

ASSEMBLY BILL NO. 505—COMMITTEE ON TRANSPORTATION

MARCH 28, 2005

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Referred to Committee on Transportation

SUMMARY—Revises provisions relating to registration of certain motor vehicles and reorganizes Transportation Services Authority. (BDR 43-973)

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.

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AN ACT relating to transportation; revising provisions governing the registration of motor vehicles with a declared gross weight in excess of 26,000 pounds; reorganizing the Transportation Services Authority; providing for the appointment of the Commissioner of the Transportation Services Authority as the Chief of the Authority; revising the procedure pursuant to which vehicles are registered under the Interstate Highway User Fee Apportionment Act; 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 482.206 is hereby amended to read as follows:  
2     482.206 1. Except as otherwise provided in this section,  
3     every motor vehicle, except for a motor vehicle that is registered  
4     pursuant to the provisions of NRS 706.801 to 706.861, inclusive, ~~for~~  
5     ~~which is a motor vehicle with a declared gross weight in excess of~~  
6     ~~26,000 pounds,]~~ must be registered for a period of 12 consecutive  
7     months beginning the day after the first registration by the owner in  
8     this State.  
9     2. Every vehicle registered by an agent of the Department or a  
10    registered dealer must be registered for 12 consecutive months  
11    beginning the first day of the month after the first registration by the  
12    owner in this State.



3. *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 on the day established by the Department by regulation. The Department may, by regulation, establish as many of those periods of registration as are required by the Department.*

4. 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.]~~ 5. When the registration of any vehicle is transferred pursuant to NRS 482.399, the expiration date of each regular license plate, special license plate or substitute decal must, at the time of the transfer of registration, be advanced for a period of 12 consecutive months beginning:

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

(b) The day after the transfer in all other cases, and a credit on the portion of the fee for registration and the governmental services tax attributable to the remainder of the current period of registration must be allowed pursuant to the applicable provisions of NRS 482.399.

**Sec. 2.** NRS 482.463 is hereby amended to read as follows:

482.463 The holder of an original registration for a motor vehicle with a declared gross weight in excess of 26,000 pounds may, upon surrendering the certificate of registration and the corresponding license plates to the Department or upon signing a notarized statement indicating the certificate of registration and the corresponding license plates were lost and providing such supporting documentation as the Department requires, apply to the Department:

1. For a refund of an amount equal to that portion of the governmental services taxes and registration fees paid for the motor vehicle that is attributable, on a pro rata monthly basis, to the remainder of the ~~calendar year;~~ *period of registration;* or

2. To have that amount credited against excise taxes due pursuant to the provisions of chapter 366 of NRS.

**Sec. 3.** NRS 482.482 is hereby amended to read as follows:

482.482 1. In addition to any other applicable fee listed in NRS 482.480, there must be paid to the Department for the registration of every motortruck, truck-tractor or bus which has a declared gross weight of:

(a) Less than 6,000 pounds, a fee of \$33.

(b) Not less than 6,000 pounds and not more than 8,499 pounds, a fee of \$38.

(c) Not less than 8,500 pounds and not more than 10,000 pounds, a fee of \$48.



(d) Not less than 10,001 pounds and not more than 26,000 pounds, a fee of \$12 for each 1,000 pounds or fraction thereof.

(e) Not less than 26,001 pounds and not more than 80,000 pounds, a fee of \$17 for each 1,000 pounds or fraction thereof. The maximum fee is \$1,360.

2. Except as otherwise provided in subsection 6, the original or renewal registration fees for fleets of vehicles with a declared gross weight in excess of 26,000 pounds and the governmental services tax imposed by the provisions of chapter 371 of NRS for the privilege of operating those vehicles may be paid in ~~equal installments. Installments are due on or before January 31, April 1, July 1 and October 1 of each year.~~ *installments in accordance with the regulations adopted by the Department.* The amount of each installment must be determined ~~[by taking the total fee and governmental services tax due for the calendar year and dividing that total by four]~~ *in accordance with those regulations.* The Department shall not allow installment payments for a vehicle added to a fleet after the original or renewal registration is issued.

3. If the due date of any installment falls on a Saturday, Sunday or legal holiday, that installment is not due until the next following business day.

