

The meeting was called to order at 2:11 p.m. in Room 323 in The Legislative Building.

Senator Blakemore in the Chair.

PRESENT: Senator Richard Blakemore, Chairman
Senator Wilbur Faiss, Vice-Chairman
Senator Lawrence Jacobsen
Senator Clifford McCorkle
Senator Joe Neal
Senator Keith Ashworth

ABSENT: Senator William Hernstadt

OTHERS

PRESENT: Barney Dehl, Nevada Highway Patrol
Cliff J. Young, UNR Student
James Scribner, Carson City Sheriff's Department
William B. Whitehead, Department of Motor Vehicles
Russell McDonald, Nevada Association of Counties
Bill Macdonald, Nevada District Attorneys Association
Victor Havas, Las Vegas Used Car Dealer
Tyroné Havas, Las Vegas Used Car Dealer

S.B. 399 SPECIFIES APPLICABILITY OF PROHIBITION AGAINST RECKLESS DRIVING TO PUBLIC AND PRIVATE PROPERTY.

Barney Dehl, Nevada Highway Patrol, spoke on S.B. 399. He said the Highway Patrol normally does not assume authority for reckless driving in parking lots. Their enforcement is restricted to highways. He said some cities in the state cover public parking lots in their city ordinances counting them as streets, therefore, the local police handle the parking lot as a highway. He said the Highway Patrol would not be involved in this bill.

James Scribner, Carson City Sheriff's Department, spoke on S.B. 399. He said the Carson City Sheriff's Department is able to enforce on a public parking lot under the present statutes.

Senator Jacobsen asked what their jurisdiction is over a private parking lot. Officer Scribner said they are able to take crime reports on private parking lots, but are not able to take accident reports.

Senator Ashworth asked if there would be an impact on them if this bill were passed, which would require them to report accidents on private property. Officer Scribner said they would have to have more officers if this were necessary.

Senator Ashworth said he did not think the taxpayers should have to pay for enforcement on private property. This should be the responsibility of the owners.

Col. Dehl said that if the words "private property" were taken out of this bill, then there would be no need for the bill at all because there is provision in Chapter 44 that provides for publicly maintained ways or ways where publics are invitees.

Chairman Blakemore closed the hearing on S.B. 399.

A.B. 633 AUTHORIZES APPROPRIATE COUNTY OFFICIALS TO REMOVE
OBSTACLES AND ENCROACHMENTS FROM PUBLIC HIGHWAYS.

Russell McDonald, Nevada Association of Counties, spoke on A.B. 633. He said this bill is a product of a recommendation from the Public Works Director of Washoe County. He said building contractors and developers are using county roads to store building materials. This results in a liability exposure to the county because of the hazard created, especially at night, and often the streets are damaged as well. He said in the present statutes, removal of obstructions can only be done by the order of the court which does not resolve the problem expeditiously. He said what this bill would do would be to allow the counties, through an appropriate county agency, to remove from highways any unlicensed obstacle or encroachment. This would do away with judicial proceedings.

Mr. McDonald recommended a "Do Pass" on A.B. 633.

Bill Macdonald, Nevada District Attorneys Association, spoke on behalf of A.B. 633. He said this bill was also requested by the District Attorneys Association. He said the language in the bill is exactly the same as what the state highway engineer had, the same procedure and the same time limits since this is a state-wide problem.

Chairman Blakemore closed the hearing on A.B. 633.

S.B. 516 MAKES TECHNICAL CORRECTION TO SECTION 32 OF S.B. 171.

It was agreed by the committee to bypass hearing S.B. 516 since it is for a technical correction on another bill.

Chairman Blakemore closed the hearing on S.B. 516.

S.B. 517 PROVIDES FOR REGISTRATION OF BICYCLES.

Senator Faiss, Clark County District 2, spoke on S.B. 517. He said he felt this is a very timely bill since bicycles can be a pure saving of energy if used to the fullest extent. He said there is bicycle registration in other states and they are considered to be another mode of transportation. He said it is estimated that there are over 250,000 bicycles in the state. It is only an estimation since there is no way of knowing exactly how many there actually are. If they were registerd, there would be a more accurate count and it would be known what was needed in the way of bikeways. Registration would also enhance tracing a stolen bicycle.

Barton Jacka and Bill Whitehead, Department of Motor Vehicles, spoke in opposition to S.B. 517. Mr. Jacka said he had three concerns, one of which is the fiscal impact to perform a registration service for this broad an area. He said the fiscal impact for the first year in the biennium would be \$209,699. Broken down this would be \$157,999 in registration division costs and \$51,700 would be the automation division cost. He said the second year of the biennium, the registration cost would be \$95,835 and \$49,700 for automation division cost, which would total \$145,535. He said on the revenue side in the first year of the biennium, they would collect \$583,000 and the second year, they would collect \$50,000. He said there would be 240,000 transactions the first year and 26,000 transactions in the second year with about 8,000 transactions from then on. He said the fiscal impact noted at this time is only for the D.M.V. and not for the county assessors, who would be handling a number of transactions. Mr. Jacka stated that the county assessors are concerned about the manpower that would be expended to process the decals, etc., however, they were unable to be here to testify because of a taxation hearing in the Assembly, as well as a state taxation meeting.

