

Senate Bill No. 481—Committee on Transportation

CHAPTER.....

AN ACT relating to state government; providing for the reorganization of the department of motor vehicles and public safety into the department of motor vehicles and the department of public safety; 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.** Title 43 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 38, inclusive, of this act.

**Sec. 2.** *As used in this chapter, unless the context otherwise requires:*

1. *“Department” means the department of public safety.*
2. *“Director” means the director of the department of public safety.*

**Sec. 3.** 1. *The department of public safety is hereby created.*

2. *The department is vested with the powers and authority provided in this chapter and shall carry out the purposes of this chapter.*

**Sec. 4.** *Except as otherwise provided therein, the department shall execute, administer and enforce, and perform the functions and duties provided in:*

1. *Chapters 176A and 213 of NRS relating to parole and probation;*
2. *Chapter 414 of NRS relating to emergency management;*
3. *Chapter 453 of NRS relating to controlled substances and chapter 454 of NRS relating to dangerous drugs;*
4. *Chapter 459 of NRS relating to the transportation of hazardous materials; and*
5. *Chapter 477 of NRS relating to the state fire marshal.*

**Sec. 5.** 1. *The office of director is hereby created within the department of public safety.*

2. *The director of the department:*
  - (a) *Is appointed by and serves at the pleasure of the governor;*
  - (b) *Must be appointed with special reference to his training, experience, capacity and interest in the field of administration or the administering of laws relating to public safety;*
  - (c) *Is in the unclassified service of the state; and*
  - (d) *Shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.*

3. *The director may, within the limits of legislative appropriations, employ such deputy directors as may be needed for the administration of the department. A deputy director:*

- (a) *Serves at the pleasure of the director;*
- (b) *Must be appointed with special reference to his training, experience, capacity and interest in the field of administration or the administering of laws relating to public safety;*
- (c) *Is in the unclassified service of the state; and*
- (d) *Except as otherwise provided in NRS 284.143, shall devote his entire time and attention to the business of his office and shall not*

*pursue any other business or occupation or hold any other office of profit.*

*4. The director shall appoint such technical, clerical and operational staff as the execution of his duties and the operation of the department may require.*

*Sec. 6. The department consists of:*

- 1. An administrative services division;*
- 2. An investigation division;*
- 3. A Nevada highway patrol division;*
- 4. A division of emergency management;*
- 5. A state fire marshal division;*
- 6. A division of parole and probation;*
- 7. A capitol police division; and*
- 8. A training division.*

*Sec. 7. The primary functions and responsibilities of the divisions of the department are as follows:*

*1. The administrative services division shall furnish fiscal, accounting and other administrative services to the director and the various divisions, and advise and assist the director and the various divisions in carrying out their functions and responsibilities.*

*2. The investigation division shall:*

*(a) Execute, administer and enforce the provisions of chapter 453 of NRS relating to controlled substances and chapter 454 of NRS relating to dangerous drugs;*

*(b) Assist the secretary of state in carrying out an investigation pursuant to NRS 293.124; and*

*(c) Perform such duties and exercise such powers as may be conferred upon it pursuant to this chapter and any other specific statute.*

*3. The Nevada highway patrol division shall, in conjunction with the department of motor vehicles, execute, administer and enforce the provisions of chapter 484 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to section 20 of this act and any other specific statute.*

*4. The division of emergency management shall execute, administer and enforce the provisions of chapter 414 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 414 of NRS and any other specific statute.*

*5. The state fire marshal division shall execute, administer and enforce the provisions of chapter 477 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 477 of NRS and any other specific statute.*

*6. The division of parole and probation shall execute, administer and enforce the provisions of chapters 176A and 213 of NRS relating to parole and probation and perform such duties and exercise such powers as may be conferred upon it pursuant to those chapters and any other specific statute.*

*7. The capitol police division shall assist the chief of the buildings and grounds division of the department of administration in the enforcement of subsection 1 of NRS 331.140.*

*8. The training division shall provide training to the employees of the department.*

**Sec. 8. 1. The director shall:**

*(a) Direct and supervise all administrative and technical activities of the department.*

*(b) Formulate the policies of the department and the various divisions thereof.*

*(c) Coordinate the activities of the various divisions of the department.*

*(d) Adopt such regulations as he deems necessary for the operation of the department and the enforcement of all laws administered by the department.*

*2. The director may delegate to the officers and employees of the department such authorities and responsibilities not otherwise delegated by a specific statute as he deems necessary for the efficient conduct of the business of the department.*

**Sec. 9. 1. The department shall keep its main office at Carson City, Nevada, in rooms provided by the buildings and grounds division of the department of administration.**

*2. The department may maintain such branch offices throughout the state as the director deems necessary for the efficient operation of the department and the various divisions thereof. The director may enter into such leases or other agreements as may be necessary to establish such branch offices.*

**Sec. 10. Money collected or received by:**

*1. The division of emergency management pursuant to chapter 414 of NRS; or*

*2. The state fire marshal division pursuant to chapter 477 of NRS, must be deposited with the state treasurer for credit to the appropriate accounts of the respective divisions.*

**Sec. 11. As used in this section and sections 12 and 13 of this act, "public safety telecommunications operator" means a person who operates a telecommunications system for emergencies and public safety.**

**Sec. 12. 1. The committee for public safety telecommunications operators is hereby created in the department.**

*2. The governor shall appoint to the committee nine members who possess knowledge, skill and experience in the fields of law enforcement, fire service, public safety telecommunications or highway safety as follows:*

*(a) Two members from the field of law enforcement;*

*(b) Two members from the field of fire service;*

*(c) Two members from the field of public safety telecommunications;*

*(d) One member who is a dispatcher in the field of highway safety;*

*(e) One member who represents a community college; and*

*(f) One member from any field set forth in paragraph (a), (b), (c) or (d).*

*3. Members serve terms of 2 years after the date of appointment.*

*4. Members serve without compensation but are entitled to the per diem allowance and travel expenses provided for state officers and employees generally.*

**Sec. 13. 1. The committee for public safety telecommunications operators shall:**

*(a) Elect a chairman from its members;*

- (b) Meet at the call of the chairman;*
- (c) Provide for and encourage the training and education of public safety telecommunications operators; and*
- (d) Adopt minimum standards for the certification and training of public safety telecommunications operators.*

*2. The director may adopt regulations necessary for the operation of the committee.*

*Sec. 14. There is hereby created within the department a division to be known as the Nevada highway patrol.*

*Sec. 15. The Nevada highway patrol is composed of the following personnel appointed by the director:*

- 1. One chief; and*
- 2. Such number of inspectors, supervisors, troopers and commercial officers as the director determines necessary to perform the duties set forth in section 20 of this act, within the limits of legislative appropriations therefor.*

*Sec. 16. The Nevada highway patrol shall not authorize any payment to a cadet for holding himself ready for duty if the cadet is attending an authorized training academy for which room and board is provided at no cost to the cadet.*

*Sec. 17. 1. The chief of the Nevada highway patrol is the chief officer of the Nevada highway patrol and has the powers and duties provided in section 20 of this act, which must be performed under the direction and supervision of the director.*

*2. When requested by the governor to preserve order, protect life or property and enforce the laws of this state, the chief may appoint such personnel of the Nevada highway patrol as may be necessary for that purpose. The salaries and expenses of the personnel incidental to those operations must be paid out of appropriations for the department from the state general fund.*

*Sec. 18. 1. Except as otherwise provided in this section, the chief of the Nevada highway patrol may enter into a contract with any person or governmental agency to provide services for the control of vehicular traffic related to or affected by any special event sponsored by the person or agency.*

*2. Any such contract:*

*(a) Must require the sponsor of the special event to reimburse the Nevada highway patrol for the cost of the services provided.*

*(b) May require the sponsor to furnish a bond to ensure that reimbursement is made.*

*(c) Is subject to the following limitations:*

*(1) The services provided pursuant to the contract must be provided by personnel of the Nevada highway patrol.*

*(2) The services required must not impair the ability of the Nevada highway patrol to perform its customary duties.*

*3. Any money received by the Nevada highway patrol pursuant to such a contract must be deposited with the state treasurer for credit to the motor vehicle fund.*

*4. As used in this section, "special event" has the meaning ascribed to it in NRS 484.900.*

**Sec. 19.** *Personnel appointed for duty in the Nevada highway patrol must:*

1. *Be persons qualified at the time of their appointment with the knowledge of all traffic laws of this state and the provisions of chapters 482, 483 and 706 of NRS.*

2. *Be versed in all laws relating to the powers of police officers as to traffic law violations and other offenses committed over and along the highways of this state.*

**Sec. 20.** *The duties of the personnel of the Nevada highway patrol are:*

1. *To police the public highways of this state, to enforce and to aid in enforcing thereon all the traffic laws of the State of Nevada and to enforce all other laws of this state when:*

(a) *In the apprehension or pursuit of an offender or suspected offender;*

(b) *Making arrests for crimes committed in their presence or upon or adjacent to the highways of this state; or*

(c) *Making arrests pursuant to a warrant in the officer's possession or communicated to him.*

2. *To investigate accidents on all primary and secondary highways within the State of Nevada resulting in personal injury, property damage or death, and to gather evidence to prosecute any person guilty of any violation of the law contributing to the happening of such an accident.*

3. *In conjunction with the department of motor vehicles, to enforce the provisions of chapters 366, 408, 482 to 486, inclusive, 487 and 706 of NRS.*

4. *To maintain the central repository for Nevada records of criminal history and to carry out the provisions of chapter 179A of NRS.*

5. *To enforce the provisions of laws and regulations relating to motor carriers, the safety of their vehicles and equipment, and their transportation of hazardous materials and other cargo.*

6. *To maintain the repository for information concerning hazardous materials in Nevada and to carry out its duties pursuant to chapter 459 of NRS concerning the transportation of hazardous materials.*

7. *To perform such other duties in connection with those specified in this section as may be imposed by the director.*

**Sec. 21.** *As used in sections 21 to 33, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 22 to 25, inclusive, of this act, have the meanings ascribed to them in those sections.*

**Sec. 22.** *"Investigation division" means the investigation division of the department.*

**Sec. 23.** *"Off-road vehicle" means a vehicle which is intended for recreational or industrial use and which is not intended or designed for use on a public highway.*

**Sec. 24.** *"Special mobile equipment" has the meaning ascribed to it in NRS 482.123.*

**Sec. 25.** *"Vehicle" has the meaning ascribed to it in NRS 482.135.*

**Sec. 26.** *The investigation division is composed of:*

1. *A chief appointed by the director; and*

2. Within the limits of legislative appropriations, a number of investigators and agents which the director determines to be sufficient to carry out the duties of the division, who are employed in the classified service of the state.

**Sec. 27.** The chief of the investigation division shall:

1. Furnish services relating to the investigation of crimes, including interrogation with the use of polygraph instruments, upon the request of the attorney general or any sheriff, chief of police or district attorney.

2. Disseminate information relating to the dangers of the use of controlled substances and dangerous drugs.

3. Provide and operate a system of recording all information received by the division relating to persons who have alleged connections with organized crime or have some connection with violations of laws regulating controlled substances or dangerous drugs.

4. Arrange for the purchase of controlled substances and dangerous drugs when such a purchase is necessary in an investigation of offenses relating to controlled substances and dangerous drugs.

5. Procure from law enforcement agencies and other reliable sources information relating to violators of laws which govern controlled substances and dangerous drugs, including information about their character, probable motives, circumstances of arrest, methods of operation and other pertinent information.

6. Enforce the provisions of chapter 453 of NRS.

7. Maintain the records and other information forwarded to the division to assist in locating missing persons or identifying dead bodies.

8. Furnish information relating to any person of whom he maintains a record to any law enforcement agency.

9. Assist the secretary of state in carrying out an investigation pursuant to NRS 293.124.

**Sec. 28.** 1. The chief of the investigation division shall:

(a) Investigate and enforce the provisions of law relating to theft and fraud in matters concerning vehicles, including special mobile equipment and off-road vehicles.

(b) Procure from law enforcement agencies and other reliable sources information relating to violators of laws that govern theft and fraud relating to vehicles, including special mobile equipment and off-road vehicles. The information may concern the character of the violators, their probable motives, the circumstances of their arrests and their methods of operation, and may include any other pertinent information.

(c) Establish and conduct proactive law enforcement programs intended to reduce the incidence of commercial theft and fraud related to vehicles.

2. To carry out the provisions of this section, the chief of the investigation division may:

(a) Accept gifts and grants of money from any person or governmental agency; and

(b) Employ or contract with persons to provide professional or technical assistance to the division, payable from the money accepted pursuant to this section.

3. Money accepted by the chief pursuant to this section must be accounted for separately in the state general fund and is hereby authorized for expenditure to:

(a) Pay the cost of carrying out the duties of the chief set forth in this section.

(b) Conduct educational programs to provide information to owners of vehicles, including special mobile equipment and off-road vehicles, concerning the prevention and reduction of commercial theft and fraud related to vehicles.

(c) Provide such equipment as the chief determines is necessary to test methods of preventing or reducing commercial theft and fraud related to vehicles.

4. As used in this section, "commercial theft" means the theft of vehicles, including special mobile equipment and off-road vehicles, for financial gain.

**Sec. 29.** The chief of the investigation division may enter into agreements with any state or local law enforcement agency in this state or in any other state to carry out the duties of the division. A peace officer, while carrying out the duties of the investigation division pursuant to such an agreement, has the same powers and responsibilities as an investigator of the investigation division.

**Sec. 30.** 1. If circumstances require the appointment of persons with special skills or training, the chief of the investigation division may appoint persons as investigators who have those special skills or training and have completed the requirements for the training of a category I peace officer. A person appointed as an investigator has the powers of a peace officer while carrying out the duties assigned to him by the chief or a person designated by the chief.

2. As used in this section, "category I peace officer" has the meaning ascribed to it in NRS 432B.610.

**Sec. 31.** 1. When a coroner is unable to establish the identity of a dead body by means other than by dental records, he shall have a dental examination of the body made by a dentist. The dentist shall prepare a record of his findings and forward it to the investigation division and to the central repository for Nevada records of criminal history.

2. Each sheriff, chief of police or other law enforcement agency which receives a report of a person missing under suspicious circumstances who is 18 years or older shall:

(a) Transmit to the investigation division and to the central repository for Nevada records of criminal history:

(1) The initial report that contains identifying information concerning the missing person within 72 hours after the receipt of that report; and

(2) Any subsequent report concerning the missing person within 5 working days after the receipt of that report if the report contains additional identifying information concerning the missing person;

(b) Notify immediately such persons and make inquiries concerning the missing person as the agency deems necessary; and

(c) Enter the information concerning the missing person into the computer for the National Crime Information Center and the central repository for Nevada records of criminal history, if appropriate.

3. The sheriff, chief of police or other law enforcement agency shall request the written consent of the next of kin or guardian of a person who has been reported to him as missing for 30 days or more to obtain certain identifying information about the missing person that the National Crime Information Center recommends be provided from the appropriate providers of medical care. After receiving the written consent, the sheriff, chief of police or other law enforcement agency shall obtain the identifying information from the providers of medical care and forward that information and any other relevant information to the investigation division and to the central repository for Nevada records of criminal history for comparison with the identifying information that is on file concerning unidentified deceased persons. This subsection does not prevent the voluntary release of identifying information about the missing person by the next of kin or guardian of the missing person at any time.

4. The next of kin or guardian of the person reported as missing shall promptly notify the appropriate law enforcement agency when the missing person is found.

5. The sheriff, chief of police or other law enforcement agency shall inform the investigation division, the central repository for Nevada records of criminal history and the National Crime Information Center when a missing person has been found.

6. The investigation division and the central repository for Nevada records of criminal history shall:

(a) Maintain the records and other information forwarded to them pursuant to subsections 1, 2 and 3 for the purpose of comparing the records and otherwise assisting in the identification of dead bodies; and

(b) Upon request, provide the records and other information that are maintained pursuant to this subsection to the state disaster identification team of the division of emergency management of the department.

**Sec. 32.** Each sheriff and chief of police shall furnish to the investigation division, on forms approved by the division, all information obtained in an investigation or a prosecution of any person who has been alleged to have violated any criminal law of this state if in the investigation of the violation it appears that there is some connection with:

1. Controlled substances or dangerous drugs; or

2. The theft of vehicles, including special mobile equipment or off-road vehicles.

**Sec. 33.** 1. The director may, as he determines necessary, to assist local law enforcement agencies or the investigation division in the purchase of evidence and in employing persons other than peace officers to obtain evidence, expend money appropriated for such a purpose.

2. Upon receiving a written request from the director for money appropriated pursuant to this section, the state controller shall draw his warrant, payable to the director, in an amount which does not exceed any limit set by the legislature in the appropriation.

3. The director may keep money which he has drawn pursuant to this section in accounts in one or more banks or credit unions or in cash.

**Sec. 34.** The Nevada highway patrol and the investigation division shall, at the request of a person who claims to have sustained damages as

*a result of an accident, and upon receipt of a reasonable fee to cover the cost of reproduction, provide the person or his legal representative with a copy of the accident report and all statements by witnesses and photographs in the possession or under the control of the highway patrol or investigation division that concern the accident, unless the materials are privileged or confidential pursuant to a specific statute.*

**Sec. 35.** *1. For the purpose of locating stolen vehicles, except as otherwise provided in subsection 3, an employee of the department or a local law enforcement agency whose primary responsibility is to conduct investigations involving the theft of motor vehicles, may inspect:*

*(a) The identification numbers of a vehicle that is on the highway or in any garage, repair shop, terminal, parking facility, establishment where new or used vehicles or equipment for vehicles are sold, leased or rented, vehicle salvage pool or any other similar establishment, or any commercial location where agricultural or construction work is being actively performed; and*

*(b) The title or registration of a vehicle described in paragraph (a) to determine the rightful ownership or possession of the vehicle or an identifiable component part.*

*2. Whenever possible, a person who conducts an inspection pursuant to this section shall conduct the inspection during normal business hours and in such a manner as to minimize any interference with or delay of the business operations of the establishment where the inspection takes place.*

*3. A person may not conduct an inspection pursuant to this section of a terminal that is privately owned or a parking facility that is privately owned unless, before conducting the inspection, the person obtains permission to conduct the inspection from:*

*(a) The owner of the terminal or parking facility; or*

*(b) An agent or representative of the owner who has been authorized by the owner to grant permission to a person seeking to conduct an inspection pursuant to this section.*

*4. As used in this section:*

*(a) "Garage" has the meaning ascribed to it in NRS 487.540.*

*(b) "Identifiable component part" means a component of a motor vehicle that may be distinguished from other similar components by a serial number or other distinguishing number, sign or mark.*

*(c) "Local law enforcement agency" means:*

*(1) The sheriff's office of a county;*

*(2) A metropolitan police department; or*

*(3) A police department of an incorporated city.*

*(d) "Parking facility" means a parking deck, parking garage, parking structure or paved or unpaved parking lot that members of the public regularly enter, are reasonably likely to enter, or are invited or permitted to enter as invitees or licensees.*

*(e) "Terminal" means a terminal that members of the public regularly enter, are reasonably likely to enter, or are invited or permitted to enter as invitees or licensees.*

*(f) "Vehicle" has the meaning ascribed to it in NRS 482.135.*

*Sec. 36. 1. The department shall develop an educational program concerning bicycle safety which must be:*

*(a) Suitable for children and adults; and*  
*(b) Developed by a person who is trained in the techniques of bicycle safety.*

*2. The program must be designed to:*

*(a) Aid bicyclists in improving their riding skills;*  
*(b) Inform bicyclists of applicable traffic laws and encourage observance of those laws; and*  
*(c) Promote bicycle safety.*

*Sec. 37. 1. The Nevada bicycle advisory board, consisting of 14 members appointed by the governor, is hereby created.*

*2. The governor shall appoint to the board:*

*(a) Seven members who reside in various geographical areas of this state, of which:*

*(1) One member must be less than 21 years of age at the time of his appointment.*

*(2) One member must be representative of an organization in this state interested in environmental issues.*

*(3) One member must be representative of an organization in this state interested in the promotion of bicycling.*

*(4) One member must be representative of an organization in this state involved in training persons in the safe use of bicycles.*

*(5) One member must own or manage a business for the sale or repair of bicycles.*

*(6) Two members must be representative of the public at large.*

*(b) One member who is a representative of the department of education.*

*(c) One member who is a representative of the division of environmental protection of the state department of conservation and natural resources.*

*(d) One member who is a representative of the division of state parks of the state department of conservation and natural resources.*

*(e) One member who is a representative of the health division of the department of human resources.*

*(f) One member who is a representative of the planning division of the department of transportation.*

*(g) One member who is a representative of the department of public safety.*

*(h) One member who is a representative of the commission on tourism.*

*3. After the initial terms, the term of each member of the board appointed pursuant to paragraph (a) of subsection 2 is 2 years. The remaining members serve at the pleasure of the governor.*

*4. Members of the board must serve in that capacity without compensation, except that necessary travel and per diem expenses may be reimbursed, not to exceed the amounts provided for state officers and employees generally, to the extent that money is made available for that purpose.*

**Sec. 38. 1. The Nevada bicycle advisory board shall:**

*(a) At its first meeting and annually thereafter elect a chairman from among its members.*

*(b) Meet regularly at least once each calendar quarter and may meet at other times upon the call of the chairman.*

*(c) Promote programs and facilities for the safe use of bicycles in this state.*

*(d) Advise appropriate agencies of the state on policies, programs and facilities for the safe use of bicycles.*

*2. The board may apply for any available grants and accept and use any gifts, grants or donations to aid the board in carrying out its duties.*

*3. The department of transportation shall provide secretarial services to the board.*

**Sec. 39.** NRS 481.015 is hereby amended to read as follows:

481.015 ~~{As}~~ *Except as otherwise provided in sections 2 to 38, inclusive, of this act and chapter 486A of NRS, as* used in this Title, unless the context otherwise requires:

1. "Department" means the department of motor vehicles . ~~{and public safety.}~~

2. "Director" means the director of the department of motor vehicles . ~~{and public safety.}~~

**Sec. 40.** NRS 481.019 is hereby amended to read as follows:

481.019 1. The department of motor vehicles ~~{and public safety}~~ is hereby created.

2. The department is vested with the powers and authority provided in this chapter and shall carry out the purposes of this chapter.

**Sec. 41.** NRS 481.023 is hereby amended to read as follows:

481.023 *1.* Except as otherwise provided therein, the department shall execute, administer and enforce, and perform the functions and duties provided in:

~~{1. Title 43 of NRS relating to vehicles.~~

~~—2. (a) Chapter 108 of NRS, and perform such duties and exercise such powers relating to liens on vehicles as may be conferred upon it pursuant to chapter 108 of NRS or the provisions of any other law.~~

~~(b) Chapters 366 and 371 of NRS, relating to the imposition and collection of taxes on motor fuels.~~

~~(c) Chapters 481, 482 to 486, inclusive, and 487 of NRS, relating to motor vehicles.~~

~~(d) Chapter 706 of NRS relating to licensing of motor vehicle carriers and the use of public highways by those carriers.~~

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

~~—4. Chapter 453 of NRS relating to controlled substances and chapter 454 of NRS relating to dangerous drugs.~~

~~—5. Chapter 459 of NRS relating to the transportation of hazardous materials.~~

~~—6. Chapter 414 of NRS relating to emergency management.~~

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

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

~~—9. (e) The provisions of NRS 426.401 to 426.461, inclusive.~~

***2. The department shall perform such other duties and exercise such other powers as may be conferred upon the department.***

**Sec. 42.** NRS 481.023 is hereby amended to read as follows:

481.023 1. Except as otherwise provided therein, the department shall execute, administer and enforce, and perform the functions and duties provided in:

(a) Chapter 108 of NRS, and perform such duties and exercise such powers relating to liens on vehicles as may be conferred upon it pursuant to chapter 108 of NRS or the provisions of any other law.

(b) Chapters ***360A, 365, 366, and 371*** of NRS, relating to the imposition and collection of taxes on motor fuels.

(c) Chapters 481, 482 to 486, inclusive, and 487 of NRS, relating to motor vehicles.

(d) Chapter 706 of NRS relating to licensing of motor vehicle carriers and the use of public highways by those carriers.

(e) The provisions of NRS 426.401 to 426.461, inclusive.

2. The department shall perform such other duties and exercise such other powers as may be conferred upon the department.

**Sec. 43.** NRS 481.027 is hereby amended to read as follows:

481.027 ~~1. The department of motor vehicles and public safety shall control the manner and type of use of the state highways by the public, and the department of transportation shall control the physical aspects of the state highways.~~

~~2. The functions of the department of motor vehicles and public safety concerning highway safety must not be duplicated by any other agency, department, commission or officer of the State of Nevada.~~

**Sec. 44.** NRS 481.031 is hereby amended to read as follows:

481.031 The office of director of the department of motor vehicles ~~and public safety~~ is hereby created.

**Sec. 45.** NRS 481.035 is hereby amended to read as follows:

481.035 1. The director:

(a) Is appointed by ***and serves at the pleasure of*** the governor ~~He must be selected~~ ;

(b) ***Must be appointed*** with special reference to his training, experience, capacity and interest in the field of ***administration or the*** administering of laws relating to motor vehicles ; ~~and public safety.~~

~~(b) Is entitled to hold office for a term of 4 years from and after his appointment or until his successor is appointed.~~

(c) Is in the unclassified service of the state ~~He~~ ; ***and***

(d) Shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

2. The director may ***, within the limits of legislative appropriations,*** employ ~~two deputy directors, one responsible for the administration of the laws relating to motor vehicles and one responsible for the administration of the laws relating to public safety. Each deputy:~~ ***such deputy directors as may be needed for the administration of the department. A deputy director:***

(a) Must be ~~selected~~ ***appointed*** with special reference to his training, experience, capacity and interest in the field of ~~this responsibility:~~ ***administration or the administering of laws relating to motor vehicles;***

(b) Is in the unclassified service of the state ; ~~†~~

(c) Except as otherwise provided in NRS 284.143, shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit ~~†~~ ;

*(d) Shall administer the laws relating to motor vehicles and the licensing of drivers, as provided in NRS 481.0475, 481.048 and 481.0481; and*

*(e) Shall maintain records and other information relating to motor vehicles and the licensing of drivers, as provided in NRS 481.0475, 481.048 and 481.0481.*

*3. The director may employ, within the limits of legislative appropriations, such administrators, managers, specialists, investigators and staff, who are employed in the classified service of the state, as the director determines to be necessary to carry out the duties of the department.*

**Sec. 46.** NRS 481.0473 is hereby amended to read as follows:

481.0473 ~~††~~ The department consists of:

~~†(a) A motor vehicles branch that includes:~~

~~—(1)† 1. A division of the office of the director;~~

~~2. A division of compliance enforcement †~~

~~—(2)† ;~~

~~3. A division of field services †~~

~~—(3)† ;~~

~~4. A division of central services and records †~~

~~—(4)† ;~~

~~5. A division of management services and programs †~~

~~†(b) A public safety branch that includes:~~

~~—(1) A Nevada highway patrol division.~~

~~—(2) An administrative services division.~~

~~—(3) An investigation division.~~

~~—(4) A division of emergency management.~~

~~—(5) A state fire marshal division.~~

~~—(6) A division of parole and probation.~~

~~—(7) A capitol police division.~~

~~—(8) A training division.~~

~~—(c) Such other branches or divisions as the director may from time to time establish.~~

~~—2. Before he reorganizes the department, the director shall obtain the approval of:~~

~~—(a) The legislature, if it is in regular session; or~~

~~—(b) The interim finance committee, if the legislature is not in regular session.† ;~~

*6. A division of information technology; and*

*7. An administrative services division.*

**Sec. 47.** NRS 481.0475 is hereby amended to read as follows:

481.0475 ~~†1. Any change in the organization of the department may include the branches, divisions, functions and responsibilities described in subsection 2 but must not include those described in paragraphs (d), (g) and (h) of that subsection.~~

~~— 2. Unless the organization of the department is changed by the director, the primary functions and responsibilities of the specified branches and divisions of the department are as follows:~~

~~— (a) The motor vehicles branch shall:~~

~~— (1) Execute, administer and enforce the provisions of chapter 482 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 482 of NRS and the provisions of any other laws;~~

~~— (2) Execute and administer the laws relative to the licensing of motor vehicle carriers and the use of public highways by those carriers as contained in chapter 706 of NRS;~~

~~— (3) Perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 706 of NRS;~~

~~— (4) Execute and administer the provisions of chapter 366 of NRS, relating to the imposition and collection of taxes on special fuels used for motor vehicles;~~

~~— (5) Perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 366 of NRS;~~

~~— (6) Execute, administer and enforce the provisions of chapter 483 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 483 of NRS;~~

~~— (7) Execute, administer and enforce the provisions of chapter 485 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 485 of NRS;~~

~~— (8) Execute, administer and enforce the laws relating to the licensing of drivers of motorcycles and similar vehicles in accordance with the provisions of chapter 486 of NRS;~~

~~— (9) Execute, administer and enforce the provisions of chapter 487 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 487 of NRS; and~~

~~— (10) Execute, administer and enforce the provisions of chapter 108 of NRS and perform such duties and exercise such powers relating to liens on vehicles as may be conferred upon it pursuant to chapter 108 of NRS or the provisions of any other laws.~~

~~— (b) The administrative services division shall furnish fiscal, accounting and other administrative services to the director and the various {branches and} divisions, and advise and assist the director and the various {branches and} divisions in carrying out their functions and responsibilities.~~

~~{(c) The investigation division shall:~~

~~— (1) Execute, administer and enforce the provisions of chapter 453 of NRS relating to controlled substances and chapter 454 of NRS relating to dangerous drugs;~~

~~— (2) Assist the secretary of state in carrying out an investigation pursuant to NRS 293.124; and~~

~~— (3) Perform such duties and exercise such powers as may be conferred upon it pursuant to this chapter and any other laws.~~

~~— (d) The Nevada highway patrol division shall execute, administer and enforce the provisions of chapter 484 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to NRS 481.180 and the provisions of any other laws.~~

~~—(e) The division of emergency management shall execute, administer and enforce the provisions of chapter 414 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 414 of NRS and the provisions of any other laws.~~

~~—(f) The state fire marshal division shall execute, administer and enforce the provisions of chapter 477 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 477 of NRS and the provisions of any other laws.~~

~~—(g) The division of parole and probation shall execute, administer and enforce the provisions of chapters 176A and 213 of NRS relating to parole and probation and perform such duties and exercise such powers as may be conferred upon it pursuant to those chapters and the provisions of any other laws.~~

~~—(h) The capitol police division shall assist the chief of the buildings and grounds division of the department of administration in the enforcement of subsection 1 of NRS 331.140.~~

~~—(i) The training division shall provide training to the employees of the department.~~

**Sec. 48.** NRS 481.048 is hereby amended to read as follows:

481.048 1. ~~There is hereby created, within the motor vehicles branch of the department, a division of compliance enforcement.~~

~~2.~~ The director shall appoint, within the limits of legislative appropriations, investigators for the division ~~+~~

~~3.~~ *of compliance enforcement.*

2. The duties of the investigators are to travel the state and:

(a) Act as investigators in the enforcement of the provisions of chapters 482 and 487 of NRS, NRS 108.265 to 108.360, inclusive, and 108.440 to 108.500, inclusive, as those sections pertain to motor vehicles, trailers, motorcycles, recreational vehicles and semitrailers, as defined in chapter 482 of NRS.

