

ASSEMBLY BILL NO. 460—ASSEMBLYMAN PARKS

MARCH 19, 2001

Referred to Committee on Transportation

SUMMARY—Creates legislative committee on transportation and revises provisions governing fees collected by short-term lessors of passenger cars. (BDR 17-589)

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

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

AN ACT relating to transportation; creating the legislative committee on transportation; prescribing the membership, powers and duties of the committee; revising certain provisions concerning the board of directors of the department of transportation; revising provisions governing the remittance of fees by short-term lessors of passenger cars to the department of taxation; authorizing short-term lessors of passenger cars to charge a fee as reimbursement for payment of vehicle licensing fees and taxes; and providing other matters properly relating thereto.

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

1 **Section 1.** Chapter 218 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 7, inclusive, of this act.

3 **Sec. 2.** *As used in sections 2 to 7, inclusive, of this act, unless the*
4 *context otherwise requires, “committee” means the legislative committee*
5 *on transportation.*

6 **Sec. 3. 1.** *There is hereby created a legislative committee on*
7 *transportation. The committee consists of:*

8 *(a) Four members appointed by the majority leader of the senate, at*
9 *least two of whom must have served on the senate standing committee*
10 *which had jurisdiction of issues relating to transportation during the*
11 *immediately preceding session of the legislature.*

12 *(b) Four members appointed by the speaker of the assembly, at least*
13 *two of whom must have served on the assembly standing committee*
14 *which had jurisdiction of issues relating to transportation during the*
15 *immediately preceding session of the legislature.*

16 **2.** *The members of the committee shall elect a chairman and vice*
17 *chairman from among their members. The chairman must be elected*
18 *from one house of the legislature and the vice chairman from the other*



* A B 4 6 0 R 4 *

1 *house. After the initial election of a chairman and vice chairman, each*
2 *of those officers holds office for a term of 2 years commencing on July 1*
3 *of each odd-numbered year. If a vacancy occurs in the chairmanship or*
4 *vice chairmanship, the members of the committee shall elect a*
5 *replacement for the remainder of the unexpired term.*

6 *3. Any member of the committee who is not a candidate for*
7 *reelection or who is defeated for reelection continues to serve until the*
8 *convening of the next session of the legislature.*

9 *4. Vacancies on the committee must be filled in the same manner as*
10 *the original appointments.*

11 **Sec. 4.** *1. The members of the committee shall meet at least*
12 *quarterly and at the times and places specified by a call of the chairman.*
13 *The director of the legislative counsel bureau or a person he has*
14 *designated shall act as the nonvoting recording secretary. Five members*
15 *of the committee constitute a quorum, and a quorum may exercise all the*
16 *power and authority conferred on the committee.*

17 *2. Except during a regular or special session of the legislature, the*
18 *members of the committee are entitled to receive the compensation*
19 *provided for a majority of the members of the legislature during the first*
20 *60 days of the preceding session, the per diem allowance provided for*
21 *state officers and employees generally and the travel expenses provided*
22 *pursuant to NRS 218.2207 for each day or portion of a day of attendance*
23 *at a meeting of the committee and while engaged in the business of the*
24 *committee. The salaries and expenses of the members of the committee*
25 *and any other expenses incurred by the committee in carrying out its*
26 *duties must be paid from the state general fund from the money received*
27 *from short-term lessors pursuant to NRS 482.313, except that the*
28 *maximum amount that may be paid each fiscal year pursuant to this*
29 *subsection must not exceed \$25,000. All claims pursuant to this*
30 *subsection must be paid as other claims against the state are paid.*

31 **Sec. 5.** *The committee may:*

32 *1. Evaluate, review and comment upon issues related to*
33 *transportation within this state.*

34 *2. Monitor the money deposited in, and any expenditures made from:*

35 *(a) The state highway fund; and*

36 *(b) The state general fund or any other fund, to the extent that the*
37 *money deposited in the funds or expenditures made from the funds, or*
38 *both, are related to transportation.*

39 *3. Consult with and make recommendations to the board of directors*
40 *of the department of transportation on matters concerning transportation*
41 *within this state.*

42 *4. Conduct investigations and hold hearings in connection with*
43 *carrying out its duties pursuant to this section.*

44 *5. Direct the legislative counsel bureau to assist in its research,*
45 *investigations, hearings and reviews.*

46 *6. Recommend to the legislature as a result of the activities of the*
47 *committee any appropriate state legislation or corrective federal*
48 *legislation.*



* A B 4 6 0 R 4 *

1 **Sec. 6.** *Each witness who appears before the committee by its order,*
2 *except a state officer or employee, is entitled to receive for his attendance*
3 *the fees and mileage provided for witnesses in civil cases in the courts of*
4 *record of this state. The fees and mileage must be audited and paid upon*
5 *the presentation of proper claims sworn to by the witness and approved*
6 *by the chairman of the committee.*

7 **Sec. 7.** *1. If the committee conducts investigations or holds*
8 *hearings pursuant to subsection 4 of section 5 of this act:*