Mr. Jacka said if this legislation were passed, there would be a number of things that would have to be considered (see Exhibit A). He felt the most important thing, as it is drafted, is the money could not be placed in the highway fund or taken out of it legally. He said there are 13 areas that they have concern with that are just technical items as listed in Exhibit A.

Cliff Young, University of Nevada student and a member of the Schwinn Paramount Cycling Team and the League of American Wheelmen, spoke in favor of S.B. 517. He referred to a report that he had worked on with the Office of Traffic Safety (see Exhibit B). He said that the bicycle, at the present time, is not considered to be a legitimate road user by most motorists; he thought that perhaps paying a registration fee might help. Another way that registration would be of great value would be in identification of riders involved in accidents. He said registration would not only be of value in theft recovery, but there would be an additional emphasis to provide enforcement of traffic laws. He said if bicycling is to be recognized as a legitimate form of transportation, traffic laws must be enforced for them as well as motorists.

Mr. Young said that as far as the cost is concerned as quoted by Mr. Jacka, he felt they were thinking too positively. He felt that 240,000 bicyclists registering the first year is extremely optimistic. He said rather than the D.M.V. hiring eleven people to process registrations, why not do as the bill suggests and have bicycle dealers fill out the forms for registration. He also suggested that service clubs could possibly help out in this effort.

Senator Ashworth said he was intrigued by the idea of service clubs doing the registration and asked Mr. Young if he would be amenable to an amendment to this bill enabling legislation to encourage the

service organizations to handle this which would eliminate the cost completely. Mr. Young thought there should still be a fiscal impact to put out publicity, forms and stickers.

Senator Jacobsen said he could see a number of problems with registration. There would have to be rules and regulations as far as speed limits and reckless driving, as well as some thought to parking areas.

Chairman Blakemore closed the hearing on S.B. 517.

A.B. 222 EXEMPTS ALL EMERGENCY VEHICLES OPERATED BY VOLUNTEER FIRE DEPARTMENTS FROM REGISTRATION FEES.

Chairman Blakemore said that Mr. Jacka asked to speak on the amendments that were made on A.B. 222 at a previous hearing. (See previous minutes dated April 19, 1979.)

Mr. Jacka, Department of Motor Vehicles, said it had been his opinion from comments made in the hearing on A.B. 222 that it had been intended to grant the Federal Bureau of Investigation, and perhaps the NIC, the ability to have exempted plates, but this was not done.

Senator Ashworth moved to amend A.B. 222 to allow the F.B.I. and the N.I.C. to have plates as authorized by the Department of Motor Vehicles.

Seconded by Senator Jacobsen.

Motion carried unanimously.

S.B. 533 CHANGES CERTAIN DEFINITIONS WITH RESPECT TO VEHICLE LICENSING AND REGISTRATION.

Victor and Tyrone, Las Vegas, spoke on S.B. 533. Mr. Victor Havas said they requested this bill in order to clarify NRS 482.132. He requested that the word "registration" be changed to "recorded." He said the original intent of the statute was to stop fraud on the public, and he felt the Department of Motor Vehicles misinterpreted it to mean that all used cars have to be plated. He referred to the last page in Exhibit C, which is the dealer's report of sale. He then referred back to the first page of Exhibit C, which explains the procedure that a used car dealer must use to make a new car used.

Mr. Havas referred to NRS 482.205 which specifically exempts registration or buying license plates unless the vehicle is going to be used on the highway, and did not see why this would not apply to used car dealers. He said this bill would allow used car dealers to register new cars without having to buy plates for them.

Senator Ashworth said that he would like to have explained to him what the difference is between registered and recorded.

Mr. Tyrone Havas answered saying that the D.M.V.'s interpretation is that they must title the car as well as buying plates for it. He said that titling a car assumes the same function by recording it on the roles of the books and they know the car has changed ownership.

John Ciardella, Department of Motor Vehicles, spoke in opposition to S.B. 533. He said that NRS 482.132 says that a used vehicle means a vehicle that has been registered with the Department or has been registered with the appropriate agency or authority of any other state (see Exhibit D). He said there have been two court cases in this particular matter and it was held that the DMV has been correct in its treatment of the used car dealer. He said this bill would destroy the franchise system in the automobile industry. Mr. Ciardella stated the fees the used car dealers pay are very nominal; \$5.50 registration fee, \$3.00 Highway Patrol fee and a \$2.00 title fee. When the car is sold, they can transfer to the new owner for a fee of \$2.00, \$3.00 Highway Patrol fee and a \$2.00 title fee. This is for cars only. When they get into trucks, they can transfer equivalent weights, say a \$25.00 weight fee, for \$2.00.

Mr. Ciardella said that titling is merely a protection of interest, and recording in the files is done by registering the car.

Daryl Capurro, Nevada Motor Transport Association, spoke in opposition to S.B. 533. He said this bill would be capable of a direct frontal attack on the franchise system. He indicated a judgement in 1973 which involved Tyrone Havas dba Courtesy Motors versus Department of Motor Vehicles. The judgement was that the requirement pursuant to Chapter 482 of the Nevada Revised Statutes and all regulations promulgated thereunder is reasonable, lawful and constitutional and does not discriminate against the plaintiff or any other used car dealer.

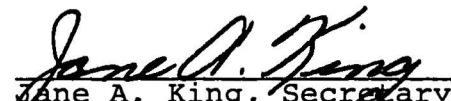
Mr. Capurro said there is no question in his mind that the original intent of the legislature, with respect to requiring registration, was one of protection for the general public at large.

