

ASSEMBLY BILL NO. 301—ASSEMBLYMEN SIBLEY,
HARDY AND CHRISTENSEN

MARCH 21, 2005

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions governing veterans' exemptions from property tax and governmental services tax. (BDR 32-1002)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 taxation; revising the provisions governing the veterans' exemptions from the property tax and the governmental services tax; 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.** NRS 361.090 is hereby amended to read as follows:
2 361.090 1. The property, to the extent of ~~[\$2,000]~~ *\$5,000*
3 assessed valuation, of any actual bona fide resident of the State of
4 Nevada who:
5 (a) Has served a minimum of 90 days on active duty, who was
6 assigned to active duty at some time between April 21, 1898, and
7 June 15, 1903, or between April 6, 1917, and November 11, 1918,
8 or between December 7, 1941, and December 31, 1946, or between
9 June 25, 1950, and May 7, 1975, or between September 26, 1982,
10 and December 1, 1987, or between October 23, 1983,
11 and November 21, 1983, or between December 20, 1989, and
12 January 31, 1990, or between August 2, 1990, and April 11, 1991,
13 or between December 5, 1992, and March 31, 1994, or between
14 November 20, 1995, and December 20, 1996;



1 (b) Has served a minimum of 90 continuous days on active duty
2 none of which was for training purposes, who was assigned to active
3 duty at some time between January 1, 1961, and May 7, 1975;

4 (c) Has served on active duty in connection with carrying out
5 the authorization granted to the President of the United States in
6 Public Law 102-1; or

7 (d) Has served on active duty in connection with a campaign or
8 expedition for service in which a medal has been authorized by the
9 government of the United States, regardless of the number of days
10 served on active duty,

11 ➤ and who received, upon severance from service, an honorable
12 discharge or certificate of satisfactory service from the Armed
13 Forces of the United States, or who, having so served, is still serving
14 in the Armed Forces of the United States, is exempt from taxation.

15 2. For the purpose of this section, the first ~~[\$2,000]~~ \$5,000
16 assessed valuation of property in which such a person has any
17 interest shall be deemed the property of that person.

18 3. The exemption may be allowed only to a claimant who files
19 an affidavit with his claim for exemption on real property pursuant
20 to NRS 361.155. The affidavit may be filed at any time by a person
21 claiming exemption from taxation on personal property.

22 4. The affidavit must be made before the county assessor or a
23 notary public and filed with the county assessor. It must state that
24 the affiant is an actual bona fide resident of the State of Nevada who
25 meets all the other requirements of subsection 1 and that the
26 exemption is claimed in no other county in this State. After the
27 filing of the original affidavit, the county assessor shall mail a form
28 for:

29 (a) The renewal of the exemption; and

30 (b) The designation of any amount to be credited to the Gift
31 Account for Veterans' Homes established pursuant to NRS 417.145,
32 ➤ to the person each year following a year in which the exemption
33 was allowed for that person. The form must be designed to facilitate
34 its return by mail by the person claiming the exemption.

35 5. Persons in actual military service are exempt during the
36 period of such service from filing annual affidavits of exemption,
37 and the county assessors shall continue to grant exemption to such
38 persons on the basis of the original affidavits filed. In the case of
39 any person who has entered the military service without having
40 previously made and filed an affidavit of exemption, the affidavit
41 may be filed in his behalf during the period of such service by any
42 person having knowledge of the facts.

43 6. Before allowing any veteran's exemption pursuant to the
44 provisions of this chapter, the county assessor of each of the several
45 counties of this State shall require proof of status of the veteran, and



1 for that purpose shall require production of an honorable discharge
2 or certificate of satisfactory service or a certified copy thereof, or
3 such other proof of status as may be necessary.

4 7. If any person files a false affidavit or produces false proof to
5 the county assessor, and as a result of the false affidavit or false
6 proof a tax exemption is allowed to a person not entitled to the
7 exemption, he is guilty of a gross misdemeanor.

8 8. Beginning with the ~~[2005-2006]~~ **2006-2007** Fiscal Year, the
9 monetary amounts in subsections 1 and 2 must be adjusted for each
10 fiscal year by adding to each amount the product of the amount
11 multiplied by the percentage increase in the Consumer Price Index
12 (All Items) from ~~[December 2003 to the December]~~ **July 2004 to**
13 **the July** preceding the fiscal year for which the adjustment is
14 calculated.

