the vehicle and tow the vehicle free of charge to the designated lot. (NRS 706.4489) **Section 3** of this bill prohibits an operator of a tow car from: (1) towing a vehicle to a location other than a vehicle storage lot designated by the insurance company that provides coverage for the vehicle unless the owner or operator of the vehicle directs the operator of the tow car to tow the vehicle to a location that is not a vehicle storage lot pursuant to **section 16** of this bill; or (2) seeking authorization from an owner or operator of a vehicle to tow the vehicle to a location other than the designated vehicle storage lot. **Section 3** also imposes civil penalties on an operator of a tow car who fails to tow certain vehicles to certain vehicle storage lots designated by an insurance company.

Existing law requires a law enforcement officer to make a good faith effort to determine the identity of the insurance company that provides coverage for the vehicle before the vehicle is towed. (NRS 706.4489) **Section 16** requires the operator of a tow car to make a good faith effort to determine the identity of the insurance company that provides coverage for the vehicle if the law enforcement officer does not communicate that information to the operator. **Section 16** also requires the operator of a tow car to: (1) retain any documents provided by a law enforcement officer indicating the identity of the insurance company that provides coverage for the vehicle; and (2) provide copies of such documents to a vehicle storage lot upon delivery of the vehicle to the vehicle storage lot.

Section 16 additionally prohibits an owner or operator of a vehicle from directing an operator of a tow car to tow the vehicle to a vehicle storage lot other than the vehicle storage lot designated by the insurance company, but authorizes an owner or operator of a vehicle to direct an operator of a tow car to tow the vehicle to a location other than a vehicle storage lot. If an owner or operator of a vehicle directs an operator of a tow car to tow the vehicle to such

a location, ~~the owner or operator of the vehicle~~ a law enforcement officer, if one is on the scene, must confirm ~~in writing that: (1) he or she~~ that the owner or operator of the vehicle directed the operator of the tow car to tow the vehicle to such a location, ~~and~~ and ~~(2) that~~ that the operator of the tow car did not solicit the owner or operator of the vehicle to tow the vehicle to such a location. The law enforcement officer must also note the decision of the owner or operator of the vehicle in any report of the incident. If no law enforcement officer is on the scene, the operator of the tow car must have the owner or operator of the vehicle confirm in writing that he or she directed the towing of the vehicle to a location other than a vehicle storage lot and that the operator of the tow car did not solicit the owner or operator of the vehicle to tow the vehicle to such a location. The operator of the tow car is required to retain ~~such written~~ a copy of any documentation ~~provided by the law enforcement officer or agency or any written confirmation obtained from the owner or operator of the vehicle.~~

Existing law requires an operator of a tow car to maintain a dispatcher's log identifying certain information for each vehicle towed. (NRS 706.4465) Section 13 of this bill requires an operator to record the insurance company of each vehicle towed if such information is known.

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

Section 1. Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *As used in NRS 706.445 to 706.453, inclusive, and sections 2 and 3 of this act, "insurance company" means any entity authorized to provide insurance for motor vehicles in this State, including, without limitation, a captive insurer, as defined in NRS 694C.060, and a person qualified as a self-insurer, pursuant to NRS 485.380.*

Sec. 3. *1. Except as otherwise provided in NRS 706.4489, an operator of a tow car who is required to tow a vehicle to a designated vehicle storage lot pursuant to that section shall not tow the vehicle to another location. If an operator of a tow car fails to tow a vehicle to the designated vehicle storage lot when required pursuant to NRS 706.4489, the operator of the tow car must:*

(a) Forfeit the charge for towing and storage of the vehicle; and

(b) Tow the vehicle free of charge to the vehicle storage lot designated by the insurance company or its representative not later than 24 hours after receiving a demand, which must be made in writing or by electronic mail, from the insurance company or its representative.

2. An operator of a tow car who is required to tow a vehicle to a designated vehicle storage lot pursuant to NRS 706.4489 shall not solicit the owner or operator of the vehicle to divert the towing of the vehicle to a location other than the designated vehicle storage lot or solicit or market other services performed by a third party. Towing services performed pursuant to a request or demand by the owner or operator of a vehicle that the vehicle be towed to a location other than the designated vehicle storage lot does not relieve the operator of a tow car of any obligation relating to towing services performed without the prior consent of the owner or operator of a vehicle.

3. If an operator of a tow car violates the provisions of subsection 1 or 2, the Authority may:

(a) For a first offense, impose an administrative fine of not more than \$5,000.

(b) For a second offense within a period of 24 consecutive months, impose an administrative fine of not more than \$10,000.

