

## Amendment No. 1096

Senate Amendment to Assembly Bill No. 619 First Reprint (BDR 43-1503)

**Proposed by:** Senate Committee on Transportation and Homeland Security**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from A.B. 619.

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.

EAH/SGW



Date: 6/1/2007

A.B. No. 619—Creates the Nevada Automobile Theft Authority. (BDR 43-1503)



## EMERGENCY REQUEST OF SPEAKER OF THE ASSEMBLY

ASSEMBLY BILL NO. 619—ASSEMBLYMEN OCEGUERA,  
CONKLIN AND BUCKLEY

MAY 15, 2007

Referred to Committee on Commerce and Labor

SUMMARY—~~[Creates the Nevada Automobile Theft Authority.]~~ **Revises provisions governing the crime of grand larceny of a motor vehicle. (BDR ~~[43-1503])~~ 15-1503)**

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; ~~[creating the Nevada Automobile Theft Authority within the Department of Motor Vehicles; providing the membership and duties of the Authority; creating the Fund for the Nevada Automobile Theft Authority; authorizing the Authority to award grants of money from the Fund to public agencies for programs to prevent motor vehicle theft; imposing certain reporting requirements on the Authority; imposing a fee on insurers that issue motor vehicle liability insurance in this State for deposit in the Fund;]~~ revising the provisions governing the crime of grand larceny of a motor vehicle; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

~~[Section 6 of this bill creates the Nevada Automobile Theft Authority within the Department of Motor Vehicles. The Authority consists of 13 voting members and the Director of the Department who serves as a nonvoting member. Section 8 of this bill describes the duties of the Authority, which include: (1) determining the scope of the problem of motor vehicle theft in this State and in various political subdivisions of this State; (2) analyzing various methods of reducing motor vehicle theft in this State; (3) developing and carrying out a plan to reduce motor vehicle theft in this State; and (4) developing and carrying out a plan for funding the activities of the Authority, including, without limitation, the receipt of grants and gifts for the use of the Authority. Section 9 of this bill creates the Fund for the Nevada Automobile Theft Authority in the State Treasury. Section 8 authorizes the Authority to award grants of money from the Fund to public agencies for programs that are designed to prevent motor vehicle theft in this State. Section 10 of this bill imposes on an insurer that issues policies of motor vehicle liability insurance in this State a semiannual fee of 50 cents for each vehicle insured under such a policy issued by the insurer in this State. The money collected from the fees must be deposited in the Fund. If an insurer fails to pay the required fee, the Commissioner of Insurance is authorized to refuse to continue, suspend or revoke the insurer's certificate of authority to transact insurance in this State or to impose on the insurer a civil~~

penalty of not more than 120 percent of the amount due, or both.] Under existing law, a person who commits grand larceny of a motor vehicle is guilty of a category C felony, unless the value of the motor vehicle involved in the grand larceny is proven to be \$2,500 or more in which case the person is guilty of a category B felony. (NRS 205.228) Section 12 of this bill provides that a person who is convicted of grand larceny of a motor vehicle and who has twice previously been convicted of grand larceny of a motor vehicle must not be released on probation or granted a suspension of his sentence. For purposes of determining whether a person has twice previously been convicted of grand larceny of a motor vehicle, section 15 of this bill clarifies that offenses committed before October 1, 2007, must be included in such determination.