(b) Act as ~~adviser~~ *advisers* to dealers in connection with any problems arising under the provisions of ~~that chapter.~~ *chapter 482 of NRS.*

(c) Cooperate with personnel of the Nevada highway patrol in the enforcement of the motor vehicle laws as they pertain to dealers.

(d) Act as investigators in the enforcement of the provisions of NRS 483.700 to 483.780, inclusive, relating to the licensing of schools and instructors for training drivers.

(e) Perform such other duties as may be imposed by the director.

**Sec. 49.** NRS 481.0481 is hereby amended to read as follows:

481.0481 1. There is hereby created ~~+, within the motor vehicles branch of,~~ *within* the department ~~+~~ a section for the control of emissions from vehicles.

2. The director shall appoint, within the limits of legislative appropriations, investigators, officers and technicians for the control of emissions from vehicles.

3. The duties of the investigators, officers and technicians are to travel the state and:

(a) Act as agents and inspectors in the enforcement of the provisions of NRS 445B.700 to 445B.845, inclusive, chapter 482 of NRS, and NRS 484.644 and 484.6441.

(b) Cooperate with the division of environmental protection of the state department of conservation and natural resources in all matters pertaining to the control of emissions from vehicles.

(c) Perform such other duties as may be imposed by the director.

**Sec. 50.** NRS 481.051 is hereby amended to read as follows:

481.051 1. The director shall direct and supervise all administrative and technical activities of the department. ~~{He shall devote his entire time to the duties of his office, and shall not follow other gainful employment or occupation.}~~

2. The director may organize the department into various divisions, alter the organization and reassign responsibilities and duties as he deems appropriate.

3. The director shall:

(a) Formulate the policy of the department and the various divisions thereof.

(b) Coordinate the activities of the various divisions of the department.

(c) Adopt such regulations consistent with law as he deems necessary for the operation of the department and the enforcement of all laws administered by the department.

4. The director may appoint vendors to serve as agents of the department to sell temporary permits. The vendor shall collect the fees for the permits issued pursuant to chapter 706 of NRS ~~{}~~ and pay them to the department. The vendor shall guarantee payment by giving a bond in an amount not less than \$25,000, executed by the vendor as principal, and by a corporation qualified pursuant to the laws of this state as surety, payable to the State of Nevada. In lieu of a bond, the vendor may deposit with the state treasurer a like amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is not available for withdrawal except upon ~~{order}~~ *approval* of the director. ~~{The}~~ *Upon approval of the governor, the* director may appoint inspectors of the transportation services authority and personnel of the Nevada highway patrol *division of the department of public safety* to serve without remuneration as vendors for the purposes of this subsection.

5. The director may delegate to the officers and employees of the department such authorities and responsibilities not otherwise delegated by law as he deems necessary for the efficient conduct of the business of the department.

**Sec. 51.** NRS 481.057 is hereby amended to read as follows:

481.057 In ~~{counties with a population in excess of 100,000.}~~ *a county whose population is 100,000 or more*, the director may arrange for the office of the ~~{motor vehicles branch of the}~~ department to remain open on Saturdays and Sundays and at hours other than 8 a.m. to 5 p.m.

**Sec. 52.** NRS 481.083 is hereby amended to read as follows:

481.083 1. ~~{Except for the operation of the investigation division, the division of emergency management, the state fire marshal division, the division of parole and probation, and the capitol police division of the department, money}~~ *Money* for the administration of the provisions of this chapter must be provided by direct legislative appropriation from the state

highway fund upon the presentation of budgets in the manner required by law.

2. All money provided for the support of the department and its various divisions must be paid out on claims approved by the director in the same manner as other claims against the state are paid.

**Sec. 53.** NRS 481.087 is hereby amended to read as follows:

481.087 ~~{1. Except as otherwise provided in subsection 2, the}~~ **The** expenses incurred in the administration of this chapter and in the administration of the powers and duties provided in this chapter shall be deemed to be a cost of administration with respect to the operation of motor vehicles upon the public highways of this state.

~~{2. The provisions of subsection 1 do not apply to the expenses incurred in the administration of:~~

- ~~— (a) The investigation division;~~
  - ~~— (b) The division of emergency management;~~
  - ~~— (c) The state fire marshal division;~~
  - ~~— (d) The division of parole and probation; and~~
  - ~~— (e) The capitol police division;~~
- ~~of the department.]~~

**Sec. 54.** NRS 482.267 is hereby amended to read as follows:

482.267 The director shall utilize the facility for the production of license plates which is located at the department of prisons to produce all license plates required by the department of motor vehicles . ~~{and public safety.}~~

**Sec. 55.** 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 shall charge and collect from the short-term lessee a 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 amount of the fee must be indicated in the lease agreement.

2. On or before January 31 of each year, the short-term lessor shall:

(a) File with the department of taxation and the department of motor vehicles , ~~{and public safety,}~~ on a form prescribed by the department of taxation, a report indicating the total amount of:

(1) Fees collected by the short-term lessor during the immediately preceding year pursuant to this section; and

(2) Vehicle licensing fees and taxes paid by the short-term lessor during the immediately preceding year pursuant to this chapter.

(b) Remit to the department of taxation:

(1) One-third of the fees collected by the short-term lessor during the immediately preceding year pursuant to this section; and

(2) Of the remainder of those fees, any amount in excess of the total amount of vehicle licensing fees and taxes paid by the short-term lessor during the immediately preceding year pursuant to this chapter.

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 ~~and public safety~~ 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. 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. 56.** NRS 482.334 is hereby amended to read as follows:

482.334 1. Before commencing the provision of services to a prospective buyer, a broker shall execute a written brokerage agreement with the prospective buyer.

2. A brokerage agreement executed pursuant to subsection 1 must be in at least 10-point type and must include:

(a) The name, address, license number and telephone number of the broker.

(b) A complete description of the vehicle, including, but not limited to, the make, model, year and color of the vehicle.

(c) A specific statement of:

(1) The amount of the purchase price of the vehicle; and

(2) The date on which the brokerage agreement expires, if an agreement with a vehicle dealer to purchase a vehicle has not been signed.

(d) One of the following statements, as applicable for the particular transaction, printed in at least 10-point bold type and placed immediately below the statement required by paragraph (c):

(1) The broker does not receive a fee from the dealer which is selling this vehicle.

(2) The broker does receive a fee from the dealer which is selling this vehicle.

(e) A notice on the face of the brokerage agreement with a title in at least 14-point bold type and the text in at least 10-point bold type in substantially the following form:

#### NOTICE

This is an agreement to provide services; it is not an agreement for the purchase of a vehicle. The laws of the State of Nevada provide you with the following rights and protection:

1. Once you have signed this agreement, you have the right to cancel it and receive a full refund of any money that you paid under any of the following circumstances:

(a) The final price of the vehicle exceeds the purchase price stated in this agreement.

(b) The vehicle, upon delivery, does not match the description provided in this agreement.

(c) This agreement expired before you were presented with an agreement to purchase the vehicle from a dealer.

2. If you have paid a deposit to purchase the vehicle, you have the right to receive a full refund of that deposit at any time before you sign an agreement to purchase the vehicle with a dealer. The amount of any deposit to purchase a vehicle must not exceed 10 percent of the purchase price of the vehicle and must be deposited by the broker in a federally insured trust account.

3. If you are unable to resolve a dispute with your broker, please contact your local office of the department of motor vehicles . ~~and public safety.~~

(f) The date of execution of the brokerage agreement.

(g) The signatures of the broker and the prospective buyer.

3. A broker shall retain copies of any brokerage agreement executed pursuant to this section for 3 years.

**Sec. 57.** NRS 482.36662 is hereby amended to read as follows:

482.36662 1. A used vehicle dealer who sells to a retail customer a used vehicle the odometer of which registers 75,000 miles or more shall provide to that retail customer an express written warranty which complies with the requirements set forth in subsection 2 and is valid for the period set forth in the schedule of warranties created pursuant to NRS 482.36663, if the used vehicle dealer is the subject of more than three substantiated complaints filed against him with the department of motor vehicles ~~and public safety~~ during a 12-month period.

2. An express written warranty required pursuant to subsection 1 must contain a statement that, in the event the operation of the used vehicle becomes impaired as a result of a defect in a component or system of the vehicle's engine or drivetrain, the used vehicle dealer shall, with reasonable promptness, correct the defect or cause the defect to be corrected.

**Sec. 58.** NRS 482.368 is hereby amended to read as follows:

482.368 1. Except as otherwise provided in subsection 2, the department shall provide suitable distinguishing license plates for exempt vehicles. These plates must be displayed on the vehicles in the same manner as provided for privately owned vehicles. The fee for the issuance of the plates is \$5. Any license plates authorized by this section must be immediately returned to the department when the vehicle for which they were issued ceases to be used exclusively for the purpose for which it was exempted from the governmental services tax.

2. License plates furnished for:

(a) Those vehicles which are maintained for and used by the governor or under the authority and direction of the chief parole and probation officer, the state contractors' board and auditors, the state fire marshal, the investigation division of the department *of public safety* and any authorized federal law enforcement agency or law enforcement agency from another state;

(b) One vehicle used by the department of prisons, three vehicles used by the division of wildlife of the state department of conservation and natural resources, two vehicles used by the Caliente youth center and four vehicles used by the Nevada youth training center;

(c) Vehicles of a city, county or the state, if authorized by the department for the purposes of law enforcement or work related thereto or

such other purposes as are approved upon proper application and justification; and

- (d) Vehicles maintained for and used by investigators of the following:
  - (1) The state gaming control board;
  - (2) The state department of agriculture;
  - (3) The attorney general;
  - (4) City or county juvenile officers;
  - (5) District attorneys' offices;
  - (6) Public administrators' offices;
  - (7) Public guardians' offices;
  - (8) Sheriffs' offices;
  - (9) Police departments in the state; and
  - (10) The securities division of the office of the secretary of state,

must not bear any distinguishing mark which would serve to identify the vehicles as owned by the state, county or city. These license plates must be issued annually for \$12 per plate or, if issued in sets, per set.

3. The director may enter into agreements with departments of motor vehicles of other states providing for exchanges of license plates of regular series for vehicles maintained for and used by investigators of the law enforcement agencies enumerated in paragraph (d) of subsection 2, subject to all of the requirements imposed by that paragraph, except that the fee required by that paragraph must not be charged.

4. Applications for the licenses must be made through the head of the department, board, bureau, commission, school district or irrigation district, or through the chairman of the board of county commissioners of the county or town or through the mayor of the city, owning or controlling the vehicles, and no plate or plates may be issued until a certificate has been filed with the department showing that the name of the department, board, bureau, commission, county, city, town, school district or irrigation district, as the case may be, and the words "For Official Use Only" have been permanently and legibly affixed to each side of the vehicle, except those vehicles enumerated in subsection 2.

5. As used in this section, "exempt vehicle" means a vehicle exempt from the governmental services tax, except a vehicle owned by the United States.

6. The department shall adopt regulations governing the use of all license plates provided for in this section. Upon a finding by the department of any violation of its regulations, it may revoke the violator's privilege of registering vehicles pursuant to this section.

**Sec. 59.** NRS 482.3843 is hereby amended to read as follows:

482.3843 1. The chief of a volunteer fire department may apply to the department of motor vehicles ~~and public safety~~ for the issuance of a placard for a member of the volunteer fire department or a volunteer emergency medical technician associated with the department. The application must:

- (a) Be submitted on a form approved by the department of motor vehicles ; ~~and public safety~~ and
- (b) Include:
  - (1) The name of the volunteer fire department;
  - (2) The county in which the volunteer fire department is located; and

(3) The number of placards requested.

2. Upon receipt of an application pursuant to the provisions of subsection 1, the department of motor vehicles ~~and public safety~~ shall prepare and issue the number of placards requested in the application. The placards must be yellow in color and must have appropriate mounting holes. The volunteer fire department is responsible for determining the design, lettering and numbering of the placards.

3. The chief of the volunteer fire department shall establish rules:

(a) Regarding the issuance and use of the placards; and

(b) Establishing a method of establishing and maintaining records of placards that have been issued.

4. When a member to whom a placard has been issued ceases to be a member of the volunteer fire department, or when a volunteer emergency medical technician to whom a placard has been issued ceases to be associated with the department, the person shall surrender the placard to the chief of the volunteer fire department from which he received the placard.

5. A placard issued pursuant to the provisions of this section may not be used in lieu of a license plate otherwise required by this chapter.

6. The department of motor vehicles ~~and public safety~~ shall not charge a fee for the issuance of the placards pursuant to this section.

**Sec. 60.** NRS 483.340 is hereby amended to read as follows:

483.340 1. The department shall upon payment of the required fee issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive. The license must bear a unique number assigned to the licensee pursuant to NRS 483.345, the licensee's social security number, if he has one, unless he requests that it not appear on the license, the full name, date of birth, mailing address, and a brief description of the licensee, and a space upon which the licensee shall write his usual signature in ink immediately upon receipt of the license. A license is not valid until it has been so signed by the licensee.

2. The department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the investigation division of the department *of public safety* while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the attorney general while engaged in undercover investigations and agents of the state gaming control board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the chief of the investigation division ~~of the department of public safety~~, the director of the appropriate federal agency, the attorney general or the chairman of the state gaming control board. Such a license is exempt from the fees required by NRS 483.410. The department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

3. Information pertaining to the issuance of a driver's license pursuant to subsection 2 is confidential.

4. It is unlawful for any person to use a driver's license issued pursuant to subsection 2 for any purpose other than the special investigation for which it was issued.

5. At the time of the issuance of the driver's license, the department shall give the holder the opportunity to indicate on his driver's license that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, or that he refuses to make an anatomical gift of his body or part of his body.

**Sec. 61.** NRS 486A.160 is hereby amended to read as follows:

486A.160 1. The department shall:

(a) Make such determinations and issue such orders as may be necessary to carry out the provisions of this chapter;

(b) Enforce the regulations adopted by the commission pursuant to the provisions of this chapter; and

(c) Conduct any investigation, research or study necessary to carry out the provisions of this chapter.

2. Upon request, the department of motor vehicles ~~and public safety~~ shall provide to the department information contained in records of registration of motor vehicles.

**Sec. 62.** NRS 487.002 is hereby amended to read as follows:

487.002 1. As used in this section:

(a) "Commissioner" means the commissioner of insurance.

(b) "Department" means the department of motor vehicles . ~~and public safety.~~

2. The advisory board on automotive affairs, consisting of seven members appointed by the governor, is hereby created within the division of insurance of the department of business and industry.

3. The governor shall appoint to the board one representative of:

(a) The commissioner;

(b) The department;

(c) Licensed operators of body shops;

(d) Licensed automobile wreckers;

(e) Insurers of motor vehicles;

(f) Automobile manufacturers; and

(g) The general public.

4. After the initial terms, each member of the board serves a term of 4 years.

The members of the board shall annually elect from among their number a chairman and a vice chairman. The commissioner shall provide secretarial services for the board.

5. The board shall meet regularly at least twice each year and may meet at other times upon the call of the chairman. Each member of the board is entitled to the per diem allowance and travel expenses provided for state officers and employees generally.

6. Not less than 30 days before the adoption by the commissioner or the department of any regulation pursuant to subsection 7 or otherwise relating to the operation of body shops or automobile wreckers, the commissioner or the director, as appropriate, shall submit the proposed regulation to the board for its review and comment.

7. The commissioner and the department, jointly, shall adopt and the board may propose, pursuant to NRS 233B.100, regulations to the appropriate agency concerning:

(a) The use of new or used parts for the repair of motor vehicles and parts that are not manufactured by the manufacturers of the motor vehicles for which they are used.

(b) The survey methodology that may be used by an insurer to ascertain prevailing charges for the repair of a motor vehicle.

(c) The preferred use of a business which repairs motor vehicles by an insurer of motor vehicles.

**Sec. 63.** NRS 487.007 is hereby amended to read as follows:

487.007 As used in this chapter, the term “state agency” means:

1. The manufactured housing division of the department of business and industry with regard to mobile homes and commercial coaches.

2. The department of motor vehicles ~~and public safety~~ with regard to all other vehicles subject to registration under the laws of this state.

**Sec. 64.** NRS 487.230 is hereby amended to read as follows:

487.230 1. Any sheriff, constable, member of the Nevada highway patrol, officer of the legislative police, investigator of the division of compliance enforcement of the ~~motor vehicles branch of the~~ department, personnel of the capitol police division of the department ~~of~~ *of public safety*, designated employees of the manufactured housing division of the department of business and industry, special investigator employed by the office of a district attorney, marshal or policeman of a city or town, or a marshal or park ranger who is part of a unit of specialized law enforcement established pursuant to NRS 280.125 who has reason to believe that a vehicle has been abandoned on public property in his jurisdiction may remove the vehicle from that property. At the request of the owner or person in possession or control of private property who has reason to believe that a vehicle has been abandoned on his property, the vehicle may be removed by the operator of a tow car or an automobile wrecker from that private property.

2. A person who authorizes the removal of an abandoned vehicle pursuant to subsection 1 shall:

(a) Have the vehicle taken to the nearest garage or other place designated for storage by:

(1) The state agency or political subdivision making the request, if the vehicle is removed from public property.

(2) The owner or person in possession or control of the property, if the vehicle is removed from private property.

(b) Make all practical inquiries to ascertain if the vehicle is stolen by checking the license plate number, vehicle identification number and other available information which will aid in identifying the registered and legal owner of the vehicle and supply the information to the person who is storing the vehicle.

**Sec. 65.** NRS 487.470 is hereby amended to read as follows:

487.470 1. Only a licensed automobile wrecker, dealer of new or used motor vehicles or rebuilder may bid to purchase a vehicle from an operator of a salvage pool, and the operator may only sell a vehicle to such a person. An operator shall not accept a bid from:

(a) An automobile wrecker until:

(1) He presents the card issued by the department pursuant to NRS 487.070 or other identifying card; or

(2) If he is licensed or otherwise authorized to operate as an automobile wrecker in another state or foreign country, he presents evidence of that licensure or authorization and has registered with the operator pursuant to subsection 2; or

(b) A dealer of new or used motor vehicles or a rebuilder until:

(1) He presents the card issued by the department pursuant to NRS 487.475 or other identifying card; or

(2) If he is licensed or otherwise authorized to operate as a dealer of new or used motor vehicles or as a rebuilder in another state or foreign country, he presents evidence of that licensure or authorization and has registered with the operator pursuant to subsection 2.

2. Any automobile wrecker, dealer of new or used motor vehicles or rebuilder who is licensed or otherwise authorized to operate in another state or foreign country shall register with each operator of a salvage pool with whom he bids to purchase vehicles, by filing with the operator copies of his license or other form of authorization from the other state or country, and his driver's license, business license, certificate evidencing the filing of a bond, resale certificate and proof of social security or tax identification number, if such documentation is required for licensure in the other state or country. Each operator of a salvage pool shall keep such copies at his place of business and in a manner so that they are easily accessible and open to inspection by employees of the department of motor vehicles ~~and public safety~~ and to officers of law enforcement agencies in this state.

**Sec. 66.** NRS 14.070 is hereby amended to read as follows:

14.070 1. The use and operation of a motor vehicle over the public roads, streets or highways, or in any other area open to the public and commonly used by motor vehicles, in the State of Nevada by any person, either as principal, master, agent or servant, shall be deemed an appointment by the operator, on behalf of himself and his principal or master, his executor, administrator or personal representative, of the director of the department of motor vehicles ~~and public safety~~ to be his true and lawful attorney upon whom may be served all legal process in any action or proceeding against him, his principal or master, his executor, administrator or personal representative, growing out of such use or resulting in damage or loss to person or property, and the use or operation signifies his agreement that any process against him which is so served has the same legal force and validity as though served upon him personally within the State of Nevada.

2. Service of process must be made by leaving a copy of the process with a fee of \$5 in the hands of the director of the department of motor vehicles ~~and public safety~~ or in his office, and the service shall be deemed sufficient upon the operator if notice of service and a copy of the process is sent by registered or certified mail by the plaintiff to the defendant at the address supplied by the defendant in his accident report, if any, and if not, at the best address available to the plaintiff, and a return receipt signed by the defendant or a return of the United States Postal Service stating that the defendant refused to accept delivery or could not be located, or that the address was insufficient, and the plaintiff's affidavit of compliance therewith are attached to the original process and returned and

filed in the action in which it was issued. Personal service of notice and a copy of the process upon the defendant, wherever found outside of this state, by any person qualified to serve like process in the State of Nevada is the equivalent of mailing, and may be proved by the affidavit of the person making the personal service appended to the original process and returned and filed in the action in which it was issued.

3. The court in which the action is pending may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action.

4. The fee of \$5 paid by the plaintiff to the director of the department of motor vehicles ~~and public safety~~ at the time of the service must be taxed in his costs if he prevails in the suit. The director of the department of motor vehicles ~~and public safety~~ shall keep a record of all service of process, including the day and hour of service.

5. The foregoing provisions of this section with reference to the service of process upon an operator defendant are not exclusive, except if the operator defendant is found within the State of Nevada, he must be served with process in the State of Nevada.

6. The provisions of this section apply to nonresident motorists and to resident motorists who have left the state or cannot be found within the state following an accident which is the subject of an action for which process is served pursuant to this section.

**Sec. 67.** NRS 50.315 is hereby amended to read as follows:

50.315 1. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person is admissible in evidence in any criminal or administrative proceeding to prove:

(a) That the affiant or declarant has been certified by the director of the department of ~~motor vehicles and~~ public safety as being competent to operate devices of a type certified by the committee on testing for intoxication as accurate and reliable for testing a person's breath to determine the concentration of alcohol in his breath;

(b) The identity of a person from whom the affiant or declarant obtained a sample of breath; and

(c) That the affiant or declarant tested the sample using a device of a type so certified and that the device was functioning properly.

2. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who prepared a chemical solution or gas that has been used in calibrating a device for testing another's breath to determine the concentration of alcohol in his breath is admissible in evidence in any criminal or administrative proceeding to prove:

(a) The occupation of the affiant or declarant; and

(b) That the solution or gas has the chemical composition necessary for accurately calibrating it.

3. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who calibrates a device for testing another's breath to determine the concentration of alcohol in his breath is admissible in evidence in any criminal or administrative proceeding to prove:

(a) The occupation of the affiant or declarant;

(b) That on a specified date the affiant or declarant calibrated the device at a named law enforcement agency by using the procedures and

equipment prescribed in the regulations of the committee on testing for intoxication;

(c) That the calibration was performed within the period required by the committee's regulations; and

(d) Upon completing the calibration of the device, it was operating properly.

4. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration made under the penalty of perjury of a person who withdraws a sample of blood from another for analysis by an expert as set forth in NRS 50.320 is admissible in any criminal or administrative proceeding to prove:

(a) The occupation of the affiant or declarant;

(b) The identity of the person from whom the affiant or declarant withdrew the sample;

(c) The fact that the affiant or declarant kept the sample in his sole custody or control and in substantially the same condition as when he first obtained it until delivering it to another; and

(d) The identity of the person to whom the affiant or declarant delivered it.

5. Except as otherwise provided in subsections 6 and 7, the affidavit or declaration of a person who receives from another a sample of blood or urine or other tangible evidence that is alleged to contain alcohol or a controlled substance, chemical, poison, organic solvent or another prohibited substance may be admitted in any criminal, civil or administrative proceeding to prove:

(a) The occupation of the affiant or declarant;

(b) The fact that the affiant or declarant received a sample or other evidence from another person and kept it in his sole custody or control in substantially the same condition as when he first received it until delivering it to another; and

(c) The identity of the person to whom the affiant or declarant delivered it.

6. If, at or before the time of the trial, the defendant establishes that:

(a) There is a substantial and bona fide dispute regarding the facts in the affidavit or declaration; and

(b) It is in the best interests of justice that the witness who signed the affidavit or declaration be cross-examined, the court may order the prosecution to produce the witness and may continue the trial for any time the court deems reasonably necessary to receive such testimony. The time within which a trial is required is extended by the time of the continuance.

7. During any trial in which the defendant has been accused of committing a felony, the defendant may object in writing to admitting into evidence an affidavit or declaration described in this section. If the defendant makes such an objection, the court shall not admit the affidavit or declaration into evidence and the prosecution may cause the person to testify in court to any information contained in the affidavit or declaration.

8. The committee on testing for intoxication shall adopt regulations prescribing the form of the affidavits and declarations described in this section.

**Sec. 68.** NRS 62.211 is hereby amended to read as follows:

62.211 1. Except as otherwise provided in this chapter, if the court finds that a child is within the purview of this chapter, it shall so decree and may:

(a) Place the child under supervision in his own home or in the custody of a suitable person elsewhere, upon such conditions as the court may determine. A program of supervision in the home may include electronic surveillance of the child. The legislature declares that a program of supervision that includes electronic surveillance is intended as an alternative to commitment and not as an alternative to probation, informal supervision or a supervision and consent decree.

(b) Commit the child to the custody of a public or private institution or agency authorized to care for children, or place him in a home with a family. In committing a child to a private institution or agency the court shall select one that is required to be licensed by the department of human resources to care for such children, or, if the institution or agency is in another state, by the analogous department of that state. The court shall not commit a female child to a private institution without prior approval of the superintendent of the Caliente youth center, and shall not commit a male child to a private institution without prior approval of the superintendent of the Nevada youth training center.

(c) Order such medical, psychiatric, psychological or other care and treatment as the court deems to be for the best interests of the child, except as otherwise provided in this section.