Senator Faiss asked if the passage of this bill would be harmful to franchise dealers. Mr. Capurro said it is a direct assault on the franchise system.

Chairman Blakemore closed the hearing on S.B. 533.

There being no further business, the meeting was adjourned at 4:35 p.m

Respectfully submitted,


Jane A. King, Secretary

APPROVED:


Richard E. Blakemore, Chairman
(Committee Minutes)

SB 517

1. Major impact is the small amount of income that would be received by DMV would not compensate for the large volume of transactions. Cost of the stickers, registration forms and ownership statements would probably be more than what DMV receives, and there is still the costs for computer storage, processing, systems analysis and applications programming.
2. Collecting the minimum amount of data of 130-150 bytes will require a substantial amount of on-line storage and processing time to keep the file updated.
- 3.a) Who will check out questionable transactions or those that do not pass an edit check?
- b) What about the cost to reimburse expenses for processing a duplicate sticker for one lost, stolen, or mutilated?
4. Page 3, line 10, refers to a "title to a bicycle". What kind of title, who issues it - no titling process is set up or described.
5. Section 6.1 says "shall register" while section 6.2 says "may register".
6. Branch offices at times have more customers than they can handle today. With additional requirement to register bikes, more clerks, counter area and terminals would be required.
7. How accountable will DMV be for the accuracy and validity of the data? Who will be liable if a bike is confiscated in error due to an inaccuracy of the file data?
8. Section 9.1 word "highway" used is not in agreement with the general context of the legislation. City streets are not generally defined as highways!
9. Charges-revenues

	<u>Branch Office/County Assessor</u>	<u>Bike Dealer</u>
Sticker Charge	free	\$1
DMV Revenue	all collections	-none-

For all the trouble, the county assessor would receive nothing to recompense his expenses.
10. Some 20-25 sets of stamp dies would have to be procured to mark a number on the frame if the number is missing.
11. Section 9.2 says its "unlawful" but does not define a fine or penalty or any action for an officer to take against the offender.
12. Who is going to police the bike dealers to insure that a shyster isn't using it as an outlet for stolen bikes or other illegal activities.
13. Section 10.2 What happens to the bike after 30 days if its owner can't be located? What does DMV have to do when it's notified?

CONCLUSION: it's a poor piece of legislation that is inadequately funded to implement and/or to maintain. There are too many weaknesses which more than likely incur additional costs to insure everyone is in compliance.

SB 517 Bicycles —

First Year File:

Clark County	120,000
Washoe County	60,000
Small Counties	60,000
	<hr/>
	240,000 registrations

New Sales per year:

Clark County	13,000
Washoe County	6,500
Small Counties	6,500
	<hr/>
	26,000 new sales per year

SB517

Page 2 Line 22-25

4. All money collected by the department from the registration of bicycles must be (placed in a special account in the state highway fund to be used) deposited with the state treasurer for credit to the motor vehicle fund and allocated to the department for the purpose of paying the administrative costs of the registration of bicycles.

Clifton J. Young

Bicycle Registration: 52 57

The Legislative Functions Committee of the Senate during the 59th session of the Nevada State Legislature requested the Office of Traffic Safety to address itself to the proposal of registering bicycles for revenue, regulation, and as an aid in recovering lost or stolen bicycles. A summary of such investigation and related recommendations are as follows.

Since 1972, a nationwide trend has developed for bicycle sales to outnumber those of automobiles.¹ An increasing number of Nevadans are utilizing the bicycle for transportation and recreation due to environmental, economic, and physical benefits.

Bicycle accidents have reached an alarming rate; during 1976 in Nevada there were 266 accidents, not including the many that go unreported when no motor vehicle is involved.² A problem increasing in magnitude for law enforcement agencies is identifying bicyclists who fail to comply with traffic regulations or are injured in a collision. There is an absence of any consistent identification requirements. Juvenile bicyclists do not carry identification, and many adult riders will not carry identification when they are bicycling.

"There really is no fool proof way a police officer can be sure a bicycle traffic violator is who he claims to be when he has no I.D., and the current registration system is ineffective as an immediate tracer."³

1 General Assembly of North Carolina, Joint Resolution 652, 1977
2 Dept. of Highways Planning Survey Div., Highway Safety Section Summary 1 of 1976 accidents involving pedalcyclists
3 Captain Smart, Reno Police Department Traffic Division, Nov. 1978

An automated bicycle registration program could include a brief description of the registered owner. There would still be a chance of misidentification. in the case where the rider might be only borrowing the bike, but providing the operator fit the "make" on the registration print-out, this would serve as prima facie evidence so the registered owner must bear the burden of proof to show the contrary.

A clause might be well served in a bicycle registration application releasing liability of the governing jurisdiction over circumstances where misidentification could cause undue mental duress. For example, if a youngster was killed in a bicycle-auto collision, notifying the wrong parent could result in a great deal of anguish. On the other hand, if the same youngster needed medical attention, but did not know an emergency phone number(s), he may have to suffer until a guardian can approve of the minor receiving treatment (only if the injury was very serious would the hospital go ahead without a release).

