

SENATE BILL NO. 323—SENATOR PARKS

MARCH 21, 2011

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to motor vehicle liability insurance and registration. (BDR 43-421)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
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 vehicles; revising provisions governing the reinstatement of the registration of a motor vehicle whose registered owner has allowed his or her policy of liability insurance to lapse; revising provisions governing registration of vehicles in this State by residents of this State; requiring certain nonresidents to register vehicles in this State; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a registered owner who failed to have liability insurance on a date specified by the Department of Motor Vehicles is required, with respect to a vehicle that is not dormant, to pay to the Department a fee of \$250 to reinstate the registration of the vehicle. (NRS 482.480) **Section 1** of this bill replaces the flat \$250 reinstatement fee with a tiered system of penalties that includes, depending upon how many times the registered owner has allowed his or her insurance to lapse and depending upon the length of time during which the insurance has lapsed, escalating reinstatement fees, escalating fines, requirements to file and maintain a certificate of financial responsibility and possible suspension of the registered owner's driver's license.

Existing law requires a person, within 60 days after becoming a resident of this State, to apply for the registration of each vehicle he or she owns which is operated in this State. A nonresident owner of a noncommercial vehicle is not required to apply for registration of the vehicle unless the vehicle is furnished to a resident for his or her continuous use within this State. (NRS 482.385) **Section 2** of this bill changes the 60-day period within which a new resident must apply for registration of his or her vehicle to a 30-day period. **Section 2** also requires certain persons to register their vehicles: (1) if the person is a nonresident and the vehicle is operated



in this State for a period of more than 30 days in the aggregate in any 1 calendar year; (2) within 10 days if the person is a resident or nonresident and engages in a trade, profession or occupation or accepts gainful employment in this State; (3) within 10 days if the person is a resident or nonresident and enrolls his or her children in a public school in this State; or (4) within 30 days if the person is a resident and operates a vehicle owned by a nonresident. **Section 2** provides exceptions to the preceding requirements for persons who are on active duty in the military service of the United States, out-of-state students, certain students of institutions of higher education who are present in this State to participate in a work-study program, and migrant or seasonal farm workers.

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 subsection 7 of NRS 485.317, if a registered owner failed to have insurance on the date specified by the Department pursuant to NRS 485.317:

(a) For a first offense, the registered owner shall pay to the Department a registration reinstatement fee of \$250, and if the period during which insurance coverage lapsed was:

(1) At least 31 days but not more than 90 days, pay to the Department a fine of \$250.

(2) At least 91 days but not more than 180 days:

(I) Pay to the Department a fine of \$500; and

(II) File and maintain with the Department a certificate of financial responsibility for a period of not less than 3 years following the date on which the registration of the applicable vehicle is reinstated.

(3) More than 180 days:

(I) Pay to the Department a fine of \$1,000; and

(II) File and maintain with the Department a certificate of financial responsibility for a period of not less than 3 years following the date on which the registration of the applicable vehicle is reinstated.

(b) For a second offense, the registered owner shall pay to the Department a registration reinstatement fee of \$500, and if the period during which insurance coverage lapsed was:

(1) At least 31 days but not more than 90 days, pay to the Department a fine of \$500.

(2) At least 91 days but not more than 180 days:

(I) Pay to the Department a fine of \$500; and

(II) File and maintain with the Department a certificate of financial responsibility for a period of not less than 3 years



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1 following the date on which the registration of the applicable
2 vehicle is reinstated.

3 (3) More than 180 days:

4 (I) Pay to the Department a fine of \$1,000; and

5 (II) File and maintain with the Department a certificate
6 of financial responsibility for a period of not less than 3 years
7 following the date on which the registration of the applicable
8 vehicle is reinstated.

9 (c) For a third or subsequent offense:

10 (1) The driver's license of the registered owner must be
11 suspended for a period to be determined by regulation of the
12 Department but not less than 30 days;

13 (2) The registered owner shall file and maintain with the
14 Department a certificate of financial responsibility for a period of
15 not less than 3 years following the date on which the registration
16 of the applicable vehicle is reinstated; and

17 (3) The registered owner shall pay to the Department a
18 registration reinstatement fee of \$750, and if the period during
19 which insurance coverage lapsed was:

20 (I) At least 31 days but not more than 90 days, pay to the
21 Department a fine of \$500.

