

(§§ 1, 4)

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SECOND REPRINT

A.B. 167

ASSEMBLY BILL NO. 167—COMMITTEE ON TRANSPORTATION

FEBRUARY 25, 2013

Referred to Committee on Transportation

SUMMARY—Establishes requirements for the permitting of certain vehicles that are driven in Nevada and owned by a nonresident business. (BDR 43-708)

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 that is operated on the highways of this State for a business purpose within this State; requiring that such a motor vehicle complies with certain provisions; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, certain nonresident owners of motor vehicles that are used
2 in this State for a gainful purpose must register such motor vehicles in this State.
3 (NRS 482.385) **Section 1** of this bill requires a nonresident who is not a natural
4 person, owns a vehicle of a type subject to registration in this State and allows that
5 vehicle to be operated in this State for business purposes within this State to obtain
6 a nonresident business permit for the motor vehicle within 10 days after the
7 commencement of such operation of the vehicle. Such a permit would require the
8 payment of a fee, is nontransferable and is valid for 1 year. **Section 1** also requires
9 such a motor vehicle to comply with the registration, insurance and emissions
10 testing requirements, if any, of the out-of-state location where the nonresident is a
11 resident. If the location where the nonresident is a resident does not require
12 emissions testing, **section 1** requires such a motor vehicle to undergo emissions
13 testing as if it were the vehicle of a Nevada resident. The provisions of **section 1** do
14 not apply to certain motor carriers or apportioned vehicles or vehicles that are
15 leased or rented to lessees by short-term lessors.



* A B 1 6 7 R 2 *

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, NRS 482.390 and 706.801 to 706.861, inclusive, a nonresident who:

(a) Is not a natural person;

(b) Is the owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter; and

(c) Allows that vehicle to be operated in this State by an employee, independent contractor or any other person for the purpose of engaging in the business of the nonresident within this State,

↪ shall, within 10 days after the commencement of such operation, apply for a nonresident business permit for the vehicle.

2. The Department shall grant an application for the permitting of a vehicle pursuant to subsection 1 if the nonresident owner of the vehicle:

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

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

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

(d) Pays a fee of:

(1) Two hundred dollars for the first vehicle for which the owner obtains a permit pursuant to this section.

(2) One hundred and fifty dollars for each additional vehicle for which the owner obtains a permit pursuant to this section.

3. The Department shall issue to a nonresident owner who obtains a permit for a vehicle pursuant to this section an indicator for the permitted vehicle that must be displayed on the permitted vehicle when the permitted vehicle is operated in this State. The indicator issued pursuant to this subsection is nontransferable and expires 1 year after the date of issuance.



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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 \$500.*

7 (b) *For the second and each subsequent offense, by a fine of*
8 *not more than \$750.*

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. *A vehicle may be cited for a violation of this section*
13 *regardless of whether it is in operation or is parked on a highway,*
14 *in a public parking lot or on private property which is open to the*
15 *public if, after communicating with the owner or operator of*
16 *the vehicle, the peace officer issuing the citation determines that*
17 *the vehicle is required to be permitted pursuant to subsection 1. As*
18 *used in this subsection, "peace officer" includes a constable.*

19 7. *The Department may adopt such regulations as are*
20 *necessary to carry out the provisions of this section.*

21 8. *The provisions of this section do not apply with respect to a*
22 *vehicle that is leased or rented to a lessee by a short-term lessor, as*
23 *that term is defined in subsection 5 of NRS 482.053.*

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

25 482.103 1. "Resident" includes, but is not limited to, a
26 person:

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

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

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

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

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

40 3. The provisions of this section do not apply to persons who
41 operate vehicles in this State under the provisions of NRS 482.385,
42 482.390, 482.395 or 706.801 to 706.861, inclusive **H**, *or section 1*
43 *of this act.*



* A B 1 6 7 R 2 *

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



1 imposed by this subsection and of the penalties that may be imposed
2 for failure to comply with the provisions of this subsection.

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

10 5. Except as otherwise provided in this subsection ~~and~~ *and*
11 *section 1 of this act*, a resident or nonresident owner of a vehicle of
12 a type subject to registration pursuant to the provisions of this
13 chapter who engages in a trade, profession or occupation or accepts
14 gainful employment in this State or who enrolls his or her children
15 in a public school in this State shall, within 30 days after the
16 commencement of such employment or enrollment, apply for the
17 registration of each vehicle the person owns which is operated in
18 this State. The provisions of this subsection do not apply to a
19 nonresident who is:

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

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

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

26 (d) A migrant or seasonal farm worker.

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

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

42 8. A person registering a vehicle pursuant to the provisions of
43 subsection 1, 3, 5, 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.

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 **H**, and *section 1 of this act*.

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.

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

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

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

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

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

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

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

482.500 1. Except as otherwise provided in subsection 2 or 3, whenever upon application any duplicate or substitute certificate of registration, *indicator*, decal or number plate is issued, the following 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.