As the bicycle becomes more and more a part of the traffic flow, the need to control infractions of disrespectful bicyclists will take a metitorious enforcement program. In order to convince police to accept the responsibility of "cracking down" on bicycle traffic violators, a readily available means of identifying the violators is crucial. Registration would give "teeth" to enforcement in the form of incentive to police officers. Without the ability to identify the bicycle traffic violator, enforcement agencies tend not to give tickets but instead personal bicycle safety lessons by means of a verbal warning. As it is, bicyclists often feel outside the law because of this loophole in enforcement.

Theft prevention and recovery of stolen bicycles is the basis for bicycle registration currently being administered by several local communities in Nevada. These programs have not been effective enough at curbing high thievery rates, in that interception of stolen bikes after they leave the community is nearly impossible.

Minnesota recently adopted a statewide registration program tied into their computer system. The odds of a stolen bicycle being recovered increased by 78%, besides having the advantage of quick identification.⁴ "No additional bookwork is required by the local police, and an officer is able to check out a bicycle and the rider in less than one minute through a series of cross references which includes the name of the owner, his date of birth, the serial number on the bicycle and the state assigned license number. This combination makes identification nearly fool proof."⁵ The financial break even point to this system came after just nine months of operation.

California also launched a bicycle licensing program to tackle a fragmented system of returning stolen bicycles. Within five months, 70% (358) of the 513 incorporated cities joined the system and requested the new standardized forms. The system was voluntarily accepted where the need for regulation was the greatest. This program is administered by the localities with the Department of Motor Vehicles' indicia. "All this is done easily by a (D.M.V.) staff of three and an initial appropriation of \$50,000."⁶

⁴ Peaslee, Carl Minnesota Dept. of Public Safety, Room 218
Transportation Bldg., St. Paul, Minn. 55155 (612) 296-2902

⁵ Ibid., Bicycle News, October 1978

⁶ Cleckner, Robert, M., National Field Director, Bicycle Manufacturers Association of America Inc. May 2, 1978

"Registration of bicycles could easily fit in with the Nevada Department of Motor Vehicles computer record system."⁷ This would eliminate the need for a manual look up of records. All law enforcement branches would have access to this immediate system of identification. If a bicycle was stolen and not recovered within 24 hours, it would be reported to the National Crime Information Center. By the N.C.I.C. a missing article can be intercepted anywhere in the United States.

Changing over from the present local registration systems would not present a major transition. The cities and towns that do have bicycle registration⁸ confront the problem of convincing local police and the bike shops their program is worthwhile. It has been common for registration programs to change from one system to another. Las Vegas resurrected a their abandoned licensing system in September '77, but it is an attempt to inspect bicycles and educate more than abate theft. In Reno, bicycle owners have shown little acceptance to the mandatory city wide registration program. After ten years the program had been in force, only 16.7 of the bicycles were registered.⁹ Bicyclists show an unwillingness to pay a "tax" that does not accrue returns to them in a visible manner.

If bicyclists could see how registration would do something besides add a sticker to their frame, they would advocate it be mandatory. The next page illustrates this opinion from a sizable sample.

⁷ Bennett, Hale Nevada Department of Motor Vehicles, Automation Div. November 21, 1978

⁸ The following Nevada communities have bicycle registration programs: Elko, Boulder, Sparks, Fallon, Reno, and Las Vegas

⁹ Powell, Bruce The Demand for Bicycling in the Reno-Sparks Area, 1974, p. 16 (NICHE)

Bicycling in Pennsylvania

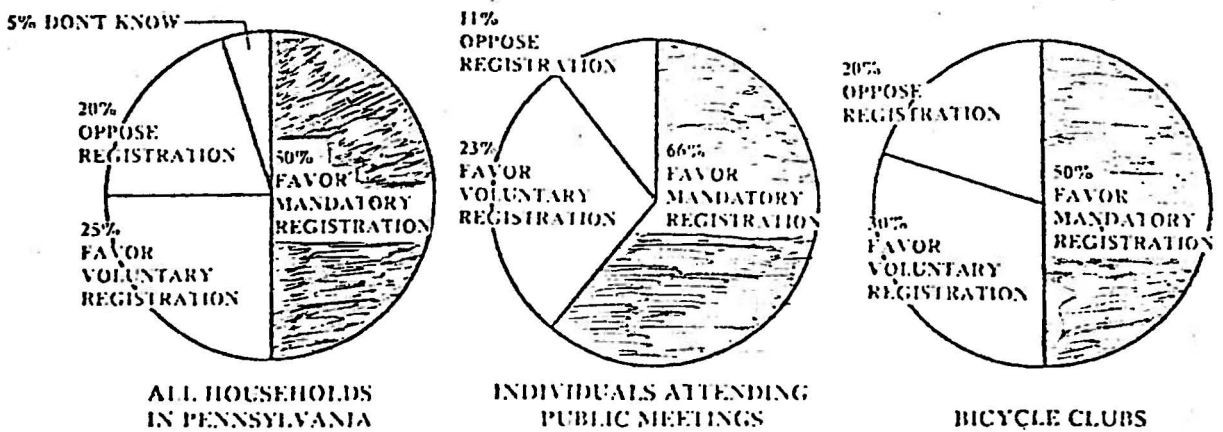
Recommended State Policies
for Providing Bicycle
Facilities and Programs
May 1976

nationally. The automobile is more difficult than the bicycle to steal and resell because: (a) the automobile is much heavier and more expensive, (b) the locking systems of automobiles are more secure, and (c) automobiles are registered in a nationally accessible registration system. The dollar penalty to Pennsylvanians as a result of bicycle theft last year totaled \$6 million, assuming an average value of \$50 per bicycle. Equally important from a policy viewpoint is the potential deterrence to bicycle use as a result of bicycle theft.