4. Any payment required by subsection 2 shall be deemed received by the Department on the date shown by the post office cancellation mark stamped on an envelope containing payment properly addressed to the Department, if that date is earlier than the actual receipt of that payment.

5. A person who fails to pay any fee pursuant to subsection 2 or governmental services tax when due shall pay to the Department a penalty of 10 percent of the amount of the unpaid fee, plus interest on the unpaid fee at the rate of 1 percent per month or fraction of a month from the date the fee and tax were due until the date of payment.

6. If a person fails to pay any fee pursuant to subsection 2 or governmental services tax when due, the Department may, in addition to the penalty provided for in subsection 5, require that person to pay:

(a) The entire amount of the unpaid registration fee and governmental services tax owed by that person for the remainder of the ~~[calendar year.]~~ *period of registration;* and

(b) On an annual basis, any registration fee and governmental services tax set forth in subsection 2 which may be incurred by that person in any subsequent ~~[calendar year.]~~ *period of registration.*

**Sec. 4.** NRS 232.520 is hereby amended to read as follows:

232.520 The Director:



1        1. Shall appoint a chief or executive director, or both of them,  
2 of each of the divisions, offices, commissions, boards, agencies or  
3 other entities of the Department, unless the authority to appoint such  
4 a chief or executive director, or both of them, is expressly vested in  
5 another person, board or commission by a specific statute. In  
6 making the appointments, the Director may obtain lists of qualified  
7 persons from professional organizations, associations or other  
8 groups recognized by the Department, if any. The Chief of the  
9 Consumer Affairs Division is the Commissioner of Consumer  
10 Affairs, the Chief of the Division of Financial Institutions is the  
11 Commissioner of Financial Institutions, the Chief of the Housing  
12 Division is the Administrator of the Housing Division, the Chief of  
13 the Manufactured Housing Division is the Administrator of the  
14 Manufactured Housing Division, the Chief of the Real Estate  
15 Division is the Real Estate Administrator, the Chief of the Division  
16 of Insurance is the Commissioner of Insurance, the Chief of the  
17 Division of Industrial Relations is the Administrator of the Division  
18 of Industrial Relations, the Chief of the Office of Labor  
19 Commissioner is the Labor Commissioner, the Chief of the Taxicab  
20 Authority is the Taxicab Administrator, the Chief of the  
21 Transportation Services Authority is the ~~Chairman~~ Commissioner  
22 of the Authority, the Chief of the Division of Mortgage Lending is  
23 the Commissioner of Mortgage Lending and the chief of any other  
24 entity of the Department has the title specified by the Director,  
25 unless a different title is specified by a specific statute.

26        2. Is responsible for the administration of all provisions of law  
27 relating to the jurisdiction, duties and functions of all divisions and  
28 other entities within the Department. The Director may, if he deems  
29 it necessary to carry out his administrative responsibilities, be  
30 considered as a member of the staff of any division or other entity of  
31 the Department for the purpose of budget administration or for  
32 carrying out any duty or exercising any power necessary to fulfill  
33 the responsibilities of the Director pursuant to this subsection. This  
34 subsection does not allow the Director to preempt any authority or  
35 jurisdiction granted by statute to any division or other entity within  
36 the Department or to act or take on a function that would contravene  
37 a rule of court or a statute.

38        3. May:

39        (a) Establish uniform policies for the Department, consistent  
40 with the policies and statutory responsibilities and duties of the  
41 divisions and other entities within the Department, relating to  
42 matters concerning budgeting, accounting, planning, program  
43 development, personnel, information services, dispute resolution,  
44 travel, workplace safety, the acceptance of gifts or donations, the  
45 management of records and any other subject for which a uniform



1 departmental policy is necessary to ensure the efficient operation of  
2 the Department.

3 (b) Provide coordination among the divisions and other entities  
4 within the Department, in a manner which does not encroach upon  
5 their statutory powers and duties, as they adopt and enforce  
6 regulations, execute agreements, purchase goods, services or  
7 equipment, prepare legislative requests and lease or use office space.

8 (c) Define the responsibilities of any person designated to carry  
9 out the duties of the Director relating to financing, industrial  
10 development or business support services.