(d) Order the parent, guardian, custodian or any other person to refrain from continuing the conduct which, in the opinion of the court, has caused or tended to cause the child to come within or remain under the provisions of this chapter.

(e) If the child is less than 18 years of age, order:

(1) The parent, guardian or custodian of the child; and

(2) Any brother, sister or other person who is living in the same household as the child over whom the court has jurisdiction, to attend or participate in counseling, with or without the child, including, but not limited to, counseling regarding parenting skills, alcohol or substance abuse, or techniques of dispute resolution.

(f) Order the parent or guardian of the child to participate in a program designed to provide restitution to the victim of an act committed by the child or to perform public service.

(g) Order the parent or guardian of the child to pay all or part of the cost of the proceedings, including, but not limited to, reasonable attorney's fees, any costs incurred by the court and any costs incurred in the investigation of an act committed by the child and the taking into custody of the child.

(h) Order the suspension of the child's driver's license for at least 90 days but not more than 2 years. If the child does not possess a driver's license, the court may prohibit the child from receiving a driver's license for at least 90 days but not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to receive a driver's license.

(2) After the date he becomes eligible to apply for a driver's license, if the child is not eligible to receive a license on the date of the order.

If the court issues an order suspending the driver's license of a child pursuant to this paragraph, the judge shall require the child to surrender to the court all driver's licenses then held by the child. The court shall, within 5 days after issuing the order, forward to the department of motor vehicles ~~and public safety~~ the licenses, together with a copy of the order. If, pursuant to this paragraph, the court issues an order delaying the ability of a child to receive a driver's license, the court shall, within 5 days after issuing the order, forward to the department of motor vehicles ~~and public safety~~ a copy of the order. The department of motor vehicles ~~and public safety~~ shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the child's driving record, but such a suspension must not be considered for the purpose of rating or underwriting. The department of motor vehicles ~~and public safety~~ shall not require the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after a suspension of his license pursuant to this paragraph, unless the suspension resulted from his poor performance as a driver.

(i) Place the child, when he is not in school, under the supervision of:

- (1) A public organization to work on public projects;
- (2) A public agency to work on projects to eradicate graffiti; or
- (3) A private nonprofit organization to perform other public

service.

The person under whose supervision the child is placed shall keep the child busy and well supervised and shall make such reports to the court as it may require. As a condition of such a placement, the court may require the child or his parent or guardian to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which he performs the work, unless, in the case of industrial insurance, it is provided by the organization or agency for which he performs the work.

(j) Permit the child to reside in a residence without the immediate supervision of an adult, or exempt the child from mandatory attendance at school so that the child may be employed full time, or both, if the child is at least 16 years of age, has demonstrated the capacity to benefit from this placement or exemption and is under the strict supervision of the juvenile division.

(k) Require the child to provide restitution to the victim of the crime which the child has committed.

(l) Impose a fine on the child. If a fine is imposed, the court shall impose an administrative assessment pursuant to NRS 62.2175.

(m) If the child has not previously been found to be within the purview of this chapter and if the act for which the child is found to be within the purview of this chapter did not involve the use or threatened use of force or violence, order the child to participate in a publicly or privately operated program of sports or physical fitness that is adequately supervised or a publicly or privately operated program for the arts that is adequately

supervised. A program for the arts may include, but is not limited to, drawing, painting, photography or other visual arts, musical, dance or theatrical performance, writing or any other structured activity that involves creative or artistic expression. If the court orders the child to participate in a program of sports or physical fitness or a program for the arts, the court may order any or all of the following, in the following order of priority if practicable:

(1) The parent or guardian of the child, to the extent of his financial ability, to pay the costs associated with the participation of the child in the program, including, but not limited to, a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property during those periods in which the child participates in the program;

(2) The child to work on projects or perform public service pursuant to paragraph (i) for a period that reflects the costs associated with the participation of the child in the program; or

(3) The county in which the petition alleging the child to be delinquent or in need of supervision is filed to pay the costs associated with the participation of the child in the program.

2. If the court finds that a child who is less than 17 years of age has committed a delinquent act, the court may order the parent or guardian of the child to pay any fines and penalties imposed for the delinquent act. If the parent or guardian is unable to pay the fines and penalties imposed because of financial hardship, the court may require the parent or guardian to perform community service.

3. In determining the appropriate disposition of a case concerning a child found to be within the purview of this chapter, the court shall consider whether the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim of the act and whether the child is a serious or chronic offender. If the court finds that the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim or that the child is a serious or chronic offender, the court shall include the finding in its order and may, in addition to the options set forth in subsections 1 and 2 of this section and NRS 62.213:

(a) Commit the child for confinement in a secure facility, including a facility which is secured by its staff.

(b) Impose any other punitive measures the court determines to be in the best interests of the public or the child.

4. Except as otherwise provided in NRS 62.455 and 62.570, at any time, either on its own volition or for good cause shown, the court may terminate its jurisdiction concerning the child.

5. Whenever the court commits a child to any institution or agency pursuant to this section or NRS 62.213, it shall transmit a summary of its information concerning the child and order the administrator of the school that the child last attended to transmit a copy of the child's educational records to the institution or agency. The institution or agency shall give to the court any information concerning the child that the court may require.

6. In determining whether to place a child pursuant to this section in the custody of a person other than his parent, guardian or custodian, preference must be given to any person related within the third degree of

consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child.

**Sec. 69.** NRS 62.221 is hereby amended to read as follows:

62.221 Whenever any child is found to have committed a minor traffic offense, the judge, or his authorized representative, shall forward to the department of motor vehicles ~~and public safety~~ in the form required by NRS 483.450, a record of the violation, other than violation of a law or ordinance governing standing or parking, and may do any or all of the following:

1. Impose a fine. If a fine is imposed, the judge or his authorized representative shall impose an administrative assessment pursuant to NRS 62.2175.
2. Recommend to the department of motor vehicles ~~and public safety~~ the suspension of the child's driver's license.
3. Require that the child attend and complete a traffic survival course.
4. Order that the child or his parents pay the reasonable cost of the child's attending the traffic survival course.
5. Order the child to be placed on a work detail to repay any fine imposed.
6. Order the child placed on probation.

**Sec. 70.** NRS 62.2263 is hereby amended to read as follows:

62.2263 1. When a court issues an order pursuant to NRS 62.224, 62.2255, 62.226 or 62.228, it shall forward to the department of motor vehicles ~~and public safety~~ a copy of the order and the driver's license of the child who is the subject of the order within 5 days after issuing the order.

2. The department of motor vehicles : ~~and public safety~~

(a) Shall not treat such an unlawful act set forth in NRS 62.224, 62.2255, 62.226 or 62.228 in the manner statutorily required for moving traffic violations.

(b) Shall report the suspension of a driver's license pursuant to NRS 62.224, 62.2255, 62.226 or 62.228 to an insurance company or its agent inquiring about the driving record of the child, but such a suspension must not be considered for the purpose of rating or underwriting.

(c) Shall not require a child whose driver's license was suspended pursuant to NRS 62.224, 62.2255, 62.226 or 62.228 to submit to the tests and other requirements that are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after a suspension of his license, unless the suspension also resulted from his poor performance as a driver.

**Sec. 71.** NRS 62.227 is hereby amended to read as follows:

62.227 1. If a child who is less than 18 years of age is found by the juvenile court to have committed an unlawful act in violation of NRS 484.379 or 484.3795, the judge ~~or~~ or his authorized representative ~~or~~ shall, if the child possesses a driver's license, issue an order revoking the driver's license of that child for 90 days. If such an order is issued, the judge shall require the child to surrender to the court all driver's licenses then held by the child. The court shall, within 5 days after issuing the order, forward to the department of motor vehicles ~~and public safety~~ the licenses and a copy of the order.

2. The judge shall require the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement of the driver's license of the child.

3. If the child is found to have committed a subsequent unlawful act as set forth in subsection 1, the court shall order an additional period of revocation to apply consecutively with the previous order.

4. The judge may authorize the department to issue a restricted driver's license pursuant to NRS 483.490 to a child whose driver's license is revoked pursuant to this section.

**Sec. 72.** NRS 62.360 is hereby amended to read as follows:

62.360 1. The court shall make and keep records of all cases brought before it.

2. The records may be opened to inspection only by order of the court to persons having a legitimate interest therein except that a release without a court order may be made of any:

(a) Records of traffic violations which are being forwarded to the department of motor vehicles ; ~~and public safety;~~

(b) Records which have not been sealed and which are required by the division of parole and probation of the department of ~~motor vehicles and~~ public safety for preparation of presentence investigations and reports pursuant to NRS 176.135 or general investigations and reports pursuant to NRS 176.151;

(c) Information maintained in the standardized system established pursuant to NRS 62.910;

(d) Records which have not been sealed and which are to be used, pursuant to chapter 179D of NRS, by:

(1) The central repository for Nevada records of criminal history;

(2) The division of parole and probation of the department of ~~motor vehicles and~~ public safety; or

(3) A person who is conducting an assessment of the risk of recidivism of an adult or juvenile sex offender; and

(e) Information that must be collected by the division of child and family services of the department of human resources pursuant to NRS 62.920.

3. The clerk of the court shall prepare and cause to be printed forms for social and legal records and other papers as may be required.

4. Whenever the conduct of a child with respect to whom the jurisdiction of the juvenile court has been invoked may be the basis of a civil action, any party to the civil action may petition the court for release of the child's name, and upon satisfactory showing to the court that the purpose in obtaining the information is for use in a civil action brought or to be brought in good faith, the court shall order the release of the child's name and authorize its use in the civil action.

**Sec. 73.** NRS 62.530 is hereby amended to read as follows:

62.530 "Division" means the division of parole and probation of the department of ~~motor vehicles and~~ public safety.

**Sec. 74.** NRS 62.870 is hereby amended to read as follows:

62.870 1. When a child applies for a driver's license, the department of motor vehicles ~~and public safety~~ shall notify the child of the provisions

of paragraph (h) of subsection 1 of NRS 62.211, NRS 62.224 ~~to 62.225, 62.226, 62.227, 62.228,~~ ~~to~~ 62.227, *inclusive*, and 62.228.

2. After providing the notice pursuant to subsection 1, the department shall require the child to sign an affidavit acknowledging that he is aware that his driver's license may be suspended or revoked pursuant to paragraph (h) of subsection 1 of NRS 62.211, NRS 62.224, 62.225, 62.226, 62.227 or 62.228.

**Sec. 75.** NRS 108.2679 is hereby amended to read as follows:

108.2679 "Registered owner" means:

1. A person whose name appears in the files of the manufactured housing division of the department of business and industry as the person to whom the mobile home or manufactured home is registered, but does not include:

(a) A creditor who holds title to the mobile home or manufactured home; or

(b) The owner or holder of a lien encumbering the mobile home or manufactured home.

2. A person whose name appears in the files of the ~~motor vehicles branch of the~~ department of motor vehicles ~~and public safety~~ as the person to whom the vehicle is registered.

**Sec. 76.** NRS 108.310 is hereby amended to read as follows:

108.310 Subject to the provisions of NRS 108.315, the lien created in NRS 108.270 to 108.360, inclusive, may be satisfied as follows:

1. The lien claimant shall give written notice to the person on whose account the storing, maintaining, keeping, repairing, labor, fuel, supplies, facilities, services or accessories were made, done or given, and to any other person known to have or to claim an interest in the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home, upon which the lien is asserted, and to the:

(a) Manufactured housing division of the department of business and industry with regard to mobile homes, manufactured homes ~~and~~ and commercial coaches as defined in chapter 489 of NRS; or

(b) ~~Motor vehicles branch of the~~ *The* department of motor vehicles ~~and public safety~~ with regard to all other items included in this section.

2. In accordance with the terms of a notice so given, a sale by auction may be held to satisfy any valid claim which has become a lien on the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home. The sale must be held in the place where the lien was acquired, or, if that place is manifestly unsuitable for the purpose, at the nearest suitable place.

3. After the time for the payment of the claim specified in the notice has elapsed, an advertisement of the sale, describing the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home to be sold, and stating the name of the owner or person on whose account it is held, and the time and place of the sale, must be published once a week for 3 consecutive weeks in a newspaper published in the place where the sale is to be held, but if no newspaper is published in that place, then in a newspaper published in this state that has a general circulation in that

place. The sale must not be held less than 22 days after the time of the first publication.

4. From the proceeds of the sale the lien claimant who furnished the services, labor, fuel, accessories, facilities or supplies shall satisfy his lien, including the reasonable charges of notice, advertisement and sale. The balance, if any, of the proceeds must be delivered, on demand, to the person to whom he would have been bound to deliver, or justified in delivering, the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home.

**Sec. 77.** NRS 108.315 is hereby amended to read as follows:

108.315 1. Any landlord who desires to enforce a lien for unpaid rent or rent and utilities under the provisions of NRS 108.270 to 108.360, inclusive, must within 15 days after the rent is 30 days past due, make a demand in writing upon the registered owner of the recreational vehicle, mobile home or manufactured home, for the amount due, stating that a lien is claimed on the recreational vehicle, mobile home or manufactured home. A copy of the demand must be sent to every holder of a security interest and every person who is listed in the records of the manufactured housing division of the department of business and industry as holding an ownership or other interest in, and every tenant or subtenant of, the recreational vehicle, mobile home or manufactured home, and to the:

(a) Manufactured housing division of the department of business and industry, with regard to mobile homes and manufactured homes; or

(b) ~~[Motor vehicles branch of the]~~ *The* department of motor vehicles , ~~[and public safety.]~~ with regard to recreational vehicles, by registered or certified mail.

2. To obtain the name and address of a holder of a security interest or a person who is listed in the records of the manufactured housing division of the department of business and industry as holding an ownership or other interest in the recreational vehicle, mobile home or manufactured home, the landlord shall, before making the demand for payment, request that information from the:

(a) Manufactured housing division of the department of business and industry, with regard to mobile homes, manufactured homes ~~[H]~~ and commercial coaches as defined in chapter 489 of NRS; or

(b) Department of motor vehicles , ~~[and public safety.]~~ with regard to all other vehicles,

and the state agency shall supply that information from its records. If the recreational vehicle, mobile home or manufactured home is registered in another state, territory or country, the landlord shall, before making the demand for payment, obtain the information from the appropriate agency of that state, territory or country.

3. A landlord who enforces a lien for unpaid rent may recover an amount equal to:

(a) The amount of the unpaid rent;

(b) The cost of any advertising and notices required pursuant to NRS 108.270 to 108.360, inclusive;

(c) The cost and fees ordered by a court in any action contesting the validity of a lien; and

(d) The cost of a sale, if a sale by auction is made pursuant to the provisions of NRS 108.310.

4. No recreational vehicle, mobile home or manufactured home may be sold for delinquent rent or rent and utilities until 4 months have elapsed after the first default in payment, and a notice of lien has been served pursuant to subsection 1. At least 10 days but not more than 30 days before a sale, a written notice of sale by auction must be sent to the registered owner and tenant or subtenant and to every holder of a security interest and every person who is listed in the records of the manufactured housing division of the department of business and industry as holding an ownership or other interest in the recreational vehicle, mobile home or manufactured home by registered or certified mail stating that a sale by auction of the recreational vehicle, mobile home or manufactured home is to be made pursuant to the provisions of NRS 108.310. The written notice of sale by auction must include the time and location of the sale, the amount necessary to satisfy the lien and a description of the legal proceeding available to contest the lien pursuant to NRS 108.350 and 108.355.

**Sec. 78.** NRS 120A.280 is hereby amended to read as follows:

120A.280 1. Within 180 days after the filing of the report required by NRS 120A.250 and the payment or delivery of the property required by NRS 120A.360, the administrator shall cause notice to be published in at least one newspaper of general circulation in the county in this state in which is located the last known address of any person to be named in the notice. If no address is listed or if the address is outside this state, the notice must be published in the county in which the holder of the abandoned property has his principal place of business within this state.

2. The published notice must be entitled “Notice of Names of Persons Appearing To Be Owners of Abandoned Property,” and must contain:

(a) The names in alphabetical order and last known addresses, if any, of persons listed in the report and entitled to notice within the county.

(b) A statement that information concerning the amount or description of the property and the name and address of the holder may be obtained by any person possessing an interest in the property by addressing an inquiry to the division.

(c) If the property was removed from a safe-deposit box or other safekeeping repository, a statement declaring that the administrator will hold the property for 1 year after the date the property was delivered to the division, and that the property may be destroyed if no claims are made for it within that period.

3. The administrator is not required to publish in the notice any item valued at less than \$50 unless he deems the publication to be in the public interest.

4. In addition to the notice required to be published pursuant to this section, the administrator shall take such actions as are reasonably calculated to give actual notice to the owner of property presumed abandoned, including, without limitation, using information obtained from the department of motor vehicles ~~and public safety~~ and other governmental agencies or executing contracts with private businesses to assist in locating such owners of property.

**Sec. 79.** NRS 125B.220 is hereby amended to read as follows:

125B.220 1. Upon deposit of any asset pursuant to NRS 125B.210 which is not money or is not readily convertible into money, the court may, not fewer than 25 days after serving the obligor-parent with written notice and providing an opportunity for hearing, order the sale of the asset and deposit the proceeds of the sale with the trustee designated by the court to receive the assets. The sale of assets must be conducted in accordance with the provisions set forth in NRS 21.130 to 21.260, inclusive, governing the sale of property under execution.

2. When an asset ordered to be deposited is real property, the order must be certified in accordance with NRS 17.150 and recorded with the county recorder. The deposited real property and the rights, benefits and liabilities attached to that property continue in the possession of the legal owner until it becomes subject to a use or sale of assets pursuant to this section or NRS 125B.210. The legal owner may not transfer, encumber, hypothecate, dispose of or realize profits from the property unless approved by the court.

3. When an asset ordered to be deposited is personal property or fixtures including goods, documents, instruments, general intangibles, chattel paper or accounts, the trustee shall file a financing statement in accordance with NRS 104.9501, 104.9502 and 104.9516.

4. When an asset ordered to be deposited is a vehicle registered with the department of motor vehicles, ~~and public safety,~~ the trustee shall deliver to the department the certificate of ownership of the vehicle in accordance with NRS 482.428.

**Sec. 80.** NRS 125B.280 is hereby amended to read as follows:

125B.280 1. The trustee designated by the court to receive assets pursuant to NRS 125B.210 ~~+~~ shall return any assets to the obligor-parent when:

- (a) The obligor-parent has given the trustee notice to return assets;
- (b) All payments in arrears have been paid in full; and
- (c) The obligor-parent has made, in a timely manner, all payments of support ordered for the 12 months immediately preceding the date notice was given to the trustee.

2. If the deposited assets include real property, upon the satisfaction of the requirements of subsection 1, the trustee shall prepare a release and record it in the office of the county recorder.

3. If the deposited assets include personal property or fixtures including goods, documents, instruments, general intangibles, chattel paper or accounts, the trustee shall, upon the satisfaction of the requirements of subsection 1, prepare a termination statement and file it in accordance with NRS 104.9513.

4. If the deposited assets include a vehicle registered with the department of motor vehicles, ~~and public safety,~~ the trustee shall, upon the satisfaction of the requirements of subsection 1, deliver the certificate of ownership to the obligor-parent in accordance with NRS 482.431.

**Sec. 81.** NRS 174.063 is hereby amended to read as follows:

174.063 1. If a plea of guilty is made in a written plea agreement, the agreement must be substantially in the following form:

Case No. ....  
Dept. No. ....

IN THE ..... JUDICIAL DISTRICT COURT OF THE  
STATE OF NEVADA IN AND FOR THE COUNTY OF.....,

The State of Nevada  
PLAINTIFF,

v.

(Name of defendant)  
DEFENDANT.

#### GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to: (List charges to which defendant is pleading guilty), as more fully alleged in the charging document attached hereto as Exhibit 1.

My decision to plead guilty is based upon the plea agreement in this case which is as follows:

(State the terms of the agreement.)

#### CONSEQUENCES OF THE PLEA

I understand that by pleading guilty I admit the facts which support all the elements of the offenses to which I now plead as set forth in Exhibit 1.

I understand that as a consequence of my plea of guilty I may be imprisoned for a period of not more than (maximum term of imprisonment) and that I (may or will) be fined up to (maximum amount of fine). I understand that the law requires me to pay an administrative assessment fee.

I understand that, if appropriate, I will be ordered to make restitution to the victim of the offenses to which I am pleading guilty and to the victim of any related offense which is being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to reimburse the State of Nevada for expenses related to my extradition, if any.

I understand that I (am or am not) eligible for probation for the offense to which I am pleading guilty. (I understand that, except as otherwise provided by statute, the question of whether I receive probation is in the discretion of the sentencing judge, or I understand that I must serve a mandatory minimum term of (term of imprisonment) or pay a minimum mandatory fine of (amount of fine) or serve a mandatory minimum term (term of imprisonment) and pay a minimum mandatory fine of (amount of fine).)

I understand that if more than one sentence of imprisonment is imposed and I am eligible to serve the sentences concurrently, the sentencing judge has the discretion to order the sentences served concurrently or consecutively.

I understand that information regarding charges not filed, dismissed charges or charges to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

I have not been promised or guaranteed any particular sentence by anyone. I know that my sentence is to be determined by the court within the limits prescribed by statute. I understand that if my attorney or the State of Nevada or both recommend any specific punishment to the court, the court is not obligated to accept the recommendation.

I understand that the division of parole and probation of the department of ~~motor vehicles and~~ public safety may or will prepare a report for the sentencing judge before sentencing. This report will include matters relevant to the issue of sentencing, including my criminal history. I understand that this report may contain hearsay information regarding my background and criminal history. My attorney (if represented by counsel) and I will each have the opportunity to comment on the information contained in the report at the time of sentencing.

#### WAIVER OF RIGHTS

By entering my plea of guilty, I understand that I have waived the following rights and privileges:

1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.
2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial, the state would bear the burden of proving beyond a reasonable doubt each element of the offense charged.
3. The constitutional right to confront and cross-examine any witnesses who would testify against me.
4. The constitutional right to subpoena witnesses to testify on my behalf.
5. The constitutional right to testify in my own defense.
6. The right to appeal the conviction, with the assistance of an attorney, either appointed or retained, unless the appeal is based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings and except as otherwise provided in subsection 3 of NRS 174.035.

#### VOLUNTARINESS OF PLEA

I have discussed the elements of all the original charges against me with my attorney (if represented by counsel) and I understand the nature of these charges against me.

I understand that the state would have to prove each element of the charge against me at trial.

I have discussed with my attorney (if represented by counsel) any possible defenses and circumstances which might be in my favor.

All of the foregoing elements, consequences, rights and waiver of rights have been thoroughly explained to me by my attorney (if represented by counsel).

I believe that pleading guilty and accepting this plea bargain is in my best interest and that a trial would be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorney (if represented by counsel) and I am not acting under duress or

coercion or by virtue of any promises of leniency, except for those set forth in this agreement.

I am not now under the influence of intoxicating liquor, a controlled substance or other drug which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea.

My attorney (if represented by counsel) has answered all my questions regarding this guilty plea agreement and its consequences to my satisfaction and I am satisfied with the services provided by my attorney.

Dated: This ..... day of the month of ..... of the year .....

.....  
Defendant.

Agreed to on this ..... day of the month of ..... of the year .....

.....  
Deputy District Attorney.

2. If the defendant is represented by counsel, the written plea agreement must also include a certificate of counsel that is substantially in the following form:

#### CERTIFICATE OF COUNSEL

I, the undersigned, as the attorney for the defendant named herein and as an officer of the court hereby certify that:

1. I have fully explained to the defendant the allegations contained in the charges to which guilty pleas are being entered.

2. I have advised the defendant of the penalties for each charge and the restitution that the defendant may be ordered to pay.

3. All pleas of guilty offered by the defendant pursuant to this agreement are consistent with all the facts known to me and are made with my advice to the defendant and are in the best interest of the defendant.

4. To the best of my knowledge and belief, the defendant:

(a) Is competent and understands the charges and the consequences of pleading guilty as provided in this agreement.

(b) Executed this agreement and will enter all guilty pleas pursuant hereto voluntarily.

(c) Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time of the execution of this agreement.

Dated: This ..... day of the month of ..... of the year .....

.....  
Attorney for defendant.

**Sec. 82.** NRS 176.002 is hereby amended to read as follows:

176.002 As used in this chapter, unless the context otherwise requires, "division" means the division of parole and probation of the department of ~~motor vehicles and~~ public safety.

**Sec. 83.** NRS 176.0123 is hereby amended to read as follows:

176.0123 1. The advisory commission on sentencing is hereby created. The commission consists of:

(a) One member who is a district judge, appointed by the governing body of the Nevada District Judges Association;

(b) One member who is a district attorney, appointed by the governing body of the Nevada District Attorneys Association;

(c) One member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada;

(d) One member who is a representative of a law enforcement agency, appointed by the governor;

(e) One member who is a representative of the division of parole and probation of the department of ~~motor vehicles and~~ public safety, appointed by the governor;

(f) One member who has been a victim of a crime or is a representative of an organization supporting the rights of victims of crime, appointed by the governor;

(g) One member who is a county commissioner, appointed by the governing body of the Nevada Association of Counties;

(h) Two members who are senators, one of whom is appointed by the majority leader of the senate and one of whom is appointed by the minority leader of the senate; and

(i) Two members who are assemblymen, one of whom is appointed by the speaker of the assembly and one of whom is appointed by the minority leader of the assembly.

If any association listed in this subsection ceases to exist, the appointment required by this subsection must be made by the association's successor in interest or, if there is no successor in interest, by the governor.

2. The governor shall designate one member of the commission to serve as chairman.

3. Each member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the commission must be filled in the same manner as the original appointment.

4. The legislators who are members of the commission are entitled to receive the salary provided for a majority of the members of the legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the commission.

5. While engaged in the business of the commission, each member and employee of the commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

**Sec. 84.** NRS 176.064 is hereby amended to read as follows:

176.064 1. If a fine, administrative assessment, fee or restitution is imposed upon a defendant pursuant to this chapter, whether or not the fine, administrative assessment, fee or restitution is in addition to any other punishment, and the fine, administrative assessment, fee or restitution or any part of it remains unpaid after the time established by the court for its payment, the defendant is liable for a collection fee, to be imposed by the court at the time it finds that the fine, administrative assessment, fee or restitution is delinquent, of:

(a) Not more than \$100, if the amount of the delinquency is less than \$2,000.

(b) Not more than \$500, if the amount of the delinquency is \$2,000 or greater, but is less than \$5,000.

(c) Ten percent of the amount of the delinquency, if the amount of the delinquency is \$5,000 or greater.

2. A state or local entity that is responsible for collecting a delinquent fine, administrative assessment, fee or restitution may, in addition to attempting to collect the fine, administrative assessment, fee or restitution through any other lawful means, take any or all of the following actions:

(a) Report the delinquency to reporting agencies that assemble or evaluate information concerning credit.

(b) Request that the court take appropriate action pursuant to subsection 3.

(c) Contract with a collection agency licensed pursuant to NRS 649.075 to collect the delinquent amount and the collection fee. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 1, in accordance with the provisions of the contract.

3. The court may, on its own motion or at the request of a state or local entity that is responsible for collecting the delinquent fine, administrative assessment, fee or restitution, take any or all of the following actions, in the following order of priority if practicable:

(a) Request that a prosecuting attorney undertake collection of the delinquency, including, without limitation, the original amount and the collection fee, by attachment or garnishment of the defendant's property, wages or other money receivable.

(b) Order the suspension of the driver's license of the defendant. If the defendant does not possess a driver's license, the court may prohibit the defendant from applying for a driver's license for a specified period. If the defendant is already the subject of a court order suspending or delaying the issuance of his driver's license, the court may order the additional suspension or delay, as appropriate, to apply consecutively with the previous order. At the time the court issues an order suspending the driver's license of a defendant pursuant to this paragraph, the court shall require the defendant to surrender to the court all driver's licenses then held by the defendant. The court shall, within 5 days after issuing the order, forward to the department of motor vehicles ~~and public safety~~ the licenses, together with a copy of the order. At the time the court issues an order pursuant to this paragraph delaying the ability of a defendant to apply for a driver's license, the court shall, within 5 days after issuing the order, forward to the department of motor vehicles ~~and public safety~~ a copy of the order. The department of motor vehicles ~~and public safety~~ shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the defendant's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.

(c) For a delinquent fine or administrative assessment, order the confinement of the person in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.

4. Money collected from a collection fee imposed pursuant to subsection 1 must be distributed in the following manner:

(a) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a municipal court, the money must be deposited in a special fund in the appropriate city treasury. The city may use the money in the fund only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution.

