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PREPARED BY
RESEARCH DIVISION
LEGISLATIVE COUNSEL BUREAU
Nonpartisan Staff of the Nevada State Legislature

WORK SESSION

Assembly Committee on Transportation

February 20, 2003

The following measure will be considered for action by the Assembly Committee on Transportation during a work session on Thursday, February 20, 2003:

- ☐ **Assembly Bill 30** (Sponsored by Assemblywoman McClain; heard February 11, 2003, and no action was taken.)

Makes various changes to the provisions governing the registration of motor vehicles by new residents of this state and the issuance of drivers' licenses to such persons.

Discussion

Assembly Bill 30 would require that before the Department of Motor Vehicles (DMV) issues a driver's license to a new resident of the state, the new resident must register each vehicle he owns which is operated in the state. However, the DMV may issue a driver's license to a new resident of the state who provides a signed affidavit to the DMV attesting that he does not own any vehicle which is operated in the state or is exempt from the requirement to register each vehicle he owns. A person who files a false affidavit is subject to penalties of perjury. According to a representative of the DMV, the DMV can "flag" a person's information in its computer system when a person signs an affidavit. Law enforcement agencies would have access to this information.

Additionally, A.B. 30 provides that a person may transfer the original registration to another vehicle registered by him and receive a credit on the portion of the registration and taxes for the remainder of the current period of registration.

Further, A.B. 30 repeals a provision that authorizes the DMV to refund unexpired registration fees and privilege taxes when the owner of a motor vehicle cancels his registration.

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ASSEMBLY TRANSPORTATION
DATE: 2-20-03 ROOM: 3143 EXHIBIT 1-13
SUBMITTED BY: M. Foster Thomas, Com. Policy

Proposed Conceptual Amendments

Assemblyman Carpenter worked with the sponsor of the bill and proposes the following amendments:

1. Amend the bill to require the DMV to issue a refund for unexpired motor vehicle registration and taxes to a person who sells, trades, or junks his motor vehicle if the refund is over \$100. (Tab A is a mock-up of the bill with a suggested amendment on page 7, lines 11 to 17.)
2. Amend the bill to require that DMV issue refunds for unexpired registration and taxes if the refund is more than \$100 to a person 65 years of age and older who either voluntarily relinquishes his driver's license for any reason, or who loses his driver's license due to a medical condition. (Tab A is a mock-up of the bill with a suggested amendment on page 10.)

TAB A

I 3413

MOCK-UP

PROPOSED AMENDMENT TO
ASSEMBLY BILL NO. 30

PREPARED FOR CARPENTER
FEBRUARY 19, 2003

PREPARED BY THE RESEARCH DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN
CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE
OFFICIAL AMENDMENT MAY DIFFER.

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~green bold double strikethrough~~ is language proposed to be deleted in this amendment and (5) ~~green bold dashed underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment.

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

Section 1. NRS 482.206 is hereby amended to read as follows:

482.206 1. Except as otherwise provided in this section, every motor vehicle, except for a motor vehicle that is registered pursuant to the provisions of NRS 706.801 to 706.861, inclusive, or which is a motor vehicle with a declared gross weight in excess of 26,000 pounds, must be registered for a period of 12 consecutive months beginning the day after the first registration by the owner in this state.

2. Every vehicle registered by an agent of the Department or a registered dealer must be registered for 12 consecutive months beginning the first day of the month after the first registration by the owner in this state.

3. Upon the application of the owner of a fleet of vehicles, the Director may permit him to register his fleet on the basis of a calendar year.

4. When the registration of any vehicle is transferred pursuant to the provisions of NRS 482.3667, 482.379 or NRS 482.399, the expiration date of each regular license plate, special license plate or substitute decal

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PROPOSED AMENDMENT TO AB30

1 must, at the time of the transfer of registration, be advanced for a period of
2 12 consecutive months beginning:

3 (a) The first day of the month after the transfer, if the vehicle is
4 transferred by an agent of the Department; or

5 (b) The day after the transfer in all other cases,

6 and a credit on the portion of the fee for registration and the governmental
7 services tax attributable to the remainder of the current period of
8 registration ~~must~~ ~~be~~ allowed pursuant to
9 the applicable provisions of NRS ~~482.3667, 482.379 and~~ 482.399.

