

ASSEMBLY BILL NO. 474—ASSEMBLYMEN NOLAN, GIBBONS, MCCLAIN,
BEERS, MANENDO, BERMAN, BROWN, CEGAVSKE, CLABORN,
COLLINS, GIUNCHIGLIANI, HETTRICK, KOIVISTO, MORTENSON,
PARKS, SMITH AND TIFFANY

MARCH 19, 2001

Referred to Committee on Transportation

SUMMARY—Revises provisions concerning enforcement of registration of motor vehicle by
new resident of this state. (BDR 43-1201)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation not included in Executive
Budget.

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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 motor vehicles; requiring the director of the department of motor vehicles
and public safety to establish a toll-free telephone number for the reporting of
certain violations relating to the registration of a vehicle; authorizing the Nevada
highway patrol to appoint volunteers to issue certain citations relating to the
registration of a vehicle; providing an administrative penalty for failing to register
a vehicle within a certain time; making an appropriation; 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 482 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2.** *The director shall establish and maintain a toll-free*
4 *telephone number for persons to report to the department information*
5 *concerning alleged violations of subsection 3 of NRS 482.385.*

6 **Sec. 3.** *1. The Nevada highway patrol may appoint volunteers to*
7 *issue citations, prepared manually or electronically, for a violation of the*
8 *provisions of subsection 3 of NRS 482.385.*

9 *2. If the Nevada highway patrol appoints volunteers as authorized*
10 *pursuant to subsection 1, the Nevada highway patrol shall:*

11 *(a) Establish minimum qualifications for the volunteers;*

12 *(b) Provide training to the volunteers before authorizing them to issue*
13 *citations; and*

14 *(c) Provide the volunteers with appropriate equipment, including,*
15 *without limitation, uniforms or other identifying attire and traffic*



1 *citations issued in books or electronic devices that may be used to issue*
2 *citations.*

3 *3. A citation issued by a volunteer appointed pursuant to subsection*
4 *1 has the same force and effect as a citation issued by a peace officer.*
5 *The volunteer shall file the original or a copy of the citation in the*
6 *manner prescribed in NRS 484.813.*

7 *4. For the purposes of this section, a person who volunteers to the*
8 *Nevada highway patrol to issue citations pursuant to subsection 1 shall*
9 *be deemed an employee of the Nevada highway patrol for the purposes of*
10 *NRS 616A.160 if he has successfully completed the training course for*
11 *the issuance of such citations provided by the Nevada highway patrol.*

12 *5. The Nevada highway patrol is not liable for the negligent acts or*
13 *omissions of a person who volunteers to issue citations pursuant to*
14 *subsection 1 unless:*

15 *(a) The volunteer made a specific promise or representation to a*
16 *natural person who relied upon the promise or representation to his*
17 *detriment; or*

18 *(b) The conduct of the volunteer affirmatively caused the harm.*

19 *6. The provisions of this section are not intended to abrogate the*
20 *principle of common law that the duty of governmental entities to provide*
21 *services is a duty owed to the public, not to individual persons.*

22 *7. An owner of private property, or the owner or operator of a*
23 *business establishment located on such property, is not liable for any acts*
24 *or omissions resulting from the issuance of a citation by a volunteer*
25 *pursuant to this section.*

26 **Sec. 4.** NRS 482.385 is hereby amended to read as follows:

27 482.385 1. Except as otherwise provided in subsection 4 and NRS
28 482.390, a nonresident owner of a vehicle of a type subject to registration
29 pursuant to the provisions of this chapter, owning any vehicle which has
30 been registered for the current year in the state, country or other place of
31 which the owner is a resident and which at all times when operated in this
32 state has displayed upon it the registration license plate issued for the
33 vehicle in the place of residence of the owner, may operate or permit the
34 operation of the vehicle within this state without its registration in this state
35 pursuant to the provisions of this chapter and without the payment of any
36 registration fees to this state.

37 2. This section does not:

38 (a) Prohibit the use of manufacturers', distributors' or dealers' license
39 plates issued by any state or country by any nonresident in the operation of
40 any vehicle on the public highways of this state.

41 (b) Require registration of vehicles of a type subject to registration
42 pursuant to the provisions of this chapter operated by nonresident common
43 motor carriers of persons or property, contract motor carriers of persons or
44 property, or private motor carriers of property as stated in NRS 482.390.

45 (c) Require registration of a vehicle operated by a border state
46 employee.

47 3. When a person, formerly a nonresident, becomes a resident of this
48 state, he shall:

49 (a) Within 30 days after becoming a resident; or



1 (b) At the time he obtains his driver's license,
2 whichever occurs earlier, apply for the registration of any vehicle which he
3 owns and which is operated in this state. *If a person fails to register a*
4 *vehicle within 10 days after the last day allowed for timely registration*
5 *pursuant to this subsection, the person must pay the penalty set forth in*
6 *subsection 4 of NRS 482.515.*

7 4. Any resident operating a motor vehicle upon a highway of this state
8 which is owned by a nonresident and which is furnished to the resident
9 operator for his continuous use within this state, shall cause that vehicle to
10 be registered within 30 days after beginning its operation within this state.