9 *(a) The secretary of the committee or, in his absence, a member*
10 *designated by the committee may administer oaths.*

11 *(b) The secretary or chairman of the committee may cause the*
12 *deposition of witnesses, residing either within or outside this state, to be*
13 *taken in the manner prescribed by rule of court for taking depositions in*
14 *civil actions in the district courts.*

15 *(c) The chairman of the committee, upon recommendation of a*
16 *majority of the members of the committee, may issue subpoenas to*
17 *compel the attendance of witnesses and the production of books and*
18 *papers.*

19 *2. If a witness refuses to attend or testify or produce books or papers*
20 *as required by the subpoena, the chairman of the committee may report*
21 *to the district court by a petition which sets forth that:*

22 *(a) Due notice has been given of the time and place of attendance of*
23 *the witness or the production of the books or papers;*

24 *(b) The witness has been subpoenaed by the committee pursuant to*
25 *this section; and*

26 *(c) The witness has failed or refused to attend or produce the books or*
27 *papers required by the subpoena before the committee, or has refused to*
28 *answer questions propounded to him.*

29 *The petition may request an order of the court compelling the witness to*
30 *attend and testify or produce the books and papers before the committee.*

31 *3. Upon such a petition, the court shall enter an order directing the*
32 *witness to appear before the court at a time and place to be fixed by the*
33 *court in its order, the time to be not more than 10 days after the date of*
34 *the order, and to show cause why he has not attended or testified or*
35 *produced the books or papers before the committee. A certified copy of*
36 *the order must be served upon the witness.*

37 *4. If it appears to the court that the subpoena was regularly issued by*
38 *the chairman of the committee, upon recommendation of a majority of*
39 *the members of the committee, the court shall enter an order that the*
40 *witness appear before the committee at the time and place fixed in the*
41 *order and testify or produce the required books or papers. Failure to obey*
42 *the order constitutes contempt of court.*

43 **Sec. 8.** NRS 408.100 is hereby amended to read as follows:

44 408.100 Recognizing that safe and efficient highway transportation is
45 a matter of important interest to all the people of the state, and that an
46 adequate highway system is a vital part of the national defense, the
47 legislature hereby determines and declares that:

48 1. An integrated system of state highways and roads is essential to the
49 general welfare of the state.



* A B 4 6 0 R 4 *

1 2. Providing such a system of facilities, its efficient management,
2 maintenance and control is recognized as a problem and as the proper
3 prospective of highway legislation.

4 3. Inadequate highways and roads obstruct the free flow of traffic,
5 resulting in undue cost of motor vehicle operation, endangering the health
6 and safety of the citizens of the state, depreciating property values, and
7 impeding general economic and social progress of the state.

8 4. In designating the highways and roads of the state as provided in
9 this chapter, the legislature places a high degree of trust in the hands of
10 those officials whose duty it is, within the limits of available funds, to plan,
11 develop, operate, maintain, control and protect the highways and roads of
12 this state, for present as well as for future use.

13 5. To this end, it is the express intent of the legislature to make the
14 board ~~of directors of the department of transportation~~, *in consultation*
15 *with the legislative committee on transportation created pursuant to*
16 *section 3 of this act*, custodian of the state highways and roads and to
17 provide sufficiently broad authority to enable the board to function
18 adequately and efficiently in all areas of appropriate jurisdiction, subject to
19 the limitations of the constitution and the legislative mandate proposed in
20 this chapter.

21 6. The legislature intends:

22 (a) To declare, in general terms, the powers and duties of the board, ~~of~~
23 ~~directors,~~ leaving specific details to be determined by reasonable
24 regulations and declarations of policy which the board may promulgate.

25 (b) By general grant of authority to the board ~~of directors~~ to delegate
26 sufficient power and authority to enable the board to carry out, *in*
27 *consultation with the legislative committee on transportation created*
28 *pursuant to section 3 of this act*, the broad objectives contained in this
29 chapter.

30 7. The problem of establishing and maintaining adequate highways
31 and roads, eliminating congestion, reducing accident frequency and taking
32 all necessary steps to ensure safe and convenient transportation on these
33 public ways is no less urgent.

34 8. The legislature hereby finds, determines and declares that this
35 chapter is necessary for the preservation of the public safety, the promotion
36 of the general welfare, the improvement and development of facilities for
37 transportation in the state, and other related purposes necessarily included
38 therein, and as a contribution to the system of national defense.

39 9. The words "construction," "maintenance" and "administration" used
40 in section 5 of Article 9 of the constitution of the State of Nevada are broad
41 enough to be construed to include and as contemplating the construction,
42 maintenance and administration of the state highways and roads as
43 established by this chapter and the landscaping, roadside improvements
44 and planning surveys of the state highways and roads.

