

Amendment No. 263

Assembly Amendment to Assembly Bill No. 203

(BDR 43-572)

Proposed by: Assembly Committee on Transportation**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

DLJ/MSM



Date: 4/7/2015

A.B. No. 203—Revises provisions pertaining to short-term lessors of vehicles.
(BDR 43-572)



ASSEMBLY BILL NO. 203—ASSEMBLYMAN CARRILLO (BY REQUEST)

MARCH 2, 2015

Referred to Committee on Transportation

SUMMARY—Revises provisions pertaining to short-term lessors of vehicles.
(BDR 43-572)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 short-term lessors of vehicles; revising provisions governing the charging and collection of governmental services fees required upon the short-term leasing of passenger cars; ~~revising provisions relating to the imposition of certain charges on a short term lease of certain vehicles;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person licensed as a short-term lessor of vehicles must charge and collect from each short-term lessee of a passenger car a governmental services fee of 10 percent of the total amount for which the passenger car was leased, excluding some deductions. (NRS 482.313) **Section 1** of this bill adds to the list of permissible deductions the amount of any fee or charge that is imposed by a governmental entity, ~~and is paid by the short term lessor: (1) as a concession fee; (2) for the privilege of operating at an airport or a related facility; or (3) on behalf of a short term lessee for the privilege of using the airport or a related facility.~~

~~Existing law authorizes a short term lessor of a passenger car to impose on a short term lessee certain additional charges, including the short term lessor's vehicle licensing costs. (NRS 482.31527, 482.3158) The term "passenger car," for the purposes of authorizing the charging of vehicle licensing costs, is defined as a motor vehicle designed for carrying 10 persons or less, except a motorcycle or motor driven cycle. (NRS 482.087) Sections 2 and 3 of this bill replace the term "passenger car" with the term "vehicle" in the statutory sections related to the charging of vehicle licensing costs by a short term lessor. **Section 1 also provides an exemption from the imposition of the governmental services fee for any passenger car leased by or on behalf of this State, its unincorporated agencies and instrumentalities and any county, city, district or other political subdivision of this State.**~~

Section 4 of this bill replaces the term "passenger car" with the term "vehicle" for the purposes of allowing an employee of a short-term lessor who holds a limited license as a producer of insurance to solicit and sell insurance requested by a short-term lessee. (NRS 683A.221)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 482.313 is hereby amended to read as follows:

482.313 1. ~~Upon~~ Except as otherwise provided in subsection 8, upon the lease of a passenger car by a short-term lessor in this State, the short-term lessor shall charge and collect from the short-term lessee:

(a) A governmental services fee of 10 percent of the total amount for which the passenger car was leased, excluding any taxes or other fees imposed by a governmental entity and the items described in subsection 7; and

(b) Any fee required pursuant to NRS 244A.810 or 244A.860.

➤ The amount of each fee charged pursuant to this subsection must be indicated in the lease agreement.

2. The fees due from a short-term lessor to the Department of Taxation pursuant to subsection 1 are due on the last day of each calendar quarter. On or before the last day of the month following each calendar quarter, the short-term lessor shall:

(a) File with the Department of Taxation, on a form prescribed by the Department of Taxation, a report indicating the total amount of each of the fees collected by the short-term lessor pursuant to subsection 1 during the immediately preceding calendar quarter; and

(b) Remit to the Department of Taxation the fees collected by the short-term lessor pursuant to subsection 1 during the immediately preceding calendar quarter.

3. Except as otherwise provided in a contract made pursuant to NRS 244A.820 or 244A.870, the Department of Taxation shall deposit all money received from short-term lessors pursuant to the provisions of subsection 1 with the State Treasurer for credit to the State General Fund.

4. To ensure compliance with this section, the Department of Taxation may audit the records of a short-term lessor.

5. The provisions of this section do not limit or affect the payment of any taxes or fees imposed pursuant to the provisions of this chapter.

6. The Department of Motor Vehicles shall, upon request, provide to the Department of Taxation any information in its records relating to a short-term lessor that the Department of Taxation considers necessary to collect the fees described in subsection 1.

7. For the purposes of charging and collecting the governmental services fee described in paragraph (a) of subsection 1, the following items must not be included in the total amount for which the passenger car was leased:

(a) The amount of any fee charged and collected pursuant to paragraph (b) of subsection 1;

(b) The amount of any charge for fuel used to operate the passenger car;

(c) The amount of any fee or charge for the delivery, transportation or other handling of the passenger car;

(d) The amount of any fee or charge for insurance, including, without limitation, personal accident insurance, extended coverage or insurance coverage for personal property; and

(e) The amount of any charges assessed against a short-term lessee for damages for which the short-term lessee is held responsible. ~~It and~~

~~(f) The amount of any fee or charge that is imposed by a governmental entity and paid by the short-term lessor.~~

~~(1) As a concession fee;~~

~~(2) For the privilege of operating at an airport or a related facility; or~~

~~(3) On behalf of a short term lessee for the privilege of using an airport or a related facility.~~

8. The fee required pursuant to subsection 1 does not apply with respect to any passenger car leased by or on behalf of this State, its unincorporated agencies and instrumentalities or any county, city, district or other political subdivision of this State.