11 5. A person registering a vehicle pursuant to the provisions of
12 subsection 3, 4 or 6 ~~of this section~~ or pursuant to NRS 482.390 must be
13 assessed the registration fees and privilege tax, as required by the
14 provisions of this chapter and chapter 371 of NRS. He must not be allowed
15 credit on those taxes and fees for the unused months of his previous
16 registration.

17 6. If a vehicle is used in this state for a gainful purpose, the owner
18 shall immediately apply to the department for registration, except as
19 otherwise provided in NRS 482.390, 482.395 and 706.801 to 706.861,
20 inclusive.

21 7. An owner registering a vehicle pursuant to the provisions of this
22 section shall surrender the existing nonresident license plates and
23 registration certificates to the department for cancellation.

24 8. A vehicle may be cited for a violation of this section regardless of
25 whether it is in operation or is parked on a highway, in a public parking lot
26 or on private property which is open to the public if, after communicating
27 with the owner or operator of the vehicle, the peace officer ~~issuing~~ *or*
28 *volunteer appointed pursuant to section 3 of this act who issues* the
29 citation determines that:

30 (a) The owner of the vehicle is a resident of this state; or

31 (b) The vehicle is used in this state for a gainful purpose.

32 **Sec. 5.** NRS 482.515 is hereby amended to read as follows:

33 482.515 1. Whenever a person operates any vehicle upon the public
34 highways of this state without having paid therefor the registration or
35 transfer fee required by this chapter, the required fee shall be deemed
36 delinquent.

37 2. If the fee for registration is not paid by the end of the last working
38 day of the preceding period of registration, a penalty of \$6 must be added
39 for each period of 30 calendar days or fraction thereof during which the
40 delinquency continues, unless the vehicle has not been operated on the
41 highways since the expiration of the prior registration. Evidence of
42 nonoperation of a vehicle must be furnished by an affidavit executed by a
43 person having knowledge of the fact. The affidavit must accompany the
44 application for renewal of registration.

45 3. If the transferee of a vehicle ~~is~~ *who is* required to be registered
46 under the provisions of NRS 482.205 ~~is~~ has not registered the vehicle
47 within 10 days after the transfer, a penalty of \$6 must be added to the fee
48 for registration. The provisions of this section do not apply to vehicles
49 which come within the provisions of NRS 706.801 to 706.861, inclusive.



1 4. *In addition to any other penalty, if a person fails to register a*
2 *vehicle within 10 days after the last day allowed for timely registration*
3 *pursuant to subsection 3 of NRS 482.385, the department shall impose a*
4 *penalty of \$125. For each day thereafter during which the vehicle*
5 *remains unregistered, the penalty must be increased by \$25, up to a*
6 *maximum of \$1,000.*

7 5. In addition to the penalties prescribed in subsections 2 ~~and 3,~~ 3
8 and 4, the department and its agents shall collect the fees for license plates
9 and registration for each period of 30 calendar days, or portion thereof in
10 excess of 15 days, during which the delinquency has continued or for
11 which the vehicle has not been registered pursuant to NRS 482.205.

12 **Sec. 6.** NRS 482.545 is hereby amended to read as follows:

13 482.545 It is unlawful for any person to commit any of the following
14 acts:

15 1. To operate, or for the owner thereof knowingly to permit the
16 operation of, upon a highway any motor vehicle, trailer or semitrailer
17 which is not registered or which does not have attached thereto and
18 displayed thereon the number of plate or plates assigned thereto by the
19 department for the current period of registration or calendar year, subject to
20 the exemption allowed in NRS 482.316 to 482.3175, inclusive, 482.320 to
21 482.363, inclusive, 482.385 to 482.3965, inclusive, *and sections 2 and 3 of*
22 *this act* and 482.420.

23 2. To display, cause or permit to be displayed or to have in possession
24 any certificate of registration, license plate, certificate of ownership or
25 other document of title knowing it to be fictitious or to have been canceled,
26 revoked, suspended or altered.

27 3. To lend to or knowingly permit the use of by one not entitled thereto
28 any registration card or plate issued to the person so lending or permitting
29 the use thereof.

30 4. To fail or to refuse to surrender to the department, upon demand,
31 any registration card or plate which has been suspended, canceled or
32 revoked as provided in this chapter.

33 5. To use a false or fictitious name or address in any application for the
34 registration of any vehicle or for any renewal or duplicate thereof, or
35 knowingly to make a false statement or knowingly to conceal a material
36 fact or otherwise commit a fraud in an application. A violation of this
37 subsection is a gross misdemeanor.

38 6. Knowingly to operate a vehicle which:

39 (a) Has an altered identification number or mark; or

40 (b) Contains a part which has an altered identification number or mark.