10 Sec. 2. NRS 482.260 is hereby amended to read as follows:

11 482.260 1. When registering a vehicle, the Department and its
12 agents or a registered dealer shall:

13 (a) Collect the fees for license plates and registration as provided for in
14 this chapter.

15 (b) ~~{Collect}~~ *Except as otherwise provided in NRS 482.321, collect* the
16 governmental services tax on the vehicle, as agent for the county where the
17 applicant intends to base the vehicle for the period of registration, unless
18 the vehicle is deemed to have no base.

19 (c) Collect the applicable taxes imposed pursuant to chapters 372, 374,
20 377 and 377A of NRS.

21 (d) Issue a certificate of registration.

22 (e) If the registration is performed by the Department, issue the regular
23 license plate or plates.

24 (f) If the registration is performed by a registered dealer, provide
25 information to the owner regarding the manner in which the regular license
26 plate or plates will be made available to him.

27 2. Upon proof of ownership satisfactory to the Director, he shall
28 cause to be issued a certificate of ownership as provided in this chapter.

29 3. ~~{Every}~~ *Except as otherwise provided in NRS 371.070, every*
30 vehicle being registered for the first time in Nevada must be taxed for the
31 purposes of the governmental services tax for a 12-month period.

32 4. The Department shall deduct and withhold 2 percent of the taxes
33 collected pursuant to paragraph (c) of subsection 1 and remit the
34 remainder to the Department of Taxation.

35 5. A registered dealer shall forward all fees and taxes collected for the
36 registration of vehicles to the Department.

37 Sec. 3. NRS 482.3667 is hereby amended to read as follows:

38 482.3667 1. The Department shall establish, design and otherwise
39 prepare for issue personalized prestige license plates and shall establish all
40 necessary procedures not inconsistent with this section for the application
41 and issuance of such license plates.

42 2. The department shall issue personalized prestige license plates,
43 upon payment of the prescribed fee, to any person who otherwise complies

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1 with the laws relating to the registration and licensing of motor vehicles or
2 trailers for use on private passenger cars, motorcycles, trucks or trailers.

3 3. Personalized prestige license plates are valid for 12 months and are
4 renewable upon expiration. These plates may be transferred from one
5 vehicle or trailer to another if the transfer and registration fees are paid as
6 set out in this chapter. ~~{Any person transferring plates must be allowed a~~
7 ~~1/12 reduction in fees for each calendar month remaining unused from the~~
8 ~~previous registration, applicable to the fees which are for the registration~~
9 ~~year for which the plates are being transferred.}~~

10 4. In case of any conflict, the person who first made application for
11 personalized prestige license plates and has continuously renewed them by
12 payment of the required fee has priority.

13 5. The Department may limit by regulation the number of letters and
14 numbers used and prohibit the use of inappropriate letters or combinations
15 of letters and numbers.

16 6. The Department shall not assign to any person not holding the
17 relevant office any letters and numbers denoting that the holder holds a
18 public office.

19 Sec. 4. NRS 482.379 is hereby amended to read as follows:

20 482.379 1. The Director may order the design and preparation of
21 license plates which commemorate the 125th anniversary of Nevada's
22 admission into the Union and establish the procedures for the application
23 and issuance of the plates.

24 2. The Department may designate any colors, numbers and letters for
25 the commemorative plates.

26 3. A person who is entitled to license plates pursuant to NRS 482.265
27 may apply for commemorative license plates.

28 4. The fee for the commemorative license plates is \$10, in addition
29 to all other applicable registration and license fees and governmental
30 services taxes. If a person is eligible for and applies for any special license
31 plates issued pursuant to NRS 482.3667, 482.3672, 482.3675, 482.368 or
32 482.370 to 482.3825, inclusive, and applies to have those special license
33 plates combined with commemorative plates, the person must pay the fees
34 for the special license plates in addition to the fee for the commemorative
35 plates.

