

Amendment No. 541

Assembly Amendment to Assembly Bill No. 297

(BDR 43-979)

Proposed by: Assemblyman Bobzien**Amendment Box:** Replaces Amendment No. 238.**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 297 (§ 1).

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>

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) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

LJM/BJE



Date: 4/20/2007

A.B. No. 297—Makes various changes to provisions relating to special license plates. (BDR 43-979)



ASSEMBLY BILL NO. 297—ASSEMBLYMEN BOBZIEN,
LESLIE AND GANSERT

MARCH 13, 2007

JOINT SPONSOR: SENATOR RAGGIO

Referred to Committee on Transportation

SUMMARY—Makes various changes to provisions relating to special license plates. (BDR 43-979)

FISCAL NOTE: Effect on Local Government: No.
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; providing for the issuance of special license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno; **requiring the proposal for issuance of the plates to be submitted to the Commission on Special License Plates for approval**; imposing a fee for the issuance and renewal of such license plates; **revising the requirements for approval of special license plates authorized by an act of the Legislature**; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides for the issuance of a special license plate for the support and enhancement of parks, recreation facilities and programs in the City of Reno. ~~The Department must receive 1,000 applications for such a plate before it.~~ **Before the Department of Motor Vehicles designs, prepares and issues the special license plate (1) the Commission on Special License Plates must approve the design, preparation and issuance of the plate; and (2) the Department must receive 1,000 applications for the plate.** This bill also provides that the fees collected pursuant to the issuance of the plate must be deposited in the State General Fund. The State Treasurer is required to distribute the fees, on a quarterly basis, to the City Treasurer of the City of Reno. **This bill also provides for approval or disapproval by the Commission on Special License Plates of applications for special license plates authorized by an act of the Legislature after January 1, 2007.**

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this subsection, the Department, in cooperation with the Reno Recreation and Parks Commission or its successor, shall design, prepare and issue license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno, using any colors and designs that the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless ~~the~~:

(a) The Commission on Special License Plates approves the design, preparation and issuance of those plates as described in NRS 482.367004; and

(b) The Department receives at least 1,000 applications for the issuance of those plates within 2 years after the effective date of this act.

2. If the ~~Department receives at least 1,000 applications for the~~ Commission on Special License Plates approves the design, preparation and issuance of license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno pursuant to subsection 1, and the Department receives at least 1,000 applications for the issuance of the license plates, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno pursuant to subsections 3 and 4.

3. The fee for license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of \$10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of license plates for the support and enhancement of parks, recreation facilities and programs in the City of Reno must pay for the initial issuance of the plates an additional fee of \$25 and for each renewal of the plates an additional fee of \$20 to be distributed pursuant to subsection 5.

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this section to the City Treasurer of the City of Reno to be used to pay for the support and enhancement of parks, recreation facilities and programs in the City of Reno.

6. If, during a registration year, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the

1 *registration and any registration fee or governmental services tax due pursuant to*
2 *NRS 482.399; or*

3 *(b) Within 30 days after removing the plates from the vehicle, return them to*
4 *the Department.*

5 **Sec. 2.** NRS 482.216 is hereby amended to read as follows:

6 482.216 1. Upon the request of a new vehicle dealer, the Department may
7 authorize the new vehicle dealer to:

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (1) Obtain special license plates pursuant to NRS 482.3667 to 482.3825,
33 inclusive ~~and~~, *and section 1 of this act;* or

34 (2) Claim the exemption from the governmental services tax provided
35 pursuant to NRS 361.1565 to veterans and their relations.

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

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

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

44 **Sec. 3.** NRS 482.2703 is hereby amended to read as follows:

45 482.2703 1. The Director may order the preparation of sample license plates
46 which must be of the same design and size as regular license plates or license plates
47 issued pursuant to NRS 482.384. The Director shall ensure that:

48 (a) Each license plate issued pursuant to this subsection, regardless of its
49 design, is inscribed with the word SAMPLE and an identical designation which
50 consists of the same group of three numerals followed by the same group of three
51 letters; and

(b) The designation of numerals and letters assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

2. The Director may order the preparation of sample license plates which must be of the same design and size as any of the special license plates issued pursuant to NRS 482.3667 to 482.3823, inclusive ~~and~~, *and section 1 of this act*. The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and the number zero in the location where any other numerals would normally be displayed on a license plate of that design; and

(b) The number assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

3. The Director may establish a fee for the issuance of sample license plates of not more than \$15 for each license plate.

