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SECOND REPRINT

A.B. 166

ASSEMBLY BILL NO. 166—COMMITTEE ON TRANSPORTATION

FEBRUARY 25, 2013

Referred to Committee on Transportation

SUMMARY—Establishes requirements for the permitting 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; establishing requirements for the permitting 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 obtain a nonresidential
6 daily commuter permit for the motor vehicle within 10 days after the nonresident
7 daily commuter commences employment. Such a permit would require the payment
8 of a fee and be valid for 1 year. **Section 1** also requires such a motor vehicle to
9 comply with the registration, insurance and emissions testing requirements, if any,
10 of the out-of-state location where the owner is a resident. If the location where the
11 owner is a resident does not require emissions testing, **section 1** requires such a
12 motor vehicle to undergo emissions testing as if it were the vehicle of a Nevada
13 resident. For the purposes of this bill, **section 1** defines “nonresident daily
14 commuter” to mean a person who: (1) is not a Nevada resident; (2) enters and
15 leaves the State of Nevada on a regular basis for the purpose of engaging, in this
16 State, in a trade, profession, occupation or other gainful employment; (3) engages
17 in such gainful employment at a location which is within the State of Nevada and
18 not more than 30 road miles from the boundary between the State of Nevada and



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19 any of the states of Arizona, California, Idaho, Oregon and Utah; and (4)
20 principally garages his or her commuting vehicle in a state other than 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 who is a natural person*
5 *shall apply for a nonresidential daily commuter permit for each*
6 *vehicle the person owns which is operated in this State by a*
7 *nonresident daily commuter. The person must apply for the*
8 *permitting of such a vehicle not later than 10 days after the date*
9 *the nonresident daily commuter first operates the vehicle in this*
10 *State, regardless of whether the nonresident daily commuter is*
11 *also the owner of the vehicle.*

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

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

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

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

28 (d) *Pays a fee of \$33 for each vehicle for which the owner*
29 *obtains a permit pursuant to this section.*

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



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

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

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

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

9 ↪ The failure of a person to comply with the provisions of this
10 section for each vehicle to which this section applies constitutes a
11 separate offense.

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

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

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

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

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

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

36 (1) Within the State of Nevada; and

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

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

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

43 482.103 1. "Resident" includes, but is not limited to, a
44 person:

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



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

(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 **H**, 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 motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.

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

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

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

(b) At the time he or she obtains a driver's license, whichever occurs earlier, apply for the registration of each vehicle the person owns which is operated in this State. When a person, formerly a nonresident, applies for a driver's license in this State, the Department shall inform the person of the requirements imposed by this subsection and of the penalties that may be imposed for failure to comply with the provisions of this subsection.

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

5. Except as otherwise provided in this subsection, a resident or nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter who ~~engages in a trade, profession or occupation or accepts gainful employment in this State or who~~ enrolls his or her children in a public school in this State shall, within 30 days after the commencement of such ~~employment or~~ enrollment, apply for the registration of each vehicle the person owns which is operated in 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



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1 imposed for the other alleged violation or offense for which the
2 vehicle was halted or its driver arrested pursuant to subsection 4.
3 The fine imposed pursuant to this subsection may be reduced to not
4 less than \$200 if the person presents evidence at the time of the
5 hearing that the person has registered the vehicle pursuant to this
6 chapter.

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

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

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

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

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

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

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

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

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

33 (c) Except as otherwise provided in paragraph (b) of subsection
34 1, the owner of the vehicle is a nonresident and has operated the
35 vehicle in this State for more than 30 days in the aggregate in any 1
36 calendar year; or

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

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

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

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



For a certificate of registration	\$5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates.....	10.00
For every decal displaying a county name	.50
For every other <i>indicator</i> , decal, license plate sticker or tab	5.00

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

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

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

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

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

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

Sec. 5. This act becomes effective:

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

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