1 (c) For a third offense within a period of 24 consecutive months, impose an
2 administrative fine of not more than \$15,000.

3 (d) For a fourth or subsequent offense within a period of 24 consecutive
4 months, impose an administrative fine of not more than \$20,000.

5 4. Before imposing a fine pursuant to subsection 3, the Authority shall
6 provide notice to the holder of the certificate of public convenience and necessity
7 and conduct a hearing pursuant to the provisions of chapter 233B of NRS and
8 NRS 706.286.

9 5. All administrative fines imposed and collected by the Authority pursuant
10 to this section are payable to the State Treasurer and must be credited to a
11 separate account to be used by the Authority to enforce the provisions of this
12 chapter.

13 Sec. 4. NRS 706.011 is hereby amended to read as follows:

14 706.011 As used in NRS 706.011 to 706.791, inclusive, *and sections 2 and 3*
15 *of this act*, unless the context otherwise requires, the words and terms defined in
16 NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those
17 sections.

18 Sec. 5. NRS 706.158 is hereby amended to read as follows:

19 706.158 The provisions of NRS 706.011 to 706.791, inclusive, *and sections 2*
20 *and 3 of this act* relating to brokers do not apply to any person whom the Authority
21 determines is:

22 1. A motor club which holds a valid certificate of authority issued by the
23 Commissioner of Insurance;

24 2. A bona fide charitable organization, such as a nonprofit corporation or a
25 society, organization or association for educational, religious, scientific or
26 charitable purposes; or

27 3. A broker of transportation services provided by an entity that is exempt
28 pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421.

29 Sec. 6. NRS 706.163 is hereby amended to read as follows:

30 706.163 The provisions of NRS 706.011 to 706.861, inclusive, *and sections 2*
31 *and 3 of this act* do not apply to vehicles leased to or owned by:

32 1. The Federal Government or any instrumentality thereof.

33 2. Any state or a political subdivision thereof.

34 Sec. 7. NRS 706.166 is hereby amended to read as follows:

35 706.166 The Authority shall:

36 1. Subject to the limitation provided in NRS 706.168 and to the extent
37 provided in this chapter, supervise and regulate:

38 (a) Every fully regulated carrier and broker of regulated services in this State in
39 all matters directly related to those activities of the motor carrier and broker
40 actually necessary for the transportation of persons or property, including the
41 handling and storage of that property, over and along the highways.

42 (b) Every operator of a tow car concerning the rates and charges assessed for
43 towing services performed without the prior consent of the operator of the vehicle
44 or the person authorized by the owner to operate the vehicle and pursuant to the
45 provisions of NRS 706.011 to 706.791, inclusive ~~H~~, *and sections 2 and 3 of this*
46 *act*.

47 2. Supervise and regulate the storage of household goods and effects in
48 warehouses and the operation and maintenance of such warehouses in accordance
49 with the provisions of this chapter and chapter 712 of NRS.

50 3. Enforce the standards of safety applicable to the employees, equipment,
51 facilities and operations of those common and contract carriers subject to the
52 Authority or the Department by:

53 (a) Providing training in safety;

(b) Reviewing and observing the programs or inspections of the carrier relating to safety; and

(c) Conducting inspections relating to safety at the operating terminals of the carrier.

4. To carry out the policies expressed in NRS 706.151, adopt regulations providing for agreements between two or more fully regulated carriers or two or more operators of tow cars relating to:

(a) Fares of fully regulated carriers;

(b) All rates of fully regulated carriers and rates of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle;

(c) Classifications;

(d) Divisions;

(e) Allowances; and

(f) All charges of fully regulated carriers and charges of operators of tow cars for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle, including charges between carriers and compensation paid or received for the use of facilities and equipment.

➤ These regulations may not provide for collective agreements which restrain any party from taking free and independent action.

5. Review decisions of the Taxicab Authority appealed to the Authority pursuant to NRS 706.8819.

Sec. 8. NRS 706.286 is hereby amended to read as follows:

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

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

(b) Any of the provisions of NRS 706.445 to 706.453, inclusive, *and sections 2 and 3 of this act* have been violated;

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

(d) Any service is inadequate,

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

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

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

Sec. 9. NRS 706.2885 is hereby amended to read as follows:

706.2885 1. A certificate of public convenience and necessity, permit or license issued in accordance with this chapter is not a franchise and may be revoked.

2. The Authority may at any time, for good cause shown, after investigation and hearing and upon 5 days' written notice to the grantee, suspend any certificate, permit or license issued in accordance with the provisions of NRS 706.011 to 706.791, inclusive, *and sections 2 and 3 of this act* for a period not to exceed 60 days.

