ASSEMBLY BILL NO. 455–ASSEMBLYMAN PERKINS

MARCH 10, 1999

Referred to Committee on Taxation

SUMMARY—Provides exemption from vehicle privilege tax for certain vehicles registered by elderly persons. (BDR 32-583)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: 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 the vehicle privilege tax; providing an exemption from the tax for certain vehicles registered by elderly persons; providing a penalty; and providing other matters properly relating thereto.

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

Section 1. Chapter 371 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 5, one vehicle registered by an elderly person who is an actual bona fide resident of this state is exempt from taxation to the extent of $2,000 of its determined valuation.

2. For the purpose of this section, the first $2,000 of the determined valuation of a vehicle in which an elderly person has any interest shall be deemed to belong to that person.

3. Upon first claiming an exemption pursuant to this section, the elderly person shall furnish to the department, or the county assessor if acting as the agent of the department for that county, an affidavit stating that the exemption is only being claimed on one vehicle and proof of age and residency including his driver's license or a copy of his birth certificate and such other proof as the department or assessor determines necessary.

4. After the filing of the original affidavit pursuant to subsection 3, the department shall mail a form for renewal of the exemption with the form for the renewal of the registration of the vehicle each year. The

form must include an affidavit on which the elderly person shall declare that he is an actual bona fide resident of the State of Nevada and that the exemption is only being claimed on one vehicle. The form must be designed to facilitate its return by mail with the form for the renewal of the registration of the vehicle for which the exemption is claimed. The department shall provide a form to be filled out to change the vehicle to which the exemption applies which must be distributed by and returned to the department or the county assessor, if acting as the agent of the department for the county.

5. The exemption provided in this section does not apply to:

(a) A bus, truck or truck trailer having a declared gross weight of 10,000 pounds or more; or

(b) A trailer or semitrailer having an unladen weight of 4,000 pounds or more.

6. If a person files a false affidavit or produces false proof to the department, and as a result of the false affidavit or false proof a tax exemption is allowed to a person not entitled to the exemption, that person is guilty of a gross misdemeanor.

7. As used in this section, "elderly person" means a person who is 65 years of age or older.

Sec. 2. NRS 371.105 is hereby amended to read as follows:

371.105 Claims pursuant to NRS 371.101, 371.102, 371.103 or 371.104 ***, or section 1 of this act,*** for ~~[tax exemption on]~~ ***an exemption from*** the vehicle privilege tax and designations of any amount to be credited to the veterans' home account pursuant to NRS 371.1035 must be filed annually ~~[at any time]~~ on or before the date when payment of the tax is due. All exemptions provided for in this section must not be in an amount which gives the taxpayer a total exemption greater than that to which he is entitled during any fiscal year.

Sec. 3. NRS 371.106 is hereby amended to read as follows:

371.106 1. Whenever any vehicle ceases to be exempt from taxation under NRS 371.101, 371.102, 371.103 or 371.104 ***, or section 1 of this act,*** because the owner no longer meets the requirements for the exemption provided in those sections, its owner shall immediately notify the department of ~~[the]~~ ***that*** fact.

2. If a person fails to notify the department as required by subsection 1 and as a result of ~~[such]~~ ***the*** failure is allowed a tax exemption to which he is not entitled, there ~~[shall]~~ ***must*** be added to and collected with the tax otherwise due a penalty equal to double the amount of the tax. If the person's failure is fraudulent and results in his receiving a tax exemption to which he is not entitled, the person is also guilty of a gross misdemeanor.

Sec. 4. This act becomes effective on January 1, 2000, for the purposes of adopting regulations and performing any administrative tasks necessary to carry out the provisions of this act and on July 1, 2000, for all other purposes.

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