11 4. May, within the limits of the financial resources made  
12 available to him, promote, participate in the operation of, and create  
13 or cause to be created, any nonprofit corporation, pursuant to  
14 chapter 82 of NRS, which he determines is necessary or convenient  
15 for the exercise of the powers and duties of the Department. The  
16 purposes, powers and operation of the corporation must be  
17 consistent with the purposes, powers and duties of the Department.

18 5. For any bonds which he is otherwise authorized to issue,  
19 may issue bonds the interest on which is not exempt from federal  
20 income tax or excluded from gross revenue for the purposes of  
21 federal income tax.

22 6. May, except as otherwise provided by specific statute, adopt  
23 by regulation a schedule of fees and deposits to be charged in  
24 connection with the programs administered by him pursuant to  
25 chapters 348A and 349 of NRS. Except as otherwise provided by  
26 specific statute, the amount of any such fee or deposit must not  
27 exceed 2 percent of the principal amount of the financing.

28 7. May designate any person within the Department to perform  
29 any of the duties or responsibilities, or exercise any of the authority,  
30 of the Director on his behalf.

31 8. May negotiate and execute agreements with public or private  
32 entities which are necessary to the exercise of the powers and duties  
33 of the Director or the Department.

34 9. May establish a trust account in the State Treasury for  
35 depositing and accounting for money that is held in escrow or is on  
36 deposit with the Department for the payment of any direct expenses  
37 incurred by the Director in connection with any bond programs  
38 administered by the Director. The interest and income earned on  
39 money in the trust account, less any amount deducted to pay for  
40 applicable charges, must be credited to the trust account. Any  
41 balance remaining in the account at the end of a fiscal year may be:

42 (a) Carried forward to the next fiscal year for use in covering the  
43 expense for which it was originally received; or



(b) Returned to any person entitled thereto in accordance with agreements or regulations of the Director relating to those bond programs.

**Sec. 5.** NRS 371.070 is hereby amended to read as follows:

371.070 Upon the registration for the first time in this State after the beginning of the *period of* registration ~~[year]~~ of a vehicle which is registered pursuant to the provisions of NRS 706.801 to 706.861, inclusive, or which has a declared gross weight in excess of 26,000 pounds, the amount of the governmental services tax must be reduced one-twelfth for each month which has elapsed since the beginning of ~~[such year]~~ *that period*.

**Sec. 6.** NRS 371.080 is hereby amended to read as follows:

371.080 If any vehicle which is registered pursuant to the provisions of NRS 706.801 to 706.861, inclusive, or has a declared gross weight in excess of 26,000 pounds, and which is exempt from the governmental services tax pursuant to NRS 371.100 ceases to be exempt after the beginning of the *period of* registration ~~[year]~~ by reason of a change of ownership, the amount of the tax must be reduced one-twelfth for each month which has elapsed since the beginning of that ~~[year]~~ *period of registration*.

**Sec. 7.** Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:

*"Commissioner" means the Commissioner of the Authority.*

**Sec. 8.** NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, *and section 7 of this act*, unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, *and section 7 of this act* have the meanings ascribed to them in those sections.

**Sec. 9.** NRS 706.1511 is hereby amended to read as follows:

706.1511 1. The Transportation Services Authority is hereby created ~~[ ]~~ *within the Department of Business and Industry*.

2. The ~~[Authority consists of three members appointed by the Governor. After the initial term each member shall serve]~~ *Commissioner is the chief officer of the Authority. The Governor shall appoint the Commissioner for* a term of 4 years.

3. The ~~[Governor shall appoint to the Authority members who]~~ *person appointed as Commissioner:*

(a) *Must* have at least 2 years of experience in one or more of the following fields:

~~[(a)]~~ (1) Accounting.

~~[(b)]~~ (2) Business administration.

~~[(c)]~~ (3) Economics.

~~[(d)]~~ (4) Administrative law.

~~[(e)]~~ (5) Transportation.



