

SENATE BILL NO. 5—COMMITTEE OF THE WHOLE

FEBRUARY 28, 2010

Referred to Committee of the Whole

SUMMARY—Provides revenue to create jobs for road construction. (BDR 35-47)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to governmental financial administration; revising provisions governing the Fund for Cleaning Up Discharges of Petroleum; authorizing the Department of Motor Vehicles to set the amount of certain fees by regulation; removing the prospective expiration on the collection of certain gross receipts taxes in Clark County; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 1** of this bill requires the Department of Motor Vehicles to create an
2 account in the State Highway Fund. The account is funded by money transferred
3 from the Fund for Cleaning Up Discharges of Petroleum pursuant to **section 5** of
4 this bill. **Section 1** requires the Department to distribute: (1) seventy percent of the
5 money in the account to a regional transportation commission in a county whose
6 population is 400,000 or more (currently Clark County); (2) twenty percent of the
7 money in the account to a regional transportation commission in a county whose
8 population is 100,000 or more but less than 400,000 (currently Washoe County);
9 and (3) ten percent of the money in the account to the Department for use in
10 counties that have a population of less than 100,000 (currently all counties other
11 than Clark and Washoe County). The money distributed from the account must
12 only be used for the construction, reconstruction, improvement and maintenance of
13 public roads.

14 Existing law creates the Fund for Cleaning Up Discharges of Petroleum
15 administered by the Division of Environmental Protection of the State Department
16 of Conservation and Natural Resources. (NRS 590.830) The Department of Motor
17 Vehicles and the Division are required to collect certain fees which must be
18 deposited in the Fund. (NRS 590.840, 590.850) **Section 5** removes the provision
19 which requires the Division to cease collection of the fees if the balance in the Fund
20 at the end of any fiscal year is estimated to exceed \$7,500,000. **Section 5** also
21 requires that any amount in the Fund for Cleaning Up Discharges of Petroleum
22 which exceeds \$7,500,000 at the end of any fiscal year be transferred to the account



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created pursuant to **section 1**. **Section 7** of this bill provides for the transfer on the effective date of this bill of the balance of the Fund for Cleaning Up Discharges of Petroleum which exceeds \$7,500,000 to the account created pursuant to **section 1**.

Under existing law, the Department of Motor Vehicles is authorized to charge and collect fees specified in statute for providing certain services. (NRS 482.220, 482.396, 482.429) **Sections 2-4** of this bill authorize the Department to establish the fees for such services by regulation. **Section 8** of this bill provides that the statutory fees remain in effect until the fee for the service is imposed by regulation.

Section 6 of this bill removes the prospective expiration on the collection of certain gross receipts taxes in Clark County. (NRS 377A.030; section 22, chapter 187, Statutes of Nevada 2003, p. 959)

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

Section 1. Chapter 408 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall establish an account in the State Highway Fund to be administered by the Director. The interest and income on the money in the account, after deducting any applicable charges, must be credited to the account. Any money remaining in the account at the end of each fiscal year does not revert to the State Highway Fund but must be carried over into the next fiscal year. The money in the account must be used exclusively for the construction, reconstruction, improvement and maintenance of public roads.

2. The account consists of:

(a) The money transferred to the account pursuant to NRS 590.860;

(b) All income and interest earned on the money in the account; and

(c) All other money received by the account from any source.

3. On July 1 and December 31 of each year, the Director shall allocate:

(a) Seventy percent of the money in the account to a regional transportation commission in a county whose population is 400,000 or more;

(b) Twenty percent of the money in the account to a regional transportation commission in a county whose population is 100,000 or more but less than 400,000; and

(c) Ten percent of the money in the account to the Department for use in counties that have a population of less than 100,000.

