

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

(Name)

(Preferred Pronoun(s))

(Address)

(City, State, Zip)

(Telephone)

(E-Mail Address)

**IN THE JUSTICE COURT OF RENO TOWNSHIP
COUNTY OF WASHOE, STATE OF NEVADA**

_____,)

Plaintiff(s),)
(You, the owner of the vehicle.))

vs.)

_____,)

(Name the entity who authorized the towing or immobilization.)
(This can be the owner/person in possession/owner's agent of the)
(Real property where the vehicle was towed, the operator of an)
(off-street parking facility who authorized the tow, or the owner/)
(person in possession of a parking structure who authorized the)
(immobilization.))

_____,)
(Name the tow company that towed or immobilized.))

Defendant(s).)

_____)

Case No. _____

Dept. No. _____

**COMPLAINT FOR EXPEDITED RELIEF BASED ON UNLAWFUL TOWING OR
IMMOBILIZATION PURUSANT TO NRS 487.039**

(If completing by hand, please print in clear, legible ink. Illegible documents may be summarily dismissed by the Court)

1. My vehicle was towed or immobilized illegally, and I am proceeding with this action pursuant to NRS 487.039.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. What is the relationship between Plaintiff and Defendant (e.g., landlord – tenant):

3. How long was your vehicle parked on the property before it was towed?

4. On the following date *(insert date vehicle was towed/immobilized; this date must be **within 21***
***calendar days** of the date you file this document)*, _____, 20____, the

Authorizing Defendant *(insert name of person or entity who authorized the*
towing/immobilization) _____ authorized the

Tower/Immobilizer Defendant *(insert name of tow/immobilization company)*

_____ to tow or immobilize my vehicle at the following
address *(insert address where vehicle was towed/immobilized)*:

5. The vehicle in question has the following characteristics *(insert vehicle details)*:

Make: _____

Model: _____

Year: _____

Color: _____

License Plate No.: _____

6. I have been unable to recover possession of my vehicle which is currently located
at: *(insert where vehicle currently is)* _____.

7. I have contacted the Tower/Immobilizer Defendant, and the total towing and
storage fees to release my vehicle are \$_____ *(see invoice attached)*.

Based upon the above, I request the following:

1. That the Court decide that the towing or immobilization of my vehicle was unlawful;
and issue an Order Authorizing Defendant to pay.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 2. Issue an Order for Tower/Immobilizer Defendant to immediately release the vehicle to me or remove the immobilization device upon presentation of a certified copy of the Order.
- 3. An Order Declaring the Authorizing Defendant who authorized the unlawful tow/immobilization of my vehicle liable for any and all costs associated with the tow, immobilization and storage of my vehicle.

Pursuant to NRS 53.045, I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct to the best of my knowledge and that the reason for this request is not for the purpose of delay or any other frivolous or improper purposes. Finally, by signing below I consent to accept electronic service of any documents filed into this case at the e-mail address indicated above, pursuant to Rule 9(c) of the Nevada Electronic Filing and Conversion Rules.

(Date)

(Type or Print Name)

(Signature)

1 **NOTICE:** (1) you must **personally serve** the Authorizing Defendant responsible for towing
2 your vehicle **and personally serve** the Tower/Immobilizer who towed your vehicle; (2) you
3 must file with the Court 48 hours prior to the hearing (a) proof of registration and insurance for
4 your vehicle (b) photos of the towing display signage where your vehicle was parked (c) if Code
Enforcement or law enforcement was involved in the towing of your vehicle, you must file those
documents with the Court. *See* NRS 487.038 and NRS 487.039 attached.

5 **NRS 487.038 Authority of owner or person in lawful possession of real property to have towed therefrom**
6 **vehicle parked in unauthorized manner: Oral notice to local law enforcement agency required; exceptions**
7 **to authority to tow; residential real property; costs to be borne by owner of vehicle; other rights and**
8 **remedies; voluntary payment to tow operator for abandoned vehicle.**

9 1. Except as otherwise provided in subsections 3 and 4 and [NRS 116.3102](#) and [706.4477](#), the owner or person
10 in lawful possession of any real property may, after giving notice pursuant to subsection 2, utilize the services of
11 any tow car operator subject to the jurisdiction of the Nevada Transportation Authority to remove any vehicle
12 parked in an unauthorized manner on that property to the nearest public garage or storage yard if:

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

15 (b) The sign shows the telephone number of the police department or sheriff's office.

16 2. Unless notice has been provided pursuant to [NRS 706.4477](#), oral notice must be given to the police
17 department or sheriff's office, whichever is appropriate, indicating:

18 (a) The time the vehicle was removed;

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

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

21 3. Any vehicle which is parked in a space designated for persons with disabilities and is not properly marked
22 for such parking may be removed if notice is given to the police department or sheriff's office pursuant to subsection
23 2, whether or not a sign is displayed pursuant to subsection 1.

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

5. All costs incurred under the provisions of this section for the towing, storage and disposition of the vehicle,
as applicable, must be borne by the owner of the vehicle, as that term is defined in [NRS 484A.150](#).