36 5. In addition to all fees for the license, registration and governmental
37 services taxes, a person who is eligible for and applies for commemorative
38 plates must pay \$25 for the celebration of the 125th anniversary of
39 Nevada's admission into the Union. The fees for the license, registration,
40 and governmental services taxes and the charge for the celebration may be
41 paid with a single check.

42 6. Commemorative plates are renewable upon the payment
43 of \$10.

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1 7. If during a registration year, the holder of commemorative plates
2 issued pursuant to the provisions of this section disposes of the vehicle to
3 which the plates are affixed, he may retain the plates and:

4 (a) Within 30 days after removing the plates from the vehicle, return
5 them to the Department; or

6 (b) Affix them to another vehicle which meets the requirements of this
7 section if the transfer and registration fees are paid as is provided for in
8 this chapter. ~~{A person who transfers plates must be allowed a one-twelfth~~
9 ~~reduction in fees for each calendar month remaining unused from the~~
10 ~~previous registration.}~~

11 8. Except as otherwise provided by subsection 10, if a
12 commemorative license plate or set of license plates issued pursuant to the
13 provisions of this section is lost, stolen or mutilated, the owner of the
14 vehicle may secure a replacement license plate or set of replacement
15 license plates, as the case may be, from the Department upon payment of
16 the fees set forth in subsection 2 of NRS 482.500.

17 9. The Department shall, for each set of commemorative license
18 plates that it issues:

19 (a) Deposit the \$25 collected for the celebration of the 125th
20 anniversary of Nevada's admission into the Union with the State Treasurer
21 for credit to the Account for Nevada's 125th Anniversary in the State
22 General Fund;

23 (b) Deposit \$7.50 with the State Treasurer for credit to the Motor
24 Vehicle Fund pursuant to the provisions of NRS 482.180; and

25 (c) Deposit \$2.50 with the State Treasurer for credit to the Department
26 to reimburse the Department for the cost of manufacturing the license
27 plates.

28 10. The Department shall not:

29 (a) Issue the commemorative license plates after October 31, 1990.

30 (b) Issue replacement commemorative license plates after
31 June 30, 1995.

32 Sec. 5. NRS 482.385 is hereby amended to read as follows:

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

43 2. This section does not:

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PROPOSED AMENDMENT TO AB30

- 1 (a) Prohibit the use of manufacturers', distributors' or dealers' license
2 plates issued by any state or country by any nonresident in the operation of
3 any vehicle on the public highways of this state.
- 4 (b) Require registration of vehicles of a type subject to registration
5 pursuant to the provisions of this chapter operated by nonresident common
6 motor carriers of persons or property, contract motor carriers of persons or
7 property, or private motor carriers of property as stated in NRS 482.390.
- 8 (c) Require registration of a vehicle operated by a border state
9 employee.
- 10 3. When a person ~~{formerly a nonresident,}~~ becomes a resident of
11 this state, he shall ~~{~~
12 ~~—(a) Within 30 days after becoming a resident; or~~
13 ~~—(b) At the time}~~, before he obtains his driver's license, ~~{whichever~~
14 ~~occurs earlier,}~~ apply for the registration of ~~{any vehicle which he owns~~
15 ~~and}~~ each vehicle he owns which is operated in this state.
- 16 4. Any resident operating ~~{a motor vehicle}~~ upon a highway of this
17 state a motor vehicle which is owned by a nonresident and which is
18 furnished to the resident operator for his continuous use within this state,
19 shall cause that vehicle to be registered within 30 days after beginning its
20 operation within this state.
- 21 5. A person registering a vehicle pursuant to the provisions of
22 subsection 3, 4 or 6 ~~{of this section}~~ or pursuant to NRS 482.390 ~~{must}~~ :
23 (a) Must be assessed the registration fees and governmental services
24 tax, as required by the provisions of this chapter and chapter 371 of NRS ~~{~~
25 ~~He must}~~; and
26 (b) Must not be allowed credit on those taxes and fees for the unused
27 months of his previous registration.
- 28 6. If a vehicle is used in this state for a gainful purpose, the owner
29 shall immediately apply to the Department for registration, except as
30 otherwise provided in NRS 482.390, 482.395 and 706.801 to 706.861,
31 inclusive.
- 32 7. An owner registering a vehicle pursuant to the provisions of this
33 section shall surrender the existing nonresident license plates and
34 registration certificates to the Department for cancelation.
- 35 8. A vehicle may be cited for a violation of this section regardless of
36 whether it is in operation or is parked on a highway, in a public parking lot
37 or on private property which is open to the public if, after communicating
38 with the owner or operator of the vehicle, the peace officer issuing the
39 citation determines that:
40 (a) The owner of the vehicle is a resident of this state; or
41 (b) The vehicle is used in this state for a gainful purpose.
- 42 Sec. 6. NRS 482.399 is hereby amended to read as follows:
43 482.399 1. Upon the transfer of the ownership of or interest in any
44 vehicle by any holder of a valid registration, or upon destruction of the
45 vehicle, the registration expires.

