

ASSEMBLY BILL NO. 307—ASSEMBLYMEN MCCLAIN, KOIVISTO, CARPENTER, SMITH, GIUNCHIGLIANI, ARBERRY JR., ATKINSON, BUCKLEY, CLABORN, CONKLIN, DENIS, GERHARDT, LESLIE, MANENDO, MCCLEARY, MUNFORD, OCEGUERA, PARKS, PARNELL AND PIERCE

MARCH 21, 2005

Referred to Committee on Transportation

SUMMARY—Makes various changes concerning registration of motor vehicles and operations of Department of Motor Vehicles. (BDR 43-346)

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 motor vehicles; making various changes concerning the registration of motor vehicles; requiring the Department of Motor Vehicles to compile certain statistical information relating to veterans; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires the Department of Motor Vehicles, under certain
2 circumstances, to refund a prorated amount of the registration fee and governmental
3 services tax on a motor vehicle if a person requests a refund at the time he cancels
4 his registration and surrenders his license plates. To qualify for a refund, a person
5 must be a resident of this State, the amount of the prorated refund must exceed
6 \$100 and certain extenuating circumstances must exist. (NRS 482.399) Existing
7 law requires the Department to maintain a list of persons who have failed to register
8 their vehicle within 30 days after becoming a resident or at the time they obtain a
9 driver's license. The Department must, at least monthly, provide a list of those
10 persons to the Department of Public Safety. (NRS 482.385)

11 This bill requires the Department of Motor Vehicles to refund the entire amount
12 of the registration fee and governmental services tax attributable to the current
13 registration period if 180 days or more remain on the registration at the time a
14 person cancels his registration and surrenders the license plates. If less than 180
15 days remain on the registration at the time of cancellation and surrender of the
16 license plates, the existing pro rata refund applies.



17 This bill reduces the monetary threshold for a refund to an amount that exceeds
18 \$50 and removes extenuating circumstances that a person must relinquish his
19 driver's license to qualify for a refund.

20 This bill also requires the Department of Motor Vehicles to inquire of each
21 person who applies for an instruction permit, driver's license or identification card
22 whether he wishes to declare that he is a veteran of the Armed Forces of the United
23 States. The Department must record the number of declarations and report that
24 number quarterly to the Office of Veterans' Services.

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

1 **Section 1.** NRS 482.385 is hereby amended to read as follows:

2 482.385 1. Except as otherwise provided in subsection 4 and
3 NRS 482.390, a nonresident owner of a vehicle of a type subject to
4 registration pursuant to the provisions of this chapter, owning any
5 vehicle which has been registered for the current year in the state,
6 country or other place of which the owner is a resident and which at
7 all times when operated in this State has displayed upon it the
8 registration license plate issued for the vehicle in the place of
9 residence of the owner, may operate or permit the operation of the
10 vehicle within this State without its registration in this State
11 pursuant to the provisions of this chapter and without the payment
12 of any registration fees to this State.

13 2. This section does not:

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

17 (b) Require registration of vehicles of a type subject to
18 registration pursuant to the provisions of this chapter operated by
19 nonresident common motor carriers of persons or property, contract
20 motor carriers of persons or property, or private motor carriers of
21 property as stated in NRS 482.390.

22 (c) Require registration of a vehicle operated by a border state
23 employee.

24 3. When a person, formerly a nonresident, becomes a resident
25 of this State, he shall:

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

27 (b) At the time he obtains his driver's license,

28 ➤ whichever occurs earlier, apply for the registration of each
29 vehicle he owns which is operated in this State. When a person,
30 formerly a nonresident, applies for a driver's license in this State,
31 the Department shall inform the person of the requirements imposed
32 by this subsection and of the penalties that may be imposed for
33 failure to comply with the provisions of this subsection. In addition,
34 the Department shall maintain or cause to be maintained a list or



1 other record of persons who fail to comply with the provisions of
2 this subsection and shall, at least once each month, provide a copy
3 of that list or record to the Department of Public Safety ~~H~~ and
4 *appropriate local law enforcement agencies.*

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

10 5. A person registering a vehicle pursuant to the provisions of
11 subsection 3, 4 or 6 pursuant to NRS 482.390:

12 (a) Must be assessed the registration fees and governmental
13 services tax, as required by the provisions of this chapter and
14 chapter 371 of NRS; and

15 (b) Must not be allowed credit on those taxes and fees for the
16 unused months of his previous registration.

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

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

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

29 (a) The owner of the vehicle is a resident of this State; or

30 (b) The vehicle is used in this State for a gainful purpose.

31 **Sec. 2.** NRS 482.399 is hereby amended to read as follows:

32 482.399 1. Upon the transfer of the ownership of or interest
33 in any vehicle by any holder of a valid registration, or upon
34 destruction of the vehicle, the registration expires.