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

7. If the owner or person in lawful possession of real property and the tow operator agree that the vehicle is
likely to be ultimately disposed of as an abandoned vehicle and that the estimated disposition value of a vehicle to
be towed pursuant to this section is less than the estimated cost for the towing, storage and disposal of the vehicle,
the owner or person in lawful possession of real property and the tow operator may enter into an agreement whereby
the owner or person in lawful possession of real property makes a voluntary payment to the tow operator. Such a
payment:

(a) Does not reduce the costs incurred by the owner of the vehicle pursuant to subsection 5.

(b) May not be a condition for the towing of the vehicle.

NRS 487.039 Vehicle towed from or immobilized in facility for parking or at direction of owner or person
in lawful possession of real property: Owner of vehicle authorized to file complaint for expedited relief to
determine whether towing or immobilization lawful; requirements of complaint; limitation; hearing; order
of court; operator of facility for storage of towed vehicles to display sign.

1. In addition to the remedy provided pursuant to paragraph (b) of subsection 1 of [NRS 4.370](#) for civil
damages, the owner of a vehicle may file a complaint for expedited relief based upon the unlawful towing or
immobilization of the vehicle in the justice court of the township where the property from which the vehicle was
towed or on which the vehicle was immobilized is located if:

(a) The vehicle is towed pursuant to [NRS 487.037](#) or [487.038](#) or immobilized pursuant to [NRS 487.0385](#);

- (b) The owner of the vehicle believes that the vehicle was unlawfully towed or immobilized;
- (c) For a vehicle that was towed, the cost of towing and storing the vehicle does not exceed \$15,000; and
- (d) The vehicle is being stored or is still currently immobilized as a result of the towing or immobilization.

2. Such a complaint:

- (a) Must be filed within 21 calendar days after the towing or immobilization of the vehicle; and
- (b) Must be filed against:

(1) The owner or person in lawful possession of the real property or the authorized agent of the owner of the real property who authorized the tow of the vehicle and the tow company which towed the vehicle;

(2) The operator of an off-street parking facility who authorized the tow of the vehicle and the tow company which towed the vehicle; or

(3) The owner or person in lawful possession of a multilevel parking garage or other parking structure who authorized the immobilization of the vehicle.

3. A complaint filed pursuant to subsection 1 that does not meet the criteria in subsections 1 and 2 may be dismissed by the court, without prejudice. Such dismissal does not affect the right of the owner of the vehicle to pursue civil damages.

4. Upon the filing of a complaint pursuant to subsection 1, the court shall schedule a date for a hearing. The hearing must be held not later than 7 calendar days after the complaint is filed. The court shall affix the date of the hearing to the form and order a copy served by the sheriff, the constable or a process server licensed pursuant to [chapter 648](#) of NRS upon the person identified in subparagraph (1), (2) or (3) of paragraph (b) of subsection 2.

5. The court shall determine whether the vehicle was lawfully or unlawfully towed or immobilized and:

(a) If the court determines the vehicle was lawfully towed, enter an order declaring the owner of the vehicle liable for the cost of towing and storing the vehicle and order the person who is storing the vehicle to release the vehicle to the owner upon payment of that cost.

(b) If the court determines the vehicle was unlawfully towed, enter an order declaring the owner or person in lawful possession of the property or the authorized agent of the owner of the property who authorized the towing liable for the cost of towing and storing the vehicle and order the person who is storing the vehicle to release the vehicle to the owner immediately.

(c) If the court determines the vehicle was lawfully immobilized, enter an order declaring the owner of the vehicle liable for the cost of removing from the vehicle the boot, wheel clamp or other mechanical device used to immobilize the vehicle and order the person who immobilized the vehicle to remove the boot, clamp or device upon payment of that cost.

(d) If the court determines the vehicle was unlawfully immobilized, enter an order declaring the owner or person in lawful possession of the property who authorized the immobilizing liable for the cost of removing the boot, clamp or device and order the person who immobilized the vehicle to remove the boot, clamp or device from the vehicle immediately.

6. Upon presentation of a certified copy of an order entered pursuant to paragraph (b) or (d) of subsection 5 by the owner of a vehicle, the person storing the vehicle or the person who immobilized the vehicle, as applicable, shall release the vehicle to the owner immediately or remove the boot, clamp or device from the vehicle immediately.

7. The operator of any facility or other location where vehicles which are towed are stored shall display conspicuously at that facility or location a sign which sets forth:

(a) The provisions of this section; and

(b) A statement regarding the availability of assistance from a program for legal aid, self-help center operated or overseen by a court or other similar program in the city or county in which the facility or other location is located.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NOTICE OF HEARING

TO: DEFENDANTS

PLEASE TAKE NOTICE THAT the Complaint for Expedited Relief Based on Unlawful Towing or Immobilization filed in this case shall be, and hereby is:

Set to be heard on the ____ day of _____, 20____, at the hour of _____ a.m./p.m., in Department No. _____, at the Reno Justice Court located at: _____

This hearing date is not later than 7 calendar days after the filing of the Complaint pursuant to NRS 487.039(4).

Other: _____

You are required to appear at the hearing and bring with you all documents or witnesses needed to establish your defense to the Complaint. Your failure to appear at the hearing may result in the requested relief being granted by the Court in your absence.

TO: CONSTABLE, SHERIFF, LICENSED PROCESS SERVER

YOU ARE HEREBY ORDERED to serve a copy of this Complaint and Notice on the named Defendant(s) herein.

DATED: _____

CLERK OF THE COURT