22 (II) At least 91 days but not more than 180 days, pay to
23 the Department a fine of \$750.

24 (III) More than 180 days, pay to the Department a fine
25 of \$1,000.

26 2. As used in this section, "certificate of financial
27 responsibility" has the meaning ascribed to it in NRS 485.028.

28 **Sec. 2.** NRS 482.385 is hereby amended to read as follows:

29 482.385 1. Except as otherwise provided in ~~subsection~~
30 ~~subsections~~ 5 and 7 and NRS 482.390, a nonresident owner of a
31 vehicle of a type subject to registration pursuant to the provisions of
32 this chapter, owning any vehicle which has been registered for the
33 current year in the state, country or other place of which the owner
34 is a resident and which at all times when operated in this State has
35 displayed upon it the registration license plate issued for the vehicle
36 in the place of residence of the owner, may operate or permit the
37 operation of the vehicle within this State without its registration in
38 this State pursuant to the provisions of this chapter and without the
39 payment of any registration fees to this State ~~H~~:

40 (a) For a period of not more than 30 days in the aggregate in
41 any 1 calendar year; and

42 (b) Notwithstanding the provisions of paragraph (a), during
43 any period in which the owner is:

44 (1) On active duty in the military service of the United
45 States;



1 (2) *An out-of-state student;*
2 (3) *Registered as a student at a college or university located*
3 *outside this State and who is in the State for a period of not more*
4 *than 6 months to participate in a work-study program for which*
5 *the student earns academic credits from the college or university;*
6 *or*

7 (4) *A migrant or seasonal farm worker.*

8 2. This section does not:

9 (a) Prohibit the use of manufacturers', distributors' or dealers'
10 license plates issued by any state or country by any nonresident in
11 the operation of any vehicle on the public highways of this State.

12 (b) Require registration of vehicles of a type subject to
13 registration pursuant to the provisions of this chapter operated by
14 nonresident common motor carriers of persons or property, contract
15 motor carriers of persons or property, or private motor carriers of
16 property as stated in NRS 482.390.

17 (c) Require registration of a vehicle operated by a border state
18 employee.

19 3. ~~{When}~~ *Except as otherwise provided in subsection 5, when*
20 *a person, formerly a nonresident, becomes a resident of this State,*
21 *the person shall:*

22 (a) Within ~~{60}~~ 30 days after becoming a resident; or

23 (b) At the time he or she obtains a driver's license,

24 ↪ whichever occurs earlier, apply for the registration of each
25 vehicle the person owns which is operated in this State. When a
26 person, formerly a nonresident, applies for a driver's license in this
27 State, the Department shall inform the person of the requirements
28 imposed by this subsection and of the penalties that may be imposed
29 for failure to comply with the provisions of this subsection.

30 4. A citation may be issued pursuant to ~~{this}~~ subsection 1, 3 or
31 5 only if the violation is discovered when the vehicle is halted or its
32 driver arrested for another alleged violation or offense. The
33 Department shall maintain or cause to be maintained a list or other
34 record of persons who fail to comply with the provisions of ~~{this}~~
35 subsection 3 and shall, at least once each month, provide a copy of
36 that list or record to the Department of Public Safety.

37 ~~{4.}~~ 5. *Except as otherwise provided in this subsection, a*
38 *resident or nonresident owner of a vehicle of a type subject to*
39 *registration pursuant to the provisions of this chapter who*
40 *engages in a trade, profession or occupation or accepts gainful*
41 *employment in this State or who enrolls his or her children in a*
42 *public school in this State shall, within 10 days after the*
43 *commencement of such employment or enrollment, apply for the*
44 *registration of each vehicle the person owns which is operated in*



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this State. The provisions of this subsection do not apply to a nonresident who is:

(a) On active duty in the military service of the United States;

(b) An out-of-state student;

(c) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(d) A migrant or seasonal farm worker.

6. A person who violates the provisions of subsection 1, 3 or 5 is guilty of a misdemeanor and, except as otherwise provided in this subsection, shall be punished by a fine of \$1,000. The fine imposed pursuant to this subsection is in addition to any fine or penalty imposed for the other alleged violation or offense for which the vehicle was halted or its driver arrested pursuant to subsection ~~3.1~~ 4. The fine imposed pursuant to this subsection may be reduced to not less than \$200 if the person presents evidence at the time of the hearing that the person has registered the vehicle pursuant to this chapter.