(b) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a justice's court or district court, the money must be deposited in a special fund in the appropriate county treasury. The county may use the money in the special fund only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution.

(c) Except as otherwise provided in paragraph (d), if the money is collected by a state entity, the money must be deposited in an account, which is hereby created in the state treasury. The court administrator may use the money in the account only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution in this state.

(d) If the money is collected by a collection agency, after the collection agency has been paid its fee pursuant to the terms of the contract, any remaining money must be deposited in the state, city or county treasury, whichever is appropriate, to be used only for the purposes set forth in paragraph (a), (b) or (c) of this subsection.

**Sec. 85.** NRS 176A.040 is hereby amended to read as follows:

176A.040 "Division" means the division of parole and probation of the department of ~~motor vehicles and~~ public safety.

**Sec. 86.** NRS 178.484 is hereby amended to read as follows:

178.484 1. Except as otherwise provided in this section, a person arrested for an offense other than murder of the first degree must be admitted to bail.

2. A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:

- (a) A court issues an order directing that the person be admitted to bail;
- (b) The state board of parole commissioners directs the detention facility to admit the person to bail; or
- (c) The division of parole and probation of the department of ~~motor vehicles and~~ public safety directs the detention facility to admit the person to bail.

3. A person arrested for a felony whose sentence has been suspended pursuant to NRS 4.373 or 5.055 for a different offense or who has been sentenced to a term of residential confinement pursuant to NRS 4.3762 or 5.076 for a different offense must not be admitted to bail unless:

(a) A court issues an order directing that the person be admitted to bail; or

(b) A department of alternative sentencing directs the detention facility to admit the person to bail.

4. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

5. A person arrested for a battery that constitutes domestic violence pursuant to NRS 33.018 must not be admitted to bail sooner than 12 hours after his arrest. If the person is admitted to bail more than 12 hours after his arrest, pursuant to subsection 5 of NRS 171.178, without appearing personally before a magistrate, the amount of bail must be:

(a) Three thousand dollars, if the person has no previous convictions of battery that constitute domestic violence pursuant to NRS 33.018 and there is no reason to believe that the battery for which he has been arrested resulted in substantial bodily harm;

(b) Five thousand dollars, if the person has:

(1) No previous convictions of battery that constitute domestic violence pursuant to NRS 33.018, but there is reason to believe that the battery for which he has been arrested resulted in substantial bodily harm; or

(2) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018, but there is no reason to believe that the battery for which he has been arrested resulted in substantial bodily harm; or

(c) Fifteen thousand dollars, if the person has:

(1) One previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 and there is reason to believe that the battery for which he has been arrested resulted in substantial bodily harm; or

(2) Two or more previous convictions of battery that constitute domestic violence pursuant to NRS 33.018.

The provisions of this subsection do not affect the authority of a magistrate or a court to set the amount of bail when the person personally appears before the magistrate or the court. For the purposes of this subsection, a person shall be deemed to have a previous conviction of battery that constitutes domestic violence pursuant to NRS 33.018 if the person has been convicted of such an offense in this state or has been convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct.

6. The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.

7. Before releasing a person arrested for any crime, the court may impose such reasonable conditions on the person as it deems necessary to protect the health, safety and welfare of the community and to ensure that the person will appear at all times and places ordered by the court, including, without limitation:

(a) Requiring the person to remain in this state or a certain county within this state;

(b) Prohibiting the person from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on his behalf;

(c) Prohibiting the person from entering a certain geographic area; or

(d) Prohibiting the person from engaging in specific conduct that may be harmful to his own health, safety or welfare, or the health, safety or welfare of another person.

In determining whether a condition is reasonable, the court shall consider the factors listed in NRS 178.4853.

8. If a person fails to comply with a condition imposed pursuant to subsection 7, the court may, after providing the person with reasonable notice and an opportunity for a hearing:

(a) Deem such conduct a contempt pursuant to NRS 22.010; or

(b) Increase the amount of bail pursuant to NRS 178.499.

9. An order issued pursuant to this section that imposes a condition on a person admitted to bail must include a provision ordering any law enforcement officer to arrest the person if he has probable cause to believe that the person has violated a condition of his bail.

10. Before a person may be admitted to bail, he must sign a document stating that:

(a) He will appear at all times and places as ordered by the court releasing him and as ordered by any court before which the charge is subsequently heard;

(b) He will comply with the other conditions which have been imposed by the court and are stated in the document; and

(c) If he fails to appear when so ordered and is taken into custody outside of this state, he waives all his rights relating to extradition proceedings.

The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.

11. If a person admitted to bail fails to appear as ordered by a court and the jurisdiction incurs any cost in returning the person to the jurisdiction to stand trial, the person who failed to appear is responsible for paying those costs as restitution.

**Sec. 87.** NRS 179.495 is hereby amended to read as follows:

179.495 1. Within a reasonable time but not later than 90 days after the termination of the period of an order or any extension thereof, the judge who issued the order shall cause to be served on the chief of the investigation division of the department of ~~motor vehicles and~~ public safety, persons named in the order and any other parties to intercepted communications, an inventory which must include notice of:

(a) The fact of the entry and a copy of the order.

(b) The fact that during the period wire or oral communications were or were not intercepted.

The inventory filed pursuant to this section is confidential and must not be released for inspection unless subpoenaed by a court of competent jurisdiction.

2. The judge, upon receipt of a written request from any person who was a party to an intercepted communication or from the person's attorney, shall make available to the person or his counsel those portions of the intercepted communications which contain his conversation. On an ex parte showing of good cause to a district judge, the serving of the inventory required by this section may be postponed for such time as the judge may provide.

**Sec. 88.** NRS 179.515 is hereby amended to read as follows:

179.515 1. In January of each year, the attorney general and the district attorney of each county shall report to the Administrative Office of the United States Courts the information required to be reported pursuant to 18 U.S.C. § 2519. A copy of the report must be filed with the investigation division of the department of ~~motor vehicles and~~ public safety. In the case of a joint application by the attorney general and a district attorney, both shall make the report.

2. Every justice of the supreme court or district judge who signs an order authorizing or denying an interception shall, within 30 days after the termination of the order or any extension thereof, file with the investigation division of the department of ~~motor vehicles and~~ public safety on forms approved by the division a report containing the same information required to be reported pursuant to 18 U.S.C. § 2519. The report must also indicate whether a party to an intercepted wire communication had consented to the interception.

3. The willful failure of any officer to report any information known to him which is required to be reported pursuant to subsection 1 or 2 constitutes malfeasance in office and, in such cases, the secretary of state shall, when the wrong becomes known to him, institute legal proceedings for the removal of that officer.

4. The investigation division of the department of ~~motor vehicles and~~ public safety shall, on or before April 30 of each year, compile a report consisting of a summary and analysis of all reports submitted to the division pursuant to this section during the previous calendar year. The report is a public record and may be inspected by any person during the regular office hours of the division.

**Sec. 89.** NRS 179.530 is hereby amended to read as follows:

179.530 1. District courts of this state may issue orders authorizing the use of a pen register or trap and trace device upon the application of a district attorney, the attorney general or their deputies, supported by an affidavit of a peace officer under the circumstances and upon the conditions prescribed by 18 U.S.C. §§ 3121-3127 as those provisions ~~exist~~ *existed* on July 1, 1989.

2. As used in this section, “peace officer” means:

(a) Sheriffs of counties and metropolitan police departments and their deputies;

(b) Investigators, agents, officers and employees of the *investigation* division of ~~investigation of~~ the department of ~~motor vehicles and~~ public safety who have the powers of peace officers pursuant to paragraph (d) of subsection 1 of NRS 289.270;

(c) Policemen of cities and towns;

(d) Agents of the state gaming control board who are investigating any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;

(e) Special investigators employed by the attorney general who have the powers of peace officers pursuant to NRS 289.170; and

(f) Investigators employed by a district attorney who have the powers of peace officers pursuant to NRS 289.170.

3. A public utility that relies, in good faith, upon an order of a district court authorizing the use of a pen register or trap and trace device is not liable in any civil or criminal action brought against the public utility for the use of the pen register or trap and trace device in accordance with the order of the court.

**Sec. 90.** NRS 179A.049 is hereby amended to read as follows:

179A.049 “Department” means the department of ~~motor vehicles and~~ public safety.

**Sec. 91.** NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The central repository for Nevada records of criminal history is hereby created within the Nevada highway patrol division of the department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the department; and

(b) Submit the information collected to the central repository in the manner recommended by the advisory committee and approved by the director of the department.

3. Each agency of criminal justice shall submit the information relating to sexual offenses and other records of criminal history that it creates or issues, and any information in its possession relating to the genetic markers of the blood and the secretor status of the saliva of a person who is convicted of sexual assault or any other sexual offense, to the division in the manner prescribed by the director of the department. The information must be submitted to the division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the director of the department,

within the period prescribed by the director of the department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the division. The division shall delete all references in the central repository relating to that particular arrest.

4. The division shall, in the manner prescribed by the director of the department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Sexual offenses and other records of criminal history; and

(2) The genetic markers of the blood and the secretor status of the saliva of a person who is convicted of sexual assault or any other sexual offense.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him.

(c) Upon request, provide the information that is contained in the central repository to the state disaster identification team of the division of emergency management of the department of ~~motor vehicles and~~ public safety.

5. The division may:

(a) Disseminate any information which is contained in the central repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with federal and state repositories to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose

record of fingerprints the central repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) About whom any agency of the State of Nevada or any political subdivision thereof has a legitimate need to have accurate personal information for the protection of the agency or the persons within its jurisdiction; or

(4) For whom such information is required to be obtained pursuant to NRS 449.179.

6. The central repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the central repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the superintendent of public instruction for a license;

(2) Has applied to a county school district for employment; or

(3) Is employed by a county school district,

and notify the superintendent of each county school district and the superintendent of public instruction if the investigation of the central repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district by providing him with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district whose fingerprints were sent previously to the central repository for investigation, who the central repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the central repository's initial investigation. The superintendent of each county school district shall determine whether further investigation or action by the district is appropriate.

(f) Investigate the criminal history of each person who submits fingerprints or has his fingerprints submitted pursuant to NRS 449.176 or 449.179.

(g) On or before July 1 of each year, prepare and present to the governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the governor throughout the year regarding specific areas

of crime if they are recommended by the advisory committee and approved by the director of the department.

(h) On or before July 1 of each year, prepare and submit to the director of the legislative counsel bureau, for submission to the legislature, or the legislative commission when the legislature is not in regular session, a report containing statistical data about domestic violence in this state.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2, and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

7. The central repository may:

(a) At the recommendation of the advisory committee and in the manner prescribed by the director of the department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The central repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the state disaster identification team of the division of emergency management of the department of ~~motor vehicles and~~ public safety. All money collected pursuant to this paragraph must be used to pay for the cost of operating the central repository.

(c) In the manner prescribed by the director of the department, use electronic means to receive and disseminate information contained in the central repository that it is authorized to disseminate pursuant to the provisions of this chapter.

8. As used in this section:

(a) “Advisory committee” means the committee established by the director of the department pursuant to NRS 179A.078.

(b) “Personal identifying information” means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver’s license number, social security number, date of birth and photograph or computer generated image of a person; and

(2) The fingerprints, voiceprint, retina image and iris image of a person.

**Sec. 92.** NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the central repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which:

(a) Reflect convictions only; or

(b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. The central repository shall disseminate to a prospective or current employer, upon request, information relating to sexual offenses concerning an employee, prospective employee, volunteer or prospective volunteer who gives his written consent to the release of that information.

5. Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history or his attorney of record when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The state gaming control board.

(d) The state board of nursing.

(e) The private investigator's licensing board to investigate an applicant for a license.

(f) A public administrator to carry out his duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the public utilities commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee, or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter for the electronic or printed media in his professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) The division of child and family services of the department of human resources and any county agency that is operated pursuant to NRS 432B.325 or authorized by a court of competent jurisdiction to receive and investigate reports of abuse or neglect of children and which provides or arranges for protective services for such children.

(p) The welfare division of the department of human resources or its designated representative.

(q) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Title IV of the Social Security Act, ~~42 U.S.C. §§ 651 et seq. D-1~~

(r) The state disaster identification team of the division of emergency management of the department of ~~motor vehicles and~~ public safety.

6. Agencies of criminal justice in this state which receive information from sources outside this state concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

**Sec. 93.** NRS 179A.140 is hereby amended to read as follows:

179A.140 1. An agency of criminal justice may charge a reasonable fee for information relating to sexual offenses or other records of criminal history furnished to any person or governmental entity except another agency of criminal justice and the state disaster identification team of the division of emergency management of the department of ~~motor vehicles and~~ public safety. The central repository shall not charge such a fee for information relating to a person regarding whom the central repository furnished a similar report within the immediately preceding 6 months in conjunction with the application by that person for professional licensure.

2. All money received or collected by the department pursuant to this section must be used to defray the cost of operating the central repository.

**Sec. 94.** NRS 179B.040 is hereby amended to read as follows:

179B.040 “Department” means the department of ~~motor vehicles and~~ public safety.

**Sec. 95.** NRS 179C.160 is hereby amended to read as follows:

179C.160 Upon registering a convicted person pursuant to the provisions of this chapter, a sheriff or a chief of police shall forward all information concerning such registration to the central repository for Nevada records of criminal history in the manner prescribed by the director of the department of ~~motor vehicles and~~ public safety.

**Sec. 96.** NRS 179D.040 is hereby amended to read as follows:

179D.040 “Division” means the division of parole and probation of the department of ~~motor vehicles and~~ public safety.

**Sec. 97.** NRS 202.3653 is hereby amended to read as follows:

202.3653 As used in NRS 202.3653 to 202.369, inclusive, unless the context otherwise requires:

1. “Concealed firearm” means a loaded or unloaded pistol, revolver or other firearm which is carried upon a person in such a manner as not to be discernible by ordinary observation.

2. “Department” means the department of ~~motor vehicles and~~ public safety.

3. “Permit” means a permit to carry a concealed firearm issued pursuant to the provisions of NRS 202.3653 to 202.369, inclusive.

**Sec. 98.** NRS 202.3657 is hereby amended to read as follows:

202.3657 1. Any person may apply to the sheriff of the county in which he resides for a permit on a form prescribed by regulation of the department. Application forms for permits must be furnished by the sheriff of each county upon request.

2. Except as otherwise provided in this section, the sheriff shall issue a permit for no more than two specific firearms to any person who is qualified to possess a firearm under state and federal law, who submits an application in accordance with the provisions of this section and who:

- (a) Is a resident of this state;
- (b) Is 21 years of age or older;
- (c) Is not prohibited from possessing a firearm pursuant to NRS 202.360; and
- (d) Demonstrates competence with a firearm by presenting a certificate or other documentation to the sheriff which shows that he:

(1) Successfully completed a course in firearm safety approved by a sheriff in this state; or

(2) Successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety.

Such a course must include instruction in the use of each firearm to which the application pertains and in the laws of this state relating to the proper use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless he determines that the course meets any standards that are established by the Nevada Sheriffs and Chiefs Association ~~or~~ or, if the Nevada Sheriffs and Chiefs Association ceases to exist, its legal successor.

3. The sheriff shall deny an application or revoke a permit if he determines that the applicant or permittee:

- (a) Has an outstanding warrant for his arrest.
- (b) Has been judicially declared incompetent or insane.
- (c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.
- (d) Has habitually used intoxicating liquor or a controlled substance to the extent that his normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, he has been:

- (1) Convicted of violating the provisions of NRS 484.379; or
- (2) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.

(e) Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any other state, or a territory or possession of the United States at any time during the immediately preceding 3 years.

(f) Has been convicted of a felony in this state or under the laws of any state, territory or possession of the United States.

(g) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.

(h) Is currently on parole or probation from a conviction obtained in this state or in any other state or territory or possession of the United States.

(i) Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this state or of any other state or territory or possession of the United States, as a condition to the court's:

(1) Withholding of the entry of judgment for his conviction of a felony; or

(2) Suspension of his sentence for the conviction of a felony.

(j) Has made a false statement on any application for a permit or for the renewal of a permit.

4. The sheriff may deny an application or revoke a permit if he receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 3 which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.

5. If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee or an applicant for a permit has been charged with a crime involving the use or threatened use of force or violence, the conviction for which would require the revocation of a permit or preclude the issuance of a permit to the applicant pursuant to this section, the sheriff shall suspend the person's permit or the processing of his application until the final disposition of the charges against him. If a permittee is acquitted of the charges against him, or if the charges are dropped, the sheriff shall restore his permit without imposing a fee.

6. An application submitted pursuant to this section must be completed and signed under oath by the applicant. The applicant's signature must be witnessed by an employee of the sheriff or notarized by a notary public. The application must include:

(a) The name, address, place and date of birth, social security number, occupation and employer of the applicant and any other names used by the applicant;

(b) A complete set of the applicant's fingerprints taken by the sheriff or his agent;

(c) A front-view colored photograph of the applicant taken by the sheriff or his agent;

(d) The ~~applicant's~~ driver's license number or identification card number *of the applicant* issued by the department ~~of~~ *of motor vehicles*;

(e) The make, model and caliber of each firearm to which the application pertains;

(f) A nonrefundable fee in the amount necessary to obtain the report required pursuant to subsection 1 of NRS 202.366; and

(g) A nonrefundable fee set by the sheriff not to exceed \$60.

**Sec. 99.** NRS 205.465 is hereby amended to read as follows:

205.465 1. It is unlawful for a person to possess, sell or transfer any document or personal identifying information for the purpose of establishing a false status, occupation, membership, license or identity for himself or any other person.

2. A person who:

(a) Sells or transfers any such document or personal identifying information in violation of subsection 1; or

(b) Possesses any such document or personal identifying information in violation of subsection 1 to commit any of the crimes set forth in NRS 205.085 to 205.217, inclusive, 205.473 to 205.513, inclusive, or 205.610 to 205.810, inclusive,

is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. Except as otherwise provided in subsection 2, a person who possesses any such document or personal identifying information in violation of subsection 1 is guilty of a misdemeanor.

4. Subsection 1 does not:

(a) Preclude the adoption by a city or county of an ordinance prohibiting the possession of any such document or personal identifying information; or

(b) Prohibit the possession or use of any such document or personal identifying information by officers of local police, sheriff and metropolitan police departments and by agents of the investigation division of the department of ~~motor vehicles and~~ public safety while engaged in undercover investigations related to the lawful discharge of their duties.

5. As used in this section:

(a) “Document” includes, without limitation, a photocopy print, photostat and other replica of a document.

(b) “Personal identifying information” means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver’s license number, social security number, savings account number, credit card number, debit card number, date of birth, place of employment and maiden name of the mother of a person; and

(2) The fingerprints, voiceprint, retina image and iris image of a person.

**Sec. 100.** NRS 206.330 is hereby amended to read as follows:

206.330 1. Unless a greater criminal penalty is provided by a specific statute, a person who places graffiti on or otherwise defaces the public or private property, real or personal, of another, without the permission of the owner is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of the property damaged or destroyed and in no event less than a misdemeanor.

2. A person who violates subsection 1 shall, in addition to any other fine or penalty imposed:

(a) For the first offense, perform not less than 50 hours, but not more than 99 hours, of community service.

(b) For the second offense, perform not less than 100 hours, but not more than 199 hours, of community service.

(c) For the third and each subsequent offense, perform not less than 200 hours of community service.

The community service assigned pursuant to this subsection must, if possible, be related to the abatement of graffiti.

3. The parent or legal guardian of a person under the age of 17 years who violates this section is liable for all fines and penalties imposed against the person. If the parent or legal guardian is unable to pay the fine and penalties resulting from a violation of this section because of financial hardship, the court may require the parent or legal guardian to perform community service.

4. If a person who is 18 years of age or older is found guilty of violating this section, the court may issue an order suspending the driver's license of the person for a period not to exceed 6 months in addition to any other penalty imposed. If such an order is issued, the court shall require the person to surrender all driver's licenses then held by the person. If the person does not possess a driver's license, the court may issue an order prohibiting the person from applying for a driver's license within the 6 months immediately following the date of the order. The court shall, within 5 days after issuing the order, forward to the department of motor vehicles ~~and public safety~~ any licenses together with a copy of the order.

5. The department of motor vehicles : ~~and public safety~~

(a) Shall not treat a violation of this section in the manner statutorily required for a moving traffic violation.

(b) Shall report the suspension of a driver's license pursuant to this section to an insurance company or its agent inquiring about the person's driving record. An insurance company shall not use any information obtained pursuant to this paragraph for purposes related to establishing premium rates or determining whether to underwrite the insurance.

6. A criminal penalty imposed pursuant to this section is in addition to any civil penalty or other remedy available pursuant to another statute for the same conduct.

**Sec. 101.** NRS 209.246 is hereby amended to read as follows:

209.246 The director shall, with the approval of the board, establish by regulation criteria for a reasonable deduction from money credited to the account of an offender to:

1. Repay the cost of:

(a) State property willfully damaged, destroyed or lost by the offender during his incarceration.

(b) Medical examination, diagnosis or treatment for injuries:

(1) Inflicted by the offender upon himself or other offenders; or

(2) Which occur during voluntary recreational activities.

(c) Searching for and apprehending the offender when he escapes or attempts to escape.

(d) Quelling any riot or other disturbance in which the offender is unlawfully involved.

(e) Providing a funeral for an offender.

(f) Providing an offender with clothing, transportation and money upon his release from prison pursuant to NRS 209.511.

(g) Transportation of an offender pursuant to a court order in cases other than a criminal prosecution, a proceeding for post-conviction relief

involving the offender or a proceeding in which the offender has challenged the conditions of his confinement.

(h) Monetary sanctions imposed under the code of penal discipline adopted by the department.

2. Defray, as determined by the director, a portion of the costs paid by the department for medical care for the offender, including, but not limited to:

(a) Except as otherwise provided in paragraph (b) of subsection 1, expenses for medical or dental care, prosthetic devices and pharmaceutical items; and

(b) Expenses for prescribed medicine and supplies.

3. Repay the costs incurred by the department on behalf of the offender for:

(a) Postage for personal items and items related to litigation;

(b) Photocopying of personal documents and legal documents, for which the offender must be charged a reasonable fee not to exceed the actual costs incurred by the department;

(c) Legal supplies;

(d) Telephone calls charged to the department;

(e) Charges relating to checks returned for insufficient funds and checks for which an order to stop payment has been made;

(f) Items related to the offender's work, including, but not limited to, clothing, shoes, boots, tools, a driver's license or identification card issued by the department of motor vehicles, ~~and public safety,~~ a work card issued by a law enforcement agency and a health card; and

(g) The replacement of an identification card or prepaid ticket for bus transportation issued to the offender by the department.

4. Repay any cost to the State of Nevada or any agency or political subdivision thereof that is incurred in defending the state against an action filed by an offender in federal court alleging a violation of his civil rights which is determined by the court to be frivolous.

All money collected pursuant to this section must be deposited in the appropriate account in the state general fund for reimbursement of the related expenditure.

**Sec. 102.** NRS 209.392 is hereby amended to read as follows:

209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429, the director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the director pursuant to subsection 3 and who has:

(a) Established a position of employment in the community;

(b) Enrolled in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime,

assign the offender to the custody of the division of parole and probation of the department of ~~motor vehicles and~~ public safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his sentence.

2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the director shall notify the division of parole and probation. If any victim of a crime committed by the offender has,

pursuant to subsection 4 of NRS 213.130, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the division of parole and probation shall notify the victim of the offender's request and advise the victim that he may submit documents regarding the request to the division of parole and probation. If a current address has not been provided as required by subsection 4 of NRS 213.130, the division of parole and probation must not be held responsible if such notification is not received by the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the division of parole and probation pursuant to this subsection is confidential.

3. The director, after consulting with the division of parole and probation, shall adopt, by regulation, standards providing which offenders are eligible for residential confinement. The standards adopted by the director must provide that an offender who:

(a) Is not eligible for parole or release from prison within a reasonable period;

(b) Has recently committed a serious infraction of the rules of an institution or facility of the department;

(c) Has not performed the duties assigned to him in a faithful and orderly manner;

(d) Has ever been convicted of:

(1) Any crime involving the use or threatened use of force or violence against the victim; or

(2) A sexual offense;

(e) Has more than one prior conviction for any felony in this state or any offense in another state that would be a felony if committed in this state, not including a violation of NRS 484.3792 or 484.3795;

(f) Has escaped or attempted to escape from any jail or correctional institution for adults; or

(g) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the director,  
is not eligible for assignment to the custody of the division of parole and probation to serve a term of residential confinement pursuant to this section.

4. If an offender assigned to the custody of the division of parole and probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The division of parole and probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the department.

(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the director. The director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender ~~§~~ and may restore credits forfeited for such reasons as he considers proper. The decision of the director regarding such a forfeiture is final.

5. The assignment of an offender to the custody of the division of parole and probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the department, except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the department.

6. An offender does not have a right to be assigned to the custody of the division of parole and probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

**Sec. 103.** NRS 209.3925 is hereby amended to read as follows:

209.3925 1. Except as otherwise provided in subsection 6, the director may assign an offender to the custody of the division of parole and probation of the department of ~~motor vehicles and~~ public safety to serve a term of residential confinement pursuant to NRS 213.380, for not longer than the remainder of his sentence, if:

(a) The director has reason to believe that the offender is:

(1) Physically incapacitated to such a degree that he does not presently, and likely will not in the future, pose a threat to the safety of the public; or

(2) In ill health and expected to die within 12 months, and does not presently, and likely will not in the future, pose a threat to the safety of the public; and

(b) At least two physicians licensed pursuant to chapter 630 of NRS, one of whom is not employed by the department, verify, in writing, that the offender is:

(1) Physically incapacitated; or

(2) In ill health and expected to die within 12 months.

2. If the director intends to assign an offender to the custody of the division of parole and probation pursuant to this section, at least 45 days before the date the offender is expected to be released from the custody of the department, the director shall notify:

(a) If the offender will reside within this state after he is released from the custody of the department, the board of county commissioners of the county in which the offender will reside; and

(b) The division of parole and probation.

3. If any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.130, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the division of parole and probation shall notify the victim that:

(a) The director intends to assign the offender to the custody of the division of parole and probation pursuant to this section; and

(b) The victim may submit documents to the division of parole and probation regarding such an assignment.

If a current address has not been provided by a victim as required by subsection 4 of NRS 213.130, the division of parole and probation must not be held responsible if notification is not received by the victim. All personal information, including, but not limited to, a current or former

address, which pertains to a victim and which is received by the division of parole and probation pursuant to this subsection is confidential.

4. If an offender assigned to the custody of the division of parole and probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The division of parole and probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the department.

(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the director. The director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender ~~and~~ and may restore credits forfeited for such reasons as he considers proper. The decision of the director regarding such a forfeiture is final.

5. The assignment of an offender to the custody of the division of parole and probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the department,

except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the department.

6. The director may not assign an offender to the custody of the division of parole and probation pursuant to this section if the offender is sentenced to death or imprisonment for life without the possibility of parole.

7. An offender does not have a right to be assigned to the custody of the division of parole and probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

**Sec. 104.** NRS 209.427 is hereby amended to read as follows:

209.427 1. If the results of an evaluation conducted pursuant to NRS 484.3796 indicate that an offender is an abuser of alcohol or drugs and that he can be treated successfully for his condition, the director shall, except as otherwise provided in this section, assign the offender to the program of treatment established pursuant to NRS 209.425. Such an assignment must be, to the extent that the period reasonably can be predicted, for the year, or as much thereof as practicable, immediately preceding the date the offender is due to be released from prison, either on parole or at the expiration of his term.

2. Before assigning an offender to a program of treatment, the director, in cooperation with the division of parole and probation of the department of ~~motor vehicles and~~ public safety, shall determine, to the extent possible:

(a) The length of time remaining on the offender's sentence, taking into consideration any credits earned by the offender; and

(b) The likelihood that the offender will complete the entire program of treatment.

3. The director shall when assigning offenders to the program, to the extent possible, give preference to those offenders who appear to the director capable of successfully completing the entire program.

4. The director is not required to assign an offender to the program of treatment if the offender is not eligible for assignment to an institution or facility of minimum security pursuant to the provisions of NRS 209.481 and the regulations adopted pursuant thereto.

5. The director may withdraw the offender from the program of treatment at any time if he determines that the offender:

- (a) Is not responding satisfactorily to the program; or
- (b) Has failed or refused to comply with any term or condition of the program.