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1 2. The holder of the original registration may transfer the registration
2 to another vehicle to be registered by him and use the same *regular* license
3 plate or plates ~~{thereon,}~~ *or special license plate or plates issued pursuant*
4 *to NRS 482.3667 to 482.3823, inclusive, or 482.384, on the vehicle from*
5 *which the registration is being transferred*, if the license plate or plates
6 are appropriate for the second vehicle, upon filing an application for
7 transfer of registration and upon paying the transfer registration fee and the
8 excess, if any, of the registration fee and governmental services tax on the
9 vehicle to which the registration is transferred over the total registration
10 fee and governmental services tax paid on all vehicles from which he is
11 transferring his ownership or interest. Except as otherwise provided in
12 NRS 482.294, an application for transfer of registration must be made in
13 person, if practicable, to any office or agent of the Department or to a
14 registered dealer, and the license plate or plates may not be used upon a
15 second vehicle until registration of that vehicle is complete.

16 3. In computing the governmental services tax, the Department, its
17 agent or the registered dealer shall credit the portion of the tax paid on the
18 first vehicle attributable to the remainder of the current registration period
19 or calendar year on a pro rata monthly basis against the tax due on the
20 second vehicle or on any other vehicle of which the person is the registered
21 owner. If any person transfers his ownership or interest in two or more
22 vehicles, the Department or the registered dealer shall credit the portion of
23 the tax paid on all of the vehicles attributable to the remainder of the
24 current registration period or calendar year on a pro rata monthly basis
25 against the tax due on the vehicle to which the registration is transferred or
26 on any other vehicle of which the person is the registered owner. The
27 certificates of registration and unused license plates of the vehicles from
28 which a person transfers his ownership or interest must be submitted
29 before credit is given against the tax due on the vehicle to which the
30 registration is transferred or on any other vehicle of which the person is the
31 registered owner.

32 ~~{3-}~~ 4. In computing the registration fee, the Department or its agent
33 or the registered dealer shall credit the portion of the registration fee paid
34 on each vehicle attributable to the remainder of the current calendar year or
35 registration period on a pro rata basis against the registration fee due on the
36 vehicle to which registration is transferred.

37 5. If the amount owed on the registration fee or governmental services
38 tax on ~~{that}~~ *the vehicle to which registration is transferred* is less than
39 the credit on the total registration fee or governmental services tax paid on
40 all vehicles from which a person transfers his ownership or interest, ~~{the~~
41 ~~Department shall issue to the person a refund in an amount equal to the~~
42 ~~difference between the amount owed on the registration fee or~~
43 ~~governmental services tax on that vehicle and the credit on the total~~
44 ~~registration fee or governmental services tax paid on all vehicles from~~
45 ~~which a person transfers his ownership or interest.~~

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1 ~~4.] no refund may be allowed by the Department.~~

2 6. If the license plate or plates are not appropriate for the second
3 vehicle, the plate or plates must be surrendered to the Department or
4 registered dealer and an appropriate plate or plates must be issued by the
5 Department. The Department shall not reissue the surrendered plate or
6 plates until the next succeeding licensing period.

