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SENATE BILL NO. 154—SENATOR SETTELMEYER

FEBRUARY 16, 2011

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Referred to Committee on Transportation

**SUMMARY**—Provides for the issuance of special license plates for family members of persons who died as a result of injuries sustained while on active duty in the Armed Forces of the United States. (BDR 43-700)

**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.

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**AN ACT** relating to motor vehicles; providing for the issuance of special license plates for family members of persons who died as a result of injuries sustained while on active duty in the Armed Forces of the United States; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Under existing law, certain veterans and family members of veterans are  
2 entitled to be issued license plates specially designed by the Department of Motor  
3 Vehicles, including veterans who survived the attack on Pearl Harbor, disabled  
4 veterans, veterans who were prisoners of war, veterans who were awarded the  
5 Purple Heart or the Congressional Medal of Honor and family members of persons  
6 who were killed in the line of duty while on active duty in the Armed Forces of the  
7 United States. (NRS 482.3765, 482.377, 482.3775, 482.378, 482.3785) This bill  
8 entitles qualified persons to be issued license plates specially designed by the  
9 Department of Motor Vehicles to indicate that the recipient is a family member of a  
10 person who died as a result of injuries sustained while on active duty in the Armed  
11 Forces of the United States. This bill excepts these special license plates from: (1)  
12 the provisions that require a minimum number of applications for the plates; (2)  
13 the requirement that the Commission on Special License Plates approve or disapprove  
14 the plates; and (3) the limit on the number of separate designs of special license  
15 plates that may be issued by the Department at any one time.

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

1       **Section 1.** Chapter 482 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3       1. *Each family member of a person who died as a result of*  
4 *injuries sustained while on active duty in the Armed Forces of the*  
5 *United States is entitled to specially designed license plates which*  
6 *indicate that the person is a family member of a person who died*  
7 *as a result of injuries sustained while on active duty in the Armed*  
8 *Forces of the United States.*

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

17       3. *The Department shall issue specially designed license*  
18 *plates for any person qualified pursuant to this section who*  
19 *submits an application on a form prescribed by the Department*  
20 *and evidence satisfactory to the Department that the person is a*  
21 *family member of a person who died as a result of injuries*  
22 *sustained while on active duty in the Armed Forces of the United*  
23 *States. The Department may designate any appropriate colors for*  
24 *the special plates.*

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

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

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

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

42       6. *As used in this section:*



1 (a) *“Died as a result of injuries sustained while on active duty*  
2 *in the Armed Forces of the United States” includes persons who*  
3 *die as a result of an injury sustained while on active duty whether*  
4 *or not the person had been discharged from military service at the*  
5 *time of his or her death.*

6 (b) *“Family member” means a widow, widower, parent,*  
7 *stepparent, grandparent, child, stepchild, dependent, sibling, half*  
8 *sibling or stepsibling.*

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

10 482.216 1. Upon the request of a new vehicle dealer, the  
11 Department may authorize the new vehicle dealer to:

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

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

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

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

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

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

25 (c) Comply with the regulations adopted pursuant to subsection  
26 4; and

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

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

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

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

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

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

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

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



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

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

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

9 **Sec. 3.** NRS 482.367004 is hereby amended to read as  
10 follows:

11 482.367004 1. There is hereby created the Commission on  
12 Special License Plates consisting of five Legislators and three  
13 nonvoting members as follows:

14 (a) Five Legislators appointed by the Legislative Commission:

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

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

29 (b) Three nonvoting members consisting of:

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

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

34 (3) The Director of the Department of Cultural Affairs, or a  
35 designee of the Director.

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

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

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

45 5. The Commission shall approve or disapprove:



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

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

6 (c) Except as otherwise provided in subsection 6, applications  
7 for the design, preparation and issuance of special license plates that  
8 have been authorized by an act of the Legislature after January 1,  
9 2007.

