

Amendment No. 572

Assembly Amendment to Assembly Bill No. 167 First Reprint (BDR 43-708)

Proposed by: Assemblyman Carrillo

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 167 (§§ 1, 4).

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

MSM/WLK



Date: 4/23/2013

A.B. No. 167—Revises requirements for the registration of certain vehicles that are driven in Nevada and owned by a nonresident business.
(BDR 43-708)



ASSEMBLY BILL NO. 167—COMMITTEE ON TRANSPORTATION

FEBRUARY 25, 2013

Referred to Committee on Transportation

SUMMARY—~~Revises~~ **Establishes** requirements for the ~~registration~~ **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.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to motor vehicles; ~~revising~~ **establishing** requirements for the ~~registration~~ **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:

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

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;

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

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

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

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

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

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

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

22 (d) Pays a fee of:

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

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

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

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

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

38 (a) For the first offense, by a fine of not more than \$500.

39 (b) For the second and each subsequent offense, by a fine of not more than
40 \$750.

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

43 6. A vehicle may be cited for a violation of this section regardless of
44 whether it is in operation or is parked on a highway, in a public parking lot or on
45 private property which is open to the public if, after communicating with the
46 owner or operator of the vehicle, the peace officer issuing the citation determines
47 that the vehicle is required to be ~~registered~~ permitted pursuant to subsection 1.
48 As used in this subsection, "peace officer" includes a constable.

49 7. The Department may adopt such regulations as are necessary to carry
50 out the provisions of this section.

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

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

5 482.103 1. "Resident" includes, but is not limited to, a person:

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

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

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

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

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

16 3. The provisions of this section do not apply to persons who operate vehicles
17 in this State under the provisions of NRS 482.385, 482.390, 482.395 or 706.801 to
18 706.861, inclusive **H**, or section 1 of this act.

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

20 482.385 1. Except as otherwise provided in subsections 5 and 7 and NRS
21 482.390, **and section 1 of this act**, a nonresident owner of a vehicle of a type
22 subject to registration pursuant to the provisions of this chapter, owning any vehicle
23 which has been registered for the current year in the state, country or other place of
24 which the owner is a resident and which at all times when operated in this State has
25 displayed upon it the registration license plate issued for the vehicle in the place of
26 residence of the owner, may operate or permit the operation of the vehicle within
27 this State without its registration in this State pursuant to the provisions of this
28 chapter and without the payment of any registration fees to this State:

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

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

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

34 (2) An out-of-state student;

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

39 (4) A migrant or seasonal farm worker.

40 2. This section does not:

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

44 (b) Require registration of vehicles of a type subject to registration pursuant to
45 the provisions of this chapter operated by nonresident common motor carriers of
46 persons or property, contract motor carriers of persons or property, or private motor
47 carriers of property as stated in NRS 482.390.

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

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

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

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

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

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

12 5. Except as otherwise provided in this subsection **H** and section 1 of this
13 act, a resident or nonresident owner of a vehicle of a type subject to registration
14 pursuant to the provisions of this chapter who engages in a trade, profession or
15 occupation or accepts gainful employment in this State or who enrolls his or her
16 children in a public school in this State shall, within 30 days after the
17 commencement of such employment or enrollment, apply for the registration of
18 each vehicle the person owns which is operated in this State. The provisions of this
19 subsection do not apply to a 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 outside this State
23 and who is in the State for a period of not more than 6 months to participate in a
24 work-study program for which the student earns academic credits from the college
25 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 is guilty of a
28 misdemeanor and, except as otherwise provided in this subsection, shall be
29 punished by a fine of \$1,000. The fine imposed pursuant to this subsection is in
30 addition to any fine or penalty imposed for the other alleged violation or offense for
31 which the vehicle was halted or its driver arrested pursuant to subsection 4. The
32 fine imposed pursuant to this subsection may be reduced to not less than \$200 if the
33 person presents evidence at the time of the hearing that the person has registered the
34 vehicle pursuant to this chapter.

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

39 8. A person registering a vehicle pursuant to the provisions of subsection 1, 3,
40 5, 7 or 9 or pursuant to NRS 482.390:

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

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

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

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

52 11. A vehicle may be cited for a violation of this section regardless of
53 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.