

Assembly Bill No. 552—Assemblywoman Cegavske

Joint Sponsor: Senator O'Donnell

**Returned from enrollment pursuant to ACR 68 (File No. 103)
Action of Passage Rescinded 5-18-99**

AN ACT relating to motor vehicles; establishing provisional drivers' licenses for persons between the ages of 16 and 18 years; making various changes concerning restricted licenses for pupils in schools, instruction permits and automobile driver education in public schools; providing penalties; 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. Chapter 483 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. 1. *The department may issue a provisional license to a person who is between the ages of 16 and 18 years if:*

(a) Except as otherwise provided in subsection 2, he has completed a course:

(1) In automobile driver education pursuant to NRS 389.090; or

(2) Provided by a school for training drivers that is licensed pursuant to NRS 483.700 to 483.780, inclusive, and which complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the state board of education pursuant to NRS 389.090;

(b) He has at least 50 hours of supervised experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280, including, without limitation, at least 10 hours of experience in driving a motor vehicle during darkness;

(c) His parent, legal guardian, a licensed driver who is at least 21 years of age or a licensed driving instructor, if the person applying for the provisional license is an emancipated minor, signs and submits to the department a form provided by the department which attests that the person applying for the provisional license has completed the training and experience required pursuant to paragraphs (a) and (b);

(d) He has not been found to be responsible for a motor vehicle accident during the 6 months before he applies for the provisional license;

(e) He has not been convicted of a moving traffic violation or a crime involving alcohol or a controlled substance during the 6 months before he applies for the provisional license; and

(f) He has held an instruction permit for not less than 6 months before he applies for the provisional license.

2. A person between the ages of 16 and 18 years who:
(a) Resides in a county whose population is less than 35,000 or in a city or town whose population is less than 25,000; and
(b) Is not enrolled in a school or is enrolled in a school that does not offer automobile driver education,
is not required to complete a course as required pursuant to paragraph (a) of subsection 1.

Sec. 3. 1. Except as otherwise provided in subsections 2 and 3, a person to whom a provisional license is issued pursuant to section 2 of this act shall not:

(a) During the first 4 months after the date on which the provisional license is issued, transport as a passenger a person who is under 18 years of age; and

(b) During the first 12 months after the date on which the provisional license is issued, drive between the hours of 10 p.m. and 5 a.m., unless he is accompanied and supervised by a licensed driver who is at least 21 years of age and who has had at least 3 years of licensed driving experience, or by a licensed driving instructor.

2. A person to whom a provisional license is issued pursuant to section 2 of this act may transport as a passenger a member of his immediate family, regardless of the age of the family member.

3. A person to whom a provisional license is issued pursuant to section 2 of this act may, during the first 12 months after the provisional license is issued, drive between the hours of 10 p.m. and 5 a.m., without being accompanied and supervised, if:

(a) It is necessary for the licensee to drive because of a medical condition of the licensee, if the licensee has in his immediate possession a signed statement from a physician who is familiar with his medical condition including, without limitation, the diagnosis and date by which the licensee is anticipated to have recovered so that it is no longer necessary for him to transport himself;

(b) It is necessary for the licensee to drive to attend school or an activity authorized by his school, if the licensee has in his immediate possession a signed statement from his parent or legal guardian stating the reason for the necessity and an attached statement from the school that includes the date that the schooling or activity authorized by the school probably will be completed;

(c) It is necessary for the licensee to drive to attend work, if the licensee has in his immediate possession a signed statement from his employer including, without limitation, verification of his employment and the date that the employment is anticipated to end;

(d) It is necessary for the licensee to transport himself or a member of his immediate family, if the licensee has in his immediate possession a signed statement from his parent or legal guardian stating the reason for the necessity and the date by that the necessity probably will terminate; or

(e) The licensee is an emancipated minor

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4. As used in this section, the term "licensed driving experience" does not include driving experience gained under an instruction permit issued pursuant to NRS 483.280.

Sec. 4. 1. A person who violates any provision of section 3 of this act is guilty of a misdemeanor and shall be punished:

(a) For the first offense, by a fine of not more than \$35, and not less than 8 hours, but not more than 16 hours of community service; and

(b) For the second or subsequent offense, by a fine of not more than \$50, and not less than 16 hours, but not more than 24 hours of community service.

2. In addition to any other penalty, if a person is convicted of violating any provision of section 3 of this act, the court may:

(a) For the first offense, require him to participate for 8 hours in a course to improve driving; and

(b) For the second or subsequent offense, require him to participate for 16 hours in a course to improve driving.

3. If a person has not completed the community service or participated in the course to improve driving, if required, within 90 days after the date on which the court issued the order requiring him to do so, the court shall:

(a) If it is the first violation of a provision of section 3 of this act, impose an additional fine of not more than \$35; and

(b) If it is the second or subsequent violation of a provision of section 3 of this act, impose an additional fine of not more than \$50.

The court may also require the person to participate in additional hours of a course to improve driving.

4. A peace officer shall not stop a motor vehicle for the sole purpose of determining whether the driver is violating a provision of section 3 of this act. A citation may be issued for a violation of section 3 of this act only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense.

