

ASSEMBLY BILL NO. 103—ASSEMBLYMAN OSCARSON

PREFILED JANUARY 31, 2015

JOINT SPONSOR: SENATOR GOICOECHEA

Referred to Committee on Transportation

SUMMARY—Provides for the issuance of special license plates for veterans who are awarded the Silver Star or Bronze Star Medal. (BDR 43-22)

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; requiring the Department of Motor Vehicles to design, prepare and issue special license plates honoring veterans of the Armed Forces of the United States who have received the Silver Star or Bronze Star Medal, as applicable; exempting the special license plates from certain provisions otherwise applicable to special license plates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 7 of this bill authorize qualified persons to apply for the issuance of license plates specially designed by the Department of Motor Vehicles, in cooperation with interested parties, to honor veterans of the Armed Forces of the United States who have been awarded the Silver Star or Bronze Star Medal. Unless the special license plates are lost, stolen or mutilated, in which case a \$5 replacement fee applies, no fee in addition to the ordinarily applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of the special license plates.

Section 3 of this bill provides that, if the Director of the Department orders a redesign of license plates, the Department is prohibited from issuing redesigned license plates to the holder of a set of plates honoring recipients of the Silver Star or Bronze Star Medal without the approval of the holder.

Under existing law, most special license plates: (1) must be approved by the Department, based on a recommendation from the Commission on Special License Plates; (2) are subject to a limitation on the number of separate designs of special license plates which the Department may issue at any one time; and (3) may not be



designed, prepared or issued by the Department unless a certain minimum number of applications for the plates are received. (NRS 482.367004, 482.367008, 482.36705) **Sections 4-6** of this bill exempt the special plates honoring recipients of the Silver Star or Bronze Star Medal from all three of the preceding requirements.

Finally, under existing law, a new vehicle dealer who is authorized to issue certificates of registration for any new motor vehicle he or she sells is prohibited from accepting an application for the registration of a motor vehicle if the applicant wishes to obtain special license plates. (NRS 482.216) Despite the broad exemptions provided in **sections 4-6, section 2** of this bill prohibits a new vehicle dealer from accepting an application for the registration of a motor vehicle if the applicant wishes to obtain the special plates honoring recipients of the Silver Star or Bronze Star Medal.

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. The Department shall design, prepare and issue license plates honoring veterans of the Armed Forces of the United States who have been awarded, as applicable, the:

- (a) Silver Star; or*
- (b) Bronze Star Medal.*

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may only be used on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence of his or her status as a recipient of the Silver Star or Bronze Star Medal, as applicable, as required by the Department. The Department may designate any appropriate colors for the special plates.

4. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or



(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

5. Except as otherwise provided in this subsection, no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special license plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of replacement license plates from the Department for a fee of \$5.

Sec. 2. NRS 482.216 is hereby amended to read as follows:

482.216 1. Upon the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:

(a) Accept applications for the registration of the new motor vehicles he or she sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications received to the Department within the period prescribed by the Department;

(b) Transmit the fees collected from the applicants and properly account for them within the period prescribed by the Department;

(c) Comply with the regulations adopted pursuant to subsection 4; and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

(a) Charge any additional fee for the performance of those services;

(b) Receive compensation from the Department for the performance of those services;

(c) Accept applications for the renewal of registration of a motor vehicle; or

(d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3823, inclusive ~~§~~, and **section 1 of this act**; or

(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.



4. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the Department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.

Sec. 3. NRS 482.270 is hereby amended to read as follows:

482.270 1. Except as otherwise provided in this section or by specific statute, the Director shall order the redesign and preparation of motor vehicle license plates.

2. Except as otherwise provided in subsection 3, the Department shall, upon the payment of all applicable fees, issue redesigned motor vehicle license plates pursuant to this section to persons who apply for the registration or renewal of the registration of a motor vehicle on or after January 1, 2001.

3. The Department shall not issue redesigned motor vehicle license plates pursuant to this section to a person who was issued motor vehicle license plates before January 1, 1982, or pursuant to NRS 482.3747, 482.3763, 482.3775, 482.378, 482.379 or 482.37901, *or section 1 of this act*, without the approval of the person.

4. The Director may determine and vary the size, shape and form and the material of which license plates are made, but each license plate must be of sufficient size to be plainly readable from a distance of 100 feet during daylight. All license plates must be treated to reflect light and to be at least 100 times brighter than conventional painted number plates. When properly mounted on an unlighted vehicle, the license plates, when viewed from a vehicle equipped with standard headlights, must be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.

5. Every license plate must have displayed upon it:

(a) The registration number, or combination of letters and numbers, assigned to the vehicle and to the owner thereof;

(b) The name of this State, which may be abbreviated;

(c) If issued for a calendar year, the year; and

(d) If issued for a registration period other than a calendar year, the month and year the registration expires.

6. Each special license plate that is designed, prepared and issued pursuant to NRS 482.367002 must be designed and prepared in such a manner that:

(a) The left-hand one-third of the plate is the only part of the plate on which is displayed any design or other insignia that is



suggested pursuant to paragraph (f) of subsection 2 of that section;
and

(b) The remainder of the plate conforms to the requirements for
lettering and design that are set forth in this section.

Sec. 4. NRS 482.367004 is hereby amended to read as
follows:

482.367004 1. There is hereby created the Commission on
Special License Plates. The Commission is advisory to the
Department and consists of five Legislators and three nonvoting
members as follows:

(a) Five Legislators appointed by the Legislative Commission:

(1) One of whom is the Legislator who served as the Chair of
the Assembly Standing Committee on Transportation during the
most recent legislative session. That Legislator may designate an
alternate to serve in place of the Legislator when absent. The
alternate must be another Legislator who also served on the
Assembly Standing Committee on Transportation during the most
recent legislative session.