7 ~~5.] 7. If application for transfer of registration is not made within 60~~
8 ~~days after the destruction or transfer of ownership of or interest in any~~
9 ~~vehicle, the license plate or plates must be surrendered to the Department~~
10 ~~on or before the 60th day for cancelation of the registration.~~

11 16. If a person sells, trades, or junks a motor vehicle and cancels his
12 registration and surrenders to the Department his license plates for
13 a vehicle, the Department shall issue to the person a refund of the
14 portion of the registration fee and governmental services tax paid on
15 the vehicle attributable to the remainder of the current calendar year
16 or registration period on a pro rata basis, if the refund is more than
17 \$100.]

18 Sec. 7. NRS 483.245 is hereby amended to read as follows:

19 483.245 1. When a person becomes a resident of Nevada as defined
20 in this chapter and chapter 482 of NRS he must, within 30 days, obtain a
21 Nevada driver's license as a prerequisite to driving any motor vehicle in
22 the State of Nevada.

23 2. Where a person who applies for a license *provides the*
24 *documentation required pursuant to subsection 2 of NRS 483.250 and*
25 *has a valid driver's license from a state which has requirements for*
26 *issuance of drivers' licenses comparable to those of the State of Nevada,*
27 *the Department may issue a Nevada license under the same terms and*
28 *conditions applicable to a renewal of a license in this state.*

29 3. In carrying out the provisions of this chapter, the Director is
30 authorized to enter into reciprocal agreements with appropriate officials of
31 other states concerning the licensing of drivers of motor vehicles.

32 Sec. 8. NRS 483.250 is hereby amended to read as follows:

33 483.250 The Department shall not issue any license pursuant to the
34 provisions of NRS 483.010 to 483.630, inclusive:

35 1. To any person who is under the age of 18 years, except that the
36 Department may issue:

37 (a) A restricted license to a person between the ages of 14 and 18 years
38 pursuant to the provisions of NRS 483.267 and 483.270.

39 (b) An instruction permit to a person who is at least 15 1/2 years of age
40 pursuant to the provisions of subsection 1 of NRS 483.280.

41 (c) A restricted instruction permit to a person under the age of 18 years
42 pursuant to the provisions of subsection 3 of NRS 483.280.

43 (d) Except as otherwise provided in paragraph (e), a license to a person
44 between the ages of 15 3/4 and 18 years if:

45 (1) He has completed a course:

First Suggested Amendment

Proposed by Assemblyman
Carpenter

The reason for the proposed amendment is to allow any person who sells, trades, or junks a motor vehicle to receive a refund of the unexpired motor vehicle registration and taxes if the refund is more than \$100.

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PROPOSED AMENDMENT TO AB30

(I) In automobile driver education pursuant to NRS 389.090; or

(II) Provided by a school for training drivers licensed pursuant to NRS 483.700 to 483.780, inclusive, if the course complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the State Board of Education pursuant to NRS 389.090;

(2) He has at least 50 hours of experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280;

(3) His parent or legal guardian signs and submits to the Department a form provided by the Department which attests that the person who wishes to obtain the license has completed the training and experience required by subparagraphs (1) and (2); and

(4) He has held an instruction permit for at least:

(I) Ninety days before he applies for the license, if he was under the age of 16 years at the time he obtained the instruction permit;

(II) Sixty days before he applies for the license, if he was at least 16 years of age but less than 17 years of age at the time he obtained the instruction permit; or

(III) Thirty days before he applies for the license, if he was at least 17 years of age but less than 18 years of age at the time he obtained the instruction permit.