Sec. 2. NRS 482.220 is hereby amended to read as follows:

482.220 1. If the vehicle to be registered is a specially constructed, reconstructed, rebuilt or foreign vehicle, that fact must be stated in the application. If the vehicle is a foreign vehicle which



1 has been registered theretofore outside of this State, the owner shall
2 exhibit to the Department the certificate of title and registration card
3 or other evidence of such former registration as may be in the
4 applicant's possession or control or such other evidence as will
5 satisfy the Department that the applicant is the lawful owner or
6 possessor of the vehicle.

7 2. The application must be accompanied by a motor vehicle
8 inspection certificate signed by a representative of the Department
9 or, as one of the Department's authorized agents, by:

- 10 (a) A peace officer;
11 (b) A dealer;
12 (c) A rebuilder;
13 (d) An automobile wrecker; or
14 (e) A garage operator or a service station operator or attendant,
15 so designated in writing by the Director.

16 3. Except for a peace officer acting in his or her official
17 capacity, the Department or any of its authorized inspection agents
18 ~~are entitled to charge \$11~~ *shall charge the fee imposed by the*
19 *Department by regulation* for inspection of any vehicle described in
20 subsection 1.

21 4. For the purposes of this section, "peace officer" means any
22 employee, volunteer or designee of a law enforcement agency acting
23 in an official capacity.

24 **Sec. 3.** NRS 482.396 is hereby amended to read as follows:

25 482.396 1. A person who is not a dealer, manufacturer or
26 rebuilder may apply to the Department for a permit to operate a
27 vehicle which:

28 (a) Is not subject to the provisions of NRS 482.390, 482.395 and
29 706.801 to 706.861, inclusive; and

30 (b) Is not currently registered in this State, another state or a
31 foreign country, or has been purchased by the applicant from a
32 person who is not a dealer.

33 2. The Department ~~may issue~~ *shall adopt regulations*
34 *imposing a fee for the issuance of* the permit. ~~{free of charge.}~~

35 3. Each permit must:

36 (a) Bear the date of expiration in numerals of sufficient size to
37 be plainly readable from a reasonable distance during daylight;

38 (b) Expire at 5 p.m. not more than 60 days after its date of
39 issuance;

40 (c) Be affixed to the vehicle in the manner prescribed by the
41 Department; and

42 (d) Be removed and destroyed upon its expiration or the
43 issuance of a new permit or a certificate of registration for the
44 vehicle, whichever occurs first.



4. The Department may authorize the issuance of more than one permit for the vehicle to be operated by the applicant.

Sec. 4. NRS 482.429 is hereby amended to read as follows:

482.429 For its services under this chapter, the Department shall *adopt regulations specifying the amount of the fees which the Department will* charge and collect ~~{the following fees:}~~ :

1. For each certificate of title issued for a vehicle present or registered in this State . ~~{.....\$20.00}~~

2. For each duplicate certificate of title issued . ~~{.....20.00}~~

3. For each certificate of title issued for a vehicle not present in or registered in this State . ~~{.....35.00}~~

4. For the processing of each dealer's or rebuilder's report of sale submitted to the Department . ~~{.....8.25}~~

5. For the processing of each long-term lessor's report of lease submitted to the Department . ~~{.....8.25}~~

6. For the processing of each endorsed certificate of title or statement submitted to the Department upon the sale of a used or rebuilt vehicle in this State by a person who is not a dealer or rebuilder . ~~{.....8.25}~~

Sec. 5. NRS 590.860 is hereby amended to read as follows:

590.860 If the balance in the Fund *for Cleaning Up Discharges of Petroleum* at the end of any fiscal year is estimated at \$7,500,000 or more, the Department shall ~~{not collect during the ensuing fiscal years the fee imposed by NRS 590.840 unless otherwise required by this section. If at the end of any subsequent fiscal year}~~ *transfer to the account created pursuant to section 1 of this act* the balance in the ~~{fund is estimated at \$5,000,000 or less, the Department shall resume collection during the ensuing fiscal year of the fee so imposed.}~~ *Fund for Cleaning Up Discharges of Petroleum which exceeds \$7,500,000.*

Sec. 6. Section 22 of chapter 187, Statutes of Nevada 2003, at page 959, is hereby amended to read as follows:

Sec. 22. 1. The approval by the voters on November 5, 2002, of Advisory Question No. 10, concerning transportation, on the 2002 general election ballot for Clark County shall be deemed to constitute approval by the voters of the taxes authorized by the provisions of NRS 278.710, as amended by this act, and paragraph (b) of subsection 1 of NRS 377A.030, as amended by this act. No other approval by the voters is required for the imposition of those taxes in



Clark County, including its incorporated cities, at the following rates:

(a) Pursuant to NRS 278.710:

(1) For each fiscal year beginning:

(I) On or after July 1, 2003, and before July 1, 2005, \$650;

(II) On or after July 1, 2005, and before July 1, 2010, \$700;

(III) On or after July 1, 2010, and before July 1, 2015, \$800;

(IV) On or after July 1, 2015, and before July 1, 2020, \$900; and

(V) On or after July 1, 2020, \$1,000, per single-family dwelling of new residential development, or the equivalent thereof as determined by the board of county commissioners; and

(2) For each fiscal year beginning:

(I) On or after July 1, 2003, and before July 1, 2005, \$0.65;

(II) On or after July 1, 2005, and before July 1, 2010, \$0.75;

(III) On or after July 1, 2010, and before July 1, 2015, \$0.80;

(IV) On or after July 1, 2015, and before July 1, 2020, \$0.90; and

(V) On or after July 1, 2020, \$1.00, per square foot on other new development; and

(b) Pursuant to paragraph (b) of subsection 1 of NRS 377A.030:

(1) One-half of 1 percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed in the ~~county, until:~~

~~_____ (I) The last day of the fiscal year during which the Department of Taxation determines that the cumulative total proceeds of the tax imposed at that rate equal or exceed \$1.7 billion; or~~

~~_____ (II) June 30, 2028, whichever occurs earlier;]~~ *county during each subsequent fiscal year; and*

(2) Three-eighths of 1 percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed in the county, during each subsequent fiscal year.



2. The approval by the voters on November 5, 2002, of Advisory Question No. 2, concerning transportation, on the 2002 general election ballot for Washoe County shall be deemed to constitute approval by the voters of an increase in the rate of the tax imposed pursuant to paragraph (b) of subsection 1 of NRS 377A.030, as amended by this act, to three-eighths of 1 percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed in the county. No other approval by the voters is required for the imposition of that increase in the rate of that tax in Washoe County, including its incorporated cities.

3. If at any time after November 5, 2002, and before the effective date of this act, another county obtains approval by the voters of a measure which complies with the provisions of NRS 278.710 for the tax authorized by that section, as amended by this act, that approval shall be deemed to constitute approval of the tax specified on the ballot and no other approval by the voters is required for imposition of that tax at the rate or rates specified on that ballot.

Sec. 7. On the effective date of this act, the Division of Environmental Protection of the State Department of Conservation and Natural Resources shall transfer that amount of money in the Fund for Cleaning Up Discharges of Petroleum created by NRS 590.830 which exceeds \$7,500,000 to the State Highway Fund.

Sec. 8. The Department of Motor Vehicles shall charge and collect the following fees imposed pursuant to NRS 482.220 or 482.429 until the respective fee is imposed by regulation:

For each certificate of title issued for a vehicle present or registered in this State	\$20.00
For each duplicate certificate of title issued.....	20.00
For each certificate of title issued for a vehicle not present in or registered in this State	35.00
For the processing of each dealer's or rebuilder's report of sale submitted to the Department.....	8.25
For the processing of each long-term lessor's report of lease submitted to the Department.....	8.25
For the processing of each endorsed certificate of title or statement submitted to the Department upon the sale of a used or rebuilt vehicle in this State by a person who is not a dealer or rebuilder	8.25
For inspection of a vehicle described in subsection 1 of NRS 482.220	1



1 **Sec. 9.** This act becomes effective upon passage and approval.

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