3. Upon receipt of a written complaint or on its own motion, the Authority may, after investigation and hearing, revoke any certificate, permit or license. If service of the notice required by subsection 2 cannot be made or if the grantee relinquishes the grantee's interest in the certificate, permit or license by so notifying the Authority in writing, the Authority may revoke the certificate, permit or license without a hearing.

4. The proceedings thereafter are governed by the provisions of chapter 233B of NRS.

Sec. 10. NRS 706.321 is hereby amended to read as follows:

706.321 1. Except as otherwise provided in subsection 2, every common or contract motor carrier shall file with the Authority:

(a) Within a time to be fixed by the Authority, schedules and tariffs that must:

(1) Be open to public inspection; and

(2) Include all rates, fares and charges which the carrier has established and which are in force at the time of filing for any service performed in connection therewith by any carrier controlled and operated by it.

(b) As a part of that schedule, all regulations of the carrier that in any manner affect the rates or fares charged or to be charged for any service and all regulations of the carrier that the carrier has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive *H*, *and sections 2 and 3 of this act*.

2. Every operator of a tow car shall file with the Authority:

(a) Within a time to be fixed by the Authority, schedules and tariffs that must:

(1) Be open to public inspection; and

(2) Include all rates and charges for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle which the operator has established and which are in force at the time of filing.

(b) As a part of that schedule, all regulations of the operator of the tow car which in any manner affect the rates charged or to be charged for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle and all regulations of the operator of the tow car that the operator has adopted to comply with the provisions of NRS 706.011 to 706.791, inclusive *H*, *and sections 2 and 3 of this act*.

3. No changes may be made in any schedule, including schedules of joint rates, or in the regulations affecting any rates or charges, except upon 30 days' notice to the Authority, and all those changes must be plainly indicated on any new schedules filed in lieu thereof 30 days before the time they are to take effect. The Authority, upon application of any carrier, may prescribe a shorter time within which changes may be made. The 30 days' notice is not applicable when the carrier gives written notice to the Authority 10 days before the effective date of its participation in a tariff bureau's rates and tariffs, provided the rates and tariffs have been previously filed with and approved by the Authority.

4. The Authority may at any time, upon its own motion, investigate any of the rates, fares, charges, regulations, practices and services filed pursuant to this section and, after hearing, by order, make such changes as may be just and reasonable.

5. The Authority may dispense with the hearing on any change requested in rates, fares, charges, regulations, practices or service filed pursuant to this section.

6. All rates, fares, charges, classifications and joint rates, regulations, practices and services fixed by the Authority are in force, and are prima facie lawful, from the date of the order until changed or modified by the Authority, or pursuant to NRS 706.2883.

7. All regulations, practices and service prescribed by the Authority must be enforced and are prima facie reasonable unless suspended or found otherwise in an action brought for the purpose, or until changed or modified by the Authority itself upon satisfactory showing made.

Sec. 11. NRS 706.4463 is hereby amended to read as follows:

706.4463 1. In addition to the other requirements of this chapter, each operator of a tow car shall, to protect the health, safety and welfare of the public:

(a) Obtain a certificate of public convenience and necessity from the Authority before the operator provides any services other than those services which the operator provides as a private motor carrier of property pursuant to the provisions of this chapter;

(b) Use a tow car of sufficient size and weight which is appropriately equipped to transport safely the vehicle which is being towed; and

(c) Comply with the provisions of NRS 706.011 to 706.791, inclusive ~~and~~, and *sections 2 and 3 of this act*.

2. A person who wishes to obtain a certificate of public convenience and necessity to operate a tow car must:

(a) File an application with the Authority; and

(b) Submit to the Authority a complete set of fingerprints of each natural person who is identified by the Authority as a significant principal, partner, officer, manager, member, director or trustee of the applicant and written permission authorizing the Authority to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. The Authority shall issue a certificate of public convenience and necessity to an operator of a tow car if it determines that the applicant:

(a) Complies with the requirements of paragraphs (b) and (c) of subsection 1;

(b) Complies with the requirements of the regulations adopted by the Authority pursuant to the provisions of this chapter;

(c) Has provided evidence that the applicant has filed with the Authority a liability insurance policy, a certificate of insurance or a bond of a surety and bonding company or other surety required for every operator of a tow car pursuant to the provisions of NRS 706.291; and

(d) Has provided evidence that the applicant has filed with the Authority schedules and tariffs pursuant to subsection 2 of NRS 706.321.

