

SENATE BILL NO. 35—SENATOR TITUS

PREFILED JANUARY 26, 1999

Referred to Committee on Transportation

SUMMARY—Requires department of motor vehicles and public safety to issue expedited service permits that entitle certain persons with disabilities to expedited service from state agencies under certain circumstances. (BDR 38-805)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: 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 disabled persons; requiring the department of motor vehicles and public safety to issue expedited service permits to certain persons with disabilities that entitle those persons to expedited service from state agencies under certain circumstances; prohibiting unauthorized persons from using or attempting to use such a permit to obtain services from those agencies; providing a penalty; 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.** Chapter 426 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 9, inclusive, of this act.
3 **Sec. 2.** *As used in sections 2 to 9, inclusive, of this act, unless the*
4 *context otherwise requires, the words and terms defined in sections 3 to 6,*
5 *inclusive, of this act have the meanings ascribed to them in those sections.*
6 **Sec. 3.** *“Department” means the department of motor vehicles and*
7 *public safety.*
8 **Sec. 4.** *“Expedited service permit” means a permit that:*
9 1. *Is issued by the department pursuant to the provisions of section 7*
10 *of this act to a person with:*
11 (a) *A disability which limits or impairs the ability to walk; or*
12 (b) *A permanent disability; and*
13 2. *Entitles the person to expedited service pursuant to the provisions*
14 *of section 8 of this act.*

1 **Sec. 5. "Person with a disability which limits or impairs the ability to**
2 **walk" has the meaning ascribed to it in NRS 482.3835.**

3 **Sec. 6. "Person with a permanent disability" means a person:**

4 **1. With a disability which limits or impairs the ability to walk; and**

5 **2. Whose disability has been certified by a licensed physician as**
6 **irreversible.**

7 **Sec. 7. 1. A person with a disability which limits or impairs the**
8 **ability to walk or a permanent disability may apply to the department for**
9 **a permit. The application must:**

10 **(a) Be submitted on a form approved by the department; and**

11 **(b) Include a statement from a licensed physician certifying that the**
12 **applicant is a person with:**

13 **(1) A disability which limits or impairs the ability to walk; or**

14 **(2) A permanent disability.**

15 **2. Upon receipt of a completed application pursuant to subsection 1**
16 **and the payment of any required fee, the department shall issue a permit**
17 **to the applicant. The permit must:**

18 **(a) Set forth the name and address of the person to whom it is issued;**

19 **(b) Include a colored photograph of the applicant and the**
20 **international symbol of access which must be white on a blue**
21 **background;**

22 **(c) Unless the permit is issued to a person with a permanent disability,**
23 **specify the date upon which the permit expires;**

24 **(d) Include any other information the department may require; and**

25 **(e) Be the same size as a driver's license issued by the department**
26 **pursuant to the provisions of chapter 483 of NRS.**

27 **3. Except for a permit issued to a person who has a permanent**
28 **disability, a permit is valid for 6 months or for the period for which a**
29 **physician has certified that the person to whom the permit is issued has a**
30 **disability which limits or impairs the ability to walk, whichever is less.**

31 **4. The department may:**

32 **(a) At any time review its determination of whether a holder of a**
33 **permit is eligible for issuance of the permit pursuant to the provisions of**
34 **this section. If the department determines that a holder of a permit is not**
35 **eligible for issuance of the permit, the department shall notify the person**
36 **of that fact in writing. Upon receipt of the notice, the holder shall, as soon**
37 **as practicable, surrender the permit to the department.**

38 **(b) Charge a fee for the issuance of a permit pursuant to the provisions**
39 **of this section.**

40 **(c) Adopt regulations necessary to carry out the provisions of sections**
41 **2 to 9, inclusive, of this act.**

42 **Sec. 8. 1. A person to whom a permit is issued pursuant to the**
43 **provisions of section 7 of this act, or a person who is assisting him, may**

1 *present the permit to any officer or employee of a state agency who is, at*
2 *the time the permit is presented to him, providing any services of the*
3 *agency to the public. The permit must be presented during the regular*
4 *business hours of the agency.*

5 *2. Upon presentation of the permit, the officer or employee to whom*
6 *the permit is presented shall, before serving any other person who is*
7 *waiting to receive services, serve or otherwise accommodate the person to*
8 *whom the permit is issued.*

9 **Sec. 9. 1.** *It is unlawful for a person, other than a person to whom*
10 *a permit is issued pursuant to the provisions of section 7 of this act, to use*
11 *or attempt to use a permit to obtain services from a state agency pursuant*
12 *to the provisions of section 8 of this act.*

13 *2. A person who violates a provision of this subsection is guilty of a*
14 *misdemeanor.*

15 **Sec. 10.** NRS 426.800 is hereby amended to read as follows:

16 426.800 1. ~~Whoever~~ **Except as otherwise provided in section 9 of**
17 **this act, if a person** knowingly obtains or attempts to obtain, or aids or abets
18 any person to obtain by means of a willfully false statement or
19 representation or by impersonation, or other fraudulent device, services to
20 which he is not entitled, or services greater than those to which he is
21 entitled, with the intent to defeat the purposes of this chapter, is guilty of a
22 gross misdemeanor.

23 2. For the purposes of subsection 1, ~~whenever~~ **if** a recipient of
24 services ~~under~~ **pursuant to** the provisions of this chapter receives an
25 overpayment for the third time and the overpayments have resulted from a
26 false statement or representation by the recipient or from the failure of the
27 recipient to notify the bureau of a change in his circumstances which would
28 affect the amount of services he receives, a rebuttable presumption arises
29 that the payment was fraudulently received.

30 **Sec. 11.** NRS 481.023 is hereby amended to read as follows:

31 481.023 Except as otherwise provided therein, the department shall
32 execute, administer and enforce, and perform the functions and duties
33 provided in:

34 1. Title 43 of NRS relating to vehicles.

35 2. Chapter 706 of NRS relating to licensing of motor vehicle carriers
36 and the use of public highways by those carriers.

37 3. Chapter 366 of NRS relating to imposition and collection of taxes on
38 special fuels used for motor vehicles.

39 4. Chapter 453 of NRS relating to controlled substances and chapter
40 454 of NRS relating to dangerous drugs.

41 5. Chapter 459 of NRS relating to the transportation of hazardous
42 materials.

43 6. Chapter 414 of NRS relating to emergency management.

1 7. Chapter 477 of NRS relating to the state fire marshal.

2 8. Chapters 176A and 213 of NRS relating to parole and probation.

3 **9. *The provisions of sections 2 to 9, inclusive, of this act.***

4 **Sec. 12.** Each county, city or other local government in this state is
5 hereby encouraged to require each officer or employee of that local
6 government to provide services in the manner prescribed in sections 2 to 9,
7 inclusive, of this act, to any person who presents to the officer or employee
8 an expedited services permit issued pursuant to those sections.

9 **Sec. 13.** The amendatory provisions of this act do not apply to offenses
10 that are committed before October 1, 1999.

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