4. A decal issued pursuant to NRS 482.271 may be displayed on a sample license plate issued pursuant to this section.

5. All money collected from the issuance of sample license plates must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

6. A person shall not affix a sample license plate issued pursuant to this section to a vehicle. A person who violates the provisions of this subsection is guilty of a misdemeanor.

Sec. 4. NRS 482.367004 is hereby amended to read as follows:

482.367004 1. There is hereby created the Commission on Special License Plates consisting of five Legislators and three nonvoting members as follows:

(a) Five Legislators appointed by the Legislative Commission:

(1) One of whom is the Legislator who served as the Chairman of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in his place in his absence. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.

(2) One of whom is the Legislator who served as the Chairman of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in his place in his absence. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.

(b) Three nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or his designee.

(2) The Director of the Department of Public Safety, or his designee.

(3) The Director of the Department of Cultural Affairs, or his designee.

2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.

3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002; ~~and~~

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002 ~~§~~; and

(c) Applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.

➤ In determining whether to approve such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate.

~~§~~ Sec. 5. NRS 482.367008 is hereby amended to read as follows:
482.367008 1. As used in this section, "special license plate" means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.379185, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.37938 or 482.37945 ~~§~~ or section 1 of this act; and

(c) A license plate that:

(1) Is approved by the Legislature after July 1, 2005; and

(2) Differs substantially in design from the license plates that are described in subsection 1 of NRS 482.270.

2. Notwithstanding any other provision of law to the contrary, the Department shall not, at any one time, issue more than 25 separate designs of special license plates. Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 25, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been approved by the Commission on Special License Plates pursuant to subsection 5 of NRS 482.367004, not to exceed a total of 25 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval.

3. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

4. Except as otherwise provided in subsection 6, if, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002, less than 1,000; or

(b) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than the number of applications required to be received by the Department for the initial issuance of those plates,

1 the Director shall provide notice of that fact in the manner described in
2 subsection 5.

3 5. The notice required pursuant to subsection 4 must be provided:

4 (a) If the special license plate generates financial support for a cause or
5 charitable organization, to that cause or charitable organization.

6 (b) If the special license plate does not generate financial support for a cause or
7 charitable organization, to an entity which is involved in promoting the activity,
8 place or other matter that is depicted on the plate.

9 6. If, on December 31 of the same year in which notice was provided pursuant
10 to subsections 4 and 5, the total number of validly registered motor vehicles to
11 which a particular design of special license plate is affixed is:

12 (a) In the case of special license plates designed and prepared by the
13 Department pursuant to NRS 482.367002, less than 1,000; or

14 (b) In the case of special license plates authorized directly by the Legislature
15 which are described in paragraph (b) of subsection 1, less than the number of
16 applications required to be received by the Department for the initial issuance of
17 those plates,

18 the Director shall, notwithstanding any other provision of law to the contrary,
19 issue an order providing that the Department will no longer issue that particular
20 design of special license plate. Such an order does not require existing holders of
21 that particular design of special license plate to surrender their plates to the
22 Department and does not prohibit those holders from renewing those plates.

23 **Sec. 6. NRS 482.36705 is hereby amended to read as follows:**

24 482.36705 1. If a new special license plate is authorized by an act of the
25 Legislature after January 1, 2003, the Legislature will direct that the license plate
26 not be designed, prepared or issued by the Department unless the Department
27 receives at least 1,000 applications for the issuance of that plate within 2 years after
28 the effective date of the act of the Legislature that authorized the plate.

29 2. In addition to the requirements set forth in subsection 1, if a new special
30 license plate is authorized by an act of the Legislature after July 1, 2005, the
31 Legislature will direct that the license plate not be issued by the Department unless
32 its issuance complies with subsection 2 of NRS 482.367008.

