

Amendment No. 341

Assembly Amendment to Assembly Bill No. 405

(BDR 43-414)

Proposed by: Assembly Committee on Transportation**Amends:** Summary: No Title: No 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. 405 (§§ 3, 5).

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: 4/21/2013

A.B. No. 405—Revises provisions concerning the identification of and registration of the motor vehicles of seasonal residents. (BDR 43-414)



ASSEMBLY BILL NO. 405—ASSEMBLYMAN CARRILLO

MARCH 18, 2013

Referred to Committee on Transportation

SUMMARY—Revises provisions concerning the identification of and registration of the motor vehicles of seasonal residents. (BDR 43-414)

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; providing for the issuance of special indicia of the registration of a motor vehicle to a seasonal resident; modifying the provisions pertaining to the issuance of an identification card to a seasonal resident; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines the term “seasonal resident,” in relevant part, as a person who is not a resident of the State of Nevada but who temporarily resides in this State for a period of at least 31 consecutive days in each calendar year, returns to his or her state of residence at least once in each calendar year, is registered to vote or pays income tax in another state or jurisdiction and does not engage in gainful employment in this State. (NRS 481.052; NAC 481.005) **Section 3** of this bill allows the Department of Motor Vehicles to issue to a seasonal resident a decal, sticker or other indicia of the seasonal registration in this State of a motor vehicle if the motor vehicle meets certain criteria. **Section 3 also deems an out-of-state student to be a seasonal resident for the purpose of obtaining such a decal, sticker or other indicia.** **Section 5** of this bill modifies the fees charged for an identification card issued to a seasonal resident and specifies that such a card is valid for a period of 4 years unless suspended, cancelled or revoked. **Section 5 also deems an out-of-state student to be a seasonal resident for the purpose of obtaining such an identification card.** **Sections 2 and 4** of this bill allow a seasonal resident who possesses valid indicia of the seasonal registration of a motor vehicle and a valid identification card for a seasonal resident to operate the motor vehicle upon the highways of this State without registering the vehicle in this State in the same manner as would be required of a vehicle of a resident of this State.

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 the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *A seasonal resident may operate a motor vehicle upon the highways of this State without registering the vehicle in this State pursuant to this chapter if the seasonal resident:*

1 1. Possesses and displays a valid decal, sticker or other indicia of seasonal
2 registration that is issued pursuant to section 3 of this act; and

3 2. Possesses a valid identification card for seasonal residents that is issued
4 pursuant to section 5 of this act.

5 Sec. 3. 1. The Department may issue to a seasonal resident a decal,
6 sticker or other indicia of the seasonal registration in this State of a motor
7 vehicle, if the motor vehicle:

8 (a) Is a private passenger vehicle, a noncommercial truck or a recreational
9 vehicle;

10 (b) Is not a commercial vehicle or otherwise used for business purposes;

11 (c) ~~Is either:~~

12 ~~(1) Is in compliance with the standards pertaining to the emissions from~~
13 ~~motor vehicles that apply in the state of which the owner or operator of the motor~~
14 ~~vehicle is a resident; or~~

15 ~~(2) If the state of which the owner or operator of the motor vehicle is a~~
16 ~~resident does not have standards pertaining to the emissions from motor vehicles;~~

17 ~~(I) Is tested for compliance with the standards, if any, pertaining to~~
18 ~~the emissions from motor vehicles that apply in the region of this State where the~~
19 ~~motor vehicle will be based; and~~

20 ~~(II) If applicable, passes successfully the testing for emissions that is~~
21 ~~described in sub subparagraph (I);~~

22 ~~(d)~~ Is registered currently and validly in the state of which the owner or
23 operator of the motor vehicle is a resident; and

24 ~~(e)~~ (d) Is insured currently and validly in the state of which the owner or
25 operator of the motor vehicle is a resident.

26 2. The Department shall not require the payment of any governmental
27 services tax as a condition of issuing a decal, sticker or other indicia of seasonal
28 registration pursuant to this section.

29 3. A decal, sticker or other indicia of seasonal registration that is issued
30 pursuant to this section must be displayed:

31 (a) On the lower left corner of the rear window of the motor vehicle for
32 which it is issued; or

33 (b) In another location specified by regulation of the Department.

34 4. Except as otherwise provided in subsection 5, a decal, sticker or other
35 indicia of seasonal registration that is issued pursuant to this section expires ~~2~~
36 ~~years~~ 1 year after the date on which it is issued.