6. As used in this section, “entire program” means both phases of the program established pursuant to NRS 209.425, for offenders who have not been released from prison, and NRS 209.429, for offenders who have been assigned to the custody of the division of parole and probation of the department of ~~motor vehicles and~~ public safety.

**Sec. 105.** NRS 209.429 is hereby amended to read as follows:

209.429 1. Except as otherwise provided in subsection 6, the director shall assign an offender to the custody of the division of parole and probation of the department of ~~motor vehicles and~~ public safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of the maximum term of his sentence if:

- (a) The offender has:
  - (1) Established a position of employment in the community;
  - (2) Enrolled in a program for education or rehabilitation; or
  - (3) Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime;
- (b) The offender has successfully completed the initial period of treatment required under the program of treatment established pursuant to NRS 209.425; and
- (c) The director believes that the offender will be able to:
  - (1) Comply with the terms and conditions required under residential confinement; and
  - (2) Complete successfully the remainder of the program of treatment while under residential confinement.

If an offender assigned to the program of treatment pursuant to NRS 209.427 ~~H~~ completes the initial phase of the program and thereafter refuses to enter the remainder of the program of treatment pursuant to this section, the offender forfeits all or part of the credits earned by him to reduce his sentence pursuant to this chapter before this refusal, as determined by the director. The director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender ~~H~~ and may restore credits forfeited for such reasons as he considers proper. The decision of the director regarding such a forfeiture is final.

2. Before a person may be assigned to serve a term of residential confinement pursuant to this section, he must submit to the division of parole and probation a signed document stating that:

(a) He will comply with the terms or conditions of his residential confinement; and

(b) If he fails to comply with the terms or conditions of his residential confinement and is taken into custody outside of this state, he waives all his rights relating to extradition proceedings.

3. If an offender assigned to the custody of the division of parole and probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The division of parole and probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the department of prisons.

(b) The offender forfeits all or part of the credits earned by him to reduce his sentence pursuant to this chapter before the escape or violation, as determined by the director. The director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender ~~and~~ and may restore credits forfeited for such reasons as he considers proper. The decision of the director regarding forfeiture of credits is final.

4. The assignment of an offender to the custody of the division of parole and probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the department of prisons,

except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the department of prisons.

5. A person does not have a right to be assigned to the custody of the division of parole and probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

6. The director shall not assign an offender who is serving a sentence for committing a battery which constitutes domestic violence pursuant to NRS 33.018 to the custody of the division of parole and probation to serve a term of residential confinement unless the director makes a finding that the offender is not likely to pose a threat to the victim of the battery.

**Sec. 106.** NRS 209.462 is hereby amended to read as follows:

209.462 The director shall provide a secure facility to be used by the department of motor vehicles ~~and public safety~~ for the production of license plates.

**Sec. 107.** NRS 209.4827 is hereby amended to read as follows:

209.4827 The director may:

1. With the approval of the board, establish centers to house offenders within a community so they may work to earn wages with which to make restitution to the victims of their crimes.

2. If space is available, assign to the center:

(a) An offender participating in a work or educational release program.

(b) An offender who has been paroled if such a request is made by the division of parole and probation of the department of ~~motor vehicles and~~ public safety.

**Sec. 108.** NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, unless the context otherwise requires:

1. “Board” means the state board of parole commissioners.
2. “Chief” means the chief parole and probation officer.
3. “Division” means the division of parole and probation of the department of ~~motor vehicles and~~ public safety.
4. “Residential confinement” means the confinement of a person convicted of a crime to his place of residence under the terms and conditions established by the board.
5. “Sex offender” means any person who has been or is convicted of a sexual offense.
6. “Sexual offense” means:
  - (a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of subsection 1 of NRS 201.195, NRS 201.230 or 201.450;
  - (b) An attempt to commit any offense listed in paragraph (a); or
  - (c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.
7. “Standards” means the objective standards for granting or revoking parole or probation which are adopted by the board or the chief.

**Sec. 109.** NRS 213.1071 is hereby amended to read as follows:

213.1071 1. There is hereby created the division of parole and probation of the department of ~~motor vehicles and~~ public safety.

2. The division consists of the chief and such sections as the chief may create with the approval of the director of the department of ~~motor vehicles and~~ public safety.
3. The chief of the division is the chief parole and probation officer.

**Sec. 110.** NRS 213.108 is hereby amended to read as follows:

213.108 1. The state board of parole commissioners is hereby created within the department of ~~motor vehicles and~~ public safety.

2. The board consists of seven members appointed by the governor.
3. A chairman of the board must be appointed by the governor. The chairman is the executive officer of the board and shall administer its activities and services and is responsible for its management except as otherwise provided in NRS 213.1085.
4. Each member of the board must have at least:
  - (a) A bachelor’s degree in criminal justice, law enforcement, sociology, psychology, social work, law or the administration of correctional or rehabilitative facilities and programs and not less than 3 years of experience working in one or several of these fields; or
  - (b) Four years of experience in one or several of the fields specified in paragraph (a).
5. Except as otherwise provided in subsection 6, when making an appointment to the board, the governor shall, to the extent practicable:

- (a) Appoint a person who has experience in the field of:
    - (1) Prisons;
    - (2) Parole and probation;
    - (3) Law enforcement, including investigation;
    - (4) Criminal law as the attorney general, a deputy attorney general, a district attorney or a deputy district attorney;
    - (5) Social work or therapy with emphasis on family counseling, domestic violence and urban social problems; or
    - (6) The advocacy of victims' rights; and
  - (b) Ensure that each of the fields listed in paragraph (a) is represented by at least one member of the board who has experience in the field.
6. No more than two members of the board may represent one of the fields listed in paragraph (a) of subsection 5.
7. Except as otherwise provided in NRS 213.133, a decision on any issue before the board, concurred in by four or more members, is the decision of the board.

**Sec. 111.** NRS 213.1088 is hereby amended to read as follows:

213.1088 1. The department of ~~motor vehicles and~~ public safety in conjunction with the department of prisons shall establish a program of orientation that:

(a) Each member of the board shall attend upon appointment to a first term; and

(b) Each person named by the board to the list of persons eligible to serve as a case hearing representative pursuant to NRS 213.135 shall attend upon being named to the list. A person named to the list may not serve as a case hearing representative until the person completes the program of orientation.

2. The program of orientation must include a minimum of 40 hours of training. The information presented during the program of orientation must include, but is not limited to:

(a) A historical perspective of parole, including the objectives of and reasons for using parole within the criminal justice system;

(b) The role and function of the board within the criminal justice system;

(c) The responsibilities of members of the board and case hearing representatives;

(d) The goals and objectives of the board;

(e) The programs administered by the board;

(f) The policies and procedures of the board; and

(g) The laws and regulations governing parole, including the standards for granting, denying, revoking and continuing parole.

3. The chairman of the board shall develop a written plan for the continuing education of members of the board and case hearing representatives. The plan must require that:

(a) Each member of the board shall attend not less than 16 hours of courses for continuing education during each year of the member's term.

(b) Each case hearing representative shall attend not less than 16 hours of courses for continuing education during each year that the representative is on the list of persons eligible to serve as a case hearing representative.

4. A member of the board or a case hearing representative may meet the requirement for continuing education by successfully completing courses in any combination of the following subjects:

- (a) The role and function of the board within the criminal justice system;
- (b) Changes in the law, including judicial decisions affecting parole;
- (c) Developing skills in communicating, making decisions and solving problems;
- (d) The interpretation and use of research, data and reports;
- (e) Correctional policies and programs, including programs for the treatment of prisoners and parolees;
- (f) Alternative punishments for disobedience;
- (g) The selection of prisoners for parole;
- (h) The supervision of parolees;
- (i) The designation of and programs for repeating or professional offenders;
- (j) Problems related to gangs;
- (k) The abuse of alcohol and drugs;
- (l) The acquired immune deficiency syndrome;
- (m) Domestic violence; and
- (n) Mental illness and mental retardation.

5. The board shall, within the limits of legislative appropriations, pay the expenses of members of the board and case hearing representatives attending courses for continuing education.

**Sec. 112.** NRS 213.1092 is hereby amended to read as follows:

213.1092 1. The director of the department of ~~motor vehicles and~~ public safety shall appoint the chief parole and probation officer, who is in the unclassified service of the state.

2. The chief parole and probation officer must:

- (a) Be selected on the basis of his training, experience, capacity and interest in correctional services.
- (b) Have had at least 5 years' experience in correctional programs, of which at least 3 years were in a responsible administrative position.

3. The principal office of the chief parole and probation officer must be in Carson City, Nevada.

**Sec. 113.** NRS 213.371 is hereby amended to read as follows:

213.371 As used in NRS 213.371 to 213.410, inclusive, unless the context otherwise requires:

- 1. "Division" means the division of parole and probation of the department of ~~motor vehicles and~~ public safety.
- 2. "Offender" means a prisoner assigned to the custody of the division pursuant to NRS 209.392, 209.3925 or 209.429.
- 3. "Residential confinement" means the confinement of an offender to his place of residence under the terms and conditions established by the division.

**Sec. 114.** NRS 233F.170 is hereby amended to read as follows:

233F.170 In the event of any emergency, the governor may direct the division of emergency management of the department of ~~motor vehicles and~~ public safety to assume control over all or part of the state communications system.

**Sec. 115.** NRS 242.131 is hereby amended to read as follows:

242.131 1. The department shall provide state agencies and elected state officers with all their required design of information systems. All agencies and officers must use those services and equipment, except as otherwise provided in subsection 2.

2. The following agencies may negotiate with the department for its services or the use of its equipment, subject to the provisions of this chapter, and the department shall provide those services and the use of that equipment as may be mutually agreed:

- (a) The court administrator;
- (b) *The department of motor vehicles;*
- ~~(c)~~ The department of ~~motor vehicles and~~ public safety;
- ~~(e)~~ *(d)* The department of transportation;
- ~~(d)~~ *(e)* The employment security division of the department of employment, training and rehabilitation;
- ~~(e)~~ *(f)* The division of wildlife of the state department of conservation and natural resources;
- ~~(f)~~ *(g)* The legislative counsel bureau;
- ~~(g)~~ *(h)* The state controller;
- ~~(h)~~ *(i)* The state gaming control board and Nevada gaming commission; and
- ~~(i)~~ *(j)* The University and Community College System of Nevada.

3. Any state agency or elected state officer who uses the services of the department and desires to withdraw substantially from that use must apply to the director for approval. The application must set forth justification for the withdrawal. If the director denies the application, the agency or officer must:

(a) If the legislature is in regular or special session, obtain the approval of the legislature by concurrent resolution.

(b) If the legislature is not in regular or special session, obtain the approval of the interim finance committee. The director shall, within 45 days after receipt of the application, forward the application together with his recommendation for approval or denial to the interim finance committee. The interim finance committee has 45 days after the application and recommendation are submitted to its secretary within which to consider the application. Any application which is not considered by the committee within the 45-day period shall be deemed approved.

4. If the demand for services or use of equipment exceeds the capability of the department to provide them, the department may contract with other agencies or independent contractors to furnish the required services or use of equipment and is responsible for the administration of the contracts.

**Sec. 116.** NRS 245.125 is hereby amended to read as follows:

245.125 1. Except as otherwise provided in subsection 2:

(a) Each county officer or employee who, in his official capacity, receives any money belonging to a person or other entity, other than the county or himself, shall immediately deposit it with the county treasurer and obtain a receipt for it.

(b) Money deposited in accordance with this subsection is not part of the public money of the county.

(c) Money deposited with the county treasurer in accordance with this subsection must be paid to the owner upon the presentation of a certificate from the officer or employee who deposited the money, attesting that payment of the money is authorized by law and that the person or other entity requesting payment is the owner of the money and entitled to possession of it.

2. The provisions of subsection 1 do not apply:

(a) In counties where ordinances establishing central receiving and disbursing systems have been enacted pursuant to NRS 244.207.

(b) To money collected by a county assessor as agent for the department of motor vehicles ~~and public safety~~ which must be remitted to the state at least weekly.

(c) To money directed by court order to be deposited with the clerk of the court.

(d) To amounts paid pursuant to a judicial or administrative order for the support of a child or of a spouse and child.

**Sec. 117.** NRS 284.174 is hereby amended to read as follows:

284.174 1. If personnel of the capitol police division of the department of ~~motor vehicles and~~ public safety are not available to provide security services for a building, office or other facility of a state agency, the state agency may, pursuant to NRS 284.173, contract with one or more independent contractors to provide such services.

2. An independent contractor with whom a state agency contracts pursuant to subsection 1 must:

(a) Be licensed as a private patrolman pursuant to chapter 648 of NRS or employed by a person so licensed; and

(b) Possess the skills required of and meet the same physical requirements as law enforcement personnel certified by the peace officers' standards and training commission created pursuant to NRS 289.500.

**Sec. 118.** NRS 289.270 is hereby amended to read as follows:

289.270 1. The following persons have the powers of a peace officer:

(a) The director of the department of ~~motor vehicles and~~ public safety.

(b) The chiefs of the divisions of the department of ~~motor vehicles and~~ public safety.

(c) The deputy directors of the department of ~~motor vehicles and~~ public safety employed pursuant to ~~subsection 2 of NRS 481.035~~ **section 5 of this act.**

(d) The investigators and agents of the investigation division of the department of ~~motor vehicles and~~ public safety and any other officer or employee of that division whose principal duty is to enforce one or more laws of this state, and any person promoted from such a duty to a supervisory position related to such a duty.

(e) The personnel of the capitol police division of the department of ~~motor vehicles and~~ public safety appointed pursuant to subsection 2 of NRS 331.140.

2. The personnel of the Nevada highway patrol appointed pursuant to subsection 2 of ~~NRS 481.150~~ **section 17 of this act** have the powers of a peace officer specified in ~~NRS 481.150 and 481.180~~ **sections 17 and 20 of this act.**

3. Administrators and investigators of the division of compliance enforcement ~~of the motor vehicles branch~~ of the department of motor

vehicles ~~and public safety~~ have the powers of a peace officer to enforce any law of the State of Nevada in carrying out their duties pursuant to NRS 481.048.

4. Officers and investigators of the section for the control of emissions from vehicles of the ~~motor vehicles branch of the~~ department of motor vehicles, ~~and public safety,~~ appointed pursuant to NRS 481.0481, have the powers of peace officers in carrying out their duties under that section.

5. Members of the state disaster identification team of the division of emergency management of the department of ~~motor vehicles and~~ public safety who are, pursuant to NRS 414.270, activated by the chief of the division to perform the duties of the state disaster identification team ~~to~~ have the powers of peace officers in carrying out those duties.

**Sec. 119.** NRS 289.320 is hereby amended to read as follows:

289.320 An employee of the transportation services authority whom it designates as an inspector or as manager of transportation is a peace officer and has police power for the enforcement of the provisions of:

1. Chapters 706 and 712 of NRS and all regulations of the transportation services authority or the department of motor vehicles ~~and public safety~~ pertaining thereto; and

2. Chapter 482 of NRS and NRS 483.230, 483.350 and 483.530 to 483.620, inclusive, for the purposes of carrying out the provisions of chapter 706 of NRS.

**Sec. 120.** NRS 289.470 is hereby amended to read as follows:

289.470 “Category II peace officer” means:

1. The bailiff of the supreme court;

2. The bailiffs of the district courts, justices’ courts and municipal courts whose duties require them to carry weapons and make arrests;

3. Constables and their deputies whose official duties require them to carry weapons and make arrests;

4. Inspectors employed by the transportation services authority who exercise those powers of enforcement conferred by chapters 706 and 712 of NRS;

5. Parole and probation officers;

6. Special investigators who are employed full time by the office of any district attorney or the attorney general;

7. Investigators of arson for fire departments who are specially designated by the appointing authority;

8. The assistant and deputies of the state fire marshal;

9. The brand inspectors of the state department of agriculture who exercise the powers of enforcement conferred by chapter 565 of NRS;

10. Investigators for the state forester firewarden who are specially designated by him and whose primary duties are related to the investigation of arson;

11. School police officers employed by the board of trustees of any county school district;

12. Agents of the state gaming control board who exercise the powers of enforcement specified in NRS 289.360, 463.140 or 463.1405, except those agents whose duties relate primarily to auditing, accounting, the collection of taxes or license fees, or the investigation of applicants for licenses;

13. Investigators and administrators of the division of compliance enforcement ~~{of the motor vehicles branch}~~ of the department of motor vehicles ~~{and public safety}~~ who perform the duties specified in subsection ~~{3}~~ 2 of NRS 481.048;

14. Officers and investigators of the section for the control of emissions from vehicles ~~{of the motor vehicles branch}~~ of the department of motor vehicles ~~{and public safety}~~ who perform the duties specified in subsection 3 of NRS 481.0481;

15. Legislative police officers of the State of Nevada;

16. The personnel of the capitol police division of the department of ~~{motor vehicles and}~~ public safety appointed pursuant to subsection 2 of NRS 331.140;

17. Parole counselors of the division of child and family services of the department of human resources;

18. Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in the State of Nevada or by a department of family, youth and juvenile services established pursuant to NRS 62.1264 whose official duties require them to enforce court orders on juvenile offenders and make arrests;

19. Field investigators of the taxicab authority;

20. Security officers employed full time by a city or county whose official duties require them to carry weapons and make arrests;

21. The chief of a department of alternative sentencing created pursuant to NRS 211A.080 and the assistant alternative sentencing officers employed by that department; and

22. Criminal investigators who are employed by the secretary of state.

**Sec. 121.** NRS 289.550 is hereby amended to read as follows:

289.550 The persons upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive, must be certified by the commission, except:

1. The chief parole and probation officer;

2. The director of the department of prisons;

3. The state fire marshal;

4. The director of the department of ~~{motor vehicles and}~~ public safety, the deputy directors of the department, the chiefs of the divisions of the department other than the investigation division, and the members of the state disaster identification team of the division of emergency management of the department;

5. The commissioner of insurance and his chief deputy;

6. Railroad policemen; and

7. California correctional officers.

**Sec. 122.** NRS 293.277 is hereby amended to read as follows:

293.277 1. If a person's name appears in the election board register or if he provides an affirmation pursuant to NRS 293.525, he is entitled to vote ~~{, and he shall}~~ **and must** sign his name in the election board register when he applies to vote. His signature must be compared by an election board officer with the signature or a facsimile thereof on his original application to register to vote or one of the forms of identification listed in subsection 2.

2. The forms of identification which may be used individually to identify a voter at the polling place are:

- (a) The card issued to the voter at the time he registered to vote;
- (b) A driver's license;
- (c) An identification card issued by the department of motor vehicles ;  
~~{and public safety;}~~
- (d) A military identification card; or
- (e) Any other form of identification issued by a governmental agency which contains the voter's signature and physical description or picture.

**Sec. 123.** NRS 293.504 is hereby amended to read as follows:

293.504 1. The following offices shall serve as voter registration agencies:

- (a) Such offices that provide public assistance as are designated by the secretary of state;
- (b) Each office that receives money from the State of Nevada to provide services to persons in this state who are disabled;
- (c) The offices of the ~~{motor vehicles branch of the}~~ department of motor vehicles ; ~~{and public safety;}~~
- (d) The offices of the city and county clerks; and
- (e) Such other offices as the secretary of state deems appropriate.

2. Each voter registration agency shall:

- (a) Make applications to register to vote which may be returned by mail available to each person who applies for or receives services or assistance from the agency;
- (b) Provide the same amount of assistance to an applicant in completing an application to register to vote as the agency provides to a person completing any other forms for the agency; and
- (c) Accept completed applications to register to vote.

3. Except as otherwise provided in this subsection and NRS 293.524, any application to register to vote accepted by a voter registration agency must be transmitted to the county clerk not later than 10 days after the application is accepted. During the 2 weeks immediately preceding the close of registration for an election, the applications must be forwarded daily. The county clerk shall accept any application to register to vote which is completed by the last day to register if he receives the application not later than 5 days after the close of registration.

4. The secretary of state shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this state to apply to register to vote at recruitment offices of the United States Armed Forces.

**Sec. 124.** NRS 293.507 is hereby amended to read as follows:

293.507 1. The secretary of state shall prescribe:

- (a) A standard form for applications to register to vote; and
- (b) A special form for registration to be used in a county where registrations are performed and records of registration are kept by computer.

2. The county clerks shall provide forms for applications to register to vote to field registrars in the form and number prescribed by the secretary of state.

3. A form for an application to register to vote must include a duplicate copy marked as the receipt to be retained by the applicant upon completion of the form.

4. The form for an application to register to vote must include:

- (a) A line for use by the county clerk to enter the number:

(1) Indicated on the voter's social security card, driver's license or identification card issued by the department of motor vehicles, ~~and public safety,~~ or any other identification card issued by an agency of this state or the Federal Government that contains:

(I) A unique number; and

(II) A photograph or physical description of the voter; or

(2) Issued to the voter pursuant to subsection 5.

(b) A line on which to enter the address at which the voter actually resides. The application must not be accepted if the address is listed as a post office box unless a street address has not been assigned to his residence.

(c) A notice that the voter may not list his address as a business unless he actually resides there.

5. If a voter does not:

(a) Possess any of the identification set forth in subparagraph (1) of paragraph (a) of subsection 4; or

(b) Wish to provide to the county clerk the number indicated on that identification,

the county clerk shall issue a unique identification number to the voter.

6. The secretary of state shall adopt regulations to carry out the provisions of subsections 4 and 5.

**Sec. 125.** NRS 293.524 is hereby amended to read as follows:

293.524 1. The department of motor vehicles ~~and public safety~~ shall provide an application to register to vote to each person who applies for the issuance or renewal of any type of driver's license or for an identification card.

2. The county clerk shall use the applications to register to vote which are signed and completed pursuant to subsection 1 to register applicants to vote or to correct information in the registrar of voters' register. An application that is not signed must not be used to register or correct the registration of the applicant.

3. For the purposes of this section, each employee specifically authorized to do so by the director of the department may oversee the completion of an application. The authorized employee shall check the application for completeness and verify the information required by the application. Each application must include a duplicate copy marked as the receipt to be retained by the applicant upon completion of the form. The department shall, except as otherwise provided in this subsection, forward each application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. During the 2 weeks immediately preceding the close of registration for an election the applications must be forwarded daily.

4. The county clerk shall accept any application to register to vote which is completed by the last day to register if he receives the application not later than 5 days after the close of registration. Upon receipt of an application, the county clerk or field registrar of voters shall determine whether the application is complete. If he determines that the application is complete, he shall notify the applicant and the applicant shall be deemed to be registered as of the date of the submission of the application. If he determines that the application is not complete, he shall notify the applicant of the additional information required. The applicant shall be deemed to be

registered as of the date of the initial submission of the application if the additional information is provided within 15 days after the notice for the additional information is mailed. If the applicant has not provided the additional information within 15 days after the notice for the additional information is mailed, the incomplete application is void. Any notification required by this subsection must be given by mail at the mailing address on the application not more than 7 working days after the determination is made concerning whether the application is complete.

5. The county clerk shall use any form submitted to the department to correct information on a driver's license or identification card to correct information in the registrar of voters' register, unless the person indicates on the form that the correction is not to be used for the purposes of voter registration. The department shall forward each such form to the county clerk or, if applicable, to the registrar of voters of the county in which the person resides in the same manner provided by subsection 3 for applications to register to vote.

6. Upon receipt of a form to correct information, the county clerk shall compare the information to that contained in the registrar of voters' register. If the person is a registered voter, the county clerk shall correct the information to reflect any changes indicated on the form. After making any changes, the county clerk shall notify the person by mail that his records have been corrected.

7. The secretary of state shall, with the approval of the director, adopt regulations to:

(a) Establish any procedure necessary to provide an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Prescribe the contents of any forms or applications which the department is required to distribute pursuant to this section; and

(c) Provide for the transfer of the completed applications of registration from the department to the appropriate county clerk for inclusion in the election board registers and registrar of voters' register.

**Sec. 126.** NRS 293C.270 is hereby amended to read as follows:

293C.270 1. If a person's name appears in the election board register or if he provides an affirmation pursuant to NRS 293C.525, he is entitled to vote and must sign his name in the election board register when he applies to vote. His signature must be compared by an election board officer with the signature or a facsimile thereof on his original application to register to vote or one of the forms of identification listed in subsection 2.

2. The forms of identification that may be used to identify a voter at the polling place are:

(a) The card issued to the voter at the time he registered to vote;

(b) A driver's license;

(c) An identification card issued by the department of motor vehicles ;  
~~{and public safety;}~~

(d) A military identification card; or

(e) Any other form of identification issued by a governmental agency that contains the voter's signature and physical description or picture.

**Sec. 127.** NRS 331.140 is hereby amended to read as follows:

331.140 1. The chief shall take proper care to prevent any unlawful activity on or damage to any state property under his supervision and control, and to protect the safety of any persons on that property.

2. The director of the department of ~~motor vehicles and~~ public safety shall appoint to the capitol police division of that department such personnel as may be necessary to assist the chief of the buildings and grounds division in the enforcement of subsection 1. The salaries and expenses of the personnel appointed pursuant to this subsection must, within the limits of legislative authorization, be paid out of the buildings and grounds operating fund.

**Sec. 128.** NRS 334.010 is hereby amended to read as follows:

334.010 1. No automobile may be purchased by any department, office, bureau, officer or employee of the state without prior written consent of the state board of examiners.

2. All such automobiles must be used for official purposes only.

3. All such automobiles, except:

(a) Automobiles maintained for and used by the governor;

(b) Automobiles used by or under the authority and direction of the chief parole and probation officer, the state contractors' board and auditors, the state fire marshal, the investigation division of the department of ~~motor vehicles and~~ public safety, the investigators of the state gaming control board, the investigators of the securities division of the office of the secretary of state and the investigators of the attorney general;

(c) One automobile used by the department of prisons;

(d) Two automobiles used by the Caliente youth center;

(e) Three automobiles used by the Nevada youth training center; and

(f) Four automobiles used by the youth parole bureau of the division of child and family services of the department of human resources,

must be labeled by painting the words "State of Nevada" and "For Official Use Only" on the automobiles in plain lettering. The director of the department of administration or his representative shall prescribe the size and location of the label for all such automobiles.

4. Any officer or employee of the State of Nevada who violates any provision of this section is guilty of a misdemeanor.

**Sec. 129.** NRS 353.2712 is hereby amended to read as follows:

353.2712 "Division" means the division of emergency management of the department of ~~motor vehicles and~~ public safety.

**Sec. 130.** NRS 356.200 is hereby amended to read as follows:

356.200 1. With unanimous consent of his bondsmen, a county officer, other than a county treasurer, may deposit county money received by the office of the county officer in an insured bank, insured credit union or insured savings and loan association located in the State of Nevada.

2. If the written consent of any bondsman to such a deposit has not been obtained, the bondsman must, upon giving notice as required by law, be released from all responsibility on the bond of the officer.

3. The accounts must be kept in the name of the county in such manner as the board of county commissioners may prescribe.

4. The balance in each such account, as certified by the proper officer of the bank, credit union or savings and loan association in which the money is deposited, and by oath of the county treasurer, may be accounted for by the county as cash.

5. All money deposited in any depository bank, credit union or savings and loan association by such a county officer may be drawn out by him on

check or order payable only to the county treasurer or his order, but every county assessor may also withdraw money received in payment for license fees for motor vehicles by check or order payable to the department of motor vehicles , ~~and public safety,~~ and may also withdraw money received in payment for use taxes for motor vehicles by check or order payable to the department of taxation.

6. The county officer shall keep a register which shows the amount of county money on deposit and lists every check or order drawn upon the depository bank, credit union or savings and loan association, numbering the items consecutively.

7. The county officer maintaining a deposit in any depository bank, credit union or savings and loan association shall draw upon the deposit not later than the first Monday of each month and whenever the deposit exceeds \$100 for the full amount of county money deposited therein, a withdrawal to be by check or order payable to the county treasurer, and shall thereupon deliver the withdrawal to the county treasurer.

8. This section does not apply to any deposit made by the clerk of any court pursuant to NRS 355.210.

**Sec. 131.** NRS 361.535 is hereby amended to read as follows:

361.535 1. If the person, company or corporation so assessed neglects or refuses to pay the taxes within 30 days after demand, a penalty of 10 percent must be added. If the tax and penalty are not paid on demand, the county assessor or his deputy shall seize, seal or lock enough of the personal property of the person, company or corporation so neglecting or refusing to pay to satisfy the taxes and costs.

