

ASSEMBLY BILL NO. 166—COMMITTEE ON TRANSPORTATION

FEBRUARY 25, 2013

Referred to Committee on Transportation

SUMMARY—Revises requirements for the registration of a vehicle that is driven in Nevada by a nonresident who commutes to work on a regular basis in Nevada. (BDR 43-707)

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; revising requirements for the registration of a motor vehicle of a nonresident who is employed in this State and operates the motor vehicle on the highways of this State on a regular basis to commute to that employment; requiring that such a motor vehicle comply with certain provisions; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, a nonresident who is employed in this State and who owns
2 a motor vehicle that is operated in this State must, within 30 days after commencing
3 employment and with certain exceptions, register the motor vehicle in this State.
4 (NRS 482.385) **Section 1** of this bill requires that an owner of a motor vehicle that
5 is operated in this State by a nonresident daily commuter register the motor vehicle
6 within 10 days after the nonresident daily commuter commences employment. Such
7 a registration would require the payment of a fee and be valid for 1 year. **Section 1**
8 also requires such a motor vehicle to comply with the registration, insurance and
9 emissions testing requirements, if any, of the out-of-state location where the owner
10 is a resident. If the location where the owner is a resident does not require
11 emissions testing, **section 1** requires such a motor vehicle to undergo emissions
12 testing as if it were the vehicle of a Nevada resident. For the purposes of this bill,
13 **section 1** defines “nonresident daily commuter” to mean a person who: (1) is not a
14 Nevada resident; (2) enters and leaves the State of Nevada on a regular basis for the
15 purpose of engaging, in this State, in a trade, profession, occupation or other gainful
16 employment; (3) engages in such gainful employment at a location which is within
17 the State of Nevada and not more than 30 road miles from the boundary between
18 the State of Nevada and any of the states of Arizona, California, Idaho, Oregon and



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19 Utah; and (4) principally garages his or her commuting vehicle in a state other than
20 Nevada.

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

1 **Section 1.** Chapter 482 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *An owner of a vehicle of a type subject to registration*
4 *pursuant to the provisions of this chapter shall apply for the*
5 *registration of each vehicle the person owns which is operated in*
6 *this State by a nonresident daily commuter. The person must apply*
7 *for the registration of such a vehicle not later than 10 days after*
8 *the date the nonresident daily commuter first operates the vehicle*
9 *in this State, regardless of whether the nonresident daily*
10 *commuter is also the owner of the vehicle.*

11 2. *The Department shall grant an application for registration*
12 *of a vehicle pursuant to subsection 1 if the applicant:*

13 (a) *Submits proof that the vehicle has been registered for the*
14 *current year in the state, country or other place of which the*
15 *owner is a resident;*

16 (b) *Submits proof that the vehicle is currently insured in*
17 *compliance with the laws of the state, country or other place of*
18 *which the owner is a resident;*

19 (c) *Submits proof that the vehicle has been tested for emissions*
20 *in compliance with the laws of the state, country or other place of*
21 *which the owner is a resident or, if the place where the owner is a*
22 *resident does not require the testing of the emissions of motor*
23 *vehicles, complies with the provisions of NRS 445B.700 to*
24 *445B.815, inclusive, and the regulations adopted pursuant thereto*
25 *for the vehicle as if the vehicle were required to comply with those*
26 *provisions; and*

27 (d) *Pays a fee of \$33 for each vehicle the owner registers*
28 *pursuant to this section.*

29 3. *The Department shall issue to an owner who registers a*
30 *vehicle pursuant to this section an indicator for the registered*
31 *vehicle that indicates the vehicle is operated by a nonresident daily*
32 *commuter. The indicator must be displayed on the registered*
33 *vehicle when the registered vehicle is operated in this State by a*
34 *nonresident daily commuter. An indicator issued pursuant to this*
35 *subsection is issued for a specific vehicle, is nontransferable and*
36 *expires 1 year after the date of issuance.*

37 4. *All fees paid pursuant to subsection 2 must be deposited*
38 *with the State Treasurer for credit to the State Highway Fund and*
39 *expended pursuant to subsection 2 of NRS 408.235.*



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1 5. A person who violates the provisions of this section is
2 guilty of a misdemeanor and shall be punished:

3 (a) For the first offense, by a fine of not more than \$100.