37 5. The Department may suspend, cancel or revoke a decal, sticker or other
38 indicia of seasonal registration that is issued pursuant to this section for any
39 reason that would justify the suspension, cancellation or revocation, as
40 applicable, of an ordinary motor vehicle registration under the laws of this State.

41 6. The fee for the initial issuance of a decal, sticker or other indicia of
42 seasonal registration that is issued pursuant to this section is \$18. The fee for the
43 renewal of a decal, sticker or other indicia of seasonal registration that is issued
44 pursuant to this section is \$18.

45 7. For the purpose of obtaining a decal, sticker or other indicia of seasonal
46 registration that is issued pursuant to this section, an out-of-state student shall be
47 deemed to be a seasonal resident.

48 8. The Department may adopt regulations to carry out the provisions of this
49 section.

50 Sec. 4. NRS 482.385 is hereby amended to read as follows:

51 482.385 1. Except as otherwise provided in subsections 5 and 7 and NRS
52 482.390, a nonresident owner of a vehicle of a type subject to registration pursuant
53 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; ~~for~~

(4) A migrant or seasonal farm worker ~~for~~ ; or

(5) A seasonal resident who is authorized to operate a motor vehicle upon the highways of this State pursuant to section 2 of this act.

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

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

8. A person registering a vehicle pursuant to the provisions of 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.

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. 5. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who applies for an identification card in accordance with the provisions of this section and who is not ineligible to receive an identification card pursuant to NRS 483.861 is entitled to receive an identification card if the person:

(a) Is a seasonal resident who does not hold a valid Nevada driver's license; and

(b) Complies with the provisions of this section and any applicable provisions of NRS 483.810 to 483.890, inclusive.

2. The Department shall charge and collect the following fees for the issuance of an original, duplicate or changed identification card:

<i>An original or duplicate identification card issued to a seasonal resident.....</i>	<i>\$17</i>
<i>A renewal of an identification card for a seasonal resident</i>	<i>17</i>
<i>A new photograph or change of name, or both, for a seasonal resident.....</i>	<i>10</i>

3. *The increase in fees authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to this section.*

4. *An identification card that is issued to a seasonal resident pursuant to this section expires 4 years after the date on which it is issued, unless the seasonal resident commits an act or omission for which the Department is required or authorized by the laws of this State to suspend, cancel or revoke the identification card.*

5. *For the purpose of obtaining an identification card pursuant to this section, an out-of-state student shall be deemed to be a seasonal resident.*

6. *As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.*

Sec. 5.5. *NRS 483.115 is hereby amended to read as follows:*

483.115 "Out-of-state student" means a student ~~+~~

~~1. Whose~~ whose legal residence is not in this State ~~+~~

~~2. Who~~ and who comes into ~~this State to attend~~ Nevada for the purpose of attending an educational institution. ~~+~~ and

~~3. Who returns to his or her legal residence during the summer months.~~

Sec. 6. NRS 483.347 is hereby amended to read as follows:

483.347 1. Except as otherwise provided in subsection 2, the Department shall issue a rectangular-shaped driver's license which bears a front view colored photograph of the licensee. The photograph and any information included on the license must be placed in a manner which ensures that:

(a) If the licensee is 21 years of age or older, the longer edges of the rectangle serve as the top and bottom of the license; or

(b) If the licensee is under 21 years of age, the shorter edges of the rectangle serve as the top and bottom of the license.

2. The Department may issue a temporary driver's license without a photograph of the licensee if the licensee is temporarily absent from this State and requests the renewal of, the issuance of a duplicate of, or a change in the information on, his or her driver's license. If the licensee returns to this State for 14 continuous days or more, the licensee shall, within 24 days after the date of return, surrender the temporary license and obtain a license which bears his or her photograph in accordance with subsection 1. A licensee charged with violating the provisions of this subsection may not be convicted if the licensee surrenders the temporary license, obtains a license which bears his or her photograph in accordance with subsection 1 and produces that license in court or in the office of the arresting officer.

3. The Department shall:

(a) Establish a uniform procedure for the production of drivers' licenses, applicable to renewal as well as to original licenses.

(b) Except as otherwise provided in NRS 483.417 and 483.825, by regulation, increase the fees provided in NRS 483.410, 483.820 and 483.910 and section 5 of this act as necessary to cover the actual cost of production of photographs for drivers' licenses and identification cards. The increase must be deposited in the State Treasury for credit to the Motor Vehicle Fund and must be allocated to the Department to defray the increased costs of producing the drivers' licenses required by this section.