2. The county assessor shall post a notice of the seizure, with a description of the property, in three public places in the township or district where it is seized, and shall, at the expiration of 5 days, proceed to sell at public auction, at the time and place mentioned in the notice, to the highest bidder, for lawful money of the United States, a sufficient quantity of the property to pay the taxes and expenses incurred. For this service the county assessor must be allowed from the delinquent person a fee of \$3.

3. If the personal property seized by the county assessor or his deputy consists of a mobile or manufactured home , the county assessor shall publish a notice of the seizure once during each of 2 successive weeks in a newspaper of general circulation in the county. If the legal owner of the property is someone other than the registered owner and the name and address of the legal owner can be ascertained from the records of the department of motor vehicles , ~~and public safety,~~ the county assessor shall, before publication, send a copy of the notice by registered or certified mail to the legal owner. The cost of the publication and notice must be charged to the delinquent taxpayer. The notice must state:

- (a) The name of the owner, if known.
- (b) The description of the property seized, including the location, the make, model and dimensions and the serial number, body number or other identifying number.
- (c) The fact that the property has been seized and the reason for seizure.
- (d) The amount of the taxes due on the property and the penalties and costs as provided by law.
- (e) The time and place at which the property is to be sold.

After the expiration of 5 days from the date of the second publication of the notice, the property must be sold at public auction in the manner provided in subsection 2 for the sale of other personal property by the county assessor.

4. Upon payment of the purchase money, the county assessor shall deliver to the purchaser of the property sold, with a certificate of the sale, a statement of the amount of taxes or assessment and the expenses thereon for which the property was sold, whereupon the title of the property so sold vests absolutely in the purchaser.

**Sec. 132.** NRS 361.561 is hereby amended to read as follows:

361.561 Those units identified as “chassis-mount camper,” “mini motor home,” “motor home,” “travel trailer,” “utility trailer” and “van conversion,” in chapter 482 of NRS and any other vehicle required to be registered with the department of motor vehicles ~~and public safety~~ are subject to the personal property tax unless registered and taxed pursuant to chapter 371 of NRS. Such unregistered units and vehicles must be taxed in the manner provided in NRS 361.562 to 361.5644, inclusive.

**Sec. 133.** NRS 366.025 is hereby amended to read as follows:

366.025 “Department” means the department of motor vehicles . ~~and public safety.~~

**Sec. 134.** NRS 366.110 is hereby amended to read as follows:

366.110 The department:

1. Shall enforce the provisions of this chapter.
2. May adopt and enforce regulations relating to the administration and enforcement of this chapter.
3. May determine whether any particular vehicle not specified in NRS 366.085 is special mobile equipment.

~~[4. Shall, on or before March 1, 2001, prepare and submit a written report concerning the administration and enforcement, during the immediately preceding biennium, of the provisions of this chapter as those provisions relate to the use of special fuel, to the director of the legislature counsel bureau for transmittal to the 71st session of the legislature.]~~

**Sec. 135.** NRS 366.700 is hereby amended to read as follows:

366.700 All money received by the department pursuant to the provisions of this chapter must be deposited with the state treasurer to the credit of the motor vehicle fund. An amount equal to that part of the tax collected pursuant to NRS 366.190 which represents 5 cents of the tax per gallon, minus the portion of that amount used to administer the department of motor vehicles , ~~and public safety,~~ must be used exclusively for the construction and maintenance of public highways, and may not be used to purchase equipment related thereto.

**Sec. 136.** NRS 371.020 is hereby amended to read as follows:

371.020 As used in this chapter, unless the context otherwise requires:

1. “Department” means the department of motor vehicles . ~~and public safety.~~
2. “Vehicle” means any vehicle required to be registered pursuant to the provisions of chapter 482 or 706 of NRS, except mobile homes as defined in NRS 482.067.

**Sec. 137.** NRS 372.383 is hereby amended to read as follows:

372.383 1. If a certificate of ownership has been issued for a used manufactured home or used mobile home by the department of motor

vehicles ~~{and public safety}~~ or the manufactured housing division of the department of business and industry, it is presumed that the taxes imposed by this chapter have been paid with respect to that manufactured home or mobile home.

2. As used in this section, “manufactured home” and “mobile home” have the meanings ascribed to them in NRS 372.316.

**Sec. 138.** NRS 372.7263 is hereby amended to read as follows:

372.7263 In administering the provisions of NRS 372.335, the department shall apply the exemption for the sale of tangible personal property delivered by the vendor to a forwarding agent for shipment out of state to include the sale of a vehicle to a nonresident to whom a special movement permit has been issued by the department of motor vehicles ~~{and public safety}~~ pursuant to subsection 1 of NRS 482.3955.

**Sec. 139.** NRS 372A.120 is hereby amended to read as follows:

372A.120 1. The department shall immediately deliver any controlled substances which come into its possession in the course of administering this chapter, with a full accounting to the investigation division of the department of ~~{motor vehicles and}~~ public safety.

2. The investigation division of the department of ~~{motor vehicles and}~~ public safety and every other law enforcement agency shall notify the department of each person it discovers having possession of a controlled substance and the serial number of any stamps affixed.

**Sec. 140.** NRS 374.112 is hereby amended to read as follows:

374.112 1. For the purposes of this section, “authorized appraisal” means an appraisal of the value of a motor vehicle made by:

(a) An employee of the department of motor vehicles ~~{and public safety}~~ on its behalf;

(b) A county assessor or his employee as an agent of the department of motor vehicles ; ~~{and public safety;}~~

(c) A person licensed by the department of motor vehicles ~~{and public safety}~~ as a dealer; or

(d) An independent appraiser authorized by the department of motor vehicles . ~~{and public safety;}~~

2. When computing the tax on the sale of a vehicle by a seller who is not required to be registered by the department of taxation, the department of motor vehicles ~~{and public safety}~~ or *the* county assessor as an agent of the department of taxation shall, if an authorized appraisal is submitted, use as the vehicle’s sales price the amount stated on the authorized appraisal or \$100, whichever is greater.

3. The department of motor vehicles ~~{and public safety}~~ shall establish by regulation the procedure for appraising vehicles and establish and make available a form for an authorized appraisal.

4. The department of motor vehicles ~~{and public safety}~~ shall retain a copy of the appraisal considered pursuant to subsection 2 with its record of the collection of the tax.

5. A fee which does not exceed \$10 may be charged and collected for each authorized appraisal made. Any money so collected by the department of motor vehicles ~~{and public safety}~~ for such an appraisal made by its employees must be deposited with the state treasurer to the credit of the motor vehicle fund. Any money so collected by a county assessor must be

deposited with the county treasurer to the credit of the county's general fund.

6. If an authorized appraisal is not submitted, the department of motor vehicles ~~{and public safety}~~ or the county assessor as an agent of the department of taxation shall establish the sales price as a value which is based on the depreciated value of the vehicle as determined in accordance with the schedule in NRS 374.113. To determine the original price from which the depreciation is calculated, the department of motor vehicles ~~{and public safety}~~ shall use:

(a) The manufacturer's suggested retail price in Nevada, excluding options and extras, as of the time the particular make and year model is first offered for sale in Nevada;

(b) If the vehicle is specially constructed, the original retail price to the original purchaser of the vehicle as evidenced by such document or documents as the department may require;

(c) The procedures set forth in subsections 3 and 4 of NRS 371.050; or

(d) If none of these applies, its own estimate from any available information.

**Sec. 141.** NRS 374.388 is hereby amended to read as follows:

374.388 1. If a certificate of ownership has been issued for a used manufactured home or used mobile home by the department of motor vehicles ~~{and public safety}~~ or the manufactured housing division of the department of business and industry, it is presumed that the taxes imposed by this chapter have been paid with respect to that manufactured home or mobile home.

2. As used in this section, "manufactured home" and "mobile home" have the meanings ascribed to them in NRS 374.321.

**Sec. 142.** NRS 374.7273 is hereby amended to read as follows:

374.7273 In administering the provisions of NRS 374.340, the department shall apply the exemption for the sale of tangible personal property delivered by the vendor to a forwarding agent for shipment out of state to include the sale of a vehicle to a nonresident to whom a special movement permit has been issued by the department of motor vehicles ~~{and public safety}~~ pursuant to subsection 1 of NRS 482.3955.

**Sec. 143.** NRS 391.040 is hereby amended to read as follows:

391.040 1. The commission shall fix fees of not less than \$65 for the issuance and renewal of a license. The fee for issuing a duplicate license is the same as for issuing the original.

2. The portion of each fee which represents the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant must be deposited with the state treasurer for credit to the appropriate account of the department of ~~{motor vehicles and}~~ public safety. The remaining portion of the money received from the fees must be deposited with the state treasurer for credit to the appropriate account of the department of education.

**Sec. 144.** NRS 392.400 is hereby amended to read as follows:

392.400 1. All vehicles used in the transportation of pupils must be:

(a) In good condition and state of repair.

(b) Well equipped, and must contain sufficient room and seats so that the driver and each pupil being transported have a seat inside the vehicle. Each pupil shall remain seated when the vehicle is in motion.

(c) Inspected semiannually by the department of ~~{motor vehicles and}~~ public safety to ensure that the vehicles are mechanically safe and meet the minimum specifications established by the state board. ~~{of education.}~~ The department of ~~{motor vehicles and}~~ public safety shall make written recommendations to the superintendent of schools of the school district wherein any such vehicle is operating for the correction of any defects discovered thereby.

2. If the superintendent of schools fails or refuses to take appropriate action to have the defects corrected within 10 days after receiving notice of them from the department of ~~{motor vehicles and}~~ public safety, he is guilty of a misdemeanor, and upon conviction thereof may be removed from office.

3. Except as otherwise provided in subsection 4, all vehicles used for transporting pupils must meet the specifications established by regulation of the state board. ~~{of education.}~~

4. Any bus which is purchased and used by a school district to transport pupils to and from extracurricular activities is exempt from the specifications adopted by the state board ~~{of education}~~ if the bus meets the federal safety standards for motor vehicles which were applicable at the time the bus was manufactured and delivered for introduction in interstate commerce.

5. Any person violating any of the requirements of this section is guilty of a misdemeanor.

**Sec. 145.** NRS 392.410 is hereby amended to read as follows:

392.410 1. Except as otherwise provided in this subsection, every school bus operated for the transportation of pupils to or from school must be equipped with:

(a) A system of flashing red lights of a type approved by the state board ~~{}~~ and installed at the expense of the school district or operator. Except as otherwise provided in subsection 2, the driver shall operate this signal:

- (1) When the bus is stopped to unload pupils.
- (2) When the bus is stopped to load pupils.
- (3) In times of emergency or accident, when appropriate.

(b) A mechanical device, attached to the front of the bus which, when extended, causes persons to walk around the device. The device must be approved by the state board and installed at the expense of the school district or operator. The driver shall operate the device when the bus is stopped to load or unload pupils. The installation of such a mechanical device is not required for a school bus which is used solely to transport pupils with special needs who are individually loaded and unloaded in a manner which does not require them to walk in front of the bus. The provisions of this paragraph do not prohibit a school district from upgrading or replacing such a mechanical device with a more efficient and effective device that is approved by the state board.

2. A driver may stop to load and unload pupils in a designated area without operating the system of flashing red lights required by subsection 1 if the designated area:

(a) Has been designated by a school district and approved by the department;

(b) Is of sufficient depth and length to provide space for the bus to park at least 8 feet off the traveled portion of the roadway;

- (c) Is not within an intersection of roadways;
- (d) Contains ample space between the exit door of the bus and the parking area to allow safe exit from the bus;
- (e) Is located so as to allow the bus to reenter the traffic from its parked position without creating a traffic hazard; and
- (f) Is located so as to allow pupils to enter and exit the bus without crossing the roadway.

3. In addition to the equipment required by subsection 1 and except as otherwise provided in subsection 4 of NRS 392.400, each school bus must be equipped and identified as required by the regulations of the state board.

4. The agents and employees of the department of motor vehicles ~~and public safety~~ shall inspect school buses to determine whether the provisions of this section concerning equipment and identification of the school buses have been complied with, and shall report any violations discovered to the superintendent of schools of the school district wherein the vehicles are operating.

5. If the superintendent of schools fails or refuses to take appropriate action to correct any such violation within 10 days after receiving notice of it from the department of motor vehicles, ~~and public safety~~, he is guilty of a misdemeanor, and upon conviction must be removed from office.

6. Any person who violates any of the provisions of this section is guilty of a misdemeanor.

**Sec. 146.** NRS 394.190 is hereby amended to read as follows:

394.190 1. The provisions of NRS 392.400 and 392.410 relating to the condition, equipment and identification of vehicles used for the transportation of pupils apply to private schools.

2. All such vehicles are subject to inspection at all times by agents and employees of the department of motor vehicles, ~~and public safety~~, who shall report any violations discovered thereby to the executive head of the private school.

3. If the executive head of the private school fails or refuses to take appropriate action to correct any such violation within 10 days after receiving the report from the department of motor vehicles, ~~and public safety~~, he is guilty of a misdemeanor.

**Sec. 147.** NRS 394.545 is hereby amended to read as follows:

394.545 1. A driving school:

(a) Must be located more than 200 feet from any office of the department of motor vehicles; ~~and public safety~~;

(b) Must have the equipment necessary to instruct students in the safe operation of motor vehicles and maintain the equipment in a safe condition; and

(c) Must have insurance in at least the following amounts:

(1) For bodily injury to or death of two or more persons in one accident, \$40,000; and

(2) For damage to property in any one accident, \$10,000.

2. The department of motor vehicles ~~and public safety~~ may review and approve or disapprove any application to issue, renew or revoke a license for a driving school. The department of motor vehicles ~~and public safety~~ may, at any time, inspect a licensed driving school and may recommend that its license be suspended or revoked. The administrator shall investigate and recommend to the commission the appropriate action.

**Sec. 148.** NRS 408.234 is hereby amended to read as follows:

408.234 1. The position of motor vehicle recovery and transportation planner is hereby created in the department.

2. The motor vehicle recovery and transportation planner shall:

(a) Develop and administer a plan for the construction of motor vehicle recovery and bicycle lanes that are not less than 3 feet wide in all new construction and major repair work on every highway in the state, in accordance with appropriate standards of design;

(b) Develop a plan for the maintenance of motor vehicle recovery and bicycle lanes throughout the state;

(c) Prepare and distribute information on motor vehicle recovery and bicycle lanes, bicycle safety manuals and bicycle route maps throughout the state;

(d) Develop standards for the design of motor vehicle recovery and bicycle lanes and bicycle paths and routes;

(e) Develop standardized signs and markings which indicate bicycle lanes;

(f) Determine where appropriate signs and markings will be located on state highways and coordinate their placement;

(g) Establish a statewide plan of motor vehicle recovery and bicycle lanes and bicycle paths and routes and update the plan annually;

(h) Identify projects which are related to motor vehicle recovery and bicycle lanes and place each project in its proper order of priority;

(i) Investigate possible sources of money which may be available to promote motor vehicle recovery and bicycle lanes and bicycle facilities and programs throughout this state and solicit money from those sources;

(j) Provide assistance to the department of motor vehicles ~~and public safety~~ *and the department of public safety* in coordinating activities which are related to motor vehicle and bicycle safety in the communities of this state;

(k) Investigate the programs of the Rails-to-Trails Conservancy and where feasible, participate in those programs;

(l) Identify the potential effect of bicycle programs on tourism in this state; and

(m) Carry out any other duties assigned to him by the director.

3. The director may remove any of the duties set out in subsection 2 if he determines that the duty is no longer necessary or appropriate.

**Sec. 148.5.** (Deleted by amendment.)

**Sec. 149.** NRS 414.0315 is hereby amended to read as follows:

414.0315 “Chief” means the chief of the division of emergency management of the department of ~~motor vehicles and~~ public safety.

**Sec. 150.** NRS 414.040 is hereby amended to read as follows:

414.040 1. A division of emergency management is hereby created within the department of ~~motor vehicles and~~ public safety. The chief of the division is appointed by and holds office at the pleasure of the director of the department of ~~motor vehicles and~~ public safety. The division is the state agency for emergency management and the state agency for civil defense for the purposes of the compact ratified by the legislature pursuant to NRS 415.010. The chief is the state’s director of emergency management and the state’s director of civil defense for the purposes of that compact.

2. The chief may employ technical, clerical, stenographic and other personnel as may be required, and may make such expenditures therefor and for other expenses of his office within the appropriation therefor, or from other money made available to him for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

3. The chief, subject to the direction and control of the director, shall carry out the program for emergency management in this state. He shall coordinate the activities of all organizations for emergency management within the state, maintain liaison with and cooperate with agencies and organizations of other states and of the Federal Government for emergency management and carry out such additional duties as may be prescribed by the director.

4. The chief shall assist in the development of comprehensive, coordinated plans for emergency management by adopting an integrated process, using the partnership of governmental entities, business and industry, volunteer organizations and other interested persons, for the mitigation of, preparation for, response to and recovery from emergencies or disasters. In adopting this process, he shall conduct activities designed to:

(a) Eliminate or reduce the probability that an emergency will occur or to reduce the effects of unavoidable disasters;

(b) Prepare state and local governmental agencies, private organizations and other persons to be capable of responding appropriately if an emergency or disaster occurs by fostering the adoption of plans for emergency operations, conducting exercises to test those plans, training necessary personnel and acquiring necessary resources;

(c) Test periodically plans for emergency operations to ensure that the activities of state and local governmental agencies, private organizations and other persons are coordinated;

(d) Provide assistance to victims, prevent further injury or damage to persons or property and increase the effectiveness of recovery operations; and

(e) Restore the operation of vital community life-support systems and return persons and property affected by an emergency or disaster to a condition that is comparable to or better than what existed before the emergency or disaster occurred.

5. The division shall perform the duties required pursuant to NRS 353.2753 at the request of a state agency or local government.

**Sec. 151.** NRS 414.135 is hereby amended to read as follows:

414.135 1. There is hereby created the emergency assistance account within the disaster relief fund created pursuant to NRS 353.2735. Beginning with the fiscal year that begins on July 1, 1999, the state controller shall, at the end of each fiscal year, transfer the interest earned during the previous fiscal year on the money in the disaster relief fund to the account in an amount not to exceed \$500,000.

2. The division of emergency management of the department of ~~motor vehicles and~~ public safety shall administer the account. The division may adopt regulations authorized by this section before, on or after July 1, 1999.

3. All expenditures from the account must be approved in advance by the division. Except as otherwise provided in subsection 4, all money in the account must be expended solely to:

(a) Provide supplemental emergency assistance to this state or to local governments in this state that are severely and adversely affected by a natural, technological or man-made emergency or disaster for which available resources of this state or the local government are inadequate to provide a satisfactory remedy; and

(b) Pay any actual expenses incurred by the division for administration during a natural, technological or man-made emergency or disaster.

4. Beginning with the fiscal year that begins on July 1, 1999, if any balance remains in the account at the end of a fiscal year and the balance has not otherwise been committed for expenditure, the division may, with the approval of the interim finance committee, allocate all or any portion of the remaining balance, not to exceed \$250,000, to this state or to a local government to:

(a) Purchase equipment or supplies required for emergency management; and

(b) Provide training to personnel related to emergency management.

5. Beginning with the fiscal year that begins on July 1, 1999, the division shall, at the end of each quarter of a fiscal year, submit to the interim finance committee a report of the expenditures made from the account for the previous quarter.

6. The division shall adopt such regulations as are necessary to administer the account.

7. The division may adopt regulations to provide for reimbursement of expenditures made from the account. If the division requires such reimbursement, the attorney general shall take such action as is necessary to recover the amount of any unpaid reimbursement plus interest at a rate determined pursuant to NRS 17.130, computed from the date on which the money was removed from the fund, upon request by the division.

**Sec. 152.** NRS 414.200 is hereby amended to read as follows:

414.200 The chief, with the advice of the board, shall appoint an employee of the division of emergency management of the department of ~~motor vehicles and~~ public safety as coordinator of search and rescue.

**Sec. 153.** NRS 414.270 is hereby amended to read as follows:

414.270 A state disaster identification team is hereby established within the division of emergency management of the department of ~~motor vehicles and~~ public safety. The chief:

1. Shall assign persons with expertise in various fields to the state disaster identification team; and

2. May activate such persons to perform the duties of the state disaster identification team:

(a) During a state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070; or

(b) Upon the request of a political subdivision of this state if the chief determines that the political subdivision requires the services of the state disaster identification team.

**Sec. 154.** NRS 414.290 is hereby amended to read as follows:

414.290 In carrying out its duties pursuant to NRS 414.280, the state disaster identification team may have access to:

1. The information that is contained in the central repository for Nevada records of criminal history pursuant to NRS 179A.075.

2. The records of criminal history maintained by an agency of criminal justice pursuant to NRS 179A.100.

3. The records of missing children maintained by the attorney general pursuant to NRS 432.170.

4. The records and information concerning missing persons maintained by the investigation division of the department of ~~{motor vehicles and}~~ public safety pursuant to ~~NRS 481.245.~~ *section 31 of this act.*

**Sec. 155.** NRS 414.300 is hereby amended to read as follows:

414.300 The department of ~~{motor vehicles and}~~ public safety shall adopt regulations to govern the state disaster identification team. The regulations must include, without limitation:

1. Guidelines for the chief to:

(a) Assign persons to positions on the state disaster identification team; and

(b) Determine which members of the state disaster identification team may be activated pursuant to NRS 414.270.

2. Provisions governing the organization, administration and operation of the state disaster identification team.

3. The compensation, if any, to be paid by the department to a member of the state disaster identification team who is activated pursuant to NRS 414.270.

**Sec. 156.** NRS 425.393 is hereby amended to read as follows:

425.393 1. The chief may request the following information to carry out the provisions of this chapter:

(a) The records of the following public officers and state, county and local agencies:

(1) The state registrar of vital statistics;

(2) Agencies responsible for maintaining records relating to state and local taxes and revenue;

(3) Agencies responsible for keeping records concerning real property and personal property for which a title must be obtained;

(4) All boards, commissions and agencies that issue occupational or professional licenses, certificates or permits;

(5) The secretary of state;

(6) The employment security division of the department of employment, training and rehabilitation;

(7) Agencies that administer public assistance;

(8) The department of motor vehicles ; ~~{and public safety;}~~

(9) *The department of public safety;*

~~(10)~~ (10) The department of prisons; and

~~(11)~~ (11) Law enforcement agencies and any other agencies that maintain records of criminal history.

(b) The names and addresses of:

(1) The customers of public utilities and community antenna television companies; and

(2) The employers of the customers described in subparagraph (1).

(c) Information in the possession of financial institutions relating to the assets, liabilities and any other details of the finances of a person.

(d) Information in the possession of a public or private employer relating to the employment, compensation and benefits of a person employed by the employer as an employee or independent contractor.

2. If a person or other entity fails to supply the information requested pursuant to subsection 1, the administrator may issue a subpoena to compel the person or entity to provide that information. A person or entity who fails to comply with a request made pursuant to subsection 1 is subject to a civil penalty not to exceed \$500 for each failure to comply.

3. A disclosure made in good faith pursuant to subsection 1 does not give rise to any action for damages for the disclosure.

**Sec. 157.** NRS 425.510 is hereby amended to read as follows:

425.510 1. Each district attorney or other public agency collecting support for children shall send a notice by first-class mail to each person who:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children.

The notice must include the information set forth in subsection 2 and a copy of the subpoena or warrant or a statement of the amount of the arrearage.

2. If the person does not, within 30 days after he receives the notice required by subsection 1:

(a) Comply with the subpoena or warrant;

(b) Satisfy the arrearage pursuant to NRS 425.560; or

(c) Submit to the district attorney or other public agency a written request for a hearing,

the district attorney or other public agency shall report the name of that person to the department of motor vehicles. ~~and public safety.~~

3. If a person requests a hearing within the period prescribed in subsection 2, a hearing must be held pursuant to NRS 425.3832. The master shall notify the person of his recommendation at the conclusion of the hearing or as soon thereafter as is practicable. If the master determines that the person has failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child, he shall include in the notice the information set forth in subsection 4. If the master determines that the person is in arrears in the payment for the support of one or more children, he shall include in the notice the information set forth in subsection 5.

4. If the master determines that a person who requested a hearing pursuant to subsection 2 has not complied with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child and the district court issues an order approving the recommendation of the master, the district attorney or other public agency shall report the name of that person to the department.

5. If the master determines that a person who requested a hearing pursuant to subsection 2 is in arrears in the payment for the support of one or more children, the master shall notify the person that if he does not immediately agree to enter into a plan for the repayment of the arrearages

that is approved by the district attorney or other public agency, his driver's license and motorcycle driver's license may be subject to suspension. If the person does not agree to enter into such a plan and the district court issues an order approving the recommendation of the master, the district attorney or other public agency shall report the name of that person to the department ~~of~~ *of motor vehicles*.

6. The district attorney or other public agency shall, within 5 days after the person who has failed to comply with a subpoena or warrant or is in arrears in the payment for the support of one or more children complies with the subpoena or warrant or satisfies the arrearage pursuant to NRS 425.560, notify the department *of motor vehicles* that the person has complied with the subpoena or warrant or has satisfied the arrearage.

7. For the purposes of this section, a person shall be deemed to have received a notice 3 days after it is mailed, by first-class mail, postage prepaid, to that person at his last known address.

**Sec. 158.** NRS 426.411 is hereby amended to read as follows:

426.411 "Department" means the department of motor vehicles . ~~and public safety.~~

**Sec. 159.** NRS 432.170 is hereby amended to read as follows:

432.170 1. The attorney general shall:

(a) Establish a program to coordinate activities and information in this state concerning missing or exploited children; and

(b) Appoint a director to administer the provisions of the program.

2. The director is in the unclassified service of the state. To assist the director in carrying out the provisions of NRS 432.150 to 432.220, inclusive, the attorney general may appoint such assistants or investigators as deemed necessary by the attorney general.

3. The director may:

(a) Assist any public or private school in establishing a program of information about missing or exploited children by providing, free of charge, materials, publications and instructional aids relating to:

(1) Offenses under federal and state law regarding missing or exploited children and the abuse or neglect of children.

(2) Governmental and private agencies and programs for locating and identifying missing or exploited children, preventing the abduction or disappearance of children and preventing the abuse or neglect of children.

(3) Methods of preventing the abduction or disappearance of children.

(4) Techniques for the investigation of cases involving missing or exploited children.

(5) Any other issue involving missing or exploited children.

(b) Develop and maintain a system of information concerning missing or exploited children, including information concerning public or private resources which may be available to such children and their families.

(c) Accept gifts or donations on behalf of the clearinghouse which must be accounted for separately and used by the director in carrying out the provisions of NRS 432.150 to 432.220, inclusive.

(d) Enter into agreements with regional and national organizations for assistance and exchange of information concerning missing or exploited children.

(e) Assist in the investigation of children who are reported missing in this state or who are reported abducted or taken from this state.

4. The director may provide the materials, publications and instructional aids identified in paragraph (a) of subsection 3 to any other person or governmental agency for a reasonable fee not to exceed the cost of preparing the materials.

5. The director shall, upon request, provide records regarding a missing child to the state disaster identification team of the division of emergency management of the department of ~~motor vehicles and~~ public safety.

**Sec. 160.** NRS 432.200 is hereby amended to read as follows:

432.200 1. A law enforcement agency shall accept every report of a missing child which is submitted to the agency, including, but not limited to, a report made by telephone. Upon receipt of such a report, the agency shall immediately conduct a preliminary investigation and classify the cause of the disappearance of the child as “runaway,” “abducted by his parent,” “abducted by a stranger” or “cause of disappearance unknown,” and shall:

(a) Transmit all available information about the child to the clearinghouse and to the central repository for Nevada records of criminal history within 36 hours after the report is received;

(b) Immediately notify such persons and make such inquiries concerning the missing child as the agency deems necessary;

(c) Fully comply with the requirements of the National Child Search Assistance Act of 1990 , ~~§~~ Title XXXVII of Public Law 101-647, 104 Stat. 4966 ; ~~§~~ and

(d) Enter into the National Crime Information Center’s Missing Person File and the repository for information concerning missing persons within the central repository for Nevada records of criminal history, as miscellaneous information, any person reasonably believed to have unlawfully abducted or detained the missing child, or aided or abetted such unlawful abduction or detention.

2. A law enforcement agency which has jurisdiction over the investigation of an abducted child and which has obtained a warrant for the arrest of a person suspected in the child’s disappearance or concealment shall immediately notify the National Crime Information Center for the entry into the Center’s Wanted Person File of identifying and descriptive information concerning:

(a) The suspect; and

(b) As miscellaneous information, the missing child.