4. An applicant for a certificate has the burden of proving to the Authority that the proposed operation will meet the requirements of subsection 3.

5. The Authority may hold a hearing to determine whether an applicant is entitled to a certificate only if:

(a) Upon the expiration of the time fixed in the notice that an application for a certificate of public convenience and necessity is pending, a petition to intervene has been granted by the Authority; or

(b) The Authority finds that after reviewing the information provided by the applicant and inspecting the operations of the applicant, it cannot make a determination as to whether the applicant has complied with the requirements of subsection 3.

Sec. 12. NRS 706.4464 is hereby amended to read as follows:

706.4464 1. An operator of a tow car who is issued a certificate of public convenience and necessity may transfer it to another operator of a tow car qualified

1 pursuant to the provisions of NRS 706.011 to 706.791, inclusive, *and sections 2*
2 *and 3 of this act*, but no such transfer is valid for any purpose until a joint
3 application to make the transfer is made to the Authority by the transferor and the
4 transferee, and the Authority has authorized the substitution of the transferee for the
5 transferor. The application must include a complete set of fingerprints of each
6 natural person who is identified by the Authority as a significant principal, partner,
7 officer, manager, member, director or trustee of the transferee and written
8 permission authorizing the Authority to forward the fingerprints to the Central
9 Repository for Nevada Records of Criminal History for submission to the Federal
10 Bureau of Investigation for its report. No transfer of stock of a corporate operator of
11 a tow car subject to the jurisdiction of the Authority is valid without the prior
12 approval of the Authority if the effect of the transfer would be to change the
13 corporate control of the operator of a tow car or if a transfer of 15 percent or more
14 of the common stock of the operator of a tow car is proposed.

15 2. The Authority shall approve an application filed with it pursuant to
16 subsection 1 if it determines that the transferee:

17 (a) Complies with the provisions of NRS 706.011 to 706.791, inclusive, *and*
18 *sections 2 and 3 of this act* and the regulations adopted by the Authority pursuant
19 to those provisions;

20 (b) Uses equipment that is in compliance with the regulations adopted by the
21 Authority;

22 (c) Has provided evidence that the transferee has filed with the Authority a
23 liability insurance policy, a certificate of insurance or a bond of a surety and
24 bonding company or other surety required for every operator of a tow car pursuant
25 to the provisions of NRS 706.291; and

26 (d) Has provided evidence that the transferee has filed with the Authority
27 schedules and tariffs pursuant to NRS 706.321 which contain rates and charges and
28 the terms and conditions that the operator of the tow car requires to perform towing
29 services without the prior consent of the owner of the vehicle or the person
30 authorized by the owner to operate the vehicle which do not exceed the rates and
31 charges that the transferor was authorized to assess for the same services.

32 3. The Authority may hold a hearing concerning an application submitted
33 pursuant to this section only if:

34 (a) Upon the expiration of the time fixed in the notice that an application for
35 transfer of a certificate of public convenience and necessity is pending, a petition to
36 intervene has been granted by the Authority; or

37 (b) The Authority finds that after reviewing the information provided by the
38 applicant and inspecting the operations of the applicant, it cannot make a
39 determination as to whether the applicant has complied with the requirements of
40 subsection 2.

41 4. The Authority shall not hold a hearing on an application submitted
42 pursuant to this section if the application is made to transfer the certificate of public
43 convenience and necessity from a natural person or partners to a corporation whose
44 controlling stockholders will be substantially the same person or partners.

45 5. The approval by the Authority of an application for transfer of a certificate
46 of public convenience and necessity of an operator of a tow car is not valid after the
47 expiration of the term for the transferred certificate.

48 **Sec. 13.** NRS 706.4465 is hereby amended to read as follows:

49 706.4465 The operator shall maintain a dispatcher's log which shows for each
50 vehicle towed:

51 1. The date and time the call to provide towing was received.

52 2. The name of the person requesting that the vehicle be towed.

53 3. The date and time a tow car was dispatched to provide the towing.

4. The date and time the tow car arrived at the location of the vehicle to be towed.

5. The date and time the towing was completed.

6. The model, make, year of manufacture, vehicle identification number and license plate number of the towed motor vehicle.

7. The name of the insurance company that provides coverage for the towed vehicle, if the operator determines the identity of the insurance company or is otherwise informed of the identity of the insurance company.

