
ASSEMBLY BILL NO. 303—ASSEMBLYMEN GOEDHART; HAMBRICK,
KITE, MCARTHUR, SHERWOOD AND STEWART

MARCH 17, 2011

JOINT SPONSORS: SENATORS GUSTAVSON,
HALSETH, HARDY AND SETTELMAYER

Referred to Committee on Transportation

SUMMARY—Provides for the issuance of special license plates to promote awareness of the United States Constitution. (BDR 43-897)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 to promote awareness of the United States Constitution; 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; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill provides for the issuance of a special license plate to promote
2 awareness of the United States Constitution. Before the Department of Motor
3 Vehicles designs, prepares and issues the special license plate: (1) the Commission
4 on Special License Plates must approve the design, preparation and issuance of the
5 plate; and (2) the Department must receive 1,000 applications for the plate. This bill
6 also provides that the fees collected pursuant to the issuance of the plate must be
7 deposited in the State General Fund. The State Treasurer is required to distribute
8 the fees, on a quarterly basis, to the Americans for Prosperity Foundation or its
9 successor, to be used to pay the cost of furnishing copies of the United States
10 Constitution to pupils who are enrolled in schools in this State.



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 Americans for Prosperity Foundation or its successor, shall design, prepare and issue license plates to promote awareness of the United States Constitution, using any colors and designs that the Department deems appropriate. The design of the license plates must include an image of the coiled rattlesnake depicted on the Gadsden flag, but must not include any legend, motto or slogan. The Department shall not design, prepare or issue the license plates unless:

(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.

2. If the Commission on Special License Plates approves the design, preparation and issuance of license plates to promote awareness of the United States Constitution 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 to promote awareness of the United States Constitution if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates to promote awareness of the United States Constitution pursuant to subsections 3 and 4.

3. The fee for license plates to promote awareness of the United States Constitution 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 to promote awareness of the United States Constitution must pay for the initial issuance of the plates an additional fee of \$25 and for



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1 *each renewal of the plates an additional fee of \$20 to be*
2 *distributed pursuant to subsection 5.*

3 *5. The Department shall deposit the fees collected pursuant to*
4 *subsection 4 with the State Treasurer for credit to the State*
5 *General Fund. The State Treasurer shall, on a quarterly basis,*
6 *distribute the fees deposited pursuant to this section to the*
7 *Americans for Prosperity Foundation or its successor. The fees*
8 *deposited pursuant to this subsection may only be used to pay the*
9 *cost of furnishing copies of the United States Constitution to*
10 *pupils who are enrolled in schools in this State.*

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

14 *(a) Retain the plates and affix them to another vehicle that*
15 *meets the requirements of this section if the holder pays the fee for*
16 *the transfer of the registration and any registration fee or*
17 *governmental services tax due pursuant to NRS 482.399; or*

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

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

21 482.216 1. Upon the request of a new vehicle dealer, the
22 Department may authorize the new vehicle dealer to:

23 (a) Accept applications for the registration of the new motor
24 vehicles he or she sells and the related fees and taxes;

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

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

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

32 (a) Transmit the applications received to the Department within
33 the period prescribed by the Department;

34 (b) Transmit the fees collected from the applicants and properly
35 account for them within the period prescribed by the Department;

36 (c) Comply with the regulations adopted pursuant to subsection
37 4; and

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

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

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



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

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

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

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3823, inclusive ~~H~~, *and section 1 of this act*; or

(2) Claim the exemption from the governmental services tax 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 482.2703 is hereby amended to read as follows:

482.2703 1. The Director may order the preparation of sample license plates which must be of the same design and size as regular license plates or license plates issued pursuant to NRS 482.384. 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 an identical designation which consists of the same group of three numerals followed by the same group of three 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 ~~H~~, *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.



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

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

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

9 **Sec. 4.** NRS 482.367008 is hereby amended to read as
10 follows:

11 482.367008 1. As used in this section, "special license plate"
12 means:

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

16 (b) A license plate approved by the Legislature that the
17 Department has designed and prepared pursuant to NRS 482.3747,
18 482.37903, 482.37905, 482.37917, 482.379175, 482.37918,
19 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935,
20 482.379355, 482.379365, 482.37937, 482.379375, 482.37938, ~~for~~
21 482.37945 ~~or~~ *or section 1 of this act*; and

22 (c) Except for a license plate that is issued pursuant to NRS
23 482.3785, a license plate that:

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

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

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

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



1 number of validly registered motor vehicles to which a particular
2 design of special license plate is affixed if:

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

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

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

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

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

16 ➔ the Director shall provide notice of that fact in the manner
17 described in subsection 5.