41 **Sec. 7.** NRS 484.811 is hereby amended to read as follows:

42 484.811 1. Every traffic enforcement agency in this state shall
43 provide in appropriate form traffic citations containing notices to appear
44 which must meet the requirements of this chapter and be:

45 (a) Issued in books; or

46 (b) Available through an electronic device used to prepare citations.

47 2. The chief administrative officer of each traffic enforcement agency
48 is responsible for the issuance of such books and electronic devices and
49 shall maintain a record of each book, each electronic device and each



1 citation contained therein issued to individual members of the traffic
2 enforcement agency and volunteers of the traffic enforcement agency
3 appointed pursuant to NRS 484.4085 ~~or~~ *or section 3 of this act*. The chief
4 administrative officer shall require and retain a receipt for every book and
5 electronic device that is issued.

6 **Sec. 8.** NRS 484.813 is hereby amended to read as follows:

7 484.813 1. Every peace officer upon issuing a traffic citation to an
8 alleged violator of any provision of the motor vehicle laws of this state or
9 of any traffic ordinance of any city or town shall file manually or, if the
10 provisions of subsection 2 are satisfied, file electronically the original or a
11 copy of the traffic citation with a court having jurisdiction over the alleged
12 offense or with its traffic violations bureau.

13 2. A copy of a traffic citation that is prepared electronically and issued
14 to an alleged violator of any provision of the motor vehicle laws of this
15 state or of any traffic ordinance of any city or town may be filed
16 electronically with a court having jurisdiction over the alleged offense or
17 with its traffic violations bureau if the court or traffic violations bureau,
18 respectively:

- 19 (a) Authorizes such electronic filing;
20 (b) Has the ability to receive and store the citation electronically; and
21 (c) Has the ability to physically reproduce the citation upon request.

22 3. Upon the filing of the original or a copy of the traffic citation with a
23 court having jurisdiction over the alleged offense or with its traffic
24 violations bureau, the traffic citation may be disposed of only by trial in
25 that court or other official action by a judge of that court, including
26 forfeiture of the bail, or by the deposit of sufficient bail with, or payment of
27 a fine to, the traffic violations bureau by the person to whom the traffic
28 citation has been issued by the peace officer.

29 4. It is unlawful and official misconduct for any peace officer or other
30 officer or public employee to dispose of a traffic citation or copies of it or
31 of the record of the issuance of a traffic citation in a manner other than as
32 required in this section.

33 5. The chief administrative officer of every traffic enforcement agency
34 shall require the return to him of a physical copy or electronic record of
35 every traffic citation issued by an officer under his supervision to an
36 alleged violator of any traffic law or ordinance and of all physical copies or
37 electronic records of every traffic citation which has been spoiled or upon
38 which any entry has been made and not issued to an alleged violator.

39 6. The chief administrative officer shall also maintain or cause to be
40 maintained a record of every traffic citation issued by officers under his
41 supervision. The record must be retained for at least 2 years after issuance
42 of the citation.

43 7. As used in this section, "officer" includes a volunteer appointed to a
44 traffic enforcement agency pursuant to NRS 484.4085 ~~or~~ *or section 3 of*
45 *this act*.

46 **Sec. 9.** NRS 616A.160 is hereby amended to read as follows:

47 616A.160 Volunteer officers attached to the Nevada highway patrol,
48 volunteers appointed pursuant to NRS 484.4085 who qualify pursuant to
49 subsection 4 of that section, *volunteers appointed pursuant to section 3 of*



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1 *this act who qualify pursuant to subsection 4 of that section*, the
2 investigators appointed pursuant to NRS 481.243 , or volunteers of a
3 regularly organized and recognized police department, metropolitan police
4 department or sheriff's unit, while engaged in their duties as such in any
5 voluntary community service and while acting under the direction of the
6 chief of the Nevada highway patrol, chief of the investigation division of
7 the department of motor vehicles and public safety , or a sheriff or chief of
8 police, or their deputies or assistants, of any county, metropolitan police
9 department, city or town in the protection of life or property shall be
10 deemed, for the purpose of chapters 616A to 616D, inclusive, of NRS,
11 employees of the Nevada highway patrol, investigation division or the city,
12 town, metropolitan police department or county so recognizing them, at the
13 wage of \$900 per month, and are entitled to the benefits of those chapters
14 upon compliance therewith by the Nevada highway patrol, investigation
15 division or the county, metropolitan police department, city or town.

16 **Sec. 10.** 1. There is hereby appropriated from the state highway fund
17 to the department of motor vehicles and public safety the sum of \$150,000
18 for the purchase of computer hardware and software to carry out the
19 program of enforcement set forth in the amendatory provisions of sections
20 2 to 5, inclusive, of this act and for costs related to a multimedia
21 advertising campaign to inform the public about that program of
22 enforcement.

23 2. Any remaining balance of the appropriation made by subsection 1
24 must not be committed for expenditure after June 30, 2003, and reverts to
25 the state highway fund as soon as all payments of money committed have
26 been made.

27 **Sec. 11.** This act becomes effective on July 1, 2001.