Sec. 14. NRS 706.4483 is hereby amended to read as follows:

706.4483 1. The Authority shall act upon complaints regarding the failure of an operator of a tow car to comply with the provisions of NRS 706.011 to 706.791, inclusive ~~H~~, *and sections 2 and 3 of this act.*

2. In addition to any other remedies that may be available to the Authority to act upon complaints, the Authority may order the release of towed motor vehicles, cargo or personal property upon such terms and conditions as the Authority determines to be appropriate.

Sec. 15. NRS 706.4487 is hereby amended to read as follows:

706.4487 The Legislature hereby finds and declares that:

1. Towing a vehicle, either after an accident or after the vehicle is stolen and subsequently recovered, to a vehicle storage lot designated by the insurer of the vehicle will result in the placement of vehicle storage lots in more locations, as insurance companies will designate as many vehicle storage lots as are necessary to provide coverage throughout the county, thus enhancing safety by limiting both the time and distance that a tow car is traveling with a towed vehicle.

2. Authorizing insurance companies to designate vehicle storage lots will enhance safety by ensuring that the vehicles towed thereto are stored in locations which:

(a) Guarantee safe access to the vehicles by their owners; and

(b) Protect the property of the owners of the vehicles, including, without limitation, the vehicles themselves.

3. The provisions of NRS 706.4489 *and section 3 of this act* constitute an exercise of the safety regulatory authority of this State with respect to motor vehicles.

Sec. 16. NRS 706.4489 is hereby amended to read as follows:

706.4489 1. An insurance company may designate one or more vehicle storage lots to which all vehicles that are towed at the request of a law enforcement officer:

(a) Following an accident; or

(b) Following recovery after having been stolen,

➤ and which are insured by that insurance company must be towed pursuant to subsection 2. The designation of a vehicle storage lot must be provided in writing by the insurance company, its representative or the owner or operator of the vehicle storage lot to all providers of towing services that have obtained a certificate of public convenience and necessity and operate in the same geographical area in which the designated vehicle storage lot is situated.

2. If a law enforcement officer requests that an operator of a tow car tow a vehicle following an accident or following recovery after having been stolen and the vehicle is not otherwise subject to impoundment, the law enforcement officer shall make a good faith effort to determine the identity of the insurance company that provides coverage for the ~~towner of the~~ vehicle. If the law enforcement officer determines the identity of the insurance company, he or she shall inform the operator of the tow car of the identity of the insurance company. *If the law enforcement officer does not inform the operator of the tow car of the identity of*

1 *the insurance company, the operator of the tow car shall make a good faith effort*
2 *to determine the identity of the insurance company from the law enforcement*
3 *officer and the owner or operator of the vehicle.* If the operator of the tow car:

4 (a) Is informed by a law enforcement officer of the identity of the insurance
5 company that provides coverage for the ~~owner of the~~ vehicle; or

6 (b) Otherwise determines the identity of the insurance company that provides
7 coverage for the ~~owner of the~~ vehicle,

8 and the insurance company has designated a vehicle storage lot pursuant to
9 subsection 1, the operator of the tow car shall tow the vehicle to the designated
10 vehicle storage lot unless the owner *or operator* of the vehicle , *pursuant to*
11 *subsection 4*, or a representative of the insurance company has directed otherwise.
12 *The owner or operator of the vehicle shall be deemed to have consented to towing*
13 *the vehicle to the vehicle storage lot designated by the insurance company that*
14 *provides coverage for the vehicle.*

15 3. ~~If an operator of a tow car fails to tow a vehicle to the designated vehicle~~
16 ~~storage lot pursuant to subsection 2, the operator of the tow car shall:~~

17 ~~— (a) Forfeit the charge for towing and storage of the vehicle; and~~

18 ~~— (b) Tow the vehicle free of charge to the vehicle storage lot designated by the~~
19 ~~insurance company or its representative not later than 24 hours after receiving a~~
20 ~~demand, which must be made in writing or by electronic mail, from the insurance~~
21 ~~company or its representative.] The operator of a tow car shall retain any~~

22 ~~documents provided by a law enforcement officer pursuant to subsection 2~~
23 ~~indicating the identity of the insurance company that provides coverage for a~~
24 ~~vehicle that is towed at the request of the law enforcement officer. The operator~~
25 ~~of a tow car shall provide copies of such documents to a vehicle storage lot upon~~
26 ~~delivery of the vehicle to the vehicle storage lot.~~

