

SENATE BILL NO. 48—COMMITTEE ON
GROWTH AND INFRASTRUCTURE

(ON BEHALF OF THE CITY OF WEST WENDOVER)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Growth and Infrastructure

SUMMARY—Requires the Director of the Department of Motor Vehicles to designate an agent to provide certain services in certain remote cities. (BDR 43-369)

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 Director of the Department of Motor Vehicles to designate a city officer of certain incorporated cities as an agent of the Department for certain purposes; requiring a portion of the governmental services tax collected in such a city to be credited to the city as a commission for the services of the city officer; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Director of the Department of Motor Vehicles to appoint any person or public agency as an agent of the Department to assist in carrying out certain duties of the Department, including motor vehicle registration. (NRS 482.160) **Section 1** of this bill requires the Director to appoint a city officer of an incorporated city located in a county whose population is less than 55,000 as an agent of the Department if the city is located more than 100 miles from an office of the Department and the office of the county assessor, if the county assessor is an agent of the Department.

Existing law requires: (1) the Department of Motor Vehicles or its agent, upon application for the registration of a vehicle purchased outside of this State which has not previously been registered within this State and where the registrant or owner at the time of purchase was not a resident of or employed in this State, to determine and collect any sales or use tax due on the vehicle and remit the tax to the Department of Taxation; and (2) to designate the county assessor in a county whose population is less than 55,000 as the agent of the Department for the collection of any sales and use tax. (NRS 482.225) **Section 3** of this bill requires



17 the Department of Motor Vehicles, in a county whose population is less than
18 55,000, to also designate a city officer of a city which is located more than 100
19 miles from an office of the Department and the office of the county assessor as the
20 agent of the Department for the collection of sales and use tax. **Section 4** of this bill
21 makes a conforming change to reflect that a city officer may, in certain cases,
22 process an application for renewal of a certificate of registration.
23 Existing law requires the State Controller to credit a percentage of the
24 governmental services tax collected by a county assessor to the county as
25 commission for the services of the county assessor. (NRS 482.180) **Section 2** of
26 this bill requires the State Controller to credit a percentage of the governmental
27 services tax collected by a city officer to the city as commission for the services of
28 the city officer.

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

1 **Section 1.** NRS 482.160 is hereby amended to read as follows:
2 482.160 1. The Director may adopt and enforce such
3 administrative regulations as are necessary to carry out the
4 provisions of this chapter.
5 2. The Director may establish branch offices as provided in
6 NRS 481.055, and may by contract appoint any person or public
7 agency as an agent to assist in carrying out the duties of the
8 Department pursuant to this chapter.
9 3. *In any county whose population is less than 55,000, the*
10 *Director shall appoint a city officer of an incorporated city as an*
11 *agent to assist in carrying out the duties of the Department*
12 *pursuant to this chapter if the incorporated city is located more*
13 *than 100 miles from:*
14 (a) *An office of the Department; and*
15 (b) *The office of the county assessor, if the county assessor has*
16 *been appointed as an agent to assist in carrying out the duties of*
17 *the Department pursuant to this chapter.*
18 4. Except as otherwise provided in this subsection, the contract
19 with each agent appointed by the Department in connection with the
20 registration of motor vehicles and issuance of license plates may
21 provide for compensation based upon the reasonable value of the
22 services of the agent but must not exceed \$2 for each registration.
23 An authorized inspection station or authorized station that issues
24 certificates of registration pursuant to NRS 482.281 is not entitled to
25 receive compensation from the Department pursuant to this
26 subsection.
27 ~~4.~~ 5. Except as otherwise provided in this section, no person
28 may use in an advertisement:
29 (a) The name, service marks, trademarks or logo of the
30 Department; or



1 (b) A service mark, trademark or logo designed to closely
2 resemble a service mark, trademark or logo of the Department and
3 intended to mislead a viewer to believe that the service mark,
4 trademark or logo is the service mark, trademark or logo of the
5 Department.

6 ~~5.1~~ 6. An agent appointed pursuant to subsection 2 *or* 3 may
7 use the name, service marks, trademarks or logo of the Department
8 in an advertisement if the agent has obtained the written permission
9 of the Department for such use.

