

Amendment No. 404

Senate Amendment to Senate Bill No. 502	(BDR 43-1177)
Proposed by: Senate 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 S.B. 502 (§ 3).	

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.

RAE/MSM



Date: 4/14/2015

S.B. No. 502—Makes an appropriation to the Department of Motor Vehicles for the modernization of its current platform of information technology and authorizes the Department to collect a technology fee.
(BDR 43-1177)



SENATE BILL NO. 502—COMMITTEE ON FINANCE
(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 23, 2015

Referred to Committee on Transportation

SUMMARY—Makes an appropriation to the Department of Motor Vehicles for the modernization of its current platform of information technology and authorizes the Department to collect a technology fee. (BDR 43-1177)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Executive Budget.

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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 the Department of Motor Vehicles; creating an account in the Motor Vehicle Fund for system modernization; authorizing the Department to collect a technology fee; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill creates the Revolving Account for System Modernization within the Motor Vehicle Fund. **Section 6** of this bill makes an appropriation of \$40,536,613 to the Account to pay for the upgrade of the platform of information technology used by the Department of Motor Vehicles. **Section 3** of this bill authorizes the Department to assess a \$1 technology fee on ~~certain~~ paid transactions, to be deposited into the Account. Existing law requires that the cost of administration of the Department be not more than 22 percent of the license and registration fees collected. (NRS 408.235) **Section 6.5 of this bill provides that section 3 becomes effective when the Director of the Department determines that sufficient resources are available to enable the Department to carry out the provisions of section 3.** **Section 5** of this bill excludes the money spent from the Account for the technology upgrade from the costs of administration.

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

Section 1. Chapter 481 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The Revolving Account for System Modernization is hereby created in the Motor Vehicle Fund.*

2. *The Director shall administer the Account. The money in the Account must be expended to pay for any costs associated with the implementation,*

1 *upgrade and maintenance of the platform of information technology used by the*
2 *Department.*

3 *3. The Director may apply for and accept any legislative appropriations,*
4 *fees, gifts, grants, donations or other sources of money for deposit in the*
5 *Account.*

6 *4. The interest and income earned on the money in the Account, after*
7 *deducting any applicable charges, must be credited to the Account.*

8 *5. Any money remaining in the Account at the end of the fiscal year does*
9 *not revert to the State General Fund or the State Highway Fund, and the balance*
10 *of the Account must remain in the Account and be carried forward to the next*
11 *fiscal year.*

12 *6. The expenditure of money in the Account is not deemed to be costs of*
13 *administration of the Department for the purposes of NRS 408.235.*

14 *7. As used in this section:*

15 *(a) "Information technology" has the meaning ascribed to it in NRS*
16 *242.059.*

17 *(b) "Platform" means a group of technologies that are used as a base upon*
18 *which other applications, processes or technologies are developed.*

19 *Sec. 3. The Department shall add a nonrefundable technology fee of \$1 to*
20 *the existing fee for any transaction performed by the Department ~~as specified by~~*
21 *~~regulation of the Director,~~ for which a fee is charged. The technology fee must*
22 *be deposited in the Revolving Account for System Modernization created by*
23 *section 2 of this act.*

24 *Sec. 4. NRS 481.079 is hereby amended to read as follows:*

25 481.079 1. Except as otherwise provided by *section 3 of this act or any*
26 *other* specific statute, all taxes, license fees and money collected by the Department
27 must be deposited with the State Treasurer to the credit of the Motor Vehicle Fund.

28 2. If a check or any other method of payment accepted by the Department in
29 payment of such fees is returned to the Department or otherwise dishonored upon
30 presentation for payment:

31 (a) The drawer or any other person responsible for payment of the fee is
32 subject to a fee in the amount established by the State Controller pursuant to NRS
33 353C.115 in addition to any other penalties provided by law; and

34 (b) The Department may require that future payments from the person be made
35 by cashier's check, money order, traveler's check or cash.