Sec. 7. NRS 483.820 is hereby amended to read as follows:

483.820 1. A person who applies for an identification card in accordance with the provisions of NRS 483.810 to 483.890, inclusive, *and section 5 of this act*, and who is not ineligible to receive an identification card pursuant to NRS 483.861, is entitled to receive an identification card if the person is ~~+~~

~~(a) A~~ *a* resident of this State and is 10 years of age or older and does not hold a valid driver's license or identification card from any state or jurisdiction. ~~+~~ ~~or~~

~~(b) A seasonal resident who does not hold a valid Nevada driver's license.~~

2. Except as otherwise provided in NRS 483.825, the Department shall charge and collect the following fees for the issuance of an original, duplicate or changed identification card:

An original or duplicate identification card issued to a person 65 years of age or older	\$4
An original or duplicate identification card issued to a person under 18 years of age	3
A renewal of an identification card for a person under 18 years of age	3
An original or duplicate identification card issued to any other person	9
A renewal of an identification card for any person at least 18 years of age, but less than 65 years of age	9
A new photograph or change of name, or both	4

3. The Department shall not charge a fee for:

(a) An identification card issued to a person who has voluntarily surrendered his or her driver's license pursuant to NRS 483.420; or

(b) A renewal of an identification card for a person 65 years of age or older.

4. Except as otherwise provided in NRS 483.825, the increase in fees authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to this section.

5. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 7.5. NRS 483.850 is hereby amended to read as follows:

483.850 1. Every application for an identification card must be made upon a form provided by the Department and include, without limitation:

(a) The applicant's:

(1) Full legal name.

(2) Date of birth.

(3) State of legal residence.

(4) Current address of principal residence and mailing address, if different from his or her address of principal residence, in this State, unless the applicant is on active duty in the military service of the United States.

(b) A statement from:

(1) A resident stating that he or she does not hold a valid driver's license or identification card from any state or jurisdiction; or

(2) A seasonal resident stating that he or she does not hold a valid Nevada driver's license.

2. When the form is completed, the applicant must sign the form and verify the contents before a person authorized to administer oaths.

3. An applicant who has been issued a social security number must provide to the Department for inspection:

1 (a) An original card issued to the applicant by the Social Security
2 Administration bearing the social security number of the applicant; or

3 (b) Other proof acceptable to the Department bearing the social security
4 number of the applicant, including, without limitation, records of employment or
5 federal income tax returns.

6 4. At the time of applying for an identification card, an applicant may, if
7 eligible, register to vote pursuant to NRS 293.524.

8 5. A person who possesses a driver's license or identification card issued by
9 another state or jurisdiction who wishes to apply for an identification card pursuant
10 to this section shall surrender to the Department the driver's license or
11 identification card issued by the other state or jurisdiction at the time the person
12 applies for an identification card pursuant to this section. *This subsection does not*
13 *apply to a person who, pursuant to this section, applies for an identification card*
14 *as a seasonal resident.*

15 **Sec. 8.** NRS 483.865 is hereby amended to read as follows:

16 483.865 1. Upon the application of a person with a disability which limits
17 or impairs the ability to walk, the Department shall place on any identification card
18 issued to the person pursuant to NRS 483.810 to 483.890, inclusive, *and section 5*
19 *of this act* a designation that the person is a person with a disability. The
20 application must include a statement from a licensed physician certifying that the
21 applicant is a person with a disability which limits or impairs the ability to walk.

22 2. For the purposes of this section, "person with a disability which limits or
23 impairs the ability to walk" has the meaning ascribed to it in NRS 482.3835.

24 **Sec. 9.** NRS 483.867 is hereby amended to read as follows:

25 483.867 Upon the application of a person who is a seasonal resident of this
26 State, the Department shall place on any identification card issued to the person
27 pursuant to NRS 483.810 to 483.890, inclusive ~~§~~, *and section 5 of this act:*

28 1. A designation indicating that the person is a seasonal resident; and

29 2. A statement indicating that the person holds a valid driver's license from
30 another state or jurisdiction.

31 **Sec. 10.** This act becomes effective:

32 1. Upon passage and approval for the purpose of adopting regulations and
33 carrying out any other preparatory administrative tasks necessary to implement the
34 provisions of this act; and

35 2. On January 1, ~~2014~~ 2015, for all other purposes.