27 4. *An owner or operator of a vehicle shall not direct an operator of a tow*
28 *car to tow the vehicle to a vehicle storage lot other than the vehicle storage lot*
29 *designated by the insurance company pursuant to subsection 1, but may direct an*
30 *operator of a tow car to tow the vehicle to a location other than a vehicle storage*
31 *lot. If an owner or operator of a vehicle directs an operator of a tow car to tow the*
32 *vehicle to such a location, ~~the operator of the tow car shall require the owner or~~*
33 *~~operator of the vehicle to confirm in writing that he or she~~ a law enforcement*
34 *officer, if one is on the scene, shall confirm that the owner or operator of the*
35 *vehicle directed the operator of the tow car to tow the vehicle to a location other*
36 *than the designated vehicle storage lot and that the operator of the tow car did*
37 *not solicit the owner or operator of the vehicle in violation of subsection 2 of*
38 *section 3 of this act ~~and shall note the decision of the owner or operator of~~*
39 *~~the vehicle in any report of the incident. If a law enforcement officer is not on the~~*
40 *~~scene, the operator of the tow car shall require the owner or operator of the~~*
41 *~~vehicle to confirm in writing on a form prescribed by the Authority that he or she~~*
42 *~~directed the operator of the tow car to tow the vehicle to a location other than the~~*
43 *~~designated vehicle storage lot and that the operator of the tow car did not solicit~~*
44 *~~the owner or operator of the vehicle in violation of subsection 2 of section 3 of~~*
45 *~~this act. The operator of the tow car shall retain ~~such written documentation~~ a~~*
46 *~~copy of any documentation provided by the law enforcement officer or agency~~*
47 *~~and any form signed by the owner or operator of the vehicle.~~*

48 5. The owners of a vehicle storage lot designated by an insurance company
49 pursuant to subsection 1 shall agree in writing to indemnify the relevant law
50 enforcement agencies and their officers, employees, agents and representatives
51 from any liability relating to the towing of a vehicle insured by the designating
52 insurance company and to the storing of the vehicle at the vehicle storage lot if the

law enforcement officer who requested the towing of the vehicle made a good faith effort to comply with the provisions of subsection 2.

~~15-1~~ 6. A vehicle storage lot must:

(a) Maintain adequate, accessible and secure storage within the State of Nevada for any vehicle that is towed to the vehicle storage lot;

(b) Comply with all standards a law enforcement agency may adopt pursuant to NRS 706.4485 to protect the health, safety and welfare of the public;

(c) Comply with all local laws and ordinances applicable to that business, including, without limitation, local laws and ordinances relating to business licenses, zoning, building and fire codes, parking, paving, lights and security; and

(d) If the vehicle storage lot is a salvage pool as that term is defined in NRS 487.400, comply with all applicable requirements imposed pursuant to NRS 487.400 to 487.510, inclusive.

~~16-1~~ 7. If a vehicle storage lot has rates and charges that have been approved by the Authority for the storage of a vehicle, the vehicle storage lot is not required to assess those rates and charges for the storage of a vehicle that is towed to the vehicle storage lot in accordance with this section, but may not assess a rate or charge in excess of those approved rates and charges. If a vehicle storage lot does not have rates and charges that have been approved by the Authority, it may not assess a rate or charge in excess of the rates and charges for the storage of a vehicle that have been approved by the law enforcement agency that requested the tow. If the requesting law enforcement agency does not have approved rates and charges, the vehicle storage lot may not assess a rate or charge in excess of the rates and charges for the storage of a vehicle that have been approved by the largest law enforcement agency in the county. An operator of a tow car who tows a vehicle to a vehicle storage lot pursuant to this section:

(a) Shall assess the rates and charges approved by the Authority for towing the vehicle.

(b) Is entitled to payment from the operator of the vehicle storage lot at the time the vehicle is towed to the vehicle storage lot.

~~17-1~~ 8. Before designating a vehicle storage lot pursuant to subsection 1, an insurance company must obtain the approval of the Authority. The Authority shall approve the designation if the Authority determines that the vehicle storage lot has:

(a) Executed an indemnification agreement that meets the requirements of subsection ~~14-1~~ 5;

(b) Satisfied the requirements of subsection ~~15-1~~ 6; and

(c) Otherwise satisfied the requirements of this section.

~~18-1~~ 9. The provisions of this section apply only to a county whose population is 700,000 or more.

~~19-1~~ 10. As used in this section:

(a) "Boat" means any vessel or other watercraft, other than a seaplane, used or capable of being used as a means of transportation on the water.

(b) "Vehicle" has the meaning ascribed to it in NRS 706.146 and includes all terrain vehicles and boats.