36 3. The Department may adjust the amount of a deposit made with the State
37 Treasurer to the credit of the Motor Vehicle Fund for any cash shortage or overage
38 resulting from the collection of fees.

39 *Sec. 5. NRS 408.235 is hereby amended to read as follows:*

40 408.235 1. There is hereby created the State Highway Fund.

41 2. Except as otherwise provided by a specific statute, the proceeds from the
42 imposition of any:

43 (a) License or registration fee and other charges with respect to the operation
44 of any motor vehicle upon any public highway, city, town or county road, street,
45 alley or highway in this State; and

46 (b) Excise tax on gasoline or other motor vehicle fuel,

47 ➤ must be deposited in the State Highway Fund and must, except for costs of
48 administering the collection thereof, be used exclusively for the administration,
49 construction, reconstruction, improvement and maintenance of highways as
50 provided for in this chapter.

51 3. The interest and income earned on the money in the State Highway Fund,
52 after deducting any applicable charges, must be credited to the Fund.

4. ~~{Costs}~~ *Except as otherwise provided in section 2 of this act, costs of administration for the collection of the proceeds for any license or registration fees and other charges with respect to the operation of any motor vehicle must be limited to a sum not to exceed 22 percent of the total proceeds so collected.*

5. Costs of administration for the collection of any excise tax on gasoline or other motor vehicle fuel must be limited to a sum not to exceed 1 percent of the total proceeds so collected.

6. All bills and charges against the State Highway Fund for administration, construction, reconstruction, improvement and maintenance of highways under the provisions of this chapter must be certified by the Director and must be presented to and examined by the State Board of Examiners. When allowed by the State Board of Examiners and upon being audited by the State Controller, the State Controller shall draw his or her warrant therefor upon the State Treasurer.

7. The money deposited in the State Highway Fund pursuant to NRS 244A.637 and 354.59815 must be maintained in a separate account for the county from which the money was received. The interest and income on the money in the account, after deducting any applicable charges, must be credited to the account. Any money remaining in the account at the end of each fiscal year does not revert to the State Highway Fund but must be carried over into the next fiscal year. The money in the account:

(a) Must be used exclusively for the construction, reconstruction, improvement and maintenance of highways in that county as provided for in this chapter;

(b) Must not be used to reduce or supplant the amount or percentage of any money which would otherwise be made available from the State Highway Fund for projects in that county; and

(c) Must not be used for any costs of administration or to purchase any equipment.

8. The money deposited in the State Highway Fund pursuant to NRS 482.313 must be maintained in a separate account. The interest and income on the money in the account, after deducting any applicable charges, must be credited to the account. Any money remaining in the account at the end of each fiscal year does not revert to the State Highway Fund but must be carried over into the next fiscal year. The money in the account:

(a) Must be used exclusively for the construction, reconstruction, improvement and maintenance of highways as provided for in this chapter; and

(b) Must not be used for any costs of administration or to purchase any equipment.

Sec. 6. There is hereby appropriated from the State Highway Fund to the Revolving Account for System Modernization created by section 2 of this act the sum of \$40,536,613 for upgrading the current platform of information technology used by the Department of Motor Vehicles.

Sec. 6.5. Upon determining that sufficient resources are available to enable the Department of Motor Vehicles to carry out the provisions of section 3 of this act, the Director of the Department shall notify the Governor and the Director of the Legislative Counsel Bureau of that fact, and shall publish on the Internet website of the Department notice to the public of that fact.

Sec. 7. ~~{This act becomes effective:}~~

1. ~~{Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and}~~ This section and sections 1, 2 and 4 to 6.5, inclusive, of this act become effective on July 1, 2015.

- 1 2. ~~{On July 1, 2015, for all other purposes,}~~ Section 3 of this act becomes
2 effective on the date on which the Department of Motor Vehicles publishes on
3 its Internet website the notice required pursuant to section 6.5 of this act.