As can be seen in Figure 9, over three-quarters (78 percent) of stolen bicycles are taken from within or near residential property. These thefts are not likely to be affected by special parking facilities, although owner education might improve the situation. Furthermore, many bicycles which are recovered by the police cannot be returned because the owner of the bicycle cannot be identified. One method of improving this condition (and perhaps deterring theft) is bicycle registration. Mandatory and enforced bicycle registration in some communities (for example, Minneapolis, Minnesota and New Orleans, Louisiana) has been accredited with significant decreases in bicycle theft and increases in bicycle recovery.

Mandatory Versus Voluntary Registration. Most advocates of bicycle registration argue that it must be both mandatory and enforced if registration is to be effective in deterring theft and improving recovery of stolen bicycles. Mandatory registration has other advantages—it provides excellent data on bicycle ownership, and it provides a tool for law enforcement. It may also be argued that mandatory registration is "over-governing" and people should be able to choose not to have protection against theft. While the majority of individuals in Pennsylvania approve of bicycle registration, there is considerable disagreement regarding mandatory and voluntary programs (see Figure 10). The trend, however, is in favor of mandatory registration.

FIGURE 10
OPINIONS REGARDING BICYCLE REGISTRATION IN PENNSYLVANIA



Bicycle registration is not a revenue producing project.¹⁰ The administration costs of setting up the program and continuing it should be considered a success if it makes ends meet. Surplus funds should rest in a reserve fund in case future years are not self-supporting.

A fluorescent decal is the most satisfactory registration tag. It would be best to place this tag where it could be easily seen from the left hand side of the bike. A uniform location is important. The upper section of the seat tube on the frame, visible to a passing car, would seem most adequate.

Service clubs and bicycle shops should be asked to assist the initial implementation of the registration program. A small service charge would be an incentive for shops to inspect bicycles. A bike not in safe working order should be issued a "fix it" ticket. For bicyclists under a certain age, a rules of the road quiz should be a prerequisite to receiving a registration tag. If the youngster should fail to get at least 50% correct, the parent should have to sign the exam and return it. The difference between licensing and registration for those who are too young to drive an auto should be somewhat overlapping.

The cost of registering bicycles should not be burdensome to the public or the administrative agency handling it. A one time three dollar fee, with \$1.00 charge for change of address, would be ample to cover the costs of automated registration in Nevada. If a new registration sticker were to be issued because the old was destroyed, it would cost the original three dollars, plus service charge.

¹⁰ Clackner, Robert H., Ibid.

Registering bicycles is not a new idea. Communities have been stabling at one program or another for decades. In the 58th session of the Nevada State Legislature, Assembly bill No. 588 was an attempt to provide registry of bicycles. Now that there has been a distinctive rise in community accepted bicycle enforcement levels, in the consistency of bicycle accident levels, and a recognition that present registration systems are too fragmented to have anything but a poor level of theft recovery, may-be the legislators of Nevada will recognize there is a low tolerance-level towards the present bicycle registration system. In the 60th session, they will have a chance to change it; that sounds like a level headed idea.

In the end, the success of any bicycle registration program will depend on the dedication of the individuals administering the program, and the availability of the necessary resources. The bicyclist must be recognized as a legitimate road user. Paying a fee for registration may help the motorist "see" bicyclists as a valid form of traffic.

A bicycle registration package could be used to identify ownership of mopeds. What the game boils down to is getting about 60% of the populus who owns a bicycle or moped to file registration records before the effectiveness of the program really surfaces.¹²

482.132 "Used vehicle" defined. "Used vehicle" means a vehicle that has been registered with the department, or has been registered with the appropriate agency of authority of any other state, the District of Columbia, or any territory or possession of the United States or foreign state, province or country.
(Added to NRS by 1965, 1472)

Bill # 39533

The present procedure the used car dealer must follow to make a new car used so that he may legally sell the car as the Department of Motor Vehicles now interprets 482.132 is as follows:

Upon purchase of a new vehicle from a franchised dealer, the used car dealer must take the ownership papers of the vehicle to Department of Motor Vehicles and transfer the change of ownership two times. First by transferring the title to the used car dealer's name and secondly the dealer has to buy license plates. After following the prior steps called "Dealer Special" by The Department of Motor Vehicles, the vehicle is now considered used and the used car dealer may sell it.

NRS 482.205 specifically exempts the registration or buying license plates unless the vehicle is going to/be used on the highway.

482.205 What vehicles shall be registered. Except as otherwise provided in this chapter, every owner of a motor vehicle, trailer or semi-trailer intended to be operated upon any highway in this state shall, before the same can be operated, apply to the department for and obtain the registration thereof.
(Part 6:202:1931; A 1941, 51; 1949, 511; 1953, 52)—(NRS A 1963, 1276)

When the new title is issued in the used car dealer's name, it records the change in ownership on the records of the Department of Motor Vehicles and fulfills the legislative intent.

It benefits no one for the used car dealer to also have to purchase license plates to make the new car used.