The agency shall cross-reference information entered pursuant to this section with the National Crime Information Center’s Missing Person File and with the repository for information concerning missing persons within the central repository for Nevada records of criminal history.

3. If a missing child is less than 16 years of age or has not been located within 30 days after a report is filed, the law enforcement agency that received the initial report shall, and the division or the central repository for Nevada records of criminal history may:

(a) Send to the child’s parent or guardian a request for certain identifying information regarding the child that the National Crime Information Center recommends be provided; and

(b) Ask the child's parent or guardian to provide such identifying information regarding the child.

If a law enforcement agency receives the identifying information, it shall transmit all information so released to it to the division and to the central repository. The division and the central repository shall, upon its receipt of the identifying information about the missing child, compare the information with the information that is on file concerning unidentified deceased children. This subsection does not preclude the voluntary release of identifying information about the missing child by his parent or guardian at any time.

4. The parent or guardian of a child reported as missing shall promptly notify the appropriate law enforcement agency if the child is found or returned. The law enforcement agency shall then transmit that fact to the National Crime Information Center, the central repository for Nevada records of criminal history and the clearinghouse.

5. As used in this section, "division" means the investigation division of the department of ~~motor vehicles and~~ public safety.

**Sec. 161.** NRS 432B.215 is hereby amended to read as follows:

432B.215 1. An agency which provides protective services and the division of child and family services may request the division of parole and probation of the department of ~~motor vehicles and~~ public safety ~~for~~ *to provide* information concerning a probationer or parolee that may assist the agency or the division of child and family services in carrying out the provisions of this chapter. The division of parole and probation shall provide such information upon request.

2. The agency which provides protective services or the division of child and family services may use the information obtained pursuant to subsection 1 only for the limited purpose of carrying out the provisions of this chapter.

**Sec. 162.** NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Except as otherwise provided in subsections 2 and 3, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available only to:

(a) A physician, if the physician has before him a child who he has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him a child who he has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) A court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to him;

(g) The attorney and the guardian ad litem of the child;

(h) A grand jury upon its determination that access to these records is necessary in the conduct of its official business;

(i) A federal, state or local governmental entity, or an agency of such an entity, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(j) A team organized pursuant to NRS 432B.350 for the protection of a child;

(k) A team organized pursuant to NRS 432B.405 to review the death of a child;

(l) A parent or legal guardian of the child, if the identity of the person responsible for reporting the alleged abuse or neglect of the child to a public agency is kept confidential;

(m) The persons who are the subject of a report;

(n) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is investigating an applicant to adopt a child;

(o) Upon written consent of the parent, any officer of this state or a city or county thereof or legislator authorized, by the agency or department having jurisdiction or by the legislature, acting within its jurisdiction, to investigate the activities or programs of an agency that provides protective services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, legislator or a member of his family is not the person alleged to have committed the abuse or neglect;

(p) The division of parole and probation of the department of ~~motor vehicles and~~ public safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court or pursuant to NRS 176.151 in making a general investigation and report;

(q) The rural advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.602 or a local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604; or

(r) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide protective services.

2. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the

child. The summary must not identify the person responsible for reporting the alleged abuse or neglect.

3. An agency which provides protective services shall disclose the identity of a person who makes a report or otherwise initiates an investigation pursuant to this chapter if a court, after reviewing the record in camera and determining that there is reason to believe that the person knowingly made a false report, orders the disclosure.

4. Any person, except for:

- (a) The subject of a report;
- (b) A district attorney or other law enforcement officer initiating legal proceedings; or
- (c) An employee of the division of parole and probation of the department of ~~motor vehicles and~~ public safety making a presentence investigation and report to the district court pursuant to NRS 176.135 or making a general investigation and report pursuant to NRS 176.151, who is given access, pursuant to subsection 1, to information identifying the subjects of a report and who makes this information public is guilty of a misdemeanor.

5. The division of child and family services shall adopt regulations to carry out the provisions of this section.

**Sec. 163.** NRS 432B.610 is hereby amended to read as follows:

432B.610 1. The peace officers' standards and training commission shall:

(a) Require each category I peace officer to complete a program of training for the detection and investigation of and response to cases of sexual abuse or sexual exploitation of children under the age of 18 years.

(b) Not certify any person as a category I peace officer unless he has completed the program of training required pursuant to paragraph (a).

(c) Establish a program to provide the training required pursuant to paragraph (a).

(d) Adopt regulations necessary to carry out the provisions of this section.

2. As used in this section, "category I peace officer" means:

(a) Sheriffs of counties and of metropolitan police departments, their deputies and correctional officers;

(b) Personnel of the Nevada highway patrol appointed to exercise the police powers specified in ~~NRS 481.150 and 481.180;~~ *sections 17 and 20 of this act;*

(c) Marshals, policemen and correctional officers of cities and towns;

(d) Members of the police department of the University and Community College System of Nevada;

(e) Employees of the division of state parks of the state department of conservation and natural resources designated by the administrator of the division who exercise police powers specified in NRS 289.260;

(f) The chief, investigators and agents of the investigation division of the department of ~~motor vehicles and~~ public safety; and

(g) The personnel of the division of wildlife of the state department of conservation and natural resources who exercise those powers of enforcement conferred by Title 45 and chapter 488 of NRS.

**Sec. 164.** NRS 439.255 is hereby amended to read as follows:

439.255 1. The state board of health shall adopt by regulation the types of portable manual masks and face shields that are approved by the board to assist in the prevention of the spread of communicable diseases during the administration of cardiopulmonary resuscitation. An approved mask or face shield may not weigh more than 1 pound.

2. Except as otherwise provided in subsection 3, every employer shall, without charge to the peace officer or fireman, provide each peace officer, whether or not he is on duty, and each fireman who is on duty, whether paid or voluntary, with:

(a) A portable manual mask and face shield approved by the board; and

(b) Initial training and instruction in the use of the equipment.

The mask, shield and training must be provided not later than 30 days after the first day of employment. The employer shall provide refresher courses in the use of the equipment when necessary.

3. An employer may apply to the health division for a waiver of the requirements of subsection 2 with regard to each peace officer or fireman who, in the normal course of his employment, is not likely ever to administer cardiopulmonary resuscitation. The application must be in writing, specify the reasons why the employee is not likely in the normal course of his employment ever to administer cardiopulmonary resuscitation and be sworn to by the employer or his authorized representative. The health division shall grant or deny the waiver based on the information contained in the application.

4. A waiver granted pursuant to subsection 3 expires upon any change in the duties of the peace officer or fireman which make it likely that he will administer cardiopulmonary resuscitation at some time in the normal course of his employment. The date of the change in duties shall be deemed to be the first day of employment for purposes of subsection 2.

5. An injury or illness which results from the use of a mask or shield by a peace officer or fireman pursuant to subsection 2 may not be considered as negligence or as causation in any civil action brought against a peace officer or fireman or his employer.

6. As used in this section:

(a) "Employer" means any person who employs or provides equipment to a fireman or peace officer, including the State of Nevada and its political subdivisions.

(b) "Peace officer" means:

(1) Sheriffs of counties and of metropolitan police departments and their deputies;

(2) Personnel of the Nevada highway patrol when exercising the police powers specified in ~~NRS 481.150 and 481.180;~~ *sections 17 and 20 of this act;* and

(3) Marshals and policemen of cities and towns.

**Sec. 165.** NRS 439.270 is hereby amended to read as follows:

439.270 1. The state board of health shall define epilepsy for the purposes of the reports hereinafter referred to in this section.

2. All physicians shall report immediately to the health division, in writing, the name, age and address of every person diagnosed as a case of epilepsy.

3. The health division shall report, in writing, to the department of motor vehicles ~~and public safety~~ the name, age and address of every person reported to it as a case of epilepsy.

4. The reports are for the information of the department of motor vehicles ~~and public safety~~ and must be kept confidential and used solely to determine the eligibility of any person to operate a vehicle on the streets and highways of this state.

5. A violation of this section is a misdemeanor.

**Sec. 166.** NRS 445B.200 is hereby amended to read as follows:

445B.200 1. The state environmental commission is hereby created within the state department of conservation and natural resources. The commission consists of:

- (a) The administrator of the division of wildlife of the department;
- (b) The state forester firewarden;
- (c) The state engineer;
- (d) The director of the state department of agriculture;
- (e) The administrator of the division of minerals of the commission on mineral resources;
- (f) A member of the state board of health to be designated by that board; and
- (g) Five members appointed by the governor, one of whom is a general engineering contractor or a general building contractor licensed pursuant to chapter 624 of NRS and one of whom possesses expertise in performing mining reclamation.

2. The governor shall appoint the chairman of the commission from among the members of the commission.

3. A majority of the members constitutes a quorum, and a majority of those present must concur in any decision.

4. Each member who is appointed by the governor is entitled to receive a salary of not more than \$80, as fixed by the commission, for each day's attendance at a meeting of the commission.

5. While engaged in the business of the commission, each member and employee of the commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. Any person who receives or has received during the previous 2 years a significant portion of his income, as defined by any applicable state or federal law, directly or indirectly from one or more holders of or applicants for a permit required by NRS 445A.300 to 445A.730, inclusive, is disqualified from serving as a member of the commission. The provisions of this subsection do not apply to any person who receives or has received during the previous 2 years, a significant portion of his income from any department or agency of state government which is a holder of or an applicant for a permit required by NRS 445A.300 to 445A.730, inclusive.

7. The state department of conservation and natural resources shall provide technical advice, support and assistance to the commission. All state officers, departments, commissions and agencies, including the department of transportation, the department of human resources, the University and Community College System of Nevada, the state public works board, the department of motor vehicles ~~and~~, *the department of public safety*, the public utilities commission of Nevada, the transportation

services authority and the state department of agriculture may also provide technical advice, support and assistance to the commission.

**Sec. 167.** NRS 445B.705 is hereby amended to read as follows:

445B.705 “Approved inspector” means a person licensed by the department of motor vehicles ~~and public safety~~ to inspect motor vehicles and devices for the control of pollution for an authorized station or authorized inspection station.

**Sec. 168.** NRS 445B.710 is hereby amended to read as follows:

445B.710 “Authorized inspection station” means a station licensed by the department of motor vehicles ~~and public safety~~ for inspecting motor vehicles and devices for the control of pollution for compliance with this chapter or any applicable federal regulation or regulation of the commission.

**Sec. 169.** NRS 445B.715 is hereby amended to read as follows:

445B.715 “Authorized maintenance station” means a station licensed by the department of motor vehicles ~~and public safety~~ for installing, repairing and adjusting devices for the control of pollution to meet the commission’s requirements.

**Sec. 170.** NRS 445B.720 is hereby amended to read as follows:

445B.720 “Authorized station” means a station licensed by the department of motor vehicles ~~and public safety~~ for inspecting motor vehicles and devices for the control of pollution for compliance with this chapter or any applicable federal regulation or regulation of the commission and for installing, repairing and adjusting such devices to meet the commission’s requirements.

**Sec. 171.** NRS 445B.758 is hereby amended to read as follows:

445B.758 “Used motor vehicle” means a motor vehicle that has been registered for not less than 2 years with:

1. The department of motor vehicles ; ~~and public safety;~~
2. The appropriate agency of any other state, the District of Columbia, any territory or possession of the United States, any foreign country or any state or province of a foreign country; or
3. Any combination of the agencies described in subsections 1 and 2.

**Sec. 172.** NRS 445B.760 is hereby amended to read as follows:

445B.760 1. The state environmental commission may by regulation prescribe standards for exhaust emissions, fuel evaporative emissions and visible emissions of smoke from mobile internal combustion engines on the ground or in the air, including, but not limited to, aircraft, motor vehicles, snowmobiles and railroad locomotives. The regulations must:

(a) Provide for the exemption from such standards of restored vehicles for which special license plates have been issued pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816.

(b) Establish criteria for the condition and functioning of a restored vehicle to qualify for the exemption, and provide that the evaluation of the condition and functioning of such a vehicle may be conducted at an authorized inspection station or authorized station as defined in NRS 445B.710 and 445B.720, respectively.

(c) Define “restored vehicle” for the purposes of the regulations.

2. Standards for exhaust emissions which apply to a trimobile must be based on standards which were in effect in the year in which the engine of the trimobile was built.

3. Any such standards which pertain to motor vehicles must be approved by the department of motor vehicles ~~{and public safety}~~ before they are adopted by the commission.

**Sec. 173.** NRS 445B.765 is hereby amended to read as follows:

445B.765 1. The commission, in cooperation with the department of motor vehicles, ~~{and public safety}~~ shall adopt regulations which establish procedures for collecting, interpreting and correlating information concerning programs to control emissions from motor vehicles and any benefits which result from an inspection program.

2. All information received by the commission or the department of motor vehicles ~~{and public safety}~~ is open to public inspection.

**Sec. 174.** NRS 445B.770 is hereby amended to read as follows:

445B.770 1. In any county whose population is 100,000 or more, the commission shall, in cooperation with the department of motor vehicles ~~{and public safety}~~ and any local air pollution control agency, adopt regulations for the control of emissions from motor vehicles in areas of the county designated by the commission.

2. In any county whose population is less than 100,000, if the commission determines that it is feasible and practicable to carry out a program of inspecting and testing motor vehicles and systems for the control of emissions from motor vehicles, and if carrying out the program is deemed necessary to achieve or maintain the prescribed standards for the quality of ambient air in areas of the state designated by the commission, the commission shall, in cooperation with the department of motor vehicles ~~{and public safety}~~ and any local air pollution control agency established under NRS 445B.500 which has jurisdiction in a designated area, adopt regulations and transportation controls as may be necessary to carry out the program.

3. The regulations ~~{shall}~~ **must** distinguish between light-duty and heavy-duty motor vehicles and may prescribe:

(a) Appropriate criteria and procedures for the approval, installation and use of devices for the control of emissions from motor vehicles; and

(b) Requirements for the proper maintenance of such devices and motor vehicles.

4. The regulations ~~{shall}~~ **must** establish:

(a) Requirements by which the department of motor vehicles ~~{and public safety}~~ shall license authorized stations to inspect, repair, adjust and install devices for the control of emissions for motor vehicles, including criteria by which any person may become qualified to inspect, repair, adjust and install those devices.

(b) Requirements by which the department of motor vehicles ~~{and public safety}~~ may license an owner or lessee of a fleet of three or more vehicles as a fleet station if the owner or lessee complies with the regulations of the commission. The fleet station shall only certify vehicles which constitute that fleet.

(c) Requirements by which the department **of motor vehicles** provides for inspections of motor vehicles owned by this state and any of its political subdivisions.

5. The commission shall consider, before adopting any regulation or establishing any criteria pursuant to paragraph (a) of subsection 3:

(a) The availability of devices adaptable to specific makes, models and years of motor vehicles.

(b) The effectiveness of those devices for reducing the emission of each type of air pollutant under conditions in this state.

(c) The capability of those devices for reducing any particular type or types of pollutants without significantly increasing the emission of any other type or types of pollutant.

(d) The capacity of any manufacturer to produce and distribute the particular device in such quantities and at such times as will meet the estimated needs in Nevada.

(e) The reasonableness of the retail cost of the device and the cost of its installation and maintenance over the life of the device and the motor vehicle.

(f) The ease of determining whether any such installed device is functioning properly.

**Sec. 175.** NRS 445B.775 is hereby amended to read as follows:

445B.775 The regulations adopted pursuant to NRS 445B.770 must establish requirements by which the department of motor vehicles ~~and public safety~~ may license:

1. Authorized inspection stations, including criteria by which any person may become qualified to inspect devices for the control of emissions for motor vehicles.

2. Authorized maintenance stations, including criteria by which any person may become qualified to install, repair and adjust devices for the control of emissions for motor vehicles.

3. Authorized stations, including criteria by which any person may become qualified to inspect, repair, adjust and install devices for the control of emissions for motor vehicles.

**Sec. 176.** NRS 445B.777 is hereby amended to read as follows:

445B.777 1. An applicant for the issuance or renewal of a license to inspect, repair, adjust or install devices for the control of emissions of motor vehicles issued pursuant to NRS 445B.775 shall submit to the department of motor vehicles ~~and public safety~~ the statement prescribed by the welfare division of the department of human resources pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The department of motor vehicles ~~and public safety~~ shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the department of motor vehicles . ~~and public safety.~~

3. A license to inspect, repair, adjust or install devices for the control of emissions of motor vehicles may not be issued or renewed by the department of motor vehicles ~~and public safety~~ if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the department of motor vehicles ~~and public safety~~ shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

**Sec. 177.** NRS 445B.778 is hereby amended to read as follows:

445B.778 1. If the department of motor vehicles ~~and public safety~~ receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to inspect, repair, adjust or install devices for the control of emissions of motor vehicles, the department of motor vehicles ~~and public safety~~ shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the department of motor vehicles ~~and public safety~~ receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The department of motor vehicles ~~and public safety~~ shall reinstate a license to inspect, repair, adjust or install devices for the control of emissions of motor vehicles that has been suspended by a district court pursuant to NRS 425.540 if the department of motor vehicles ~~and public safety~~ receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

**Sec. 178.** NRS 445B.785 is hereby amended to read as follows:

445B.785 1. The department of motor vehicles ~~and public safety~~ shall adopt regulations which:

(a) Prescribe requirements for licensing authorized inspection stations, authorized maintenance stations, authorized stations and fleet stations.

(b) Prescribe the manner in which authorized inspection stations, authorized stations and fleet stations inspect motor vehicles and issue evidence of compliance.

(c) Prescribe the diagnostic equipment necessary to perform the required inspection. The regulations must ensure that the equipment complies with any applicable standards of the United States Environmental Protection Agency.

(d) Provide for any fee, bond or insurance which is necessary to carry out the provisions of NRS 445B.700 to 445B.815, inclusive.

(e) Provide for the issuance of a pamphlet for distribution to owners of motor vehicles. The pamphlet must contain information explaining the reasons for and the methods of the inspections.

2. The department of motor vehicles ~~and public safety~~ shall issue a copy of the regulations to each authorized inspection station, authorized maintenance station, authorized station and fleet station.

**Sec. 179.** NRS 445B.790 is hereby amended to read as follows:

445B.790 1. The department of motor vehicles ~~and public safety~~ shall establish procedures for inspecting authorized inspection stations, authorized maintenance stations, authorized stations and fleet stations, and may require the holder of a license for an authorized inspection station, authorized maintenance station, authorized station or fleet station to submit any material or document which is used in the program to control emissions from motor vehicles.

2. The department may deny, suspend or revoke the license of an approved inspector, authorized inspection station, authorized maintenance station, authorized station or fleet station if:

(a) The approved inspector or the holder of a license for an authorized inspection station, authorized maintenance station, authorized station or fleet station is not complying with the provisions of NRS 445B.700 to 445B.815, inclusive.

(b) The holder of a license for an authorized inspection station, authorized maintenance station, authorized station or fleet station refuses to furnish the department with the requested material or document.

(c) The approved inspector has issued a fraudulent certificate of compliance, whether intentionally or negligently. A “fraudulent certificate” includes, but is not limited to:

(1) A backdated certificate;

(2) A postdated certificate; and

(3) A certificate issued without an inspection.

(d) The approved inspector does not follow the prescribed test procedure.

**Sec. 180.** NRS 445B.798 is hereby amended to read as follows:

445B.798 In a county whose population is 100,000 or more, the department of motor vehicles ~~and public safety~~ may conduct a test of the emissions from a motor vehicle which is being operated on a highway in that county to determine whether the vehicle complies with the provisions of NRS 445B.700 to 445B.845, inclusive, and the regulations adopted pursuant thereto.

**Sec. 181.** NRS 445B.810 is hereby amended to read as follows:

445B.810 In furtherance of the provisions of NRS 445B.700 to 445B.845, inclusive, and the enforcement thereof, the state department of conservation and natural resources shall consult with the department of motor vehicles ~~and public safety~~ and furnish ~~them~~ *it* with technical information, including testing techniques, procedures for quality assurance and standards adopted by the commission, and instruction for emission control features and equipment.

**Sec. 182.** NRS 445B.815 is hereby amended to read as follows:

445B.815 1. Except as otherwise provided in subsection 2, persons employed at branch offices of the department of motor vehicles ~~and public safety~~ and the offices of county assessors who are acting as agents of the department in the collection of fees for registration, shall not register:

(a) A passenger car or light-duty motor vehicle which:

(1) Uses diesel fuel;

(2) Is based in a county whose population is 100,000 or more; and

(3) Requires inspection pursuant to the regulations adopted by the commission under NRS 445B.770; or

(b) A vehicle which:

(1) Is based in an area of this state designated by the commission; and  
(2) Requires inspection pursuant to the regulations adopted by the commission under NRS 445B.770, until evidence of compliance with NRS 445B.700 to 445B.845, inclusive, has been provided.

2. An owner or lessee of a fleet of three or more vehicles may, upon application to the department of motor vehicles, ~~and public safety,~~ submit evidence of compliance for his motor vehicles in a manner determined by that department.

**Sec. 183.** NRS 445B.830 is hereby amended to read as follows:

445B.830 1. In areas of the state where and when a program is commenced pursuant to NRS 445B.770 to 445B.815, inclusive, the following fees must be paid to the department of motor vehicles ~~and public safety,~~ and accounted for in the pollution control account, which is hereby created in the state general fund:

(a) For the issuance and annual renewal of a license for an authorized inspection station, authorized maintenance station, authorized station or fleet station ..... \$25

(b) For each set of 25 forms certifying emission control compliance ..... 125

(c) For each form issued to a fleet station ..... 5

2. Except as otherwise provided in subsections 4, 5 and 6, and after deduction of the amount required for grants pursuant to paragraph (a) of subsection 4, money in the pollution control account may, pursuant to legislative appropriation or with the approval of the interim finance committee, be expended by the following agencies in the following order of priority:

(a) The department of motor vehicles ~~and public safety,~~ to carry out the provisions of NRS 445B.770 to 445B.845, inclusive.

(b) The state department of conservation and natural resources to carry out the provisions of this chapter.

(c) The state department of agriculture to carry out the provisions of NRS 590.010 to 590.150, inclusive.

(d) The Tahoe Regional Planning Agency to carry out the provisions of NRS 277.200 with respect to the preservation and improvement of air quality in the Lake Tahoe Basin.

3. The department of motor vehicles ~~and public safety,~~ may prescribe by regulation routine fees for inspection at the prevailing shop labor rate, including, without limitation, maximum charges for those fees, and for the posting of those fees in a conspicuous place at an authorized inspection station or authorized station.

4. The department of motor vehicles ~~and public safety,~~ shall by regulation establish a program to award grants of money in the pollution control account to local governmental agencies in nonattainment or maintenance areas for carbon monoxide for programs related to the improvement of the quality of air. The grants to agencies in a county pursuant to this subsection must be made from:

(a) An amount of money in the pollution control account that is equal to one-fifth of the amount received for each form issued in the county pursuant to subsection 1; and

(b) Excess money in the pollution control account. As used in this paragraph, “excess money” means the money in excess of \$500,000 remaining in the pollution control account at the end of the fiscal year, after deduction of the amount required for grants pursuant to paragraph (a) and any disbursements made from the account pursuant to subsection 2.

5. Any regulations adopted pursuant to subsection 4 must provide for the creation of an advisory committee consisting of representatives of state and local agencies involved in the control of emissions from motor vehicles. The committee shall:

(a) Review applications for grants and make recommendations for their approval, rejection or modification;

(b) Establish goals and objectives for the program for control of emissions from motor vehicles;

(c) Identify areas where funding should be made available; and

(d) Review and make recommendations concerning regulations adopted pursuant to subsection 4 or NRS 445B.770.

6. Grants proposed pursuant to subsections 4 and 5 must be submitted to the *appropriate* deputy director of the ~~motor vehicles branch of the~~ department of motor vehicles ~~and public safety~~ and the administrator of the division of environmental protection of the state department of conservation and natural resources. Proposed grants approved by the *appropriate* deputy director and the administrator must not be awarded until approved by the interim finance committee.

**Sec. 184.** NRS 445B.835 is hereby amended to read as follows:

445B.835 1. The department of motor vehicles ~~and public safety~~ may impose an administrative fine, not to exceed \$2,500, for a violation of any provision of NRS 445B.700 to 445B.845, inclusive, or any rule, regulation or order adopted or issued pursuant thereto. The department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

2. All administrative fines collected by the department pursuant to subsection 1 must be deposited with the state treasurer to the credit of the pollution control account.

3. In addition to any other remedy provided by NRS 445B.700 to 445B.845, inclusive, the department may compel compliance with any provision of NRS 445B.700 to 445B.845, inclusive, and any rule, regulation or order adopted or issued pursuant thereto, by injunction or other appropriate remedy and the department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

**Sec. 185.** NRS 445B.840 is hereby amended to read as follows:

445B.840 It is unlawful for any person to:

1. Possess any unauthorized evidence of compliance;

2. Make, issue or use any imitation or counterfeit evidence of compliance;

3. Willfully and knowingly fail to comply with the provisions of NRS 445B.700 to 445B.815, inclusive, or any regulation adopted by the department of motor vehicles ; ~~and public safety~~ or

4. Issue evidence of compliance if he is not a licensed inspector of an authorized inspection station, authorized station or fleet station.

**Sec. 186.** NRS 445B.845 is hereby amended to read as follows:

445B.845 1. A violation of any provision of NRS 445B.700 to 445B.845, inclusive, relating to motor vehicles, or any regulation adopted pursuant thereto relating to motor vehicles, is a misdemeanor. The provisions of NRS 445B.700 to 445B.845, inclusive, or any regulation adopted pursuant thereto, must be enforced by any peace officer.

2. Satisfactory evidence that the motor vehicle or its equipment conforms to those provisions or regulations, when supplied by the owner of the motor vehicle to the department of motor vehicles ~~and public safety~~ within 10 days after the issuance of a citation pursuant to subsection 1, may be accepted by the court as a complete or partial mitigation of the offense.

**Sec. 187.** NRS 451.532 is hereby amended to read as follows:

451.532 “Identification card” means an identification card issued by the department of motor vehicles ~~and public safety~~ pursuant to chapter 483 of NRS.

**Sec. 188.** NRS 451.573 is hereby amended to read as follows:

451.573 The department of motor vehicles ~~and public safety~~ and its representatives are not liable for damages in a civil action or subject to prosecution in any criminal proceeding on account of any entry on a driver’s license or identification card issued by the department.

**Sec. 189.** NRS 453.076 is hereby amended to read as follows:

453.076 “Division” means the investigation division of the department of ~~motor vehicles and~~ public safety.

**Sec. 190.** NRS 453.3363 is hereby amended to read as follows:

453.3363 1. If a person who has not previously been convicted of any offense pursuant to NRS 453.011 to 453.552, inclusive, or pursuant to any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant or hallucinogenic substances tenders a plea of guilty, guilty but mentally ill, nolo contendere or similar plea to a charge pursuant to NRS 453.336, 453.411 or 454.351, or is found guilty of one of those charges, the court, without entering a judgment of conviction and with the consent of the accused, may suspend further proceedings and place him on probation upon terms and conditions that must include attendance and successful completion of an educational program or, in the case of a person dependent upon drugs, of a program of treatment and rehabilitation pursuant to NRS 453.580.

2. Upon violation of a term or condition, the court may enter a judgment of conviction and proceed as provided in the section pursuant to which the accused was charged. Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, upon violation of a term or condition, the court may order the person to the custody of the department of prisons.

3. Upon fulfillment of the terms and conditions, the court shall discharge the accused and dismiss the proceedings against him. A nonpublic record of the dismissal must be transmitted to and retained by the division of parole and probation of the department of ~~motor vehicles and~~ public safety solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section.

4. Except as otherwise provided in subsection 5, discharge and dismissal under this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil

rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the arrest, indictment or information. He may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of him for any purpose. Discharge and dismissal under this section may occur only once with respect to any person.

5. A professional licensing board may consider a proceeding under this section in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to him.

**Sec. 191.** NRS 453.3365 is hereby amended to read as follows:

453.3365 1. Three years after a person is convicted and sentenced pursuant to subsection 3 of NRS 453.336, the court may order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order, if the:

(a) Person fulfills the terms and conditions imposed by the court and the parole and probation officer; and

(b) Court, after a hearing, is satisfied that the person is rehabilitated.