~~5.1~~ 7. Any resident operating upon a highway of this State a motor vehicle which is owned by a nonresident and which is furnished to the resident operator for his or her continuous use within this State, shall cause that vehicle to be registered within ~~60~~ 30 days after beginning its operation within this State.

~~6.1~~ 8. A person registering a vehicle pursuant to the provisions of subsection 1, 3, 5, ~~6.1~~ 7 or 9 or pursuant to NRS 482.390:

(a) Must be assessed the registration fees and governmental services tax, as required by the provisions of this chapter and chapter 371 of NRS; and

(b) Must not be allowed credit on those taxes and fees for the unused months of the previous registration.

~~7.1~~ 9. If a vehicle is used in this State for a gainful purpose, the owner shall immediately apply to the Department for registration, except as otherwise provided in NRS 482.390, 482.395 and 706.801 to 706.861, inclusive.

~~8.1~~ 10. An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the Department for cancellation.

~~9.1~~ 11. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the



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1 public if, after communicating with the owner or operator of the
2 vehicle, the peace officer issuing the citation determines that:

3 (a) The owner of the vehicle is a resident of this State; ~~to~~;

4 (b) The vehicle is used in this State for a gainful purpose ~~to~~;

5 *(c) Except as otherwise provided in paragraph (b) of*
6 *subsection 1, the owner of the vehicle is a nonresident and has*
7 *operated the vehicle in this State for more than 30 days in the*
8 *aggregate in any 1 calendar year; or*

9 *(d) The owner of the vehicle is a nonresident required to*
10 *register the vehicle pursuant to subsection 5.*

11 ➤ As used in this subsection, "peace officer" includes a constable.

12 **Sec. 3.** NRS 482.480 is hereby amended to read as follows:

13 482.480 There must be paid to the Department for the
14 registration or the transfer or reinstatement of the registration of
15 motor vehicles, trailers and semitrailers, fees according to the
16 following schedule:

17 1. Except as otherwise provided in this section, for each stock
18 passenger car and each reconstructed or specially constructed
19 passenger car registered to a person, regardless of weight or number
20 of passenger capacity, a fee for registration of \$33.

21 2. Except as otherwise provided in subsection 3:

22 (a) For each of the fifth and sixth such cars registered to a
23 person, a fee for registration of \$16.50.

24 (b) For each of the seventh and eighth such cars registered to a
25 person, a fee for registration of \$12.

26 (c) For each of the ninth or more such cars registered to a
27 person, a fee for registration of \$8.

28 3. The fees specified in subsection 2 do not apply:

29 (a) Unless the person registering the cars presents to the
30 Department at the time of registration the registrations of all the cars
31 registered to the person.

32 (b) To cars that are part of a fleet.

33 4. For every motorcycle, a fee for registration of \$33 and for
34 each motorcycle other than a trimobile, an additional fee of \$6 for
35 motorcycle safety. The additional fee must be deposited in the State
36 Highway Fund for credit to the Account for the Program for the
37 Education of Motorcycle Riders.

38 5. For each transfer of registration, a fee of \$6 in addition to
39 any other fees.

40 6. Except as otherwise provided in subsection 7 of NRS
41 485.317, to reinstate the registration of a motor vehicle that is
42 suspended pursuant to that section:

43 (a) A fee ~~to~~ ~~\$250~~ *as specified in section 1 of this act* for a
44 registered owner who failed to have insurance on the date specified



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by the Department ~~H~~, *which fee is in addition to any fine or penalty imposed pursuant to section 1 of this act;* or

(b) A fee of \$50 for a registered owner of a dormant vehicle who cancelled the insurance coverage for that vehicle or allowed the insurance coverage for that vehicle to expire without first cancelling the registration for the vehicle in accordance with subsection 3 of NRS 485.320,

➤ both of which must be deposited in the Account for Verification of Insurance which is hereby created in the State Highway Fund. The money in the Account must be used to carry out the provisions of NRS 485.313 to 485.318, inclusive.