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

**Section 1.** ~~[Chapter 481 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 to 10, inclusive, of this act.] (Deleted by amendment.)~~

**Sec. 1.5.** ~~[As used in sections 1.5 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2 and 5 of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

**Sec. 2.** ~~["Authority" means the Nevada Automobile Theft Authority created by section 6 of this act.] (Deleted by amendment.)~~

**Sec. 3.** (Deleted by amendment.)

**Sec. 4.** (Deleted by amendment.)

**Sec. 5.** ~~["Fund" means the Fund for the Nevada Automobile Theft Authority created by section 9 of this act.] (Deleted by amendment.)~~

**Sec. 6.** ~~[1. The Nevada Automobile Theft Authority is hereby created within the Department. The Authority consists of the following 13 voting members:~~

~~—(a) The Commissioner of Insurance, or his designee, who is an ex officio member;~~

~~—(b) The Director of the Department of Public Safety, or his designee, who is an ex officio member;~~

~~—(c) The sheriff of a county whose population is 400,000 or more, appointed by the Nevada Sheriffs' and Chiefs' Association, or a successor organization;~~

~~—(d) The sheriff of a county whose population is 100,000 or more but less than 400,000, appointed by the Nevada Sheriffs' and Chiefs' Association, or a successor organization;~~

~~—(e) The sheriff of a county whose population is less than 100,000, appointed by the Nevada Sheriffs' and Chiefs' Association, or a successor organization;~~

~~—(f) The chief of police of a city whose population is 100,000 or more or the undersheriff of a metropolitan police department which includes a city whose population is 100,000 or more, appointed by the Nevada Sheriffs' and Chiefs' Association, or a successor organization;~~

~~—(g) The chief of police of a city whose population is less than 100,000 or the undersheriff of a metropolitan police department which does not include a city whose population is 100,000 or more, appointed by the Nevada Sheriffs' and Chiefs' Association, or a successor organization;~~

~~—(h) The district attorney of a county whose population is 400,000 or more, appointed by the governing body of the Nevada District Attorneys Association;~~

~~(i) The district attorney of a county whose population is less than 400,000, appointed by the governing body of the Nevada District Attorneys Association;~~

~~(j) Two representatives of insurers that write motor vehicle liability insurance in this State, appointed by the Governor; and~~

~~(k) Two representatives of the general public, appointed by the Governor.~~

~~2. The Director of the Department of Motor Vehicles or his designee shall serve as a nonvoting member of the Authority.~~

~~3. The Director of the Department of Motor Vehicles shall serve as the Chairman of the Authority for the limited purpose of calling and conducting the initial meeting of the Authority. At its initial meeting and annually thereafter the voting members of the Authority shall elect a Chairman from among the voting members.~~

~~4. The Authority shall meet regularly at least quarterly and may meet at other times upon the call of the Chairman or a majority of the voting members of the Authority. Any seven voting members of the Authority constitute a quorum for the purpose of voting. A majority vote of the quorum is required to take action with respect to any matter.~~

~~5. The Authority shall adopt rules for its own management.~~

~~6. After their initial terms, the appointed members of the Authority shall serve terms of 4 years. An appointed member shall continue to serve on the Authority until his successor is appointed. Members may be reappointed for additional terms of 4 years in the same manner as the original appointments. Any vacancy occurring in the appointed membership of the Authority must be filled in the same manner as the original appointment. There is no limit on the number of terms that a member may serve.~~

~~7. Members of the Authority:~~

~~(a) Serve without compensation; and~~

~~(b) To the extent that money for the administrative expenses of the Authority is available in the Fund, while engaged in the business of the Authority, are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.~~

~~8. The members of the Authority who are public employees must be relieved from their duties without loss of their regular compensation to perform their duties relating to the Authority in the most timely manner practicable. The public employees may not be required to make up the time they are absent from work to fulfill their obligations as members of the Authority or take annual leave or compensatory time for the absence. (Deleted by amendment.)~~

~~Sec. 7. [An appointed member of the Authority may be removed before the expiration of his term by the Governor if the Governor determines that the member:~~

~~1. Did not possess the qualifications to serve on the Authority at the time he was appointed;~~

~~2. Has ceased to possess the qualifications to serve on the Authority;~~

~~3. Will be unable to perform competently his duties for a substantial part of his remaining term because of illness or disability; or~~

~~4. Has been absent from more than one half of the regularly scheduled meetings of the Authority during a calendar year and the absences have not been excused by a majority vote of the Authority. (Deleted by amendment.)~~