10 ➔ In determining whether to approve such an application or  
11 issuance, the Commission shall consider, without limitation,  
12 whether it would be appropriate and feasible for the Department to,  
13 as applicable, design, prepare or issue the particular special license  
14 plate. The Commission shall consider each application in the  
15 chronological order in which the application was received by the  
16 Department.

17 6. The provisions of paragraph (c) of subsection 5 do not apply  
18 with regard to special license plates that are issued pursuant to NRS  
19 482.3785 **H** or *section 1 of this act*.

20 7. The Commission shall:

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

28 (b) If it approves a proposed change pursuant to paragraph (a)  
29 and determines that legislation is required to carry out the change,  
30 request the assistance of the Legislative Counsel in the preparation  
31 of a bill draft to carry out the change.

32 **Sec. 4.** NRS 482.367008 is hereby amended to read as  
33 follows:

34 482.367008 1. As used in this section, “special license plate”  
35 means:

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

39 (b) A license plate approved by the Legislature that the  
40 Department has designed and prepared pursuant to NRS 482.3747,  
41 482.37903, 482.37905, 482.37917, 482.379175, 482.37918,  
42 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935,  
43 482.379355, 482.379365, 482.37937, 482.379375, 482.37938 or  
44 482.37945; and



1 (c) Except for a license plate that is issued pursuant to NRS  
2 482.3785 ~~H~~ or *section 1 of this act*, a license plate that:

3 (1) Is approved by the Legislature after July 1, 2005; and

4 (2) Differs substantially in design from the license plates that  
5 are described in subsection 1 of NRS 482.270.

6 2. Notwithstanding any other provision of law to the contrary,  
7 the Department shall not, at any one time, issue more than 25  
8 separate designs of special license plates. Whenever the total  
9 number of separate designs of special license plates issued by the  
10 Department at any one time is less than 25, the Department shall  
11 issue a number of additional designs of special license plates that  
12 have been authorized by an act of the Legislature or the application  
13 for which has been approved by the Commission on Special License  
14 Plates pursuant to subsection 5 of NRS 482.367004, not to exceed a  
15 total of 25 designs issued by the Department at any one time. Such  
16 additional designs must be issued by the Department in accordance  
17 with the chronological order of their authorization or approval.

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

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

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

30 4. Except as otherwise provided in subsection 6, if, on  
31 October 1, the total number of validly registered motor vehicles to  
32 which a particular design of special license plate is affixed is:

33 (a) In the case of special license plates designed and prepared by  
34 the Department pursuant to NRS 482.367002, less than 1,000; or

35 (b) In the case of special license plates authorized directly by the  
36 Legislature which are described in paragraph (b) of subsection 1,  
37 less than the number of applications required to be received by the  
38 Department for the initial issuance of those plates,

39 ↪ the Director shall provide notice of that fact in the manner  
40 described in subsection 5.

41 5. The notice required pursuant to subsection 4 must be  
42 provided:

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



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

5 6. If, on December 31 of the same year in which notice was  
6 provided pursuant to subsections 4 and 5, the total number of validly  
7 registered motor vehicles to which a particular design of special  
8 license plate is affixed is:

9 (a) In the case of special license plates designed and prepared by  
10 the Department pursuant to NRS 482.367002, less than 1,000; or

11 (b) In the case of special license plates authorized directly by the  
12 Legislature which are described in paragraph (b) of subsection 1,  
13 less than the number of applications required to be received by the  
14 Department for the initial issuance of those plates,

15 ➔ the Director shall, notwithstanding any other provision of law to  
16 the contrary, issue an order providing that the Department will no  
17 longer issue that particular design of special license plate. Such an  
18 order does not require existing holders of that particular design of  
19 special license plate to surrender their plates to the Department and  
20 does not prohibit those holders from renewing those plates.