15 **Sec. 2.** NRS 361.091 is hereby amended to read as follows:

16 361.091 1. A bona fide resident of the State of Nevada who
17 has incurred a permanent service-connected disability and has been
18 honorably discharged from the Armed Forces of the United States,
19 or his surviving spouse, is entitled to a disabled veteran's
20 exemption.

21 2. The amount of exemption is based on the total percentage of
22 permanent service-connected disability. The maximum allowable
23 exemption for total permanent disability is the first \$20,000 assessed
24 valuation. A person with a permanent service-connected disability
25 of:

26 (a) Eighty to 99 percent, inclusive, is entitled to an exemption of
27 \$15,000 assessed value.

28 (b) Sixty to 79 percent, inclusive, is entitled to an exemption of
29 \$10,000 assessed value.

30 ➤ For the purposes of this section, any property in which an
31 applicant has any interest is deemed to be the property of the
32 applicant.

33 3. The exemption may be allowed only to a claimant who has
34 filed an affidavit with his claim for exemption on real property
35 pursuant to NRS 361.155. The affidavit may be made at any time by
36 a person claiming an exemption from taxation on personal property.

37 4. The affidavit must be made before the county assessor or a
38 notary public and be submitted to the county assessor. It must be to
39 the effect that the affiant is a bona fide resident of the State of
40 Nevada, that he meets all the other requirements of subsection 1 and
41 that he does not claim the exemption in any other county within this
42 State. After the filing of the original affidavit, the county assessor
43 shall mail a form for:

44 (a) The renewal of the exemption; and



(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145, to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

5. Before allowing any exemption pursuant to the provisions of this section, the county assessor shall require proof of the applicant's status, and for that purpose shall require him to produce an original or certified copy of:

(a) An honorable discharge or other document of honorable separation from the Armed Forces of the United States which indicates the total percentage of his permanent service-connected disability;

(b) A certificate of satisfactory service which indicates the total percentage of his permanent service-connected disability; or

(c) A certificate from the Department of Veterans Affairs or any other military document which shows that he has incurred a permanent service-connected disability and which indicates the total percentage of that disability, together with a certificate of honorable discharge or satisfactory service.

6. A surviving spouse claiming an exemption pursuant to this section must file with the county assessor an affidavit declaring that:

(a) The surviving spouse was married to and living with the disabled veteran for the 5 years preceding his death;

(b) The disabled veteran was eligible for the exemption at the time of his death or would have been eligible if he had been a resident of the State of Nevada;

(c) The surviving spouse has not remarried; ~~and~~

(d) The surviving spouse is a bona fide resident of the State of Nevada ~~;~~; and

(e) The exemption is claimed in no other county within this State.

➤ The affidavit required by this subsection is in addition to the certification required pursuant to subsections 4 and 5. After the filing of the original affidavit required by this subsection, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

7. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 361.090.

8. If any person makes a false affidavit or produces false proof to the county assessor or a notary public, and as a result of the false affidavit or false proof, the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.



9. Beginning with the ~~[2005-2006]~~ 2006-2007 Fiscal Year, the monetary amounts in subsection 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from ~~[December 2003 to the December]~~ July 2004 to the July preceding the fiscal year for which the adjustment is calculated.

Sec. 3. NRS 371.103 is hereby amended to read as follows:

371.103 1. Vehicles, to the extent of ~~[\$2,000]~~ \$5,000 determined valuation, registered by any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;

(b) Has served a minimum of 90 continuous days on active duty none of which was for training purposes, who was assigned to active duty at some time between January 1, 1961, and May 7, 1975;

(c) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1; or

(d) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the government of the United States, regardless of the number of days served on active duty,

➤ and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. For the purpose of this section, the first ~~[\$2,000]~~ \$5,000 determined valuation of vehicles in which such a person has any interest shall be deemed to belong to that person.

3. A person claiming the exemption shall file annually with the Department in the county where the exemption is claimed an affidavit declaring that he is an actual bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is claimed in no other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall mail a form for:



- 1 (a) The renewal of the exemption; and
- 2 (b) The designation of any amount to be credited to the Gift
- 3 Account for Veterans' Homes established pursuant to NRS 417.145,
- 4 ➡ to the person each year following a year in which the exemption
- 5 was allowed for that person. The form must be designed to facilitate
- 6 its return by mail by the person claiming the exemption.

7 4. Persons in actual military service are exempt during the
8 period of such service from filing annual affidavits of exemption ,
9 and the Department shall grant exemptions to those persons on the
10 basis of the original affidavits filed. In the case of any person who
11 has entered the military service without having previously made and
12 filed an affidavit of exemption, the affidavit may be filed in his
13 behalf during the period of such service by any person having
14 knowledge of the facts.