~~Sec. 8. [1. To the extent of available existing resources, the Department shall provide:~~

~~(a) Administrative support;~~

~~(b) Equipment; and~~

~~(c) Office space;~~

~~as is necessary for the Authority to carry out its duties.~~

~~2. To the extent that money for the administrative expenses of the Authority is available in the Fund, the Authority may:~~

~~(a) Provide for any administrative support, equipment and office space that is not provided by the Department; and~~

~~(b) Employ such staff members as it determines necessary, including, without limitation, an Executive Director. Such staff members serve at the pleasure of the Authority. If the Authority employs an Executive Director, his salary must not exceed \$75,000.~~

~~3. The Authority may:~~

~~(a) Apply for and accept grants and gifts for use in carrying out its duties; and~~

~~(b) Accept donations of goods and services for use in carrying out its duties, including, without limitation, the services of natural persons, office and secretarial assistance, printing and mailing services, and office equipment, facilities and supplies.~~

~~4. The Authority shall:~~

~~(a) Determine the scope of the problem of motor vehicle theft in this State and in various political subdivisions of this State;~~

~~(b) Analyze various methods of reducing motor vehicle theft in this State;~~

~~(c) Develop and carry out a plan to reduce motor vehicle theft in this State; and~~

~~(d) Develop and carry out a plan for funding the activities of the Authority, including, without limitation, the receipt of grants and gifts for the use of the Authority.~~

~~5. The Authority may award grants of money from the Fund to public agencies for the purpose of establishing, maintaining and supporting programs that are designed to prevent motor vehicle theft in this State, including, without limitation:~~

~~(a) Financial support for law enforcement relating to, and prosecution of, motor vehicle theft, including, without limitation, equipment, work facilities and personnel for programs that are designed to increase the effectiveness of such law enforcement and prosecution.~~

~~(b) Financial support for programs that are designed to educate and assist the public in the prevention of motor vehicle theft.~~

~~6. Grants of money awarded by the Authority pursuant to subsection 5 must be used to supplement and not replace money that would otherwise be expended by the recipient of the grant for the prevention of motor vehicle theft.~~

~~7. The Authority shall, on or before December 31, 2009, and each year thereafter, submit a report concerning its activities during the immediately preceding fiscal year to the:~~

~~(a) Governor;~~

~~(b) Secretary of State;~~

~~(c) State Library and Archives Administrator; and~~

~~(d) Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission.~~

~~8. In addition to the reports required by subsection 7, the Authority shall, on or before February 15, 2011, and each odd-numbered year thereafter, submit a consolidated report concerning its activities during the immediately preceding 2 fiscal years to the Director of the Legislative Counsel Bureau for posting on the public website of the Legislature on the Internet and for transmittal to the:~~

~~(a) Speaker of the Assembly;~~

~~(b) Majority Leader of the Senate;~~

~~(e) Legislative Commission;~~  
~~(d) Assembly Standing Committee on Judiciary;~~  
~~(e) Senate Standing Committee on Judiciary;~~  
~~(f) Assembly Standing Committee on Transportation; and~~  
~~(g) Senate Standing Committee on Transportation and Homeland Security.]~~  
(Deleted by amendment.)

Sec. 9. ~~[1. The Fund for the Nevada Automobile Theft Authority is hereby created in the State Treasury.~~

~~2. The Authority shall administer the Fund.~~

~~3. All public and private money received for the use of the Authority must be deposited in the Fund.~~

~~4. The money in the Fund may only be used to pay the administrative expenses of the Authority and to carry out the provisions of sections 6 to 10, inclusive, of this act. Not more than 10 percent of the money in the Fund in any fiscal year may be used to pay the administrative expenses of the Authority.~~

~~5. The Authority shall cause an audit to be made of the Fund every 2 years. The audit must be conducted by the Audit Division of the Legislative Counsel Bureau. A copy of the audit must be submitted to the Governor and the Legislative Commission.]~~ (Deleted by amendment.)