45 **Sec. 9.** NRS 408.203 is hereby amended to read as follows:

46 408.203 The director shall:

47 1. Compile a comprehensive report outlining the requirements for the
48 construction and maintenance of highways for the next 10 years, including
49 anticipated revenues and expenditures of the department, and submit it to



* A B 4 6 0 R 4 *

1 the *legislative committee on transportation created pursuant to section 3*
2 *of this act and to the* director of the legislative counsel bureau for
3 transmittal to the chairmen of the senate and assembly standing committees
4 on transportation.

5 2. Compile a comprehensive report of the requirements for the
6 construction and maintenance of highways for the next 3 years, including
7 anticipated revenues and expenditures of the department, no later than
8 October 1 of each even-numbered year, and submit it to the *legislative*
9 *committee on transportation created pursuant to section 3 of this act and*
10 *to the* director of the legislative counsel bureau for transmittal to the
11 chairmen of the senate and assembly standing committees on
12 transportation.

13 3. Report to the legislature by February 1 of odd-numbered years the
14 progress being made in the department's 12-year plan for the resurfacing of
15 state highways. The report must include an accounting of revenues and
16 expenditures in the preceding 2 fiscal years, a list of the projects which
17 have been completed, including mileage and cost, and an estimate of the
18 adequacy of projected revenues for timely completion of the plan.

19 **Sec. 10.** NRS 482.313 is hereby amended to read as follows:

20 482.313 1. Upon the lease of a passenger car by a short-term lessor
21 in this state, the short-term lessor ~~shall~~:

22 (a) *Shall* charge and collect from the short-term lessee a fee of 6
23 percent of the total amount for which the passenger car was leased,
24 excluding any taxes or other fees imposed by a governmental entity.

25 (b) *May charge and collect from the short-term lessee a fee of 3.5*
26 *percent of the total amount for which the passenger car was leased,*
27 *excluding any taxes or other fees imposed by a governmental entity, as*
28 *reimbursement for vehicle licensing fees and taxes paid by the short-term*
29 *lessor.*

30 The amount of ~~the~~ any fee *charged pursuant to this subsection* must be
31 indicated in the lease agreement.

32 2. *The fees due from a short-term lessor to the department of*
33 *taxation pursuant to this subsection are due on the last day of each*
34 *calendar quarter.* On or before ~~January 31 of each year,~~ *the last day of*
35 *the month following each calendar quarter,* the short-term lessor shall:

36 (a) File with the department of taxation and the department of motor
37 vehicles and public safety, on a form prescribed by the department of
38 taxation, a report indicating the total amount of:

39 (1) Fees collected by the short-term lessor during the immediately
40 preceding ~~year~~ *calendar quarter* pursuant to this section; and

41 (2) Vehicle licensing fees and taxes paid by the short-term lessor
42 during the immediately preceding ~~year~~ *calendar quarter* pursuant to this
43 chapter.

44 (b) Remit to the department of taxation ~~the~~:

45 ~~— (1) One third of~~ the fees collected by the short-term lessor *pursuant*
46 *to paragraph (a) of subsection 1* during the immediately preceding ~~year~~
47 *pursuant to this section; and*

48 ~~— (2) Of the remainder of those fees, any amount in excess of the total~~
49 ~~amount of vehicle licensing fees and taxes paid by the short-term lessor~~



* A B 4 6 0 R 4 *

1 ~~during the immediately preceding year pursuant to this chapter.]~~ *calendar*
2 *quarter.*
3 3. The department of taxation shall deposit all money received from
4 short-term lessors pursuant to the provisions of this section with the state
5 treasurer for credit to the state general fund.
6 4. To ensure compliance with this section, the department of taxation
7 may audit the records of a short-term lessor.
8 5. The provisions of this section do not limit or affect the payment of
9 any taxes or fees imposed pursuant to the provisions of this chapter.
10 6. The department of motor vehicles and public safety shall, upon
11 request, provide to the department of taxation any information in its
12 records relating to a short-term lessor that the department of taxation
13 considers necessary to collect the fee required by this section.
14 7. As used in this section, "vehicle licensing fees and taxes" means:
15 (a) The fees paid by a short-term lessor for the registration of, and the
16 issuance of certificates of title for, the passenger cars leased by him; and
17 (b) The basic and supplemental governmental services taxes paid by the
18 short-term lessor with regard to those passenger cars.
19 **Sec. 11.** Notwithstanding the amendatory provisions of section 10 of
20 this act to the contrary, the reports required and fees due from a short-term
21 lessor for the calendar year 2001 are governed by the provisions of NRS
22 482.313, as that section existed on December 31, 2001.
23 **Sec. 12.** The legislative committee on transportation created pursuant
24 to section 3 of this act shall:
25 1. Monitor and evaluate the effects of the amendatory provisions of
26 section 10 of this act; and
27 2. On or before January 31 of each odd-numbered year, submit a report
28 of its evaluation to the director of the legislative counsel bureau for
29 transmittal to the next regular session of the legislature.
30 **Sec. 13.** 1. This section and sections 1 to 9, inclusive, of this act
31 become effective on July 1, 2001.
32 2. Sections 10, 11 and 12 of this act become effective on January 1,
33 2002.