4 (b) For the second and each subsequent offense, by a fine of
5 not more than \$500.

6 ↪ The failure of a person to comply with the provisions of this
7 section for each vehicle to which this section applies constitutes a
8 separate offense.

9 6. If an owner of a vehicle that is required to be registered
10 pursuant to this section fails to register the vehicle pursuant to this
11 section, the owner or operator of the vehicle may be cited for a
12 violation of this section regardless of whether it is in operation or
13 is parked on a highway, in a public parking lot or on private
14 property which is open to the public if, after communicating with
15 the owner or operator of the vehicle, the peace officer issuing the
16 citation determines that the vehicle is required to be registered
17 pursuant to subsection 1 and that the owner has failed to register
18 the vehicle pursuant to subsection 1. As used in this subsection,
19 "peace officer" includes a constable.

20 7. The Department may adopt such regulations as are
21 necessary to carry out the provisions of this section, including,
22 without limitation, adopting by regulation a definition of "on a
23 regular basis" for the purpose of subsection 8.

24 8. As used in this section, "nonresident daily commuter"
25 means a person:

26 (a) Who is not a resident of the State of Nevada;

27 (b) Who enters and leaves the State of Nevada on a regular
28 basis for the purpose of engaging, in this State, in a trade,
29 profession, occupation or other gainful employment;

30 (c) Engages in a trade, profession, occupation or other gainful
31 employment at a location which is:

32 (1) Within the State of Nevada; and

33 (2) Not more than 30 road miles from the boundary
34 between the State of Nevada and any of the states of Arizona,
35 California, Idaho, Oregon and Utah; and

36 (d) Whose vehicle, which is used for the purpose described in
37 paragraph (b), is principally garaged outside this State.

38 **Sec. 2.** NRS 482.103 is hereby amended to read as follows:

39 482.103 1. "Resident" includes, but is not limited to, a
40 person:

41 (a) Whose legal residence is in the State of Nevada.

42 (b) Who engages in intrastate business and operates in such a
43 business any motor vehicle, trailer or semitrailer, or any person
44 maintaining such vehicles in this State, as the home state of such
45 vehicles.



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(c) Who physically resides in this State and engages in a trade, profession, occupation or accepts gainful employment in this State.

(d) Who declares that he or she is a resident of Nevada for purposes of obtaining privileges not ordinarily extended to nonresidents of this State.

2. The term does not include a person who is an actual tourist, an out-of-state student, a border state employee or a seasonal resident.

3. The provisions of this section do not apply to persons who operate vehicles in this State under the provisions of NRS 482.385, 482.390, 482.395 or 706.801 to 706.861, inclusive ~~§~~, *or section 1 of this act.*

Sec. 3. NRS 482.385 is hereby amended to read as follows:

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

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

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

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

(2) An out-of-state student;

(3) 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

(4) A migrant or seasonal farm worker.

2. This section does not:

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

(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract



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1 motor carriers of persons or property, or private motor carriers of
2 property as stated in NRS 482.390.

3 (c) Require registration of a vehicle operated by a border state
4 employee.

5 3. Except as otherwise provided in subsection 5, when a
6 person, formerly a nonresident, becomes a resident of this State, the
7 person shall:

8 (a) Within 30 days after becoming a resident; or

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

10 ➔ whichever occurs earlier, apply for the registration of each
11 vehicle the person owns which is operated in this State. When a
12 person, formerly a nonresident, applies for a driver's license in this
13 State, the Department shall inform the person of the requirements
14 imposed by this subsection and of the penalties that may be imposed
15 for failure to comply with the provisions of this subsection.

16 4. A citation may be issued pursuant to subsection 1, 3 or 5
17 only if the violation is discovered when the vehicle is halted or its
18 driver arrested for another alleged violation or offense. The
19 Department shall maintain or cause to be maintained a list or other
20 record of persons who fail to comply with the provisions of
21 subsection 3 and shall, at least once each month, provide a copy of
22 that list or record to the Department of Public Safety.

