

REQUIRES TWO-THIRDS MAJORITY VOTE

(§§ 2.5 & NRS 482.367006)

(Reprinted with amendments adopted on April 22, 2013)

FIRST REPRINT

A.B. 189

ASSEMBLY BILL NO. 189—COMMITTEE ON TRANSPORTATION

MARCH 1, 2013

Referred to Committee on Transportation

SUMMARY—Provides, under certain circumstances, for the issuance by the Department of Motor Vehicles of a separate tier of five new special license plates. (BDR 43-1086)

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; providing for the issuance by the Department of Motor Vehicles of a separate tier of five new special license plates, which must meet increased requirements for bonding and the number of applications to qualify for issuance; imposing a fee for the issuance or renewal of such license plates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, the standard manner for issuing special license plates
2 requires: (1) application to the Department of Motor Vehicles; (2) approval by the
3 Commission on Special License Plates; (3) posting of a surety bond in the amount
4 of \$5,000; and (4) the issuance of at least 1,000 plates to demonstrate the viability
5 of the plates. (NRS 482.367002-482.367008) Existing law also places a limit of 30
6 on the number of separate designs of special license plates that may be issued by
7 the Department at any one time. (NRS 482.367008)
8 This bill creates a new tier of not more than 5 special license plates that may be
9 issued by the Department, in addition to the existing 30, if the applicants post a
10 larger surety bond in the amount of \$20,000 and demonstrate the issuance of at
11 least 3,000 plates to illustrate the viability of the plates.

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

1 **Section 1.** (Deleted by amendment.)



* A B 1 8 9 R 1 *

1 **Sec. 2.** (Deleted by amendment.)

2 **Sec. 2.5.** NRS 482.367002 is hereby amended to read as
3 follows:

4 482.367002 1. A person may request that the Department
5 design, prepare and issue a special license plate by submitting an
6 application to the Department. A person may submit an application
7 for a special license plate that is intended to generate financial
8 support for an organization only if:

9 (a) For an organization which is not a governmental entity, the
10 organization is established as a nonprofit charitable organization
11 which provides services to the community relating to public health,
12 education or general welfare;

13 (b) For an organization which is a governmental entity, the
14 organization only uses the financial support generated by the special
15 license plate for charitable purposes relating to public health,
16 education or general welfare;

17 (c) The organization is registered with the Secretary of State, if
18 registration is required by law, and has filed any documents required
19 to remain registered with the Secretary of State;

20 (d) The name and purpose of the organization do not promote,
21 advertise or endorse any specific product, brand name or service that
22 is offered for profit;

23 (e) The organization is nondiscriminatory; and

24 (f) The license plate will not promote a specific religion, faith or
25 antireligious belief.

26 2. An application submitted to the Department pursuant to
27 subsection 1:

28 (a) Must be on a form prescribed and furnished by the
29 Department;

30 (b) Must specify whether the special license plate being
31 requested is intended to generate financial support for a particular
32 cause or charitable organization and, if so, the name of the cause or
33 charitable organization;

34 (c) Must include proof that the organization satisfies the
35 requirements set forth in subsection 1;

36 (d) Must be accompanied by a surety bond posted with the
37 Department in the amount of \$5,000 ~~+~~, *except that if the special*
38 *license plate being requested is one of the type described in*
39 *subsection 3 of NRS 482.367008, the application must be*
40 *accompanied by a surety bond posted with the Department in the*
41 *amount of \$20,000; and*

42 (e) May be accompanied by suggestions for the design of and
43 colors to be used in the special license plate.

44 3. The Department may design and prepare a special license
45 plate requested pursuant to subsection 1 if:



1 (a) The Department determines that the application for that plate
2 complies with subsection 2; and

3 (b) The Commission on Special License Plates approves the
4 application for that plate pursuant to subsection 5 of
5 NRS 482.367004.

6 4. Except as otherwise provided in NRS 482.367008, the
7 Department may issue a special license plate that:

8 (a) The Department has designed and prepared pursuant to this
9 section;

10 (b) The Commission on Special License Plates has approved for
11 issuance pursuant to subsection 5 of NRS 482.367004; and

12 (c) Complies with the requirements of subsection 7 of
13 NRS 482.270,

14 ↪ for any passenger car or light commercial vehicle upon
15 application by a person who is entitled to license plates pursuant to
16 NRS 482.265 and who otherwise complies with the requirements for
17 registration and licensing pursuant to this chapter. A person may
18 request that personalized prestige license plates issued pursuant to
19 NRS 482.3667 be combined with a special license plate issued
20 pursuant to this section if that person pays the fees for personalized
21 prestige license plates in addition to the fees for the special license
22 plate.