9. The Executive Director of the Department of Taxation shall:

(a) Adopt such regulations as the Executive Director determines are necessary to carry out the provisions of this section; and

(b) Upon the request of the Director of the Department of Motor Vehicles, provide to the Director of the Department of Motor Vehicles a copy of any record or report described in this section.

Sec. 2. ~~[NRS 482.31527 is hereby amended to read as follows:~~

~~482.31527 "Vehicle licensing costs" means:~~

1. ~~The fees paid by a short term lessor for the registration of, and the issuance of certificates of title for, the [passenger cars] vehicles leased by the short term lessor, including, without limitation, fees for license plates and license plate decals, stickers and tabs, and inspection fees; and~~

2. ~~The basic and supplemental governmental services taxes paid by the short term lessor with regard to those [passenger cars.] vehicles.~~ (Deleted by amendment.)

Sec. 3. ~~[NRS 482.3158 is hereby amended to read as follows:~~

482.3158 1. ~~The short term lessor of a [passenger car] vehicle may impose an additional charge:~~

~~(a) Based on reasonable age criteria established by the lessor.~~

~~(b) For any item or a service provided if the short term lessee could have avoided incurring the charge by choosing not to obtain or utilize the optional item or service.~~

~~(c) For insurance and accessories requested by the lessee.~~

~~(d) For service incident to the lessee's optional return of the [passenger car] vehicle to a location other than the location where the [passenger car] vehicle was leased.~~

~~(e) For refueling the [passenger car] vehicle at the conclusion of the lease if the lessee did not return the [passenger car] vehicle with as much fuel as was in the fuel tank at the beginning of the lease.~~

~~(f) For any authorized driver in addition to the short term lessee but shall not, except as otherwise provided in this paragraph, charge more than \$10 per full or partial 24 hour period for such an additional authorized driver. The monetary amount set forth in this paragraph must be adjusted for each fiscal year that begins on or after July 1, 2008, by adding to that amount the product of that amount multiplied by the percentage increase in the Consumer Price Index West Urban for All Urban Consumers (All Items) between the calendar year ending on December 31, 2005, and the calendar year immediately preceding the fiscal year for which the adjustment is made. The Department shall, on or before March 1 of each year, publish the adjusted amount for the next fiscal year on its website or otherwise make that information available to short term lessors.~~

~~(g) To recover costs incurred by the short term lessor as a condition of doing business, including, without limitation:~~

~~(1) The short term lessor's vehicle licensing costs; and~~

~~(2) Concession, access and other fees imposed on the short term lessor by an airport or other facility for the privilege of operating at the facility.~~

~~(h) To recover any fees paid by the short term lessor on behalf of the short term lessee, including, without limitation, a customer facility charge imposed on the short term lessee by an airport or other facility for the privilege of using the facility.~~

~~2. The short term lessor of a [passenger car] vehicle that wishes to impose an additional charge pursuant to paragraph (g) or (h) of subsection 1:~~

~~(a) Must, at the time the lease commences, provide the short term lessee with a lease agreement which clearly discloses all charges for the entire lease, excluding charges that cannot be determined at the time the lease commences; and~~

~~(b) Must:~~

~~(1) At the time the short term lessee makes the reservation for the short term lease of the [passenger car] vehicle, provide a good faith estimate of the total of all charges for the entire lease, excluding mileage charges and charges for optional items that cannot be determined based upon the information provided by the short term lessee; or~~

~~(2) At the time the short term lessor provides a price quote or estimate for the short term lease of the [passenger car] vehicle, disclose the existence of any vehicle licensing costs and any other separately stated additional charge.~~

~~3. A short term lessor shall not charge a short term lessee, as a condition of leasing a [passenger car] vehicle, an additional fee for:~~

~~(a) Any surcharges required for fuel.~~

~~(b) Transporting the lessee to the location where the [passenger car] vehicle will be delivered to the lessee.~~

~~4. If a short term lessor:~~

~~(a) Delivers a [passenger car] vehicle to a short term lessee at a location other than the location where the lessor normally carries on its business, the lessor shall not charge the lessee any amount for the period before the delivery of the [passenger car] vehicle.~~

~~(b) Takes possession of a [passenger car] vehicle from a short term lessee at a location other than the location where the lessor normally carries on its business, the lessor shall not charge the lessee any amount for the period after the lessee notifies the lessor to take possession of the [passenger car] vehicle.~~ **(Deleted by amendment.)**

Sec. 4. NRS 683A.221 is hereby amended to read as follows:

683A.221 If a short-term lessor of ~~[passenger]~~ vehicles licensed pursuant to NRS 482.363 holds a limited license as a producer of insurance issued pursuant to NRS 683A.271, an employee of the short-term lessor may engage in the solicitation and sale of insurance requested by a lessee pursuant to NRS 482.3158 without a license issued pursuant to this chapter if the solicitation and sale of such insurance is done on behalf of, and under the supervision of, the short-term lessor.

Sec. 5. This act becomes effective on July 1, 2015.