When in fact it actually hurts the consumer because the additional cost of buying plates is passed on to the ultimate purchaser.

The present method being followed is forcing the used car dealer to double record the change of ownership which is burdensome on the Department of Motor Vehicles and the dealer. When the new title is issued reflecting the change of ownership, the intention of legislation has been fulfilled because it is now recorded in their Department.

The DMV used to argue that they couldn't issue a title unless license plates had been purchased, but since the Uniform Commercial Code has been adopted by our state, we now have NRS 482.428 (2) which gives DMV the authority to issue a title without buying license plates.

1. Whenever a security interest is created in a motor vehicle, other than a security interest required to be entered pursuant to NRS 482.423, 482.424 or 482.426, the certificate of ownership of the vehicle shall be delivered to the department with a statement signed by the debtor showing the date of the security agreement, the name and address of the debtor and the name and address of the secured party.
2. The department shall issue and deliver to the secured party a certificate of ownership with the name and address of the secured party noted thereon.
(Added to NRS by 1967, 130)

I'm sure the New Car Dealer's Association will object to this bill. They will no doubt argue they have had problems with warranty on cars sold by the used car dealer. Whether that is true or not, it has no bearing on what we are here for today.

We are not trying to change the original legislative intent, but only to clarify the purpose and that is the used car dealer must make the new car used by showing the change of ownership and having it recorded with DMV. The title performs this requirement without buying plates.

The public still has the same protection they did before. They can call DMV and find out the vehicle has in fact been sold once before, and is therefore no longer considered new.

Secondly, the public is protected in that when the vehicle is purchased it is marked used right on the report of sale that is given to the customer at the time of sale.

STATE OF NEVADA
DEPARTMENT OF MOTOR VEHICLES—REGISTRATION DIVISION
Carson City, Nevada 89701

DEALER'S REPORT OF SALE
(All Reports of Sale Must Be Printed or Typewritten)
RECEIVED

Full Sale Price.....
Date of Sale 11-7-75 REG. DIV. A 92607
Year 76 Make Ford Body Type PIU
Model No. 48 Model Name Mustang No. of Rotors 8
Vehicle Identification Number 6A48A 112059
Odometer Reading 11 GVW 4920 Truck Axles 1
County vehicle will be based in Clark R.V.

Sold to: (1).....
Must or
Check and (2) AAA Leasing
Residence address 3800 Boulder Hwy
City LAS VEGAS State NEV Zip.....
LEGAL OWNER AAA LEASING

Address.....
City..... State..... Zip.....
DEALER'S NAME FRIENDLY FORD DEALER'S NO. 5372
Address 660 DECATUR City LV

IMPORTANT—Check Type of Sale— NEW* USED
*If new vehicle, are you franchised for this make?
 YES NO

Authorized representative signature [Signature]

For whose benefit is it that the used car dealer is being required to buy license plates? It is unnecessary and in direct conflict with

NRS 482.205

482.205 What vehicles shall be registered. Except as otherwise provided in this chapter, every owner of a motor vehicle, trailer or semi-trailer intended to be operated upon any highway in this state shall, before the same can be operated, apply to the department for and obtain the registration thereof.
(Part 6:202:1931; A 1941, 51; 1949, 511; 1953, 52]—(NRS A 1963, 1276)

The issuance of the title records the change of ownership, accomplishing the legislative scheme as originally intended by the legislature, and prevents the fraud on the public.

If the new car dealers are sincere about these warranty problems, they allege and it is not a smoke screen to stop the used car dealer from selling current year model vehicles, they could introduce a bill to the legislature making it a misdemeanor to sell a used car as new, or something along that line.

EXHIBIT C

482.132 "Used vehicle" defined. "Used vehicle" means a vehicle that has been registered with the department, or has been registered with the appropriate agency of authority of any other state, the District of Columbia, or any territory or possession of the United States or foreign state, province or country.
(Added to NRS by 1965, 1472)

482.076 "New vehicle" defined. "New vehicle" means a vehicle that has never been registered with the department, and has never been registered with the appropriate agency of authority of any other state, the District of Columbia, any territory or possession of the United States or foreign state, province or country.
(Added to NRS by 1965, 1471)

482.205 What vehicles shall be registered. Except as otherwise provided in this chapter, every owner of a motor vehicle, trailer or semi-trailer intended to be operated upon any highway in this state shall, before the same can be operated, apply to the department for and obtain the registration thereof.
(Part 6:202:1931; A 1941, 51; 1949, 511; 1953, 52)—(NRS A 1963, 1276)

482.207 Registration of dealership vehicles held for sale, resales; certificates of ownership; fees. Notwithstanding any other provisions of this chapter, any vehicle dealer licensed under the provisions of NRS 482.325 may, upon presentation of a manufacturer's certificate of origin or other evidence of ownership satisfactory to the department, register a vehicle being held for sale or resale in the name of his dealership. Upon registration the department shall also issue a certificate of ownership for such vehicle to such dealership. The appropriate fees provided in NRS 482.429 and 482.480 shall be paid to the department by the vehicle dealer.
(Added to NRS by 1965, 1478; A 1967, 131)

482.423 Issuance of certificates of ownership to certain secured parties.

1. Whenever a security interest is created in a motor vehicle, other than a security interest required to be entered pursuant to NRS 482.423, 482.424 or 482.426, the certificate of ownership of the vehicle shall be delivered to the department with a statement signed by the debtor showing the date of the security agreement, the name and address of the debtor and the name and address of the secured party.
2. The department shall issue and deliver to the secured party a certificate of ownership with the name and address of the secured party noted thereon.