Sec. 10. ~~[1. Each insurer shall pay a semiannual fee of 50 cents for each vehicle insured under a policy of motor vehicle liability insurance issued by the insurer in this State.~~

~~2. The fee for a vehicle becomes due and nonrefundable upon the acceptance by the insurer of any portion of the premium charged for the policy.~~

~~3. If an insurer chooses to collect the fee from its insureds, the insurer may include the fee on its billing statements for the payment of premiums and indicate the purpose of the fee.~~

~~4. Each insurer shall, on or before January 31 and July 31 of each year, pay to the Authority for deposit in the Fund the fees due pursuant to this section as follows:~~

~~(a) The payment due on or before January 31 must cover all vehicles that are insured by the insurer on October 31 of the immediately preceding calendar year.~~

~~(b) The payment due on or before July 31 must cover all vehicles that are insured by the insurer on April 30 of the calendar year in which the payment is due.~~

~~5. If an insurer fails to pay the fee required by this section on or before the date due, the Authority shall notify the Commissioner of Insurance of the nonpayment. Upon receiving notice of an insurer's failure to pay the fee, the Commissioner may, in accordance with the provisions of NRS 680A.190, refuse to continue, suspend or revoke the insurer's certificate of authority to transact insurance in this State, or impose a civil penalty of not more than 120 percent of the amount due, or both. The insurer shall pay the civil penalty together with the amount of fees due to the Commissioner, who shall deposit the civil penalty and fees in the Fund.~~

~~6. As used in this section:~~

~~(a) "Insurer" has the meaning ascribed to it in NRS 679A.100.~~

~~(b) "Vehicle" does not include any vehicle with a declared gross weight in excess of 26,000 pounds or any combination of vehicles with a gross combination weight rating in excess of 26,000 pounds.]~~ (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

1       **Sec. 12.** NRS 205.228 is hereby amended to read as follows:

2       205.228 1. A person who intentionally steals, takes and carries away, drives  
3 away or otherwise removes a motor vehicle owned by another person commits  
4 grand larceny of a motor vehicle.

5       2. Except as otherwise provided in ~~{subsection 3-}~~ *this section*, a person who  
6 commits grand larceny of a motor vehicle is guilty of a category C felony and shall  
7 be punished as provided in NRS 193.130. *A person who is convicted of grand*  
8 *larceny of a motor vehicle and who has twice previously been convicted of grand*  
9 *larceny of a motor vehicle must not be released on probation or granted a*  
10 *suspension of his sentence.*

11       3. If the prosecuting attorney proves that the value of the motor vehicle  
12 involved in the grand larceny is \$2,500 or more, the person who committed the  
13 grand larceny of the motor vehicle is guilty of a category B felony and shall be  
14 punished by imprisonment in the state prison for a minimum term of not less than 1  
15 year and a maximum term of not more than 10 years, and by a fine of not more than  
16 \$10,000.

17       4. In addition to any other penalty, the court shall order the person who  
18 committed the grand larceny of the motor vehicle to pay restitution.

19       **Sec. 13.** ~~[Section 12 of this act is hereby amended to read as follows:~~

20       ~~— Sec. 12. NRS 205.228 is hereby amended to read as follows:~~

21       ~~— 205.228 1. A person who intentionally steals, takes and carries~~  
22 ~~away, drives away or otherwise removes a motor vehicle owned by another~~  
23 ~~person commits grand larceny of a motor vehicle.~~

24       ~~— 2. Except as otherwise provided in this section, a person who~~  
25 ~~commits grand larceny of a motor vehicle is guilty of a category C felony~~  
26 ~~and shall be punished as provided in NRS 193.130. A person who is~~  
27 ~~convicted of grand larceny of a motor vehicle and who has twice previously~~  
28 ~~been convicted of grand larceny of a motor vehicle must not be released on~~  
29 ~~probation or granted a suspension of his sentence.~~