1       ~~[(f)]~~ (6) Professional engineering.  
2       ~~{→ At least one but not more than two of the members appointed~~  
3       ~~must be residents of Clark County.~~  
4       ~~— 4. Not more than two of the members may be:~~  
5       ~~— (a) Members of the same political party.~~  
6       ~~— (b) From the same field of experience.~~  
7       ~~— 5. All of the members must be persons who are]~~  
8       (b) *Must be* independent of the industries regulated by the  
9       Authority. ~~[No]~~  
10       (c) *Must not be an* elected officer of this State or any political  
11       subdivision ~~[is eligible for appointment.~~  
12       ~~— 6. The members of the Authority shall give their] of this State.~~  
13       4. *The Commissioner shall devote his* entire time to the  
14       business of the Authority and shall not pursue any other business or  
15       vocation or hold any other office of profit.  
16       ~~[7. Each member of the Authority]~~  
17       5. *The Commissioner* serves at the pleasure of the Governor.  
18       Sec. 10. NRS 706.1512 is hereby amended to read as follows:  
19       706.1512 ~~[1. The Governor shall designate one of the~~  
20       ~~members of the Authority to be Chairman. The Chairman is the~~  
21       ~~Executive Officer of the Authority and serves at the pleasure of~~  
22       ~~the Governor.~~  
23       ~~— 2. The members of the Authority are]~~ *The Commissioner is* in  
24       the unclassified service of the State.  
25       Sec. 11. NRS 706.1513 is hereby amended to read as follows:  
26       706.1513 The ~~[Authority]~~ *Commissioner* may sue and be sued  
27       in the name of the Transportation Services Authority.  
28       Sec. 12. NRS 706.1514 is hereby amended to read as follows:  
29       706.1514 1. ~~[A majority of the members of the Authority]~~  
30       *The Commissioner* may exercise all of the power and conduct the  
31       business of the Authority relating to common or contract carriers,  
32       taxicabs ~~[.]~~ and the warehousing of household goods as provided in  
33       this chapter and chapter 712 of NRS.  
34       2. Except as otherwise provided in this subsection, public  
35       hearings must be conducted by ~~[one or more members of the~~  
36       ~~Authority.]~~ *the Commissioner*. An administrative proceeding  
37       conducted pursuant to subsection 2 of NRS 706.771 may be  
38       conducted by a hearing officer designated by the ~~[Chairman of the~~  
39       ~~Authority.]~~ *Commissioner*.  
40       Sec. 13. NRS 706.1515 is hereby amended to read as follows:  
41       706.1515 1. Any common or contract carrier subject to the  
42       jurisdiction of the Authority that elects to maintain its books and  
43       records outside the State of Nevada shall, in addition to any other  
44       assessment and fees provided for by law, be assessed by the  
45       Authority for an amount equal to the travel expenses and the excess



1 of the out-of-state subsistence allowances over the in-state  
2 subsistence allowances, as fixed by NRS 281.160, of ~~members of~~  
3 ~~the Authority~~ *the Commissioner* and staff, for investigations,  
4 inspections and audits required to be performed outside this State.

5 2. The assessments provided for by this section must be  
6 determined by the Authority upon the completion of each such  
7 investigation, inspection, audit or appearance and are due within 30  
8 days after receipt by the affected common or contract carrier of the  
9 notice of assessment.

10 3. The records of the Authority relating to the additional costs  
11 incurred by reason of the necessary additional travel must be open  
12 for inspection by the affected common or contract carrier at any  
13 time within the 30-day period.

14 **Sec. 14.** NRS 706.1516 is hereby amended to read as follows:

15 706.1516 1. The Transportation Services Authority  
16 Regulatory Fund is hereby created as a special revenue fund. All  
17 money collected by the Authority pursuant to law must be deposited  
18 in the State Treasury for credit to the Fund.

19 2. Money in the Fund may be used only to defray the costs of:

20 (a) Maintaining staff and equipment needed to regulate  
21 adequately persons subject to the jurisdiction of the Authority.

22 (b) Participating in all proceedings relevant to the jurisdiction of  
23 the Authority.

24 (c) Audits, inspections, investigations, publication of notices,  
25 reports and retaining consultants connected with that maintenance  
26 and participation.

27 (d) The ~~salaries~~ *salary*, travel expenses and subsistence  
28 allowances of the ~~members of the Authority~~ *Commissioner*.

