

ASSEMBLY BILL NO. 8—ASSEMBLYWOMAN CEGAVSKE

PREFILED JANUARY 11, 2001

Referred to Committee on Transportation

SUMMARY—Makes various changes concerning drivers' licenses issued to persons under 18 years of age. (BDR 43-6)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~(omitted material)~~ is material to be omitted.

AN ACT relating to motor vehicles; establishing provisional drivers' licenses for persons who are 16 or 17 years of age; making various changes concerning restricted licenses for pupils in schools, instruction permits and automobile driver education in public schools; clarifying certain provisions concerning the issuance of restricted licenses; 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 16 or 17 years of age 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 which 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 who is 16 or 17 years of age and 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.

3. For the purposes of this section, each hour of supervised experience that is obtained while driving with a licensed driving instructor shall be deemed to be equivalent to 3 hours of supervised experience obtained while driving with a parent, legal guardian or a licensed driver who is at least 21 years of age.

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

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, under any of the following circumstances:

(a) It is necessary for the licensee to drive to attend his place of worship or an activity sponsored by his place of worship.

(b) It is necessary for the licensee to drive to attend work.

(c) The licensee is an emancipated minor.

4. A peace officer may issue a citation as provided in NRS 484.799 if the officer has probable cause to believe that a licensee is in violation of this section.

Sec. 4. 1. 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

1 of this act only if the violation is discovered when the vehicle is halted or
2 its driver arrested for another alleged violation or offense.

3 2. A violation of section 3 of this act:

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

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

7 Sec. 5. The department:

8 1. Shall include the original date that a provisional license was
9 issued on the face of each provisional license issued pursuant to section
10 2 of this act or otherwise indicate that the license is provisional;

11 2. May issue provisional drivers' licenses with distinguishing
12 characteristics which clearly indicate that the licensee is 16 or 17 years
13 of age; and

14 3. May adopt regulations necessary to carry out the laws governing
15 the issuance of provisional licenses.

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

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

21 483.250 The department shall not issue any license under the
22 provisions of NRS 483.010 to 483.630, inclusive:

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

25 (a) A restricted license to a person ~~[between the ages of 14 and 18~~
26 ~~years]~~ who is 14 to 17 years of age, inclusive, pursuant to the provisions of
27 NRS 483.267 and 483.270.

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

30 (c) A restricted instruction permit to a person under the age of 18 years
31 pursuant to the provisions of subsection 3 of NRS 483.280.

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

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

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

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

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

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

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

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

8 ~~— (4) His parent or legal guardian signs and submits to the department a~~
9 ~~form provided by the department which attests that the person who desires~~
10 ~~a license has completed the experience required by subparagraph (3).] A~~
11 ~~provisional license to a person who is 16 or 17 years of age pursuant to~~
12 ~~the provisions of sections 2 to 5, inclusive, of this act.~~

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

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

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

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

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

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

28 8. To any child who is the subject of a court order issued pursuant to
29 paragraph (h) of subsection 1 of NRS 62.211, NRS 62.2255, 62.226 or
30 62.228 which delays his privilege to drive.

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

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

35 483.255 The department shall adopt regulations that set forth the
36 number of hours of training which a person whose age is less than 18 years
37 must complete in a course provided by a school for training drivers to be
38 issued a *provisional* license pursuant to subparagraph (2) of paragraph ~~[(d)]~~
39 ~~(a)~~ of subsection 1 of ~~[NRS 483.250.]~~ *section 2 of this act.* The regulations
40 must require that the number of hours that must be completed by such a
41 person be comparable to the number of hours of instruction which would
42 be required of such a person if he completed his training in a course
43 provided pursuant to NRS 389.090.

44 **Sec. 9.** NRS 483.267 is hereby amended to read as follows:

45 483.267 1. The department may issue a restricted license to any
46 applicant ~~[between the ages of 14 and 18 years]~~ *who is 14 to 17 years of*
47 *age, inclusive,* which entitles him to drive a motor vehicle upon a highway
48 if a member of his household has a medical condition which renders that

1 member unable to operate a motor vehicle, and a hardship exists which
2 requires the applicant to drive.

3 2. An application for a restricted license under this section must:

4 (a) Be made upon a form provided by the department.

5 (b) Contain a statement that a person living in the same household with
6 the applicant suffers from a medical condition which renders that person
7 unable to operate a motor vehicle and explaining the need for the applicant
8 to drive.

9 (c) Be signed and verified as provided in NRS 483.300.

10 (d) Contain such other information as may be required by the
11 department.

12 3. A restricted license issued pursuant to this section:

13 (a) Is effective for the period specified by the department;

14 (b) Authorizes the licensee to operate a motor vehicle on a street or
15 highway only under conditions specified by the department; and

16 (c) May contain other restrictions which the department deems
17 necessary.

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

21 **Sec. 10.** NRS 483.270 is hereby amended to read as follows:

22 483.270 1. The department may issue a restricted license to any pupil
23 ~~[between the ages of 14 and 18 years]~~ *who is 14 to 17 years of age,*
24 *inclusive, and* who is attending:

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

30 (b) A private school meeting the requirements for approval under NRS
31 392.070 when transportation to and from school is not provided by the
32 private school,
33 and it is impossible or impracticable to furnish such *a* pupil with private
34 transportation to and from school.

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

37 (a) Be made upon a form provided by the department.

38 (b) Be signed and verified as provided in NRS 483.300.

39 (c) Contain such other information as may be required by the
40 department.

41 3. Any restricted license issued pursuant to this section:

42 (a) Is effective only for the school year during which it is issued or for a
43 more restricted period.

44 (b) Authorizes the licensee to drive a motor vehicle on a street or
45 highway only while going *directly* to and from school ~~[H]~~ *or a school*
46 *activity*, and at a speed not in excess of the speed limit set by law for
47 school buses.

48 (c) May contain such other restrictions as the department may deem
49 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, 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. 11. 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 ~~18 months~~ *1 year* when accompanied by a licensed driver who is at least 21 years of age, who has had at least 1 year 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, 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. 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. 12. 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.

1 **Sec. 13.** NRS 389.090 is hereby amended to read as follows:

2 389.090 1. The state board shall adopt regulations governing the
3 establishment, conduct and scope of automobile driver education in the
4 public schools of this state.

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

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

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

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

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

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

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

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

31 (a) Motor vehicle insurance.

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

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

37 **Sec. 14.** 1. The provisions of section 4 of this act do not apply to
38 offenses that were committed before July 1, 2002.

39 2. The amendatory provisions of sections 2 to 5, inclusive, and 7 of
40 this act do not apply to a person who has been issued a driver's license
41 before July 1, 2002.

42 3. The amendatory provisions of section 11 of this act do not apply to
43 a person who has been issued an instruction permit before July 1, 2002.

44 **Sec. 15.** This act becomes effective on July 1, 2002.