ASSEMBLY BILL NO. 245–ASSEMBLYMEN STEWART; ELLISON, GOICOECHEA, GRADY, HAMMOND, HARDY, HICKEY, KIRNER, KITE, LIVERMORE, MCARTHUR AND SHERWOOD

MARCH 9, 2011

JOINT SPONSORS: SENATORS HARDY, GUSTAVSON; LEE AND SETTELMEYER

Referred to Committee on Taxation

SUMMARY—Revises provisions governing eligibility for certain tax exemptions. (BDR 32-348)

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 taxation; authorizing a veteran to transfer to his or her spouse the exemption from the governmental services tax to which the veteran would otherwise be entitled; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a veteran is entitled, with respect to the registration of a vehicle and to the extent of $2,000 determined valuation, to an exemption from the governmental services tax that would otherwise be due and payable on the vehicle. (NRS 371.103) This bill allows such a person, by filing an affidavit with the Department of Motor Vehicles, to transfer that tax exemption to his or her spouse. If such a transfer is made: (1) the spouse is entitled to the exemption in the same manner as the veteran would have been entitled to the exemption; (2) the transferred exemption may not be claimed by the veteran while the transfer is in force; (3) the veteran may, by affidavit, revoke the transfer of the exemption; and (4) the transferred exemption terminates upon the earlier of the veteran's death or the revocation of the transfer.

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

Section 1. NRS 371.103 is hereby amended to read as follows:

371.103 1. Vehicles, to the extent of $2,000 determined valuation, registered by any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;

(b) Has served a minimum of 90 continuous days on active duty none of which was for training purposes, who was assigned to active duty at some time between January 1, 1961, and May 7, 1975;

(c) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1; or

(d) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the Government of the United States, regardless of the number of days served on active duty,

➥ and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. ***In lieu of claiming the exemption from taxation set forth in subsection 1 in his or her name, a veteran may transfer the exemption to his or her current spouse. To transfer the exemption, the veteran must file an affidavit of transfer with the Department in the county where the exemption would otherwise have been claimed. The affidavit of transfer must be made before the county assessor or a notary public. If a veteran makes such a transfer:***

(a) The spouse of the veteran is entitled to the exemption in the same manner as if the spouse were the veteran;

(b) The veteran is not entitled to the exemption for the duration of the transfer;

(c) The transfer expires upon the earlier of:

(1) The death of the veteran; or

(2) The revocation of the transfer by the veteran as described in paragraph (d); and

(d) The veteran may, at any time, revoke the transfer of the exemption by filing with the Department in the county where the exemption is claimed an affidavit made before the county assessor or a notary public.

3. For the purpose of this section, the first $2,000 determined valuation of vehicles in which ~~[such]~~ a person ***described in subsection 1 or 2*** has any interest shall be deemed to belong to that person.

~~[3. A]~~ ***4. Except as otherwise provided in subsection 5, a*** person claiming the exemption shall file annually with the Department in the county where the exemption is claimed an affidavit declaring that he or she is an actual bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 ***or 2, as applicable,*** and that the exemption is claimed in no other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit ~~[,]~~ ***of exemption and after the transfer of the exemption, if any, pursuant to subsection 2,*** the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

➥ to the person ***who claimed the exemption*** each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

~~[4.]~~ ***5.*** Persons in actual military service are exempt during the period of such service from filing annual affidavits of exemption and the Department shall grant exemptions to those persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his or her behalf during the period of such service by any person having knowledge of the facts.

~~[5.]~~ ***6.*** Before allowing any veteran's exemption pursuant to the provisions of this chapter, the Department shall require proof of status of the veteran ~~[,]~~ ***or, if a transfer has been made pursuant to subsection 2, proof of status of the veteran to whom the person claiming the exemption is married,*** and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

~~[6.]~~ ***7.*** If any person files a false affidavit or produces false proof to the Department, and as a result of the false affidavit or false proof a tax exemption is allowed to a person not entitled to the exemption, the person is guilty of a gross misdemeanor.

~~[7.]~~ ***8.*** Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsections 1 and ~~[2]~~ ***3*** must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from December 2003 to the December preceding the fiscal year for which the adjustment is calculated.

Sec. 2. This act becomes effective on July 1, 2011.