23 5. The Department must promptly release the surety bond
24 posted pursuant to subsection 2:

25 (a) If the Department or the Commission on Special License
26 Plates determines not to issue the special license plate; or

27 (b) If it is determined that at least 1,000 special license plates
28 have been issued pursuant to the assessment of the viability of the
29 design of the special license plate conducted pursuant to NRS
30 482.367008 **H**, *except that if the special license plate is one of the*
31 *type described in subsection 3 of NRS 482.367008, the Department*
32 *must promptly release the surety bond posted pursuant to*
33 *subsection 2 if it is determined that at least 3,000 special license*
34 *plates have been issued pursuant to the assessment of the viability*
35 *of the design of the special license plate conducted pursuant to*
36 *NRS 482.367008.*

37 6. If, during a registration year, the holder of license plates
38 issued pursuant to the provisions of this section disposes of the
39 vehicle to which the plates are affixed, the holder shall:

40 (a) Retain the plates and affix them to another vehicle that meets
41 the requirements of this section if the holder pays the fee for the
42 transfer of the registration and any registration fee or governmental
43 services tax due pursuant to NRS 482.399; or

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



1 **Sec. 3.** (Deleted by amendment.)

2 **Sec. 4.** NRS 482.367008 is hereby amended to read as
3 follows:

4 482.367008 1. As used in this section, "special license plate"
5 means:

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

9 (b) A license plate approved by the Legislature that the
10 Department has designed and prepared pursuant to NRS 482.3747,
11 482.37903, 482.37905, 482.37917, 482.379175, 482.37918,
12 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935,
13 482.379355, 482.379365, 482.37937, 482.379375, 482.37938 or
14 482.37945; and

15 (c) Except for a license plate that is issued pursuant to NRS
16 482.3785 or 482.3787, a license plate that:

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

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

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

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

38 (a) *The Commission on Special License Plates must have*
39 *approved the design, preparation and issuance of the special plates*
40 *as described in paragraphs (a) and (b) of subsection 5 of NRS*
41 *482.367004; and*

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



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

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

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

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

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

20 ~~4.1~~ **5.** Except as otherwise provided in subsection ~~4.6~~ **7**, if, on
21 October 1, the total number of validly registered motor vehicles to
22 which a particular design of special license plate is affixed is:

23 (a) In the case of special license plates designed and prepared by
24 the Department pursuant to NRS 482.367002 ~~4.1~~ **but not described**
25 **in subsection 3**, less than 1,000; ~~4.1~~

26 (b) **In the case of special license plates designed and prepared**
27 **by the Department pursuant to NRS 482.367002 and described in**
28 **subsection 3, less than 3,000; or**

29 (c) In the case of special license plates authorized directly by the
30 Legislature which are described in paragraph (b) of subsection 1,
31 less than the number of applications required to be received by the
32 Department for the initial issuance of those plates,

33 ↳ the Director shall provide notice of that fact in the manner
34 described in subsection ~~4.5~~ **6**.

35 ~~4.5~~ **6.** The notice required pursuant to subsection ~~4.4~~ **5** must be
36 provided:

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

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

44 ~~4.6~~ **7.** If, on December 31 of the same year in which notice
45 was provided pursuant to subsections ~~4.4 and 5.1~~ **5 and 6**, the total



1 number of validly registered motor vehicles to which a particular
2 design of special license plate is affixed is:

3 (a) In the case of special license plates designed and prepared by
4 the Department pursuant to NRS 482.367002 ~~†~~ *but not described*
5 *in subsection 3*, less than 1,000; ~~††~~

6 (b) *In the case of special license plates designed and prepared*
7 *by the Department pursuant to NRS 482.367002 and described in*
8 *subsection 3, less than 3,000; or*

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

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

19 **Sec. 5.** (Deleted by amendment.)

20 **Sec. 6.** (Deleted by amendment.)

21 **Sec. 7.** (Deleted by amendment.)

22 **Sec. 8.** (Deleted by amendment.)

23 **Sec. 9.** This act becomes effective:

24 1. Upon passage and approval for the purpose of performing
25 any preparatory administrative tasks necessary to carry out the
26 provisions of this act, including, without limitation, informing
27 organizations whose special license plates have already been
28 approved but are awaiting production, as to how those organizations
29 may qualify their special license plates for issuance as described in
30 subsection 3 of NRS 482.367008, as amended by section 4 of this
31 act; and

32 2. On July 1, 2013, for all other purposes.

