

SENATE BILL NO. 139—SENATORS NOLAN, COFFIN; AMODEI, BREEDEN, CARE, CARLTON, CEGAVSKE, COPENING, HARDY, HORSFORD, LEE, MATHEWS, MCGINNESS, PARKS, RAGGIO, RHOADS, SCHNEIDER, TOWNSEND, WASHINGTON, WIENER AND WOODHOUSE

FEBRUARY 12, 2009

Referred to Committee on Energy, Infrastructure and Transportation

SUMMARY—Provides for the issuance of special license plates for family members of persons killed in the line of duty while on active duty in the Armed Forces of the United States. (BDR 43-199)

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 family members of persons killed in the line of duty while on active duty in the Armed Forces of the United States; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 This bill entitles qualified persons to be issued license plates specially designed
- 2 by the Department with a gold star to indicate that the recipient is a family member
- 3 of a person killed in the line of duty while on active duty in the Armed Forces of
- 4 the United States. This bill excepts these special license plates from: (1) the
- 5 provisions that require a minimum number of applications for the plates; (2) the
- 6 requirement that the Commission approve or disapprove the plates; and (3) the limit
- 7 on the number of separate designs of special license plates that may be issued by
- 8 the Department at any one time. (NRS 482.3765, 482.377, 482.3775, 482.378)



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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. Each family member of a person killed in the line of duty while on active duty in the Armed Forces of the United States is entitled to specially designed license plates which indicate that the person is a family member of a person killed in the line of duty while on active duty in the Armed Forces of the United States.

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence satisfactory to the Department that he is a family member of a person killed in the line of duty while on active duty in the Armed Forces of the United States. The Department may designate any appropriate colors for the special plates, but must ensure that the design of the plates includes a gold star.

4. If, during a registration year, the holder of a set of special 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 which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

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

5. Except as otherwise provided in this subsection, no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of replacement license plates from the Department for a fee of \$5.

6. As used in this section:



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1 (a) "Family member" means a widow, widower, parent,
2 stepparent, grandparent, child, stepchild, dependent, sibling, half
3 sibling or stepsibling.

4 (b) "Killed in the line of duty while on active duty in the
5 Armed Forces of the United States" includes persons killed
6 directly in the line of duty and persons who die as a result of
7 injuries sustained in the line of duty.

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

9 482.216 1. Upon the request of a new vehicle dealer, the
10 Department may authorize the new vehicle dealer to:

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

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

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

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

20 (a) Transmit the applications he receives to the Department
21 within the period prescribed by the Department;

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

25 (c) Comply with the regulations adopted pursuant to subsection
26 4; and

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

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

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

34 (b) Receive compensation from the Department for the
35 performance of those services;

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

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

40 (1) Obtain special license plates pursuant to NRS 482.3667
41 to ~~482.3825, inclusive;~~ 482.3823, inclusive, and section 1 of this
42 act; or

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



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

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

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

Sec. 3. 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 absence. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation *and Homeland Security* 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;

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

(c) ~~Applications~~ *Except as otherwise provided in subsection 6, 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.

6. *The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to section 1 of this act.*

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. 4. 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) ~~IA~~ *Except for a license plate that is issued pursuant to section 1 of this act, 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,

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

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

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



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

6. If, on December 31 of the same year in which notice was provided pursuant to subsections 4 and 5, 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,

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

Sec. 5. NRS 482.36705 is hereby amended to read as follows:

482.36705 1. *Except as otherwise provided in subsection 2:*

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

~~{2-}~~ (b) In addition to the requirements set forth in ~~{subsection 1-}~~ *paragraph (a)*, if a new special license plate is authorized by an act of the Legislature after July 1, 2005, the Legislature will direct that the license plate not be issued by the Department unless its issuance complies with subsection 2 of NRS 482.367008.

~~{3-}~~ (c) In addition to the requirements set forth in ~~{subsections 1-and-2-}~~ *paragraphs (a) and (b)*, if a new special license plate is authorized by an act of the Legislature after January 1, 2007, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Commission on Special License Plates approves the application for the authorized plate pursuant to NRS 482.367004.

2. *The provisions of subsection 1 do not apply with regard to special license plates that are issued pursuant to section 1 of this act.*



Sec. 6. NRS 482.3824 is hereby amended to read as follows:

482.3824 1. Except as otherwise provided in NRS 482.38279, with respect to any special license plate that is issued pursuant to NRS 482.3667 to ~~482.3825,~~ **482.3823**, inclusive, *and section 1 of this act* and for which an additional fee is imposed for the issuance of the special license plate to generate financial support for a charitable organization:

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

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

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

(b) The Department may, except as otherwise provided in this paragraph and after the particular special license plate is approved for issuance, issue the special 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,~~ **482.3823, inclusive, and section 1 of this act**. The term includes the successor, if any, of a charitable organization.

