

ASSEMBLY BILL NO. 129—ASSEMBLYMEN LIVERMORE, HICKEY,
FIORE; HAMBRICK, HANSEN, OSCARSON, STEWART AND
WHEELER

FEBRUARY 18, 2013

Referred to Committee on Transportation

SUMMARY—Provides for the issuance of special license plates honoring peace officers who have received certain medals. (BDR 43-154)

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; requiring the Department of Motor Vehicles to design, prepare and issue special license plates honoring peace officers who have received certain medals; setting forth the requirements for a person to qualify for the issuance of the special license plates; exempting the special license plates from certain provisions otherwise applicable to special license plates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes qualified persons to apply for the issuance of license plates specially designed by the Department of Motor Vehicles, in cooperation with interested parties, to honor peace officers who have received one of several specified medals. The special license plates may be issued to a peace officer who has received one of those medals, or to a family member of a peace officer who received posthumously the Medal of Honor. Unless the special license plates are lost or stolen, in which case a \$5 fee applies, no fee in addition to the ordinarily applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of the special license plates.

Under existing law, most special license plates: (1) must be approved by the Commission on Special License plates; (2) are subject to a limitation of not more than 30 separate designs of special license plates which the Department of Motor Vehicles may issue at any one time; and (3) may not be designed, prepared or issued by the Department unless a certain minimum number of applications for the plates are received. (NRS 482.367004, 482.367008, 482.36705) **Sections 3-5** of this bill exempt the special license plates honoring peace officers who have received certain medals from all three of the preceding requirements.



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Finally, under existing law, a new vehicle dealer who is authorized to issue certificates of registration for any new motor vehicle he or she sells is prohibited from accepting an application for the registration of a motor vehicle if the applicant wishes to obtain special license plates. (NRS 482.216) Despite the broad exemption provided in **sections 3-5, section 2** of this bill prohibits a new vehicle dealer from accepting an application for the registration of a motor vehicle if the applicant wishes to obtain the special plates honoring peace officers.

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 section, the Department shall design, prepare and issue license plates honoring peace officers who have received a medal specified in subsection 3.

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 person. 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 the person is:

(a) A current or former peace officer who has received one or more of the following medals for his or her service as a peace officer:

- (1) The Medal of Honor;*
- (2) The Purple Heart;*
- (3) The Medal of Valor;*
- (4) The Lifesaving Medal;*
- (5) The Meritorious Service Medal; or*
- (6) The Distinguished Service Medal; or*

(b) A family member of a person who was:

- (1) Killed in the line of duty while serving as a peace officer; and*
- (2) Awarded posthumously the Medal of Honor for his or her actions as a peace officer.*

4. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section



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1 *disposes of the vehicle to which the plates are affixed, the holder*
2 *shall:*

3 *(a) Retain the plates and affix them to another vehicle which*
4 *meets the requirements of this section and report the change to the*
5 *Department in accordance with the procedure set forth for other*
6 *transfers; or*

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

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

16 *6. As used in this section:*

17 *(a) "Family member" means a widow, widower, parent,*
18 *stepparent, grandparent, child, stepchild, dependent, sibling, half*
19 *sibling or stepsibling.*

20 *(b) "Killed in the line of duty while serving as a peace officer"*
21 *includes peace officers who:*

22 *(1) Are killed directly in the line of duty; and*

23 *(2) Die as a result of injuries sustained in the line of duty.*

24 *(c) "Peace officer" means any person upon whom some or all*
25 *of the powers of a peace officer are conferred pursuant to NRS*
26 *289.150 to 289.360, inclusive.*

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

28 482.216 1. Upon the request of a new vehicle dealer, the
29 Department may authorize the new vehicle dealer to:

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

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

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

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

39 (a) Transmit the applications received to the Department within
40 the period prescribed by the Department;

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

43 (c) Comply with the regulations adopted pursuant to subsection
44 4; and



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

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

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

(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 482.367004 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 Chair of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. 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 Chair of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.



(b) Three nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or a designee of the Director.

(2) The Director of the Department of Public Safety, or a designee of the Director.

(3) The Director of the Department of Tourism and Cultural Affairs, or a designee of the Director.

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) 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 NRS 482.3785 or 482.3787 **H** *or 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) Except for a license plate that is issued pursuant to NRS 482.3785 or 482.3787, *or 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 30 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 30, 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 30 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. ~~If, except as otherwise provided in subsection 6, if,~~ 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.

(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, other than a special license plate that is authorized pursuant to NRS 482.379375, 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



1 applications for the issuance of that plate within 2 years after the
2 effective date of the act of the Legislature that authorized the plate.

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

8 (c) In addition to the requirements set forth in paragraphs (a) and
9 (b), if a new special license plate is authorized by an act of the
10 Legislature after January 1, 2007, the Legislature will direct that the
11 license plate not be designed, prepared or issued by the Department
12 unless the Commission on Special License Plates approves the
13 application for the authorized plate pursuant to NRS 482.367004.

14 2. The provisions of subsection 1 do not apply with regard to
15 special license plates that are issued pursuant to NRS 482.3785 or
16 482.3787 ~~H~~ *or section 1 of this act.*

17 **Sec. 6.** The Department of Motor Vehicles shall design the
18 special license plates described in section 1 of this act in cooperation
19 with interested parties.

20 **Sec. 7.** This act becomes effective on July 1, 2013.