21 **Sec. 5.** NRS 482.36705 is hereby amended to read as follows:

22 482.36705 1. Except as otherwise provided in subsection 2:

23 (a) If a new special license plate is authorized by an act of the  
24 Legislature after January 1, 2003, other than a special license plate  
25 that is authorized pursuant to NRS 482.379375, the Legislature will  
26 direct that the license plate not be designed, prepared or issued by  
27 the Department unless the Department receives at least 1,000  
28 applications for the issuance of that plate within 2 years after the  
29 effective date of the act of the Legislature that authorized the plate.

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

35 (c) In addition to the requirements set forth in paragraphs (a) and  
36 (b), if a new special license plate is authorized by an act of the  
37 Legislature after January 1, 2007, the Legislature will direct that the  
38 license plate not be designed, prepared or issued by the Department  
39 unless the Commission on Special License Plates approves the  
40 application for the authorized plate pursuant to NRS 482.367004.

41 2. The provisions of subsection 1 do not apply with regard to  
42 special license plates that are issued pursuant to NRS 482.3785   
43 *or section 1 of this act.*



1       **Sec. 6.** NRS 482.3824 is hereby amended to read as follows:  
2       482.3824 1. Except as otherwise provided in NRS  
3       482.38279, with respect to any special license plate that is issued  
4       pursuant to NRS 482.3667 to 482.3823, inclusive, *and section 1 of*  
5       *this act*, and for which additional fees are imposed for the issuance  
6       of the special license plate to generate financial support for a  
7       charitable organization:

8       (a) The Director shall, at the request of the charitable  
9       organization that is benefited by the particular special license plate:

10       (1) Order the design and preparation of souvenir license  
11       plates, the design of which must be substantially similar to the  
12       particular special license plate; and

13       (2) Issue such souvenir license plates, for a fee established  
14       pursuant to NRS 482.3825, only to the charitable organization that  
15       is benefited by the particular special license plate. The charitable  
16       organization may resell such souvenir license plates at a price  
17       determined by the charitable organization.

18       (b) The Department may, except as otherwise provided in this  
19       paragraph and after the particular special license plate is approved  
20       for issuance, issue the special license plate for a trailer, motorcycle  
21       or other type of vehicle that is not a passenger car or light  
22       commercial vehicle, excluding vehicles required to be registered  
23       with the Department pursuant to NRS 706.801 to 706.861,  
24       inclusive, upon application by a person who is entitled to license  
25       plates pursuant to NRS 482.265 or 482.272 and who otherwise  
26       complies with the requirements for registration and licensing  
27       pursuant to this chapter or chapter 486 of NRS. The Department  
28       may not issue a special license plate for such other types of vehicles  
29       if the Department determines that the design or manufacture of the  
30       plate for those other types of vehicles would not be feasible. In  
31       addition, if the Department incurs additional costs to manufacture a  
32       special license plate for such other types of vehicles, including,  
33       without limitation, costs associated with the purchase, manufacture  
34       or modification of dies or other equipment necessary to manufacture  
35       the special license plate for such other types of vehicles, those  
36       additional costs must be paid from private sources without any  
37       expense to the State of Nevada.

38       2. If, as authorized pursuant to paragraph (b) of subsection 1,  
39       the Department issues a special license plate for a trailer, motorcycle  
40       or other type of vehicle that is not a passenger car or light  
41       commercial vehicle, the Department shall charge and collect for the  
42       issuance and renewal of such a plate the same fees that the  
43       Department would charge and collect if the other type of vehicle  
44       was a passenger car or light commercial vehicle. As used in this





1 subsection, “fees” does not include any applicable registration or  
2 license fees or governmental services taxes.

3 3. As used in this section:

4 (a) “Additional fees” has the meaning ascribed to it in  
5 NRS 482.38273.

6 (b) “Charitable organization” means a particular cause, charity  
7 or other entity that receives money from the imposition of additional  
8 fees in connection with the issuance of a special license plate  
9 pursuant to NRS 482.3667 to 482.3823, inclusive **[H]**, *and section 1*  
10 *of this act*. The term includes the successor, if any, of a charitable  
11 organization.