29 3. All claims against the Fund must be paid as other claims  
30 against the State are paid.

31 4. The Authority must furnish upon request a statement  
32 showing the balance remaining in the Fund as of the close of the  
33 preceding fiscal year.

34 **Sec. 15.** NRS 706.172 is hereby amended to read as follows:

35 706.172 1. Except as otherwise provided in subsection 2,  
36 ~~any member of the Authority~~ *the Commissioner* or any officer or  
37 employee of the Authority who is designated by the ~~Authority~~  
38 *Commissioner* may examine during the regular business hours the  
39 books, accounts, records, minutes, papers and property of any  
40 person who is regulated by the Authority and who does business in  
41 this State, whether or not the book, account, record, minutes, paper  
42 or property is located within this State.

43 2. No personnel records of an employee may be examined  
44 pursuant to subsection 1 unless the records contain information





1 relating to a matter of public safety or the Authority determines that  
2 the examination is required to protect the interests of the public.

3 3. As used in this section, "personnel records" does not  
4 include:

- 5 (a) The name of the employee who is the subject of the record;
- 6 (b) The gross compensation and perquisites of the employee;
- 7 (c) Any record of the business expenses of the employee;
- 8 (d) The title or any description of the position held by the  
9 employee;
- 10 (e) The qualifications required for the position held by the  
11 employee;
- 12 (f) The business address of the employee;
- 13 (g) The telephone number of the employee at his place of  
14 business;
- 15 (h) The work schedule of the employee;
- 16 (i) The date on which the employee began his employment; and
- 17 (j) If applicable, the date on which the employment of the  
18 employee was terminated.

19 **Sec. 16.** NRS 706.176 is hereby amended to read as follows:

20 706.176 The ~~[Authority]~~ *Commissioner* may:

21 1. Appoint ~~[a Deputy who serves]~~ *such deputy commissioners*  
22 *as are required by the Commissioner. Each deputy commissioner*  
23 *serve* in the unclassified service of the State.

24 2. Employ such other personnel as may be necessary.

25 **Sec. 17.** NRS 706.2875 is hereby amended to read as follows:

26 706.2875 1. Any party is entitled to an order by the Authority  
27 for the appearance of witnesses or the production of books, papers  
28 and documents containing material testimony.

29 2. Witnesses appearing upon the order of the Authority are  
30 entitled to the same fees and mileage as witnesses in civil actions in  
31 the courts of this State, and the fees and mileage must be paid out of  
32 the State Treasury in the same manner as other claims against the  
33 State are paid. No fees or mileage may be allowed unless the  
34 ~~[Chairman of the Authority]~~ *Commissioner* certifies the correctness  
35 of the claim.

36 **Sec. 18.** NRS 706.841 is hereby amended to read as follows:

37 706.841 1. Each operator shall qualify to operate pursuant to  
38 the provisions of NRS 706.801 to 706.861, inclusive, by filing an  
39 application for that purpose with the Department :

40 (a) *If the application is an initial application for registration,*  
41 *before the time any fee becomes delinquent [X]; and*

42 (b) *If the application is to renew a registration, on or before*  
43 *December 1.*

44 2. The application must:



1 (a) Show the total mileage of motor vehicles operated by the  
2 person in this State and all states and countries during the next  
3 preceding 12 months ending June 30 and describe and identify each  
4 motor vehicle to be operated during the period of registration in  
5 such detail as the Department may require.

6 (b) Be accompanied by a fee, unless the Department is satisfied  
7 that the fee is secured, to be computed as follows:

8 (1) Divide the number of in-state miles by the total number  
9 of fleet miles;

10 (2) Determine the total amount of money necessary to  
11 register each motor vehicle in the fleet for which registration is  
12 requested; and

13 (3) Multiply the amount determined under subparagraph (2)  
14 by the fraction obtained pursuant to subparagraph (1).

15 **Sec. 19.** Notwithstanding any provision of this act to the  
16 contrary, the amendatory provisions of sections 1, 2, 3, 5 and 6 of  
17 this act apply only to motor vehicles with a declared gross weight in  
18 excess of 26,000 pounds that are initially registered, or for which the  
19 registrations are renewed, on or after January 1, 2007.