(e) A license to a person who is between the ages of 15 3/4 and 18 years if:

(1) The public school in which he is enrolled is located in a county whose population is less than 50,000 or in a city or town whose population is less than 25,000;

(2) The public school does not offer automobile driver education;

(3) He has at least 50 hours of experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280;

(4) His parent or legal guardian signs and submits to the Department a form provided by the Department which attests that the person who wishes to obtain the license has completed the experience required by subparagraph (3); and

(5) He has held an instruction permit for at least:

(I) Ninety days before he applies for the license, if he was under the age of 16 years at the time he obtained the instruction permit;

(II) Sixty days before he applies for the license, if he was at least 16 years of age but less than 17 years of age at the time he obtained the instruction permit; or

(III) Thirty days before he applies for the license, if he was at least 17 years of age but less than 18 years of age at the time he obtained the instruction permit.

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1 2. To any person who is a new resident of this state unless the
2 person provides to the Department:
3 (a) Proof that he has registered each vehicle he owns which is
4 operated in this state, as required by NRS 482.385; or
5 (b) A signed affidavit in which he:
6 (1) Attests that he does not own any vehicle which is operated in
7 this state; or
8 (2) Sets forth facts which show that he is, in accordance with the
9 laws of this state, exempt from the requirement to register each vehicle
10 he owns which is operated in this state.
11 3. To any person whose license has been revoked until the expiration
12 of the period during which he is not eligible for a license.
13 {3-} 4. To any person whose license has been suspended, but upon
14 good cause shown to the Administrator, the Department may issue a
15 restricted license to him or shorten any period of suspension.
16 {4-} 5. To any person who has previously been adjudged to be
17 afflicted with or suffering from any mental disability or disease and who
18 has not at the time of application been restored to legal capacity.
19 {5-} 6. To any person who is required by NRS 483.010 to 483.630,
20 inclusive, to take an examination, unless he has successfully passed the
21 examination.
22 {6-} 7. To any person when the Administrator has good cause to
23 believe that by reason of physical or mental disability that person would
24 not be able to operate a motor vehicle safely.
25 {7-} 8. To any person who is not a resident of this state.
26 {8-} 9. To any child who is the subject of a court order issued
27 pursuant to paragraph (h) of subsection 1 of NRS 62.211, NRS 62.2255,
28 62.226 or 62.228 which delays his privilege to drive.
29 {9-} 10. To any person who is the subject of a court order issued
30 pursuant to NRS 206.330 which suspends or delays his privilege to drive
31 until the expiration of the period of suspension or delay.
32 Sec. 9. NRS 371.070 is hereby amended to read as follows:
33 371.070 Upon ~~{vehicles registered}~~ the registration for the first time
34 in this state after the beginning of the registration year ~~{}~~ of a vehicle
35 which is registered pursuant to the provisions of NRS 706.801 to
36 706.861, inclusive, or which has a declared gross weight in excess of
37 26,000 pounds, the amount of the governmental services tax must be
38 reduced one-twelfth for each month which has elapsed since the beginning
39 of such year.
40 Sec. 10. NRS 371.080 is hereby amended to read as follows:
41 371.080 If any vehicle which is registered pursuant to the provisions
42 of NRS 706.801 to 706.861, inclusive, or has a declared gross weight in
43 excess of 26,000 pounds, and which is exempt from the governmental
44 services tax pursuant to NRS 371.100 ceases to be exempt after the
45 beginning of the registration year by reason of a change of ownership, the

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- 1 amount of the tax must be reduced one-twelfth for each month which has
2 elapsed since the beginning of that year.

New Section. Require the Department of Motor Vehicles to issue refunds for unexpired registration and taxes if the refund is more than \$100 to a person 65 years of age and older who either voluntarily relinquishes his driver's license for any reason, or who loses his driver's license due to a medical condition.

- 3
4 **Sec. 11.** This act becomes effective upon passage and approval.

H

**Second Suggested
Amendment**

Proposed by
Assemblyman Carpenter

This proposal would add a new provision in the *Nevada Revised Statutes* to allow a person 65 years of age and older to receive a refund from the DMV if the refund is more than \$100 and he no longer has a driver's license.

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