10 **Sec. 2.** NRS 482.180 is hereby amended to read as follows:

11 482.180 1. The Motor Vehicle Fund is hereby created as an
12 agency fund. Except as otherwise provided in subsection 4 or by a
13 specific statute, all money received or collected by the Department
14 must be deposited in the State Treasury for credit to the Motor
15 Vehicle Fund.

16 2. The interest and income on the money in the Motor Vehicle
17 Fund, after deducting any applicable charges, must be credited to
18 the State Highway Fund.

19 3. Any check accepted by the Department in payment of the
20 governmental services tax or any other fee required to be collected
21 pursuant to this chapter must, if it is dishonored upon presentation
22 for payment, be charged back against the Motor Vehicle Fund or the
23 county *or city* to which the payment was credited pursuant to this
24 section or NRS 482.181, in the proper proportion.

25 4. Except as otherwise provided in subsection 6, all money
26 received or collected by the Department for the basic governmental
27 services tax must be distributed in the manner set forth in NRS
28 482.181 and 482.182.

29 5. Money for the administration of the provisions of this
30 chapter must be provided by direct legislative appropriation from
31 the State Highway Fund or other legislative authorization, upon the
32 presentation of budgets in the manner required by law. Out of the
33 appropriation or authorization, the Department shall pay every item
34 of expense.

35 6. The Department shall withhold 6 percent from the amount of
36 the governmental services tax collected by the Department as a
37 commission. From the amount of the governmental services tax
38 collected by a county assessor ~~§~~ *or city officer*, the State Controller
39 shall credit 1 percent to the Department as a commission and remit 5
40 percent to the county *or city, as applicable*, for credit to its general
41 fund as commission for the services of the county assessor ~~§~~ *or city*
42 *officer*. All money withheld by or credited to the Department
43 pursuant to this subsection must be used only for the administration
44 of this chapter as authorized by the Legislature pursuant to
45 subsection 5.



1 7. When the requirements of this section and NRS 482.181 and
2 482.182 have been met, and when directed by the Department, the
3 State Controller shall transfer monthly to the State Highway Fund
4 any balance in the Motor Vehicle Fund.

5 8. If a statute requires that any money in the Motor Vehicle
6 Fund be transferred to another fund or account, the Department shall
7 direct the State Controller to transfer the money in accordance with
8 the statute.

9 **Sec. 3.** NRS 482.225 is hereby amended to read as follows:

10 482.225 1. When application is made to the Department for
11 registration of a vehicle purchased outside this State and not
12 previously registered within this State where the registrant or owner
13 at the time of purchase was not a resident of or employed in this
14 State, the Department or its agent shall determine and collect any
15 sales or use tax due and shall remit the tax to the Department of
16 Taxation except as otherwise provided in NRS 482.260.

17 2. If the registrant or owner of the vehicle was a resident of the
18 State, or employed within the State, at the time of the purchase of
19 that vehicle, it is presumed that the vehicle was purchased for use
20 within the State and the representative or agent of the Department of
21 Taxation shall collect the tax and remit it to the Department of
22 Taxation.

23 3. Until all applicable taxes and fees are collected, the
24 Department shall refuse to register the vehicle.

25 4. In any county whose population is less than 55,000, the
26 Department shall designate ~~the~~ :

27 (a) *The* county assessor as the agent of the Department for the
28 collection of any sales or use tax.

29 (b) *A city officer of an incorporated city which is located more*
30 *than 100 miles from an office of the Department and the office of*
31 *the county assessor as the agent of the Department for the*
32 *collection of any sales or use tax.*

33 5. If the registrant or owner desires to refute the presumption
34 stated in subsection 2 that he or she purchased the vehicle for use in
35 this State, the registrant or owner must pay the tax to the
36 Department and then may submit a claim for exemption in writing,
37 signed by the registrant or owner or his or her authorized
38 representative, to the Department together with a claim for refund of
39 tax erroneously or illegally collected.

40 6. If the Department finds that the tax has been erroneously or
41 illegally collected, the tax must be refunded.