23 5. Except as otherwise provided in this subsection, a resident or
24 nonresident owner of a vehicle of a type subject to registration
25 pursuant to the provisions of this chapter who ~~engages in a trade,~~
26 ~~profession or occupation or accepts gainful employment in this State~~
27 ~~or who~~ enrolls his or her children in a public school in this State
28 shall, within 30 days after the commencement of such ~~employment~~
29 ~~or~~ enrollment, apply for the registration of each vehicle the person
30 owns which is operated in this State. The provisions of this
31 subsection do not apply to a nonresident who is:

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

33 (b) An out-of-state student;

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

38 (d) A migrant or seasonal farm worker.

39 6. A person who violates the provisions of subsection 1, 3 or 5
40 is guilty of a misdemeanor and, except as otherwise provided in this
41 subsection, shall be punished by a fine of \$1,000. The fine imposed
42 pursuant to this subsection is in addition to any fine or penalty
43 imposed for the other alleged violation or offense for which the
44 vehicle was halted or its driver arrested pursuant to subsection 4.
45 The fine imposed pursuant to this subsection may be reduced to not



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1 less than \$200 if the person presents evidence at the time of the
2 hearing that the person has registered the vehicle pursuant to this
3 chapter.

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

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

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

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

16 9. If a vehicle is used in this State for a gainful purpose, the
17 owner shall immediately apply to the Department for registration,
18 except as otherwise provided in NRS 482.390, 482.395 and 706.801
19 to 706.861, inclusive **H**, and *section 1 of this act*.

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

23 11. A vehicle may be cited for a violation of this section
24 regardless of whether it is in operation or is parked on a highway, in
25 a public parking lot or on private property which is open to the
26 public if, after communicating with the owner or operator of the
27 vehicle, the peace officer issuing the citation determines that:

28 (a) The owner of the vehicle is a resident of this State;

29 (b) The vehicle is used in this State for a gainful purpose;

30 (c) Except as otherwise provided in paragraph (b) of subsection
31 1, the owner of the vehicle is a nonresident and has operated the
32 vehicle in this State for more than 30 days in the aggregate in any 1
33 calendar year; or

34 (d) The owner of the vehicle is a nonresident required to register
35 the vehicle pursuant to subsection 5.

36 ➡ As used in this subsection, "peace officer" includes a constable.

37 **Sec. 4.** NRS 482.500 is hereby amended to read as follows:

38 482.500 1. Except as otherwise provided in subsection 2 or 3,
39 whenever upon application any duplicate or substitute certificate of
40 registration, *indicator*, decal or number plate is issued, the following
41 fees must be paid:

42
43 For a certificate of registration \$5.00

44 For every substitute number plate or set of plates 5.00

45 For every duplicate number plate or set of plates 10.00



1 For every decal displaying a county name \$.50
2 For every other **indicator**, decal, license plate
3 sticker or tab 5.00
4

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

7 (a) For any special plate issued pursuant to NRS 482.3667,
8 482.367002, 482.3672, 482.3675, 482.370 to 482.376, inclusive, or
9 482.379 to 482.3818, inclusive, a fee of \$10.

10 (b) For any special plate issued pursuant to NRS 482.368,
11 482.3765, 482.377 or 482.378, a fee of \$5.

12 (c) Except as otherwise provided in paragraph (a) of subsection
13 1 of NRS 482.3824, for any souvenir license plate issued pursuant
14 to NRS 482.3825 or sample license plate issued pursuant to NRS
15 482.2703, a fee equal to that established by the Director for the
16 issuance of those plates.

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

19 4. The fees which are paid for duplicate number plates and
20 decals displaying county names must be deposited with the State
21 Treasurer for credit to the Motor Vehicle Fund and allocated to the
22 Department to defray the costs of duplicating the plates and
23 manufacturing the decals.

24 **Sec. 5.** This act becomes effective:

25 1. Upon passage and approval for the purpose of adopting
26 regulations and performing any other preparatory administrative
27 tasks that are necessary to carry out the provisions of this act; and

28 2. On January 1, 2014, for all other purposes.