35 2. The holder of the original registration may transfer the
36 registration to another vehicle to be registered by him and use the
37 same regular license plate or plates or special license plate or plates
38 issued pursuant to NRS 482.3667 to 482.3823, inclusive, or
39 482.384, on the vehicle from which the registration is being
40 transferred, if the license plate or plates are appropriate for the
41 second vehicle, upon filing an application for transfer of registration
42 and upon paying the transfer registration fee and the excess, if any,
43 of the registration fee and governmental services tax on the vehicle
44 to which the registration is transferred over the total registration fee



1 and governmental services tax paid on all vehicles from which he is
2 transferring his ownership or interest. Except as otherwise provided
3 in NRS 482.294, an application for transfer of registration must be
4 made in person, if practicable, to any office or agent of the
5 Department or to a registered dealer, and the license plate or plates
6 may not be used upon a second vehicle until registration of that
7 vehicle is complete.

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

25 4. In computing the registration fee, the Department or its
26 agent or the registered dealer shall credit the portion of the
27 registration fee paid on each vehicle attributable to the remainder of
28 the current calendar year or registration period on a pro rata basis
29 against the registration fee due on the vehicle to which registration
30 is transferred.

31 5. If the amount owed on the registration fee or governmental
32 services tax on the vehicle to which registration is transferred is less
33 than the credit on the total registration fee or governmental services
34 tax paid on all vehicles from which a person transfers his ownership
35 or interest, no refund may be allowed by the Department.

36 6. If the license plate or plates are not appropriate for the
37 second vehicle, the plate or plates must be surrendered to the
38 Department or registered dealer and an appropriate plate or plates
39 must be issued by the Department. The Department shall not reissue
40 the surrendered plate or plates until the next succeeding licensing
41 period.

42 7. If application for transfer of registration is not made within
43 60 days after the destruction or transfer of ownership of or interest
44 in any vehicle, the license plate or plates must be surrendered to the



1 Department on or before the 60th day for cancellation of the
2 registration.

3 8. If a person cancels his registration and surrenders to the
4 Department his license plates for a vehicle, the Department shall, in
5 accordance with the provisions of subsection 9, issue to the person a
6 refund of ~~the~~ :

7 (a) *The portion of the registration fee and governmental services*
8 *tax paid on the vehicle attributable on a pro rata basis to the*
9 *remainder of the current calendar year or registration period ~~on a~~*
10 *~~pro-rata basis.~~ applicable to the registration of the vehicle, if less*
11 *than 180 days remain in that applicable calendar year or*
12 *registration period at the time the person cancels his registration*
13 *and surrenders his license plates; or*

14 (b) *The entire amount of the registration fee and governmental*
15 *services tax paid on the vehicle for the current calendar year or*
16 *registration period applicable to the registration of the vehicle, if*
17 *180 days or more remain in that applicable calendar year or*
18 *registration period at the time the person cancels his registration*
19 *and surrenders his license plates.*

20 9. The Department shall issue a refund pursuant to subsection 8
21 only if the request for a refund is made ~~at~~ *within 6 months after*
22 *the time the registration is cancelled and the license plates are*
23 *surrendered, the person requesting the refund is a resident of*
24 *Nevada, the amount eligible for refund exceeds ~~the~~ \$50, and*
25 *evidence satisfactory to the Department is submitted that reasonably*
26 *proves the existence of extenuating circumstances. For the purposes*
27 *of this subsection, the term “extenuating circumstances” means*
28 *circumstances wherein:*

29 (a) The person has recently ~~relinquished his driver's license and~~
30 ~~has~~ sold or otherwise disposed of his vehicle.

31 (b) The vehicle has been determined to be inoperable and the
32 person does not transfer the registration to a different vehicle.

33 (c) The owner of the vehicle is seriously ill or has died and the
34 guardians or survivors have sold or otherwise disposed of the
35 vehicle.

36 (d) Any other event occurs which the Department, by regulation,
37 has defined to constitute an “extenuating circumstance” for the
38 purposes of this subsection.

39 **Sec. 3.** Chapter 483 of NRS is hereby amended by adding
40 thereto a new section to read as follows:

41 **1. When a person applies to the Department for:**

42 (a) *An instruction permit or driver's license pursuant to NRS*
43 *483.290; or*

44 (b) *An identification card pursuant to NRS 483.850,*



1 ↪ the Department shall inquire whether the person desires to
2 declare that he is a veteran of the Armed Forces of the United
3 States.

4 2. If a person declares pursuant to subsection 1 that he is a
5 veteran of the Armed Forces of the United States, the Department
6 shall count the declaration and maintain it only numerically in a
7 record kept by the Department for that purpose.

8 3. The Department shall, at least once each quarter:

9 (a) Compile the aggregate number of persons who have,
10 during the immediately preceding quarter, declared pursuant to
11 subsection 1 that they are veterans of the Armed Forces of the
12 United States; and

13 (b) Transmit that number to the Office of Veterans' Services to
14 be used for statistical purposes.

15 **Sec. 4.** This act becomes effective on July 1, 2005.