(Added to NRS by 1967, 130)

STATE OF NEVADA
DEPARTMENT OF MOTOR VEHICLES—REGISTRATION DIVISION
Carson City, Nevada 89701

DEALER'S REPORT OF SALE
(All Reports of Sale Must Be Printed or Typewritten)
RECEIVED

Full Sale Price _____ DEC 4 1975
Date of Sale 11-7-75 REG. DIV. A 92607
Year 76 Make FORD Body Type PU
Model No. 48 Model Name Rancher No. of Cyls 8
Vehicle Identification Number 6A48A112059
Odometer Reading 17 GVW 4920 Truck Axles 1
County vehicle will be based in Clark R.V.

Sold for (1) _____
Must Check or
One and (2) AAA Leasing
Residence address 3800 Boulder Hwy
City LAS VEGAS State NV Zip

LEGAL OWNER GME
Address _____
City _____ State _____ Zip _____

DEALER'S NAME FRIENDLY FORD DEALER'S NO. 5372
Address 665 DEUTER City LV

IMPORTANT—Check Type of Sale NEW USED
*If new vehicle, are you franchised for this make?
 YES NO

Authorized representative signature *[Signature]*

NRS Chapter 483 requires selling dealers to submit this copy to the
Registration Division, Carson City, Nevada 89701.

STATE OF NEVADA
DEPARTMENT OF MOTOR VEHICLES—REGISTRATION DIVISION
Carson City, Nevada 89711

DEALER'S REPORT OF SALE
(All Reports of Sale Must Be Printed or Typewritten)

Full Sale Price 6795
Date of Sale 11-6-76 C 6946
Year 76 Make Ford Body Type 3/4
Model No. F250 Model Name RANGER Cyls. 8
No. of Rotors 8
Vehicle Identification Number F25MRAS2756
Odometer Reading 80 GVW 7100 Truck Axles 2
R.V.
County vehicle will be based in Clark

Sold to: (1) JAMES CA
Must Check or One and (2) DONNALEA A. JORDAN
Residence address 920 No. Boulder Hwy #49
City HENDERSON State NEV Zip 89015

LEGAL OWNER COURTESY R.V. AUTO LEASING
Address 3800 Boulder Hwy
City Las Vegas State NV Zip 89134

DEALER'S NAME COURTESY R. V. AUTO LEASING DEALER'S NO. B-57
Address 300 Boulder City H

IMPORTANT—Check Type of Sale— NEW USED
*If new vehicle, are you franchised for this make?
 YES NO

Authorized representative signature [Signature]

NRS Chapter 462 requires selling dealer to submit this copy to the
Registration Division, Carson City, Nevada 89711.

COLLECTOR

§ 635

Trailer Coach

635. A "trailer coach" is a vehicle, other than a motor vehicle, designed for human habitation, or human occupancy for industrial, professional or commercial purposes, for carrying property on its own structure, and for being drawn by a motor vehicle.

Amended Ch. 1317, Stats. 1963. Effective Sept. 20, 1963.
Amended Ch. 1536, Stats. 1971. Operative May 3, 1972.

Transferee

640. A "transferee" is a person who has acquired the sole ownership of or an equity in a vehicle of a type required to be registered under this code.

Transporter

645. (a) A "transporter" is a person engaged in the business of moving any owned or lawfully possessed vehicle by lawful methods over the highways for the purpose of delivery of such vehicles to dealers, sales agents of a manufacturer, purchasers, or to a new location as requested by the owner.

(b) The term "transporter" does not include a person engaged in the business of operating a tow car.

Amended Ch. 444, Stats. 1963. Effective Sept. 20, 1963.

Trolley Coach

650. A "trolley coach" is a vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Truck Tractor

655. A "truck tractor" is a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Unladen Weight

660. The "unladen weight" of a vehicle is the weight equipped and ready for operation on the road including the body, fenders, oil in motor, radiator full of water, with five gallons of gasoline or equivalent weight of other motor fuel; also equipment required by law, and unless exempted under Section 661, any special cabinets, boxes or body parts permanently attached to the vehicle, and any machinery, equipment or attachment which is attendant to the efficient operation of the body or vehicle. Unladen weight shall not include any load or any machinery or mechanical apparatus, such as, but not limited to, wood saws, well-drilling machines, spray apparatus, tow car cranes, and grinding equipment. The unladen weight of a vehicle shall have no application in determining any fee under this code or the Revenue and Taxation Code other than Section 9400 of this code.

Amended Ch. 1576, Stats. 1961, superseding Ch. 58, Stats. 1961. Effective Sept. 15, 1961.
Amended Ch. 2108, Stats. 1963. Effective Sept. 20, 1963.

Unladen Weight Exclusions

661. Unladen weight shall not include the following machinery, equipment or attachment which is attendant to the efficient operation of the body or vehicle:

- (a) Equipment used for loading, compacting, or unloading of refuse.
- (b) Transmix cement equipment.
- (c) Temporary equipment used to contain or support the load which does not change the body classification.
- (d) Any camper unit that is temporarily attached to a vehicle.
- (e) Refrigeration equipment.

