

Assembly Bill No. 267--Assemblyman Parks

CHAPTER.....

AN ACT relating to motor vehicles leased for a short term; revising provisions regarding the collection of governmental services fees and recovery surcharges from a short-term lessee; requiring a short-term lessor to report to the Department of Taxation on a quarterly basis the amount of any recovery surcharges collected by the short-term lessor during the immediately preceding calendar quarter; transferring certain duties and functions from the Department of Motor Vehicles to the Department of Taxation; requiring the Executive Director of the Department of Taxation to adopt certain regulations; and providing other matters properly relating thereto.

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

Section 1. NRS 482.313 is hereby amended to read as follows:

482.313 1. Upon the lease of a passenger car by a short-term lessor in this state, the short-term lessor:

(a) Shall charge and collect from the short-term lessee a governmental services fee of 6 percent of the total amount for which the passenger car was leased, excluding ~~{any taxes or other fees imposed by a governmental entity.}~~ *the items described in subsection 7.*

(b) May charge and collect from the short-term lessee a recovery surcharge not to exceed 3.5 percent of the total amount for which the passenger car was leased, excluding ~~{any taxes or other fees imposed by a governmental entity.}~~ *the items described in subsection 8,* as reimbursement for vehicle licensing fees and taxes paid by the short-term lessor.

The amount of any fee charged pursuant to this subsection must be indicated in the lease agreement.

2. The governmental services fees due from a short-term lessor to the Department of Taxation pursuant to this subsection are due on the last day of each calendar quarter. On or before the last day of the month following each calendar quarter, the short-term lessor shall:

(a) File with the Department of Taxation, ~~{and the Department of Motor Vehicles.}~~ on a form prescribed by the Department of Taxation, a report indicating the total amount of:

(1) Governmental services fees collected by the short-term lessor *pursuant to paragraph (a) of subsection 1* during the immediately preceding calendar quarter ; ~~{pursuant to this section; and}~~

(2) *Recovery surcharges, if any, collected by the short-term lessor pursuant to paragraph (b) of subsection 1 during the immediately preceding calendar quarter; and*

(3) Vehicle licensing fees and taxes paid by the short-term lessor *pursuant to this chapter* during the immediately preceding calendar quarter. ~~{pursuant to this chapter.}~~

(b) Remit to the Department of Taxation the governmental services fees collected by the short-term lessor pursuant to paragraph (a) of subsection 1 during the immediately preceding calendar quarter.

3. The Department of Taxation shall deposit all money received from short-term lessors pursuant to the provisions of this section with the State Treasurer for credit to the State General Fund.

4. To ensure compliance with this section, the Department of Taxation may audit the records of a short-term lessor.

5. The provisions of this section do not limit or affect the payment of any taxes or fees imposed pursuant to the provisions of this chapter.

6. The Department of Motor Vehicles shall, upon request, provide to the Department of Taxation any information in its records relating to a short-term lessor that the Department of Taxation considers necessary to collect the fee required by this section.

7. *For the purposes of charging and collecting the governmental services fee described in paragraph (a) of subsection 1, the following items must not be included in the total amount for which the passenger car was leased:*

(a) *The amount of any recovery surcharge charged and collected pursuant to paragraph (b) of subsection 1;*

(b) *The amount of any charge for fuel used to operate the passenger car;*

(c) *The amount of any fee or charge for the delivery, transportation or other handling of the passenger car;*

(d) *The amount of any fee or charge for insurance, including, without limitation, personal accident insurance, extended coverage or insurance coverage for personal property; and*

(e) *The amount of any charges assessed against a short-term lessee for damages for which the short-term lessee is held responsible.*

8. *For the purposes of charging and collecting the recovery surcharge described in paragraph (b) of subsection 1, the following items must not be included in the total amount for which the passenger car was leased:*

(a) *The amount of the governmental services fee charged and collected pursuant to paragraph (a) of subsection 1;*

(b) *The amount of any charge for a collision damage waiver or a similar instrument that acts as a waiver of the short-term*

lessor's right to collect from the short-term lessee for any damage to the passenger car;

(c) The amount of any charge for fuel used to operate the passenger car;

(d) The amount of any fee or charge for the delivery, transportation or other handling of the passenger car;

(e) The amount of any fee or charge for insurance, including, without limitation, personal accident insurance, extended coverage or insurance coverage for personal property;

(f) The amount of any charges assessed against a short-term lessee for damages for which the short-term lessee is held responsible; and

(g) The amount of any concession fee or charge that the short-term lessor:

(1) Is required to pay to do business at an airport, if applicable; and

(2) Passes on to the short-term lessee of the passenger car.

9. The Executive Director of the Department of Taxation shall:

(a) Adopt such regulations as he determines are necessary to carry out the provisions of this section; and

(b) Upon the request of the Director of the Department of Motor Vehicles, provide to the Director of the Department of Motor Vehicles a copy of any record or report described in this section.

10. As used in this section, "vehicle licensing fees and taxes" means:

(a) The fees paid by a short-term lessor for the registration of, and the issuance of certificates of title for, the passenger cars leased by him; and

(b) The basic and supplemental governmental services taxes paid by the short-term lessor with regard to those passenger cars.

Sec. 2. NRS 482.315 is hereby amended to read as follows:

482.315 1. Every person engaged in business as a short-term lessor shall maintain a record of the identity of each short-term lessee and the exact time the vehicle is the subject of such lease or in the possession of the short-term lessee.

2. Every such record ~~[shall be]~~ **is** a public record and open to inspection by any person.

3. If the *Executive* Director *of the Department of Taxation* prescribes a form for the keeping of the record provided for in this section, the short-term lessor shall use the form.

4. It shall be a misdemeanor for any such short-term lessor to fail to make or have in his possession or to refuse an inspection of the record required in this section.

5. The Executive Director of the Department of Taxation shall:

(a) Adopt such regulations as he determines are necessary to carry out the provisions of this section; and

(b) Upon the request of the Director of the Department of Motor Vehicles, provide to the Director of the Department of Motor Vehicles a copy of any record described in this section.

Sec. 3. This act becomes effective on July 1, 2003.