30       ~~— 3. If the prosecuting attorney proves that the value of the motor~~  
31 ~~vehicle involved in the grand larceny is \$2,500 or more, the person who~~  
32 ~~committed the grand larceny of the motor vehicle is guilty of a category B~~  
33 ~~felony and shall be punished by imprisonment in the state prison for a~~  
34 ~~minimum term of not less than 1 year and a maximum term of not more~~  
35 ~~than 10 years, and by a fine of not more than \$10,000.~~

36       ~~— 4. In addition to any other penalty, the court shall order the person~~  
37 ~~who committed the grand larceny of the motor vehicle [to]:~~

38       ~~— (a) To pay restitution [.] ; and~~

39       ~~— (b) To pay a civil penalty of \$500 to the Nevada Automobile Theft~~  
40 ~~Authority for deposit in the Fund for the Nevada Automobile Theft~~  
41 ~~Authority created by section 9 of this act.] (Deleted by amendment.)~~

42       **Sec. 14.** ~~[The members of the Nevada Automobile Theft Authority created by~~  
43 ~~section 6 of this act must be appointed by their respective appointing authorities as~~  
44 ~~soon as practicable after July 1, 2008, as follows:~~

45       ~~— 1. The members appointed pursuant to paragraphs (c), (d) and (e) of~~  
46 ~~subsection 1 of section 6 of this act must be appointed to initial terms that expire on~~  
47 ~~June 30, 2012.~~

48       ~~— 2. The members appointed pursuant to paragraphs (f) and (g) of subsection 1~~  
49 ~~of section 6 of this act must be appointed to initial terms that expire on June 30,~~  
50 ~~2011.~~

51       ~~— 3. The members appointed pursuant to paragraphs (h) and (i) of subsection 1~~  
52 ~~of section 6 of this act must be appointed to initial terms that expire on June 30,~~  
53 ~~2010.~~

~~4. The members appointed pursuant to paragraphs (j) and (k) of subsection 1 of section 6 of this act must be appointed to initial terms that expire on June 30, 2009.] (Deleted by amendment.)~~

**Sec. 15.** The provisions of NRS 205.228, as amended by section 12 of this act, apply to offenses committed before October 1, 2007, for the purpose of determining whether a person is subject to the provisions of subsection 2 of NRS 205.228, as amended by section 12 of this act.

**Sec. 16.** ~~[1. Notwithstanding the provisions of section 10 of this act:~~

~~(a) The initial fee due from an insurer pursuant to section 10 of this act:~~

~~(1) Is payable on or before July 31, 2008, and must cover all vehicles that are insured by the insurer on April 30, 2008; and~~

~~(2) Must be paid to the Commissioner of Insurance for deposit in the Fund for the Nevada Automobile Theft Authority created by section 9 of this act;~~

~~(b) The Commissioner of Insurance may take any action specified in subsection 5 of section 10 of this act if the fee is not paid on or before July 31, 2008.~~

~~2. The Director of the Department of Motor Vehicles may, on behalf of the Nevada Automobile Theft Authority, exercise all powers and duties of the Authority to the extent necessary until such time as the initial meeting of the Authority is held pursuant to section 6 of this act.] (Deleted by amendment.)~~

**Sec. 17.** ~~[Notwithstanding any provision of law to the contrary, an insurer that is required pursuant to section 10 of this act to pay a fee for each vehicle insured under a policy of motor vehicle liability insurance issued by the insurer in this State may begin collecting the fee from its insureds under those policies on April 30, 2008.] (Deleted by amendment.)~~

**Sec. 18.** ~~[1. This section and sections 12 and 15 of this act become effective on October 1, 2007.~~

~~2. Section 17 of this act becomes effective on January 1, 2008.~~

~~3. Sections 1 to 11, inclusive, 13, 14 and 16 of this act become effective on July 1, 2008.] (Deleted by amendment.)~~