5. A violation of section 3 of this act:

(a) Is not a moving traffic violation pursuant to NRS 483.473; and

(b) Is not grounds for suspension or revocation of the provisional license pursuant to NRS 483.360.

Sec. 5. 1. The department may establish a waiting period that is not longer than 30 days during which an applicant for a provisional license pursuant to section 2 of this act who fails the examination may not retake the examination for the provisional license.

2. The department:

(a) Shall include the original date that a provisional license was issued on the face of each provisional license issued pursuant to section 2 of this act or otherwise indicate that the license is provisional;

(b) May issue provisional drivers' licenses with distinguishing characteristics which clearly indicate that the licensee is between the ages of 16 and 18 years; and

(c) May adopt regulations necessary to carry out the laws governing the issuance of provisional licenses.

Sec. 6. A restriction on or suspension of the driver's license of a person who is under 18 years of age remains in effect until the end of the term of the restriction or suspension even if the person becomes 18 years of age before the end of the term of the restriction or suspension.

Sec. 7. NRS 483.250 is hereby amended to read as follows:

483.250 The department shall not issue any license under the provisions of NRS 483.010 to 483.630, inclusive:

1. To any person who is under the age of 18 years, except that the department may issue:

(a) A restricted license to a person between the ages of 14 and 18 years pursuant to the provisions of NRS 483.267 and 483.270.

(b) An instruction permit to a person who is at least 15 1/2 years of age pursuant to the provisions of subsection 1 of NRS 483.280.

(c) A restricted instruction permit to a person under the age of 18 years pursuant to the provisions of subsection ~~[3]~~ 4 of NRS 483.280.

(d) ~~[Except as otherwise provided in paragraph (e), a]~~ **A provisional license to a person between the ages of 16 and 18 years** ~~[who has completed a course:~~

~~—(1) In automobile driver education pursuant to NRS 389.090; or~~

~~—(2) Provided by a school for training drivers licensed pursuant to NRS 483.700 to 483.780, inclusive, if the course complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the state board of education pursuant to NRS 389.090;~~

~~and who has at least 50 hours of experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280. The parent or legal guardian of a person who desires to obtain a license pursuant to this paragraph must sign and submit to the department a form provided by the department which attests that the person who desires a license has completed the training and experience required by this paragraph.~~

~~—(e) A license to a person who is between the ages of 16 and 18 years if:~~

~~—(1) The public school in which he is enrolled is located in a county whose population is less than 35,000 or in a city or town whose population is less than 25,000;~~

~~—(2) The public school does not offer automobile driver education;~~

~~—(3) He has at least 50 hours of experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280; and~~

~~—(4) His parent or legal guardian signs and submits to the department a form provided by the department which attests that the person who desires a license has completed the experience required by subparagraph (3).]~~

pursuant to the provisions of sections 2 to 5, inclusive, of this act.

2. To any person whose license has been revoked until the expiration of the period during which he is not eligible for a license.

3. To any person whose license has been suspended, but, upon good cause shown to the administrator, the department may issue a restricted license to him or shorten any period of suspension.

4. To any person who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to legal capacity.

5. To any person who is required by NRS 483.010 to 483.630, inclusive, to take an examination, unless he has successfully passed the examination.

6. To any person when the administrator has good cause to believe that by reason of physical or mental disability that person would not be able to operate a motor vehicle safely.

7. To any person who is not a resident of this state.

8. To any child who is the subject of a court order issued pursuant to paragraph (h) of subsection 1 of NRS 62.211, NRS 62.2255, 62.226 or 62.228 which delays his privilege to drive.

9. To any person who is the subject of a court order issued pursuant to NRS 206.330 which suspends or delays his privilege to drive until the expiration of the period of suspension or delay.

Sec. 8. NRS 483.255 is hereby amended to read as follows:

483.255 The department shall adopt regulations that set forth the number of hours of training which a person whose age is less than 18 years must complete in a course provided by a school for training drivers to be issued a **provisional** license pursuant to ~~subparagraph (2) of paragraph (d)~~ **subparagraph (2) of paragraph (a) of subsection 1 of [NRS 483.250.] section 2 of this act.** The regulations must require that the number of hours that must be completed by such a person be comparable to the number of hours of instruction which would be required of such a person if he completed his training in a course provided pursuant to NRS 389.090.

Sec. 9. NRS 483.270 is hereby amended to read as follows:

483.270 1. The department may issue a restricted license to any pupil between the ages of 14 and 18 years who is attending:

(a) A public school in a school district in this state in a county whose population is less than 35,000 or in a city or town whose population is less than 25,000 when transportation to and from school is not provided by the board of trustees of the school district, if the pupil meets the requirements for eligibility adopted by the department pursuant to subsection 5; or

(b) A private school meeting the requirements for approval under NRS 392.070 when transportation to and from school is not provided by the private school, and it is impossible or impracticable to furnish such **a** pupil with private transportation to and from school.

2. An application for the issuance of a restricted license under this section must:

- (a) Be made upon a form provided by the department.
- (b) Be signed and verified as provided in NRS 483.300.
- (c) Contain such other information as may be required by the department.