Added Ch. 2108, Stats. 1963. Effective Sept. 20, 1963.

Used Vehicle

665. A "used vehicle" is a vehicle that has been sold and operated on the highways of this state, or has been registered with the department, or has been sold and operated upon the highways, or has been registered with the appropriate agency of authority, of any other state, District of Columbia, territory or possession of the United States or foreign state, province or country, or unregistered vehicles

regularly used or operated as demonstrators in the sales work of a dealer or unregistered vehicles regularly used or operated by a manufacturer in the sales or distribution work of such manufacturer. The word "sold" shall not be deemed to include or extend to any sale made by a manufacturer or a distributor to a dealer or by a dealer to another dealer licensed under this code.

Amended Ch. 820, Stats. 1965. Effective Sept. 17, 1965.
Amended Ch. 801, Stats. 1967. Effective Nov. 8, 1967.

U-turn

665.5. A "U-turn" is the turning of a vehicle upon a highway so as to proceed in the opposite direction whether accomplished by one continuous movement or not.

Added Ch. 622, Stats. 1970. Effective Nov. 23, 1970.

Utility Trailer

666. A "utility trailer" is any trailer or semitrailer used solely for the transportation of the user's personal property and which does not exceed a gross weight of 6,000 pounds.

Added Ch. 1807, Stats. 1961. Effective Sept. 15, 1961.

Vehicle

670. A "vehicle" is a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

Amended Ch. 987, Stats. 1973. Effective Jan. 1, 1976.

Vehicle Manufacturer

672. "Vehicle manufacturer" is any person who produces from raw materials or basic components a vehicle of a type subject to registration under this code, or who permanently alters for purposes of retail sales, new commercial vehicles by converting the vehicles into housecars which display the insignia of approval required by Section 18056 of the Health and Safety Code and any regulations issued pursuant thereto by the Department of Housing and Community Development. As used in this section, "permanently alters" does not include the permanent attachment of a camper to a vehicle.

(b) Unless a vehicle manufacturer either grants franchises to franchisees in this state, or issues vehicle warranties directly to franchisees in this state or consumers in this state, such manufacturer shall have an established place of business or a representative in this state.

(c) The scope and application of this section shall be limited to the provisions of Division 2 (commencing with Section 1500) and Division 5 (commencing with Section 11100).

Added Ch. 873, Stats. 1977. Effective January 1, 1978.

Vehicle Salesman

675. (a) "Vehicle salesman" is a person not otherwise expressly excluded by this section, who does one or a combination of the following:

(1) Is employed as a salesman by a dealer as defined in Section 285, or who, under any form of contract, agreement, or arrangement with a dealer, for commission, money, profit, or other thing of value, sells, exchanges, buys, or offers for sale, negotiates, or attempts to negotiate, a sale, or exchange of an interest in a vehicle required to be registered under this code.

(2) Induces or attempts to induce any person to buy or exchange an interest in a vehicle required to be registered, and who receives or expects to receive a commission, money, brokerage fees, profit, or any other thing of value, from either the seller or purchaser of said vehicle.

(3) Exercises managerial control over the business of a licensed vehicle dealer or who supervises vehicle salesmen employed by a licensed dealer, whether compensated by salary or commission, including but not limited to any person who is employed by said dealer as a general manager, assistant general manager or sales manager, or any employee of a licensed vehicle dealer who negotiates with or

(REPRINTED WITH ADOPTED AMENDMENTS)

THIRD REPRINT

A. B. 222

ASSEMBLY BILL NO. 222—ASSEMBLYMAN WEISE

JANUARY 26, 1979

Referred to Committee on Taxation

SUMMARY—Exempts all emergency vehicles operated by volunteer fire departments from registration fees. (BDR 43-963)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to motor vehicle registration; exempting from the privilege tax all emergency vehicles operated by volunteer fire departments and volunteer ambulance services based in this state, and vehicles used exclusively for the benefit of the elderly or handicapped; broadening exemptions from the marking of publicly owned vehicles; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 371.100 is hereby amended to read as follows:
2 371.100 1. The privilege tax imposed by this chapter does not
3 apply to vehicles owned by the United States, the State of Nevada, any
4 political subdivision of the State of Nevada, or any county, municipal
5 corporation, city, unincorporated town or school district in the State
6 of Nevada [.] , or to vehicles for whose operation money is provided
7 by the state or Federal Government and which are operated solely for
8 the transportation of or furnishing services to elderly or handicapped
9 persons, or to the emergency vehicles owned by any volunteer fire depart-
10 ment or volunteer ambulance service based in this state.
11 2. Any vehicle which ceases to be used exclusively for the purpose
12 for which it is exempted from the privilege tax by this section becomes
13 immediately subject to that tax.
14 3. Vehicles exempted from the privilege tax by this section which
15 are leased, loaned or otherwise made available to and used by a private
16 individual, association or corporation in connection with a business con-
17 ducted for profit are subject to taxation in the same amount and to the
18 same extent as though the lessee or user were the owner of such vehicle.
19 SEC. 2. NRS 482.368 is hereby amended to read as follows:
20 482.368 1. Except as provided in subsection 2, the department shall
21 provide suitable distinguishing plates for exempt vehicles. These plates

Original bill is 3 pages long.
Contact the Research Library for
a copy of the complete bill.