(2) One of whom is the Legislator who served as the Chair of
the Senate Standing Committee on Transportation during the most
recent legislative session. That Legislator may designate an alternate
to serve in place of the Legislator when absent. The alternate must
be another Legislator who also served on the Senate Standing
Committee on Transportation during the most recent legislative
session.

(b) Three nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or a
designee of the Director.

(2) The Director of the Department of Public Safety, or a
designee of the Director.

(3) The Director of the Department of Tourism and Cultural
Affairs, or a designee of the Director.

2. Each member of the Commission appointed pursuant to
paragraph (a) of subsection 1 serves a term of 2 years, commencing
on July 1 of each odd-numbered year. A vacancy on the
Commission must be filled in the same manner as the original
appointment.

3. Members of the Commission serve without salary or
compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall
provide administrative support to the Commission.

5. The Commission shall recommend to the Department that
the Department approve or disapprove:



(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002;

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002; and

(c) Except as otherwise provided in subsection 7, applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.

➤ In determining whether to recommend to the Department the approval of such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate. For the purpose of making recommendations to the Department, the Commission shall consider each application in the chronological order in which the application was received by the Department.

6. On or before September 1 of each fiscal year, the Commission shall compile a list of each special license plate for which the Commission, during the immediately preceding fiscal year, recommended to the Department that the Department approve the application for the special license plate or approve the issuance of the special license plate. The list so compiled must set forth, for each such plate, the cause or charitable organization for which the special license plate generates or would generate financial support, and the intended use to which the financial support is being put or would be put. The Commission shall transmit the information described in this subsection to the Department and the Department shall make that information available on its Internet website.

7. The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS 482.3757, 482.3785, 482.3787 or 482.37901 ~~H~~ or section 1 of this act.

8. The Commission shall:

(a) Recommend to the Department that the Department approve or disapprove any proposed change in the distribution of money received in the form of additional fees. As used in this paragraph, “additional fees” means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.

(b) If it recommends a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, recommend to the Department that the Department request



the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.

Sec. 5. NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, "special license plate" means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938 or 482.37945; and

(c) Except for a license plate that is issued pursuant to NRS 482.3757, 482.3785, 482.3787 or 482.37901, **or section 1 of this act**, a license plate that is approved by the Legislature after July 1, 2005.

2. Notwithstanding any other provision of law to the contrary, and except as otherwise provided in subsection 3, the Department shall not, at any one time, issue more than 30 separate designs of special license plates. Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 30, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been recommended by the Commission on Special License Plates to be approved by the Department pursuant to subsection 5 of NRS 482.367004, not to exceed a total of 30 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval by the Department.

3. In addition to the special license plates described in subsection 2, the Department may issue not more than five separate designs of special license plates in excess of the limit set forth in that subsection. To qualify for issuance pursuant to this subsection:

(a) The Commission on Special License Plates must have recommended to the Department that the Department approve the design, preparation and issuance of the special plates as described in paragraphs (a) and (b) of subsection 5 of NRS 482.367004; and

(b) The special license plates must have been applied for, designed, prepared and issued pursuant to NRS 482.367002, except that:



(1) The application for the special license plates must be accompanied by a surety bond posted with the Department in the amount of \$20,000; and

(2) Pursuant to the assessment of the viability of the design of the special license plates that is conducted pursuant to this section, it is determined that at least 3,000 special license plates have been issued.

4. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

5. If, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

the Director shall provide notice of that fact in the manner described in subsection 6.

6. The notice required pursuant to subsection 5 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

7. If, on December 31 of the same year in which notice was provided pursuant to subsections 5 and 6, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,



1 ➡ the Director shall, notwithstanding any other provision of law to
2 the contrary, issue an order providing that the Department will no
3 longer issue that particular design of special license plate. Such an
4 order does not require existing holders of that particular design of
5 special license plate to surrender their plates to the Department and
6 does not prohibit those holders from renewing those plates.

7 **Sec. 6.** NRS 482.36705 is hereby amended to read as follows:

8 482.36705 1. Except as otherwise provided in subsection 2:

9 (a) If a new special license plate is authorized by an act of the
10 Legislature after January 1, 2003, other than a special license plate
11 that is authorized pursuant to NRS 482.379375, the Legislature will
12 direct that the license plate not be designed, prepared or issued by
13 the Department unless the Department receives at least 1,000
14 applications for the issuance of that plate within 2 years after the
15 effective date of the act of the Legislature that authorized the plate.

16 (b) In addition to the requirements set forth in paragraph (a), if a
17 new special license plate is authorized by an act of the Legislature
18 after July 1, 2005, the Legislature will direct that the license plate
19 not be issued by the Department unless its issuance complies with
20 subsection 2 of NRS 482.367008.

21 (c) In addition to the requirements set forth in paragraphs (a) and
22 (b), if a new special license plate is authorized by an act of the
23 Legislature after January 1, 2007, the Legislature will direct that the
24 license plate not be designed, prepared or issued by the Department
25 unless the Commission on Special License Plates recommends to
26 the Department that the Department approve the application for the
27 authorized plate pursuant to NRS 482.367004.

28 2. The provisions of subsection 1 do not apply with regard to
29 special license plates that are issued pursuant to NRS 482.3757,
30 482.3785, 482.3787 or 482.37901 ~~H~~ *or section 1 of this act.*

31 **Sec. 7.** As soon as practicable after July 1, 2015, the
32 Department of Motor Vehicles shall design the special license plates
33 described in section 1 of this act in cooperation with interested
34 parties.

35 **Sec. 8.** This act becomes effective on July 1, 2015.

