

ASSEMBLY BILL NO. 110—COMMITTEE ON TRANSPORTATION
(ON BEHALF OF THE COMMISSION ON SPECIAL LICENSE PLATES)

PREFILED JANUARY 22, 2009

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to the compensation of members of the Commission on Special License Plates. (BDR 43-959)

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 the Commission on Special License Plates; providing for the payment of certain compensation to members of the Commission; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prohibits members of the Commission on Special License Plates
2 from being paid for serving on the Commission. (NRS 482.367004) **Section 2** of
3 this bill removes that prohibition and provides for: (1) compensation to the five
4 Legislators who are voting members of the Commission; and (2) a per diem
5 allowance and certain travel expenses to all members of the Commission, including
6 the three nonvoting members.

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

1 **Section 1.** NRS 482.367002 is hereby amended to read as
2 follows:

3 482.367002 1. A person may request that the Department
4 design, prepare and issue a special license plate by submitting an
5 application to the Department. A person may submit an application
6 for a special license plate that is intended to generate financial
7 support for an organization only if:



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(a) For an organization which is not a governmental entity, the organization is established as a nonprofit charitable organization which provides services to the community relating to public health, education or general welfare;

(b) For an organization which is a governmental entity, the organization only uses the financial support generated by the special license plate for charitable purposes relating to public health, education or general welfare;

(c) The organization is registered with the Secretary of State, if registration is required by law, and has filed any documents required to remain registered with the Secretary of State;

(d) The name and purpose of the organization do not promote, advertise or endorse any specific product, brand name or service that is offered for profit;

(e) The organization is nondiscriminatory; and

(f) The license plate will not promote a specific religion, faith or antireligious belief.

2. An application submitted to the Department pursuant to subsection 1:

(a) Must be on a form prescribed and furnished by the Department;

(b) Must specify whether the special license plate being requested is intended to generate financial support for a particular cause or charitable organization and, if so, the name of the cause or charitable organization;

(c) Must include proof that the organization satisfies the requirements set forth in subsection 1;

(d) Must be accompanied by a surety bond posted with the Department in the amount of \$5,000; and

(e) May be accompanied by suggestions for the design of and colors to be used in the special license plate.

3. The Department may design and prepare a special license plate requested pursuant to subsection 1 if:

(a) The Department determines that the application for that plate complies with subsection 2; and

(b) The Commission on Special License Plates approves the application for that plate pursuant to subsection ~~5~~ 6 of NRS 482.367004.

4. Except as otherwise provided in NRS 482.367008, the Department may issue a special license plate that:

(a) The Department has designed and prepared pursuant to this section;

(b) The Commission on Special License Plates has approved for issuance pursuant to subsection ~~5~~ 6 of NRS 482.367004; and



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(c) Complies with the requirements of subsection 7 of NRS 482.270,

➡ for any 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 a special license plate issued pursuant to this section if that person pays the fees for personalized prestige license plates in addition to the fees for the special license plate.

5. The Department must promptly release the surety bond posted pursuant to subsection 2:

(a) If the Department or the Commission on Special License Plates determines not to issue the special license plate; or

(b) If it is determined that at least 1,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008.

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

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

Sec. 2. 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 *and Homeland Security* during the most recent legislative session. That Legislator may designate an alternate to serve in his place in his



1 absence. The alternate must be another Legislator who also served
2 on the Senate Standing Committee on Transportation *and*
3 *Homeland Security* during the most recent legislative session.

4 (b) Three nonvoting members consisting of:

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

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

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

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

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

18 ~~4. For each day or portion of a day during which a member of~~
19 ~~the Commission who is a Legislator attends a meeting of~~
20 ~~the Commission or is otherwise engaged in the work of the~~
21 ~~Commission, except during a regular or special session of the~~
22 ~~Legislature, the Legislator is entitled to receive the:~~

23 (a) *Compensation provided for a majority of the members of*
24 *the Legislature during the first 60 days of the preceding regular*
25 *session;*

26 (b) *Per diem allowance provided for state officers and*
27 *employees generally; and*

28 (c) *Travel expenses provided pursuant to NRS 218.2207.*

29 *↪ The compensation, per diem allowances and travel expenses of*
30 *the members of the Commission who are Legislators must be paid*
31 *from the Legislative Fund.*

32 4. *Members of the Commission who are not Legislators serve*
33 *without salary, but are entitled to receive the per diem allowance*
34 *and travel expenses provided for state officers and employees*
35 *generally.*

36 5. The Director of the Legislative Counsel Bureau shall
37 provide administrative support to the Commission.

38 ~~5-1~~ 6. The Commission shall approve or disapprove:

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

42 (b) The issuance by the Department of special license plates that
43 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. The Commission shall consider each application in the chronological order in which the application was received by the Department.

~~16.1~~ 7. The Commission shall:

(a) Approve or disapprove any proposed change in the distribution of money received in the form of additional fees. As used in this paragraph, "additional fees" means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.

(b) If it approves a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, request the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.

Sec. 3. 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, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938 or 482.37945; 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



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1 have been authorized by an act of the Legislature or the application
2 for which has been approved by the Commission on Special License
3 Plates pursuant to subsection ~~5~~ 6 of NRS 482.367004, not to
4 exceed a total of 25 designs issued by the Department at any one
5 time. Such additional designs must be issued by the Department in
6 accordance with the chronological order of their authorization or
7 approval.

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

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

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

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

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

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

29 ➔ the Director shall provide notice of that fact in the manner
30 described in subsection 5.

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

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

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

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

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



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1 (b) In the case of special license plates authorized directly by the
2 Legislature which are described in paragraph (b) of subsection 1,
3 less than the number of applications required to be received by the
4 Department for the initial issuance of those plates,
5 ➤ the Director shall, notwithstanding any other provision of law to
6 the contrary, issue an order providing that the Department will no
7 longer issue that particular design of special license plate. Such an
8 order does not require existing holders of that particular design of
9 special license plate to surrender their plates to the Department and
10 does not prohibit those holders from renewing those plates.
11 **Sec. 4.** This act becomes effective on July 1, 2009.