33 3. In addition to the requirements set forth in subsections 1 and 2, if a new
34 special license plate is authorized by an act of the Legislature after January 1,
35 2007, the Legislature will direct that the license plate not be designed, prepared
36 or issued by the Department unless the Commission on Special License Plates
37 approves the application for the authorized plate pursuant to NRS 482.367004.

38 ~~Sec. 5.~~ **Sec. 7.** NRS 482.3824 is hereby amended to read as follows:

39 482.3824 1. With respect to any special license plate that is issued pursuant
40 to NRS 482.3667 to 482.3825, inclusive, **and section 1 of this act**, and for which an
41 additional fee is imposed for the issuance of the special license plate to generate
42 financial support for a charitable organization:

43 (a) The Director shall, at the request of the charitable organization that is
44 benefited by the particular special license plate:

45 (1) Order the design and preparation of souvenir license plates, the design
46 of which must be substantially similar to the particular special license plate; and

47 (2) Issue such souvenir license plates, for a fee established pursuant to
48 NRS 482.3825, only to the charitable organization that is benefited by the particular
49 special license plate. The charitable organization may resell such souvenir license
50 plates at a price determined by the charitable organization.

51 (b) The Department may, except as otherwise provided in this paragraph and
52 after the particular special license plate is approved for issuance, issue the special
53 license plate for a trailer or other type of vehicle that is not a passenger car or light

commercial vehicle, excluding motorcycles and vehicles required to be registered with the Department pursuant to NRS 706.801 to 706.861, inclusive, upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. The Department may not issue a special license plate for such other types of vehicles if the Department determines that the design or manufacture of the plate for those other types of vehicles would not be feasible. In addition, if the Department incurs additional costs to manufacture a special license plate for such other types of vehicles, including, without limitation, costs associated with the purchase, manufacture or modification of dies or other equipment necessary to manufacture the special license plate for such other types of vehicles, those additional costs must be paid from private sources without any expense to the State of Nevada.

2. As used in this section, "charitable organization" means a particular cause, charity or other entity that receives money from the imposition of an additional fee in connection with the issuance of a special license plate pursuant to NRS 482.3667 to 482.3825, inclusive ~~H~~, and *section 1 of this act*. The term includes the successor, if any, of a charitable organization.

~~[Sec. 6]~~ **Sec. 8.** NRS 482.399 is hereby amended to read as follows:

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

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

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

4. In computing the registration fee, the Department or its agent or the registered dealer shall credit the portion of the registration fee paid on each vehicle attributable to the remainder of the current calendar year or registration period on a

pro rata basis against the registration fee due on the vehicle to which registration is transferred.

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

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

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

8. If a person cancels his registration and surrenders to the Department his license plates for a vehicle, the Department shall, in accordance with the provisions of subsection 9, issue to the person a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis.

9. The Department shall issue a refund pursuant to subsection 8 only if the request for a refund is made at the time the registration is cancelled and the license plates are surrendered, the person requesting the refund is a resident of Nevada, the amount eligible for refund exceeds \$100, and evidence satisfactory to the Department is submitted that reasonably proves the existence of extenuating circumstances. For the purposes of this subsection, the term “extenuating circumstances” means circumstances wherein:

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

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

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

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

~~[Sec. 7.]~~ **Sec. 9.** NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, decal or number plate is issued, the following fees must be paid:

For a certificate of registration	\$5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates	10.00
For every decal displaying a county name50
For every other decal, license plate sticker or tab.....	5.00

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or 482.379 to 482.3818, inclusive, **and section 1 of this act**, a fee of \$10.

1 (b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377
2 or 482.378, a fee of \$5.

3 (c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS
4 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or
5 sample license plate issued pursuant to NRS 482.2703, a fee equal to that
6 established by the Director for the issuance of those plates.

7 3. A fee must not be charged for a duplicate or substitute of a decal issued
8 pursuant to NRS 482.37635.

9 4. The fees which are paid for duplicate number plates and decals displaying
10 county names must be deposited with the State Treasurer for credit to the Motor
11 Vehicle Fund and allocated to the Department to defray the costs of duplicating the
12 plates and manufacturing the decals.

13 ~~[Sec. 8.]~~ **Sec. 10.** This act becomes effective upon passage and approval. |