3. Any restricted license issued pursuant to this section:

- (a) Is effective only for the school year during which it is issued or for a more restricted period.
- (b) Authorizes the licensee to drive a motor vehicle on a street or highway only while going *directly* to and from school ~~or a school activity~~, and at a speed not in excess of the speed limit set by law for school buses.

(c) May contain such other restrictions as the department may deem necessary and proper.

(d) May authorize the licensee to transport as passengers in a motor vehicle driven by him, only while he is going *directly* to and from school ~~or a school activity~~, members of his immediate family, or other minor persons upon written consent of the parents or guardians of such minors ~~when such written consent is in the immediate possession of the licensee~~, but in no event may the number of passengers so transported at any time exceed the number of passengers for which the vehicle was designed.

4. No restricted license may be issued under the provisions of this section until the department is satisfied fully as to the applicant's competency and fitness to drive a motor vehicle.

5. The department shall adopt regulations that set forth the requirements for eligibility of a pupil to receive a restricted license pursuant to paragraph (a) of subsection 1.

Sec. 10. NRS 483.280 is hereby amended to read as follows:

483.280 1. Any person who is at least 15 1/2 years of age may apply to the department for an instruction permit. The department may, in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit entitling the applicant, while having the permit in his immediate possession, to drive a motor vehicle upon the highways for a period of ~~8 months~~ *1 year* when accompanied by a licensed driver who is at least 21 years of age, who has had at least ~~1 year~~ *3 years* of licensed driving experience in the type of vehicle for which the permit was issued and who is actually occupying a seat beside the driver, except when the permittee is occupying a motorcycle. The term "licensed driving experience" as used in this subsection does not include driving experience gained under an instruction permit issued pursuant to the provisions of this section.

2. *The department may establish a waiting period that is not longer than 30 days during which an applicant for an instruction permit who fails the examination may not retake the examination for the instruction permit.*

3. The department may, in its discretion, issue a temporary driver's permit to an applicant for a driver's license permitting him to drive a motor vehicle while the department is completing its investigation and determination of all facts relative to the applicant's right to receive a driver's license. The permit must be in his immediate possession while driving a motor vehicle, and is invalid when the applicant's license has been issued or for good cause has been refused.

~~3.1~~ 4. The department, upon receiving proper application, may, in its discretion, issue a restricted instruction permit effective for a school year, or more restricted period, to an applicant who is enrolled in a driver education program which includes practice driving and which is approved by the department even though the applicant has not reached the legal age to be eligible for a driver's license. The instruction permit entitles the permittee, when he has the permit in his immediate possession, to drive a motor vehicle only on a designated highway or within a designated area, but only when an approved instructor is occupying a seat beside the permittee.

Sec. 11. NRS 483.620 is hereby amended to read as follows:

483.620 It is a misdemeanor for any person to violate any of the provisions of NRS 483.010 to 483.630, inclusive, *and sections 2 to 6, inclusive, of this act*, unless such violation is, by NRS 483.010 to 483.630, inclusive, *and sections 2 to 6, inclusive, of this act* or other law of this state, declared to be a felony.

Sec. 12. NRS 389.090 is hereby amended to read as follows:

389.090 1. The state board shall adopt regulations governing the establishment, conduct and scope of automobile driver education in the public schools of this state.

2. The aims and purposes of automobile driver education are to develop the knowledge, attitudes, habits and skills necessary for the safe operation of motor vehicles.

3. The board of trustees of a school district may establish and maintain automobile driver education classes during regular semesters and summer sessions and during the regular school day and at times other than during the regular school day for:

(a) Pupils enrolled in the regular full-time day high schools in the school district.

(b) Pupils enrolled in summer classes conducted in high schools in the school district.

A board of trustees maintaining courses in automobile driver education shall insure against any liability arising out of the use of motor vehicles in connection with those courses. The cost of the insurance must be paid from available school district funds.

4. A governing body of a charter school may establish and maintain automobile driver education classes if the governing body insures against any liability arising out of the use of motor vehicles in connection with those

courses.

5. Automobile driver education must be provided by boards of trustees of school districts and governing bodies of charter schools in accordance with the regulations of the state board and may not be duplicated by any other agency, department, commission or officer of the State of Nevada.

6. Each course in automobile driver education provided by a board of trustees of a school district or a governing body of a charter school must include, without limitation, instruction in:

(a) Motor vehicle insurance.

(b) The effect of drugs and alcohol on an operator of a motor vehicle.

7. Each course in automobile driver education provided by a board of trustees of a school district or a governing body of a charter school must be restricted to pupils who are ~~{sophomores, juniors or seniors in high school.}~~ *at least 15 years of age.*

Sec. 13. 1. The provisions of section 4 of this act do not apply to offenses that were committed before July 1, 2000.

2. The amendatory provisions of sections 2 to 5, inclusive, and section 7 of this act do not apply to a person who has been issued a driver's license before July 1, 2000.

3. The amendatory provisions of section 10 of this act do not apply to a person who has been issued an instruction permit before July 1, 2000.

Sec. 14. This act becomes effective on July 1, 2000.