15 5. Before allowing any veteran's exemption pursuant to the
16 provisions of this chapter, the Department shall require proof of
17 status of the veteran, and for that purpose shall require production of
18 an honorable discharge or certificate of satisfactory service or a
19 certified copy thereof, or such other proof of status as may be
20 necessary.

21 6. If any person files a false affidavit or produces false proof to
22 the Department, and as a result of the false affidavit or false proof a
23 tax exemption is allowed to a person not entitled to the exemption,
24 he is guilty of a gross misdemeanor.

25 7. Beginning with the ~~[2005-2006]~~ **2006-2007** Fiscal Year, the
26 monetary amounts in subsections 1 and 2 must be adjusted for each
27 fiscal year by adding to each amount the product of the amount
28 multiplied by the percentage increase in the Consumer Price Index
29 (All Items) from ~~[December 2003 to the December]~~ **July 2004 to**
30 **the July** preceding the fiscal year for which the adjustment is
31 calculated.

32 **Sec. 4.** NRS 371.104 is hereby amended to read as follows:

33 371.104 1. A bona fide resident of the State of Nevada who
34 has incurred a permanent service-connected disability and has been
35 honorably discharged from the Armed Forces of the United States,
36 or his surviving spouse, is entitled to a veteran's exemption from the
37 payment of governmental services taxes on vehicles of the following
38 determined valuations:

39 (a) If he has a disability of 100 percent, the first \$20,000 of
40 determined valuation.

41 (b) If he has a disability of 80 to 99 percent, inclusive, the first
42 \$15,000 of determined valuation.

43 (c) If he has a disability of 60 to 79 percent, inclusive, the first
44 \$10,000 of determined valuation.



2. For the purpose of this section, the first \$20,000 of determined valuation of vehicles in which an applicant has any interest ~~and~~ shall be deemed to belong entirely to that person.

3. A person claiming the exemption shall file annually with the Department in the county where the exemption is claimed an affidavit declaring that he is a bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is claimed in no other county within this State. After the filing of the original affidavit, the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145, to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

4. Before allowing any exemption pursuant to the provisions of this section, the Department shall require proof of the applicant's status, and for that purpose shall require production of:

(a) A certificate from the Department of Veterans Affairs that the veteran has incurred a permanent service-connected disability, which shows the percentage of that disability; and

(b) Any one of the following:

(1) An honorable discharge;

(2) A certificate of satisfactory service; or

(3) A certified copy of either of these documents.

5. A surviving spouse claiming an exemption pursuant to this section must file with the Department in the county where the exemption is claimed an affidavit declaring that:

(a) The surviving spouse was married to and living with the disabled veteran for the 5 years preceding his death;

(b) The disabled veteran was eligible for the exemption at the time of his death; ~~and~~

(c) The surviving spouse has not remarried ~~and~~; and

(d) The exemption is claimed in no other county within this State.

➤ The affidavit required by this subsection is in addition to the certification required pursuant to subsections 3 and 4. After the filing of the original affidavit required by this subsection, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

6. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 371.103.



7. If any person makes a false affidavit or produces false proof to the Department, and as a result of the false affidavit or false proof the person is allowed a tax exemption to which he is not entitled, he is guilty of a gross misdemeanor.

8. Beginning with the ~~[2005-2006]~~ 2006-2007 Fiscal Year, the monetary amounts in subsections 1 and 2 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from ~~[December 2003 to the December]~~ July 2004 to the July preceding the fiscal year for which the adjustment is calculated.

Sec. 5. NRS 482.216 is hereby amended to read as follows:

482.216 1. Upon the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:

(a) Accept applications for the registration of the new motor vehicles he sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications he receives to the Department within the period prescribed by the Department;

(b) Transmit the fees he collects from the applicants and properly account for them within the period prescribed by the Department;

(c) Comply with the regulations adopted pursuant to subsection 4; and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

(a) Charge any additional fee for the performance of those services;

(b) Receive compensation from the Department for the performance of those services;

(c) Accept applications for the renewal of registration of a motor vehicle; or

(d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3825, inclusive; or



(2) Claim the exemption from the governmental services tax provided pursuant to NRS ~~{361.1565}~~ **371.103 or 371.104** to veterans and their relations.

4. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the Department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.

Sec. 6. This act becomes effective on July 1, 2005.