42 **Sec. 4.** NRS 482.280 is hereby amended to read as follows:

43 482.280 1. Except as otherwise provided in NRS 482.2155,
44 the registration of every vehicle expires at midnight on the day
45 specified on the receipt of registration, unless the day specified falls



1 on a Saturday, Sunday or legal holiday. If the day specified on the
2 receipt of registration is a Saturday, Sunday or legal holiday, the
3 registration of the vehicle expires at midnight on the next judicial
4 day. Except as otherwise provided in NRS 482.2085, the
5 Department shall mail to each holder of a certificate of registration a
6 notification for renewal of registration for the following period of
7 registration. The notifications must be mailed by the Department in
8 sufficient time to allow all applicants to mail the notifications to the
9 Department or to renew the certificate of registration at a kiosk or
10 authorized inspection station or via the Internet or an interactive
11 response system and to receive new certificates of registration and
12 license plates, stickers, tabs or other suitable devices by mail before
13 the expiration of their registrations. An applicant may present or
14 submit the notification to any agent or office of the Department.

15 2. A notification:

16 (a) Mailed or presented to the Department or to a county
17 assessor *or city officer* pursuant to the provisions of this section;

18 (b) Submitted to the Department pursuant to NRS 482.294; or

19 (c) Presented to an authorized inspection station or authorized
20 station pursuant to the provisions of NRS 482.281,

21 ↪ must include, if required, evidence of compliance with standards
22 for the control of emissions.

23 3. The Department shall include with each notification mailed
24 pursuant to subsection 1:

25 (a) The amount of the governmental services tax to be collected
26 pursuant to the provisions of NRS 482.260.

27 (b) The amount set forth in a notice of nonpayment filed with
28 the Department by a local authority pursuant to NRS 484B.527.

29 (c) A statement which informs the applicant:

30 (1) That, pursuant to NRS 485.185, the applicant is legally
31 required to maintain insurance during the period in which the motor
32 vehicle is registered which must be provided by an insurance
33 company licensed by the Division of Insurance of the Department of
34 Business and Industry and approved to do business in this State; and

35 (2) Of any other applicable requirements set forth in chapter
36 485 of NRS and any regulations adopted pursuant thereto.

37 (d) A statement which informs the applicant that, if the applicant
38 is required to report the mileage or any other information required
39 by the Department pursuant to NRS 482.2177, the applicant must
40 submit to the Department the mileage shown on the odometer of the
41 vehicle at the time of application for renewal and any other
42 information required by the Department.

43 (e) A statement which informs the applicant that, if the applicant
44 renews a certificate of registration at a kiosk or via the Internet, he
45 or she may make a nonrefundable monetary contribution of \$2 for



1 each vehicle registration renewed for the Complete Streets Program,
2 if any, created pursuant to NRS 244.2643, 277A.285 or 403.575, as
3 applicable, based on the declaration made pursuant to paragraph (c)
4 of subsection 3 of NRS 482.215. The notification must state in a
5 clear and conspicuous manner that a contribution for a Complete
6 Streets Program is nonrefundable and voluntary and is in addition to
7 any fees required for registration.

8 (f) Any amount due for reissuance of a license plate or a plate
9 reissued pursuant to subsection 2 of NRS 482.265, if applicable.

10 4. An application for renewal of a certificate of registration
11 submitted at a kiosk or via the Internet must include a statement
12 which informs the applicant that he or she may make a
13 nonrefundable monetary contribution of \$2, for each vehicle
14 registration which is renewed at a kiosk or via the Internet, for the
15 Complete Streets Program, if any, created pursuant to NRS
16 244.2643, 277A.285 or 403.575, as applicable, based on the
17 declaration made pursuant to paragraph (c) of subsection 3 of NRS
18 482.215. The application must state in a clear and conspicuous
19 manner that a contribution for a Complete Streets Program is
20 nonrefundable and voluntary and is in addition to any fees required
21 for registration, and must include a method by which the applicant
22 must indicate his or her intention to opt in or opt out of making such
23 a contribution.

24 5. Except as otherwise provided in NRS 482.2918, an owner
25 who has made proper application for renewal of registration before
26 the expiration of the current registration but who has not received
27 the license plate or plates or card of registration for the ensuing
28 period of registration is entitled to operate or permit the operation of
29 that vehicle upon the highways upon displaying thereon the license
30 plate or plates issued for the preceding period of registration for
31 such a time as may be prescribed by the Department as it may find
32 necessary for the issuance of the new plate or plates or card of
33 registration.