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

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

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

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

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

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

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

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

44 482.36705 1. Except as otherwise provided in subsection 2:



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(a) If a new special license plate is authorized by an act of the Legislature after January 1, 2003, other than a special license plate that is authorized pursuant to NRS 482.379375 ~~§~~ *or section 1 of this act*, 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.

(b) In addition to the requirements set forth in 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.

(c) In addition to the requirements set forth in 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 NRS 482.3785.

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 482.3823, inclusive, *and section 1 of this act*, and for which additional fees are 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, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, excluding 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



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plates pursuant to NRS 482.265 or 482.272 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter or chapter 486 of NRS. 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. If, as authorized pursuant to paragraph (b) of subsection 1, the Department issues a special license plate for a trailer, motorcycle or other type of vehicle that is not a passenger car or light commercial vehicle, the Department shall charge and collect for the issuance and renewal of such a plate the same fees that the Department would charge and collect if the other type of vehicle was a passenger car or light commercial vehicle. As used in this subsection, "fees" does not include any applicable registration or license fees or governmental services taxes.

3. As used in this section:

(a) "Additional fees" has the meaning ascribed to it in NRS 482.38273.

(b) "Charitable organization" means a particular cause, charity or other entity that receives money from the imposition of additional fees in connection with the issuance of a special license plate pursuant to NRS 482.3667 to 482.3823, inclusive **H**, and *section 1 of this act*. The term includes the successor, if any, of a charitable organization.

Sec. 7. 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 the holder 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



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1 over the total registration fee and governmental services tax paid on
2 all vehicles from which he or she is transferring ownership or
3 interest. Except as otherwise provided in NRS 482.294, an
4 application for transfer of registration must be made in person, if
5 practicable, to any office or agent of the Department or to a
6 registered dealer, and the license plate or plates may not be used
7 upon a second vehicle until registration of that vehicle is complete.

8 3. In computing the governmental services tax, the
9 Department, its agent or the registered dealer shall credit the portion
10 of the tax paid on the first vehicle attributable to the remainder of
11 the current registration period or calendar year on a pro rata monthly
12 basis against the tax due on the second vehicle or on any other
13 vehicle of which the person is the registered owner. If any person
14 transfers ownership or interest in two or more vehicles, the
15 Department or the registered dealer shall credit the portion of the tax
16 paid on all of the vehicles attributable to the remainder of the
17 current registration period or calendar year on a pro rata monthly
18 basis against the tax due on the vehicle to which the registration is
19 transferred or on any other vehicle of which the person is the
20 registered owner. The certificates of registration and unused license
21 plates of the vehicles from which a person transfers ownership or
22 interest must be submitted before credit is given against the tax due
23 on the vehicle to which the registration is transferred or on any other
24 vehicle of which the person is the registered owner.

25 4. In computing the registration fee, the Department or its
26 agent or the registered dealer shall credit the portion of the
27 registration fee paid on each vehicle attributable to the remainder of
28 the current calendar year or registration period on a pro rata basis
29 against the registration fee due on the vehicle to which registration
30 is transferred.

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

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

42 7. If application for transfer of registration is not made within
43 60 days after the destruction or transfer of ownership of or interest
44 in any vehicle, the license plate or plates must be surrendered to the



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1 Department on or before the 60th day for cancellation of the
2 registration.

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

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

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

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

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

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

28 **Sec. 8.** NRS 482.500 is hereby amended to read as follows:

29 482.500 1. Except as otherwise provided in subsection 2 or 3,
30 whenever upon application any duplicate or substitute certificate of
31 registration, decal or number plate is issued, the following fees must
32 be paid:

33
34 For a certificate of registration\$5.00
35 For every substitute number plate or set of plates.....5.00
36 For every duplicate number plate or set of plates 10.00
37 For every decal displaying a county name50
38 For every other decal, license plate sticker or tab5.00
39

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

42 (a) For any special plate issued pursuant to NRS 482.3667,
43 482.367002, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or
44 482.379 to 482.3818, inclusive, *and section 1 of this act*, a fee of
45 \$10.



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

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

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

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

15 **Sec. 9.** This act becomes effective on July 1, 2011.