(c) "Vehicle storage lot" means a business which, for a fee, stores vehicles that are towed at the request of a law enforcement officer following an accident or following recovery after having been stolen and includes, without limitation, a salvage pool, as that term is defined in NRS 487.400, which operates a vehicle storage lot in accordance with the provisions of this section. The term does not include a salvage pool that has not elected to operate a vehicle storage lot in accordance with the provisions of this section and is operating within the scope of its authority pursuant to NRS 487.400 to 487.510, inclusive.

1 **Sec. 17.** NRS 706.453 is hereby amended to read as follows:
2 706.453 The provisions of NRS 706.445 to 706.451, inclusive, *and sections 2*
3 *and 3 of this act* do not apply to automobile wreckers who are licensed pursuant to
4 chapter 487 of NRS.

5 **Sec. 18.** NRS 706.736 is hereby amended to read as follows:
6 706.736 1. Except as otherwise provided in subsection 2, the provisions of
7 NRS 706.011 to 706.791, inclusive, *and sections 2 and 3 of this act* do not apply
8 to:

9 (a) The transportation by a contractor licensed by the State Contractors' Board
10 of the contractor's own equipment in the contractor's own vehicles from job to job.

11 (b) Any person engaged in transporting the person's own personal effects in
12 the person's own vehicle, but the provisions of this subsection do not apply to any
13 person engaged in transportation by vehicle of property sold or to be sold, or used
14 by the person in the furtherance of any commercial enterprise other than as
15 provided in paragraph (d), or to the carriage of any property for compensation.

16 (c) Special mobile equipment.

17 (d) The vehicle of any person, when that vehicle is being used in the
18 production of motion pictures, including films to be shown in theaters and on
19 television, industrial training and educational films, commercials for television and
20 video discs and tapes.

21 (e) A private motor carrier of property which is used for any convention, show,
22 exhibition, sporting event, carnival, circus or organized recreational activity.

23 (f) A private motor carrier of property which is used to attend livestock shows
24 and sales.

25 (g) The transportation by a private school of persons or property in connection
26 with the operation of the school or related school activities, so long as the vehicle
27 that is used to transport the persons or property does not have a gross vehicle
28 weight rating of 26,001 pounds or more and is not registered pursuant to NRS
29 706.801 to 706.861, inclusive.

30 2. Unless exempted by a specific state statute or a specific federal statute,
31 regulation or rule, any person referred to in subsection 1 is subject to:

32 (a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS
33 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

34 (b) All rules and regulations adopted by reference pursuant to paragraph (b) of
35 subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

36 (c) All standards adopted by regulation pursuant to NRS 706.173.

37 3. The provisions of NRS 706.311 to 706.453, inclusive, *and sections 2 and 3*
38 *of this act*, 706.471, 706.473, 706.475 and 706.6411 which authorize the Authority
39 to issue:

40 (a) Except as otherwise provided in paragraph (b), certificates of public
41 convenience and necessity and contract carriers' permits and to regulate rates,
42 routes and services apply only to fully regulated carriers.

43 (b) Certificates of public convenience and necessity to operators of tow cars
44 and to regulate rates for towing services performed without the prior consent of the
45 owner of the vehicle or the person authorized by the owner to operate the vehicle
46 apply to operators of tow cars.

47 4. Any person who operates pursuant to a claim of an exemption provided by
48 this section but who is found to be operating in a manner not covered by any of
49 those exemptions immediately becomes liable, in addition to any other penalties
50 provided in this chapter, for the fee appropriate to the person's actual operation as
51 prescribed in this chapter, computed from the date when that operation began.

52 5. As used in this section, "private school" means a nonprofit private
53 elementary or secondary educational institution that is licensed in this State.

1 **Sec. 19.** NRS 706.756 is hereby amended to read as follows:

2 706.756 1. Except as otherwise provided in subsection 2, any person who:

3 (a) Operates a vehicle or causes it to be operated in any carriage to which the
4 provisions of NRS 706.011 to 706.861, inclusive, *and sections 2 and 3 of this act*
5 apply without first obtaining a certificate, permit or license, or in violation of the
6 terms thereof;

7 (b) Fails to make any return or report required by the provisions of NRS
8 706.011 to 706.861, inclusive, *and sections 2 and 3 of this act* or by the Authority
9 or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive
10 *††, and sections 2 and 3 of this act;*

11 (c) Violates, or procures, aids or abets the violating of, any provision of NRS
12 706.011 to 706.861, inclusive *††, and sections 2 and 3 of this act;*

13 (d) Fails to obey any order, decision or regulation of the Authority or the
14 Department;

15 (e) Procures, aids or abets any person in the failure to obey such an order,
16 decision or regulation of the Authority or the Department;