7. For every travel trailer, a fee for registration of \$27.

8. For every permit for the operation of a golf cart, an annual fee of \$10.

9. For every low-speed vehicle, as that term is defined in NRS 484B.637, a fee for registration of \$33.

10. To reinstate the registration of a motor vehicle that is suspended pursuant to NRS 482.451, a fee of \$33.

Sec. 4. NRS 485.317 is hereby amended to read as follows:

485.317 1. The Department shall verify that each motor vehicle which is registered in this State is covered by a policy of liability insurance as required by NRS 485.185.

2. Except as otherwise provided in this subsection, the Department may use any information to verify whether a motor vehicle is covered by a policy of liability insurance as required by NRS 485.185. The Department may not use the name of the owner of a motor vehicle as the primary means of verifying that a motor vehicle is covered by a policy of liability insurance.

3. If the Department is unable to verify that a motor vehicle is covered by a policy of liability insurance as required by NRS 485.185, the Department shall send a request for information by first-class mail to the registered owner of the motor vehicle. The owner shall submit all the information which is requested to the Department within 15 days after the date on which the request for information was mailed by the Department. If the Department does not receive the requested information within 15 days after it mailed the request to the owner, the Department shall send to the owner a notice of suspension of registration by certified mail. The notice must inform the owner that unless the Department is able to verify that the motor vehicle is covered by a policy of liability insurance as required by NRS 485.185 within 10 days after the date on which the notice was sent by the Department, the owner's registration will be suspended pursuant to subsection 4.

4. The Department shall suspend the registration and require the return to the Department of the license plates of any vehicle for



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1 which the Department cannot verify the coverage of liability
2 insurance required by NRS 485.185.

3 5. Except as otherwise provided in subsection 6, the
4 Department shall reinstate the registration of the vehicle and reissue
5 the license plates only upon verification of current insurance and
6 ~~payment of the fee~~ **compliance with the requirements** for
7 reinstatement of registration prescribed in paragraph (a) of
8 subsection 6 of NRS 482.480.

9 6. If a registered owner proves to the satisfaction of the
10 Department that the vehicle was a dormant vehicle during the period
11 in which the information provided pursuant to NRS 485.314
12 indicated that there was no insurance for the vehicle, the Department
13 shall reinstate the registration and, if applicable, reissue the license
14 plates. If such an owner of a dormant vehicle failed to cancel the
15 registration for the vehicle in accordance with subsection 3 of NRS
16 485.320, the Department shall not reinstate the registration or
17 reissue the license plates unless the owner pays the fee set forth in
18 paragraph (b) of subsection 6 of NRS 482.480.

19 7. If the Department suspends the registration of a motor
20 vehicle pursuant to subsection 4 because the registered owner of the
21 motor vehicle failed to have insurance on the date specified in the
22 form for verification, and if the registered owner, in accordance with
23 regulations adopted by the Department, proves to the satisfaction of
24 the Department that the owner was unable to comply with the
25 provisions of NRS 485.185 on that date because of extenuating
26 circumstances, the Department may:

27 (a) Reinstate the registration of the motor vehicle and reissue the
28 license plates upon payment by the registered owner of a fee of \$50,
29 which must be deposited in the Account for Verification of
30 Insurance created by subsection 6 of NRS 482.480; or

31 (b) Rescind the suspension of the registration without the
32 payment of a fee.

33 ➤ The Department shall adopt regulations to carry out the
34 provisions of this subsection.

35 **Sec. 5.** Notwithstanding the amendatory provisions of this act:

36 1. The provisions of subsection 3 of NRS 482.385, as amended
37 by section 2 of this act, do not require a person specified in that
38 subsection to register a vehicle owned by that person and operated
39 in this State until August 1, 2011.

40 2. The provisions of subsection 5 of NRS 482.385, as added to
41 that section by section 2 of this act, do not require a resident of this
42 State specified in that subsection to register a vehicle owned by that
43 person and operated in this State until September 1, 2011.

44 3. The provisions of subsection 7 of NRS 482.385, as amended
45 by section 2 of this act, do not require a resident of this State who



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- 1 operates a motor vehicle specified in that subsection to cause that
- 2 motor vehicle to be registered until August 1, 2011.
- 3 **Sec. 6.** This act becomes effective upon passage and approval
- 4 for the purpose of adopting regulations and on July 1, 2011, for all
- 5 other purposes.