17 (f) Advertises, solicits, proffers bids or otherwise is held out to perform
18 transportation as a common or contract carrier in violation of any of the provisions
19 of NRS 706.011 to 706.861, inclusive *††, and sections 2 and 3 of this act;*

20 (g) Advertises as providing:

21 (1) The services of a fully regulated carrier; or

22 (2) Towing services,

23 ↪ without including the number of the person's certificate of public convenience
24 and necessity or contract carrier's permit in each advertisement;

25 (h) Knowingly offers, gives, solicits or accepts any rebate, concession or
26 discrimination in violation of the provisions of this chapter;

27 (i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes
28 of this chapter;

29 (j) Operates or causes to be operated a vehicle which does not have the proper
30 identifying device;

31 (k) Displays or causes or permits to be displayed a certificate, permit, license
32 or identifying device, knowing it to be fictitious or to have been cancelled, revoked,
33 suspended or altered;

34 (l) Lends or knowingly permits the use of by one not entitled thereto any
35 certificate, permit, license or identifying device issued to the person so lending or
36 permitting the use thereof; or

37 (m) Refuses or fails to surrender to the Authority or Department any
38 certificate, permit, license or identifying device which has been suspended,
39 cancelled or revoked pursuant to the provisions of this chapter,

40 ↪ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a
41 fine of not less than \$100 nor more than \$1,000, or by imprisonment in the county
42 jail for not more than 6 months, or by both fine and imprisonment.

43 2. Any person who, in violation of the provisions of NRS 706.386, operates
44 as a fully regulated common motor carrier without first obtaining a certificate of
45 public convenience and necessity or any person who, in violation of the provisions
46 of NRS 706.421, operates as a contract motor carrier without first obtaining a
47 permit is guilty of a misdemeanor and shall be punished:

48 (a) For a first offense within a period of 12 consecutive months, by a fine of
49 not less than \$500 nor more than \$1,000. In addition to the fine, the person may be
50 punished by imprisonment in the county jail for not more than 6 months.

51 (b) For a second offense within a period of 12 consecutive months and for each
52 subsequent offense that is committed within a period of 12 consecutive months of
53 any prior offense under this subsection, by a fine of \$1,000. In addition to the fine,

the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 20. NRS 706.781 is hereby amended to read as follows:

706.781 In addition to all the other remedies provided by NRS 706.011 to 706.861, inclusive, *and sections 2 and 3 of this act*, for the prevention and punishment of any violation of the provisions thereof and of all orders of the Authority or the Department, the Authority or the Department may compel compliance with the provisions of NRS 706.011 to 706.861, inclusive, *and sections 2 and 3 of this act*, and with the orders of the Authority or the Department by proceedings in mandamus, injunction or by other civil remedies.

Sec. 21. NRS 244.3605 is hereby amended to read as follows:

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

(c) Clear weeds and noxious plant growth; or

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

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

2. An ordinance adopted pursuant to subsection 1 must:

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

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

(2) If the public nuisance 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 public nuisance.

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

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

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

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

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

3. In any county whose population is 700,000 or more, an ordinance adopted pursuant to subsection 1 may authorize the county to request the operator of a tow car to abate a public nuisance by towing abandoned or junk vehicles which are not concealed from ordinary public view by means of inside storage, suitable fencing, opaque covering, trees, shrubbery or other means if the conditions of subsection 4 are satisfied. The operator of a tow car requested to tow a vehicle pursuant to this section must comply with the provisions of NRS 706.445 to 706.453, inclusive **H**, *and sections 2 and 3 of this act.*

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

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

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

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

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

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

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

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

(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.

Sec. 22. 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.

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

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

3. In any county whose population is 700,000 or more, an ordinance adopted pursuant to subsection 1 may authorize the city to request the operator of a tow car

1 to abate a condition by towing abandoned or junk vehicles which are not concealed
2 from ordinary public view by means of inside storage, suitable fencing, opaque
3 covering, trees, shrubbery or other means if the governing body or its designee has
4 directed the abatement of the condition pursuant to subsection 4. The operator of a
5 tow car requested to tow a vehicle by a city pursuant to this section must comply
6 with the provisions of NRS 706.445 to 706.453, inclusive **H**, *and sections 2 and 3*
7 *of this act.*

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

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

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

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

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

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

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

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

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

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

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

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

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

51 8. As used in this section, "dangerous structure or condition" means a
52 structure or condition that may cause injury to or endanger the health, life, property,
53 safety or welfare of the general public or the occupants, if any, of the real property

1 on which the structure or condition is located. The term includes, without
2 limitation, a structure or condition that:

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

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