2. Except as limited by subsection 4, 3 years after an accused is discharged from probation pursuant to NRS 453.3363, the court shall order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the person fulfills the terms and conditions imposed by the court and the division of parole and probation of the department of ~~motor vehicles and~~ public safety. The court shall order those records sealed without a hearing unless the division of parole and probation petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

3. If the court orders sealed the record of a person discharged pursuant to NRS 453.3363, it shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

4. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

**Sec. 192.** NRS 453.690 is hereby amended to read as follows:

453.690 1. Every person or institution authorized to dispense or administer narcotic drugs shall furnish to the health division of the department, the investigation division of the department of ~~motor vehicles and~~ public safety and the state board of pharmacy such information as the health division or the board may require by regulation.

2. Every public official or employee having duties to perform with respect to narcotic drugs shall furnish to the health division of the department, the investigation division of the department of ~~motor vehicles and~~ public safety and the state board of pharmacy such information as the regulations of the health division or the board may require.

**Sec. 193.** NRS 458.380 is hereby amended to read as follows:

458.380 1. The commission on substance abuse education, prevention, enforcement and treatment is hereby created within the department of ~~motor vehicles and~~ public safety.

2. The governor shall appoint as voting members of the commission:

(a) Three members who represent the criminal justice system and are knowledgeable in the areas of the enforcement of laws relating to drugs, parole and probation and the judicial system, at least one of whom is a peace officer;

(b) Three members who represent education and are knowledgeable about programs for the prevention of abuse of drugs and alcohol, at least one of whom is a licensed employee of a local school district;

(c) Three members who represent programs and organizations for the rehabilitation of persons who abuse drugs and alcohol, at least one of whom is a manager of a program accredited by this state to treat persons who abuse drugs and alcohol;

(d) One member who is employed by the health division and has experience in matters concerning budgeting and experience in working with the alcohol and drug abuse programs of the health division;

(e) One member who is employed by the division of mental health and developmental services of the department of human resources who has relevant experience, which may include, without limitation, experience in matters concerning budgeting and experience in working with programs of the division of mental health and developmental services of the department of human resources;

(f) One member who represents the interests of private businesses concerning substance abuse in the workplace; and

(g) Three members who represent the general public, one of whom is the parent of a child who has a mental illness or who has or has had a problem with substance abuse.

3. At least three of the voting members of the commission must be representatives of northern Nevada, three must be representatives of southern Nevada and three must be representatives of rural Nevada.

4. The legislative commission shall appoint one member of the senate and one member of the assembly to serve as nonvoting members of the commission. Those members must be appointed with appropriate regard for their experience with and knowledge of matters relating to substance abuse education, prevention, enforcement and treatment.

5. The director of the department of human resources, the superintendent of public instruction, the director of the department of employment, training and rehabilitation, the director of the department of prisons, the attorney general and the director of the department of ~~motor vehicles and~~ public safety are ex officio nonvoting members of the commission. An ex officio member may designate a representative to serve in his place on the commission or to attend a meeting of the commission in his place. Each ex officio member or his representative shall attend each

meeting of the commission and provide any information which the commission requests.

6. The term of office of each voting member of the commission is 2 years.

7. The governor shall appoint one member who is not an elected officer to serve as chairman of the commission.

8. Each member of the commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

9. Except during a regular or special session of the legislature, each legislative member of the commission is entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a meeting of the commission or is otherwise engaged in the business of the commission. The salaries and expenses of the legislative members of the commission must be paid from the legislative fund.

**Sec. 194.** NRS 459.7016 is hereby amended to read as follows:

459.7016 “Department” means the department of ~~motor vehicles and~~ public safety.

**Sec. 195.** NRS 459.7018 is hereby amended to read as follows:

459.7018 “Director” means the director of the department of ~~motor vehicles and~~ public safety.

**Sec. 196.** NRS 459.702 is hereby amended to read as follows:

459.702 “Division” means the Nevada highway patrol division of the department of ~~motor vehicles and~~ public safety.

**Sec. 197.** NRS 459.742 is hereby amended to read as follows:

459.742 The commission, in carrying out its duties and within the limits of legislative appropriations and other available money, may:

1. Enter into contracts, leases or other agreements or transactions;
2. Provide grants of money to local emergency planning committees to improve their ability to respond to emergencies involving hazardous materials;
3. Assist with the development of comprehensive plans for responding to such emergencies in this state;
4. Provide technical assistance and administrative support to the telecommunications unit of the communication and computing division of the department of information technology for the development of systems for communication during such emergencies;
5. Provide technical and administrative support and assistance for training programs;
6. Develop a system to provide public access to data relating to hazardous materials;
7. Support any activity or program eligible to receive money from the contingency account for hazardous materials;
8. Adopt regulations setting forth the manner in which the division of emergency management of the department of ~~motor vehicles and~~ public safety shall:
  - (a) Allocate money received by the division which relates to hazardous materials or is received pursuant to Public Law 99-499 or Title I of Public Law 93-633; and

(b) Approve programs developed to address planning for and responding to emergencies involving hazardous materials; and

9. Coordinate the activities administered by state agencies to carry out the provisions of *this* chapter, ~~[459 of NRS,]~~ Public Law 99-499 and Title I of Public Law 93-633.

**Sec. 198.** NRS 459.796 is hereby amended to read as follows:

459.796 A person is entitled to immunity under subsection 2 of NRS 459.792 only if:

1. In the case of one furnishing advice or assistance, he is qualified by training, education or experience in the handling of hazardous materials and provides advice or assistance within the area of his qualifications; and

2. He was requested to provide the equipment, advice or other assistance by:

(a) The person responsible for the discharge;

(b) The division of emergency management of the department of ~~motor vehicles and~~ public safety;

(c) The division of industrial relations of the department of business and industry;

(d) The division of environmental protection of the state department of conservation and natural resources;

(e) The Nevada highway patrol division of the department of ~~motor vehicles and~~ public safety;

(f) The state fire marshal division of the department of ~~motor vehicles and~~ public safety;

(g) The state emergency response commission or a local emergency planning committee appointed by the commission;

(h) A local fire department; or

(i) A local agency for law enforcement.

**Sec. 199.** NRS 477.010 is hereby amended to read as follows:

477.010 1. The state fire marshal division is hereby established in the department of ~~motor vehicles and~~ public safety.

2. The division consists of the fire protection and control section, the fire investigation section, the public education section, the fire service training section and the fire data section.

**Sec. 200.** NRS 477.013 is hereby amended to read as follows:

477.013 1. The director of the department of ~~motor vehicles and~~ public safety shall consult the state board of fire services and appoint the state fire marshal from the list of candidates presented by the board. The chief of the state fire marshal division is the state fire marshal.

2. The state fire marshal may appoint, within the limits of legislative appropriations, an assistant, deputies and such staff as is necessary to the performance of his duties.

3. The assistant, deputies and additional personnel appointed by the state fire marshal are in the classified service of the state.

**Sec. 201.** NRS 477.020 is hereby amended to read as follows:

477.020 1. The state board of fire services, consisting of eight members appointed by the governor, is hereby created.

2. The governor shall appoint:

(a) A licensed architect;

(b) A chief of a volunteer fire department;

(c) A chief of a full-time, paid fire department;

- (d) A professional engineer;
- (e) The state forester firewarden;
- (f) A training officer of a volunteer fire department;
- (g) A training officer of a partially or fully paid fire department; and
- (h) A specialist in hazardous materials,

to the board. No member other than the state forester firewarden may serve for more than two consecutive terms.

3. The board shall select a chairman from among its members to serve for 1 year. The state fire marshal shall serve as the secretary of the board.

4. The board may meet regularly at least twice each year or on the call of the chairman, the secretary or any three members.

5. The members of the board, except the state forester firewarden, are entitled to receive a salary of \$60 for each day's attendance at a meeting of the board.

6. The board shall make recommendations to the state fire marshal and to the legislature concerning necessary legislation in the field of fire fighting and fire protection. When requested to do so by the director of the department of ~~motor vehicles and~~ public safety, the board shall recommend to him not fewer than three persons for appointment as state fire marshal.

7. The board shall advise the state fire marshal on matters relating to the training of firemen.

**Sec. 202.** NRS 477.075 is hereby amended to read as follows:

477.075 1. The fire service standards and training committee, consisting of seven voting members and one nonvoting member, is hereby created.

2. The committee consists of the chairman of the state board of fire services, who is an ex officio member of the committee, one member appointed by the state fire marshal, and six members appointed by the governor as follows:

(a) Two chief officers or persons of equivalent rank, or two persons designated by the chief of the department, of a full-time, paid fire department who have experience in fire service training;

(b) Two chief officers or persons of equivalent rank, or two persons designated by the chief of the department, of a volunteer fire department who have experience in fire service training; and

(c) Two chief officers or persons of equivalent rank, or two persons designated by the chief of the department, of a combination paid and volunteer fire department who have experience in fire service training.

3. The six members appointed by the governor must be from the following counties:

(a) One member from Clark County;

(b) One member from Washoe County; and

(c) Four members from other counties, except that a majority of the voting members on the committee must not be from one county.

4. The governor shall make the appointments from recommendations submitted by:

(a) The Nevada Fire Chiefs Association Inc.;

(b) The Nevada State Firemens Association;

(c) The Professional Fire Fighters of Nevada;

(d) The Southern Nevada Fire Marshal's Association;

- (e) The Southern Nevada Fire Chiefs' Association;
- (f) The Northern Nevada Fire Marshal's Association; and
- (g) Representatives of fire departments of Washoe County.

5. For the initial terms of the members of the committee, each entity listed in subsection 4 shall submit three recommendations to the governor. After the initial terms, each entity shall submit two recommendations to the governor.

6. The member appointed by the state fire marshal shall serve as secretary to the committee and is a nonvoting member of the committee.

7. The members of the committee shall select a chairman from among their membership.

8. After the initial terms, the term of each appointed member of the committee is 2 years.

9. A vacancy in the committee must be filled for the remainder of the unexpired term in the same manner as the original appointment.

10. Each member of the committee is entitled to receive from the state fire marshal division of the department of ~~motor vehicles and~~ public safety the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which he attends a meeting of the committee or is otherwise engaged in the work of the committee.

11. The state fire marshal division shall provide the committee with administrative support.

**Sec. 203.** NRS 582.090 is hereby amended to read as follows:

582.090 1. The state sealer of weights and measures shall designate a reasonable fee to be charged by public weighmasters for weighing. The fee must be retained by the public weighmaster as compensation for his services.

2. The department of motor vehicles, ~~and public safety,~~ under the provisions of chapters 482 and 706 of NRS, may collect a fee, not to exceed \$1, for each vehicle weighed by that department.

**Sec. 204.** NRS 590.840 is hereby amended to read as follows:

590.840 1. Except as otherwise provided in subsection 3, the department shall collect for deposit in the fund a fee of 0.75 cent for each gallon of motor vehicle fuel, diesel fuel of grade number 1, diesel fuel of grade number 2 and heating oil imported into this state in one of those forms or refined in this state. The fee imposed by this section is in addition to the taxes imposed by chapters 365 and 366 of NRS.

2. The department of motor vehicles ~~and public safety~~ shall cooperate with the department of taxation in ascertaining the amount of diesel fuel so imported and the identity of each person liable for payment of the fee upon it.

3. The fee imposed by subsection 1 does not apply to motor vehicle fuel, diesel fuel of grade number 1, diesel fuel of grade number 2 or heating oil that is:

(a) Imported or refined by the United States, its unincorporated agencies and instrumentalities, or any incorporated agency or instrumentality of the United States wholly owned by the United States or by a corporation wholly owned by the United States;

(b) Exported from the state;

(c) Imported or refined by railroad companies for use in locomotive engines;

(d) Being transported through the state in interstate commerce; or

(e) Used as fuel for jet or turbine-powered aircraft.

4. The fee is payable on or before the 25th day of each calendar month for those products subject to the fee that are handled during the preceding calendar month. The department shall prescribe by regulation the manner of payment of the fee and for this purpose may reasonably classify the persons liable for payment. The department may, in collecting the fee, employ any administrative power conferred upon it by chapter 365 of NRS.

5. The expenses incurred by the department in performing its duties under NRS 590.700 to 590.920, inclusive, are a charge against the fund.

**Sec. 205.** NRS 597.490 is hereby amended to read as follows:

597.490 1. Each garageman shall display conspicuously in those areas of his place of business frequented by persons seeking repairs on motor vehicles a sign, not less than 22 inches by 28 inches in size, setting forth in boldface letters the following:

STATE OF NEVADA

REGISTERED GARAGE

THIS GARAGE IS REGISTERED WITH THE  
DEPARTMENT OF MOTOR VEHICLES ~~AND PUBLIC SAFETY~~

NEVADA AUTOMOTIVE REPAIR CUSTOMER  
BILL OF RIGHTS

AS A CUSTOMER IN NEVADA:

**YOU** have the right to receive repairs from a business that is **REGISTERED** with the department of motor vehicles ~~and public safety~~ that will ensure the proper repair of your vehicle. (NRS 597.490)

**YOU** have the right to receive a **WRITTEN ESTIMATE** of charges for repairs made to your vehicle which exceed \$50. (NRS 597.510)

**YOU** have the right to read and understand all documents and warranties **BEFORE YOU SIGN THEM.** (NRS 597.490)

**YOU** have the right to **INSPECT ALL REPLACED PARTS** and accessories that are covered by a warranty and for which a charge is made. (NRS 597.550)

**YOU** have the right to request that all replaced parts and accessories that are not covered by a warranty **BE RETURNED TO YOU AT THE TIME OF SERVICE.** (NRS 597.550)

**YOU** have the right to require authorization **BEFORE** any additional repairs are made to your vehicle if the charges for those repairs exceed 20% of the original estimate or \$100, whichever is less. (NRS 597.520)

**YOU** have the right to receive a **COMPLETED STATEMENT OF CHARGES** for repairs made to your vehicle. (NRS 487.035)

**YOU** have the right to a **FAIR RESOLUTION** of any dispute that develops concerning the repair of your vehicle. (NRS 597.490)

FOR MORE INFORMATION PLEASE CONTACT:

THE DEPARTMENT OF BUSINESS AND INDUSTRY

CONSUMER AFFAIRS DIVISION

IN CLARK COUNTY: (702) 486-7355

ALL OTHER AREAS TOLL-FREE: 1-800-326-5202

2. The sign required pursuant to the provisions of subsection 1 must include a replica of the great seal of the State of Nevada. The seal must be 2 inches in diameter and be centered on the face of the sign directly above the words "STATE OF NEVADA."

3. Any person who violates the provisions of this section is guilty of a misdemeanor.

**Sec. 206.** NRS 598.975 is hereby amended to read as follows:

598.975 "Department" means the department of motor vehicles . ~~and public safety.~~

**Sec. 207.** NRS 616A.140 is hereby amended to read as follows:

616A.140 A member of the Nevada Wing of the Civil Air Patrol who participates:

1. In a mission; or
2. In training,

which has been authorized by the division of emergency management of the department of ~~motor vehicles and~~ public safety shall be deemed for the purposes of chapters 616A to 616D, inclusive, of NRS to be an employee of the division of emergency management at the wage of \$600 per month and, in the event of injury during such a mission or training, is entitled to the benefits of those chapters.

**Sec. 208.** NRS 616A.160 is hereby amended to read as follows:

616A.160 Volunteer officers attached to the Nevada highway patrol, volunteers appointed pursuant to NRS 484.4085 who qualify pursuant to subsection 4 of that section, the investigators appointed pursuant to ~~NRS 481-243~~ *section 30 of this act* or volunteers of a regularly organized and recognized police department, metropolitan police department or sheriff's unit, while engaged in their duties as such in any voluntary community service and while acting under the direction of the chief of the Nevada highway patrol, chief of the investigation division of the department of ~~motor vehicles and~~ public safety or a sheriff or chief of police, or their deputies or assistants, of any county, metropolitan police department, city or town in the protection of life or property shall be deemed, for the purpose of chapters 616A to 616D, inclusive, of NRS, employees of the Nevada highway patrol, investigation division or the city, town, metropolitan police department or county so recognizing them, at the wage

of \$900 per month, and are entitled to the benefits of those chapters upon compliance therewith by the Nevada highway patrol, investigation division or the county, metropolitan police department, city or town.

**Sec. 209.** NRS 617.135 is hereby amended to read as follows:

617.135 “Police officer” includes:

1. A sheriff, deputy sheriff, officer of a metropolitan police department or city policeman;

2. A chief, inspector, supervisor, commercial officer or trooper of the Nevada highway patrol;

3. A chief, investigator or agent of the investigation division of the department of ~~motor vehicles and~~ public safety;

4. An officer or investigator of the section for the control of emissions from vehicles ~~of the motor vehicles branch~~ of the department of motor vehicles ; ~~and public safety;~~

5. An investigator of the division of compliance enforcement ~~of the motor vehicles branch~~ of the department of motor vehicles ; ~~and public safety;~~

6. A member of the police department of the University and Community College System of Nevada;

7. A:

(a) Uniformed employee of; or

(b) Forensic specialist employed by,

the department of prisons whose position requires regular and frequent contact with the offenders imprisoned and subjects the employee to recall in emergencies;

8. A parole and probation officer of the division of parole and probation of the department of ~~motor vehicles and~~ public safety; and

9. A forensic specialist or correctional officer employed by the division of mental health and development services of the department of human resources at facilities for mentally disordered offenders.

**Sec. 210.** NRS 639.236 is hereby amended to read as follows:

639.236 1. All prescriptions filled by a practitioner must be serially numbered and filed in the manner prescribed by regulation of the board. Prescriptions for controlled substances listed in schedule II must be filed separately from other prescriptions or in a readily retrievable manner as the board may provide by regulation. All prescriptions must be retained on file for at least 2 years.

2. Each prescription on file must bear the date on which it was originally filled and be personally signed or initialed by the registered pharmacist or practitioner who filled it.

3. Files of prescriptions are open to inspection by members, inspectors and investigators of the board and by inspectors of the Food and Drug Administration and agents of the investigation division of the department of ~~motor vehicles and~~ public safety.

**Sec. 211.** NRS 639.238 is hereby amended to read as follows:

639.238 1. Prescriptions filled and on file in a pharmacy are not a public record. A pharmacist shall not divulge the contents of any prescription or provide a copy of any prescription, except to:

(a) The patient for whom the original prescription was issued;

(b) The practitioner who originally issued the prescription;

(c) A practitioner who is then treating the patient;

(d) A member, inspector or investigator of the board or an inspector of the Food and Drug Administration or an agent of the investigation division of the department of ~~motor vehicles and~~ public safety;

(e) An agency of state government charged with the responsibility of providing medical care for the patient;

(f) An insurance carrier, on receipt of written authorization signed by the patient or his legal guardian, authorizing the release of such information;

(g) Any person authorized by an order of a district court;

(h) Any member, inspector or investigator of a professional licensing board which licenses a practitioner who orders prescriptions filled at the pharmacy; or

(i) Other registered pharmacists for the limited purpose of and to the extent necessary for the exchange of information relating to persons who are suspected of:

(1) Misusing prescriptions to obtain excessive amounts of drugs.

(2) Failing to use a drug in conformity with the directions for its use or taking a drug in combination with other drugs in a manner that could result in injury to that person.

2. Any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS, issued to a person authorized by this section to receive such a copy, must contain all of the information appearing on the original prescription and be clearly marked on its face, "Copy, Not Refillable-For Reference Purposes Only." The copy must bear the name or initials of the registered pharmacist who prepared the copy.

3. If a copy of a prescription for any controlled substance or a dangerous drug as defined in chapter 454 of NRS is furnished to the customer, the original prescription must be voided and notations made thereon showing the date and the name of the person to whom the copy was furnished.

4. If, at the express request of a customer, a copy of a prescription for any controlled substance or dangerous drug is furnished to another pharmacist, the original prescription must be voided and notations made thereon showing the date and the name of the pharmacist to whom the copy was furnished. The pharmacist receiving the copy shall call the prescribing practitioner for a new prescription.

**Sec. 212.** NRS 639.239 is hereby amended to read as follows:

639.239 Members, inspectors and investigators of the board, inspectors of the Food and Drug Administration and agents of the investigation division of the department of ~~motor vehicles and~~ public safety may remove any record required to be retained by state or federal law or regulation, including any prescription contained in the files of a practitioner, if the record in question will be used as evidence in a criminal action, civil action or an administrative proceeding, or contemplated action or proceeding. The person who removes a record pursuant to this section shall:

1. Affix the name and address of the practitioner to the back of the record;

2. Affix his initials, cause an agent of the practitioner to affix his initials and note the date of the removal of the record on the back of the record;

3. Affix the name of the agency for which he is removing the record to the back of the record;
4. Provide the practitioner with a receipt for the record; and
5. Return a photostatic copy of both sides of the record to the practitioner within 15 working days after the record is removed.

**Sec. 213.** NRS 648.157 is hereby amended to read as follows:

648.157 1. A private investigator licensed pursuant to this chapter shall not obtain or seek access to information from the department of motor vehicles ~~and public safety~~ pursuant to subsection 3 of NRS 481.063 for any purpose other than a purpose that is directly related to his investigation of an insurance claim.

2. If the board finds that a violation of this section has occurred, the board shall, in addition to any other disciplinary action it deems appropriate, suspend the license of the private investigator.

**Sec. 214.** NRS 680A.080 is hereby amended to read as follows:

680A.080 To qualify for and hold authority to transact insurance in this state, an insurer must be otherwise in compliance with this code and with its charter powers, and must be an incorporated stock or mutual insurer, or a reciprocal insurer, of the same general type as may be formed as a domestic insurer under this code, except that:

1. No foreign insurer may be authorized to transact insurance in this state which does not maintain reserves as required by chapter 681B of NRS (assets and liabilities), as applicable to the kind or kinds of insurance transacted by such insurer, wherever transacted in the United States of America, or which transacts business anywhere in the United States of America on the assessment plan, or stipulated premium plan, or any similar plan.

2. No insurer may be authorized to transact a kind of insurance in this state unless duly authorized or qualified to transact such insurance in the state or country of its domicile.

3. No insurer may be authorized to transact in this state any kind of insurance which is not within the definitions as set forth in NRS 681A.010 to 681A.080, inclusive (kinds of insurance).

4. No such authority may be granted or continued to any insurer while in arrears to the state for fees, licenses, taxes, assessments, fines or penalties accrued on business previously transacted in this state.

In addition to the other requirements set forth in this section, an insurer who proposes to transact in this state insurance that protects a policyholder from liability arising out of the ownership, maintenance or use of a motor vehicle must demonstrate to the satisfaction of the department of motor vehicles ~~and public safety~~ that the insurer is able to comply with the provisions of NRS 485.314.

**Sec. 215.** NRS 690B.020 is hereby amended to read as follows:

690B.020 1. Except as otherwise provided in this section and NRS 690B.035, no policy insuring against liability arising out of the ownership, maintenance or use of any motor vehicle may be delivered or issued for delivery in this state unless coverage is provided therein or supplemental thereto for the protection of persons insured thereunder who are legally entitled to recover damages, from owners or operators of uninsured or hit-and-run motor vehicles, for bodily injury, sickness or disease, including death, resulting from the ownership, maintenance or use of the uninsured

or hit-and-run motor vehicle. No such coverage is required in or supplemental to a policy issued to the State of Nevada or any political subdivision thereof, or where rejected in writing, on a form furnished by the insurer describing the coverage being rejected, by an insured named therein, or upon any renewal of such a policy unless the coverage is then requested in writing by the named insured. The coverage required in this section may be referred to as “uninsured vehicle coverage.”

2. The amount of coverage to be provided must be not less than the minimum limits for liability insurance for bodily injury provided for under chapter 485 of NRS, but may be in an amount not to exceed the coverage for bodily injury purchased by the policyholder.

3. For the purposes of this section, the term “uninsured motor vehicle” means a motor vehicle:

(a) With respect to which there is not available at the department of motor vehicles ~~land public safety~~ evidence of financial responsibility as required by chapter 485 of NRS;

(b) With respect to the ownership, maintenance or use of which there is no liability insurance for bodily injury or bond applicable at the time of the accident, or, to the extent of such deficiency, any liability insurance for bodily injury or bond in force is less than the amount required by NRS 485.210;

(c) With respect to the ownership, maintenance or use of which the company writing any applicable liability insurance for bodily injury or bond denies coverage or is insolvent;

(d) Used without the permission of its owner if there is no liability insurance for bodily injury or bond applicable to the operator;

(e) Used with the permission of its owner who has insurance which does not provide coverage for the operation of the motor vehicle by any person other than the owner if there is no liability insurance for bodily injury or bond applicable to the operator; or

(f) The owner or operator of which is unknown or after reasonable diligence cannot be found if:

(1) The bodily injury or death has resulted from physical contact of the automobile with the named insured or the person claiming under him or with an automobile which the named insured or such a person is occupying; and

(2) The named insured or someone on his behalf has reported the accident within the time required by NRS 484.223, 484.225 or 484.227 to the police department of the city where it occurred, or if it occurred in an unincorporated area, to the sheriff of the county or to the Nevada highway patrol.

4. For the purposes of this section, the term “uninsured motor vehicle” also includes, subject to the terms and conditions of coverage, an insured other motor vehicle where:

(a) The liability insurer of the other motor vehicle is unable because of its insolvency to make payment with respect to the legal liability of its insured within the limits specified in its policy;

(b) The occurrence out of which legal liability arose took place while the uninsured vehicle coverage required under paragraph (a) was in effect; and

(c) The insolvency of the liability insurer of the other motor vehicle existed at the time of, or within 2 years after, the occurrence. Nothing contained in this subsection prevents any insurer from providing protection from insolvency to its insureds under more favorable terms.

5. If payment is made to any person under uninsured vehicle coverage, and subject to the terms of the coverage, to the extent of such payment the insurer is entitled to the proceeds of any settlement or recovery from any person legally responsible for the bodily injury as to which payment was made, and to amounts recoverable from the assets of the insolvent insurer of the other motor vehicle.

6. A vehicle involved in a collision which results in bodily injury or death shall be presumed to be an uninsured motor vehicle if no evidence of financial responsibility is supplied to the department of motor vehicles ~~and public safety~~ in the manner required by chapter 485 of NRS within 60 days after the collision occurs.

**Sec. 216.** NRS 690B.029 is hereby amended to read as follows:

690B.029 1. A policy of insurance against liability arising out of the ownership, maintenance or use of a motor vehicle delivered or issued for delivery in this state to a person who is 55 years of age or older must contain a provision for the reduction in the premiums for 3-year periods if the insured:

(a) Successfully completes, after attaining 55 years of age and every 3 years thereafter, a course of traffic safety approved by the department of motor vehicles ; ~~and public safety;~~ and

(b) For the 3-year period before completing the course of traffic safety and each 3-year period thereafter:

(1) Is not involved in an accident involving a motor vehicle for which the insured is at fault;

(2) Maintains a driving record free of violations; and

(3) Has not been convicted of or entered a plea of guilty, guilty but mentally ill or nolo contendere to a moving traffic violation or an offense involving:

(I) The operation of a motor vehicle while under the influence of intoxicating liquor or a controlled substance; or

(II) Any other conduct prohibited by NRS 484.379 or 484.3795 or a law of any other jurisdiction that prohibits the same or similar conduct.

2. The reduction in the premiums provided for in subsection 1 must be based on the actuarial and loss experience data available to each insurer and must be approved by the commissioner. Each reduction must be calculated based on the amount of the premium before any reduction in that premium is made pursuant to this section, and not on the amount of the premium once it has been reduced.

3. A course of traffic safety that an insured is required to complete as the result of moving traffic violations must not be used as the basis for a reduction in premiums pursuant to this section.

4. The organization that offers a course of traffic safety approved by the department of motor vehicles ~~and public safety~~ shall issue a certificate to each person who successfully completes the course. A person must use the certificate to qualify for the reduction in the premiums pursuant to this section.

5. The commissioner shall review and approve or disapprove a policy of insurance that offers a reduction in the premiums pursuant to subsection 1. An insurer must receive written approval from the commissioner before delivering or issuing a policy with a provision containing such a reduction.

**Sec. 217.** NRS 706.061 is hereby amended to read as follows:

706.061 “Department” means the department of motor vehicles . ~~and public safety.~~

**Sec. 218.** NRS 706.4479 is hereby amended to read as follows:

706.4479 If a motor vehicle is towed at the request of someone other than the owner, or authorized agent of the owner, of the motor vehicle, the operator shall, in addition to the requirements set forth in the provisions of chapter 108 of NRS:

1. Notify the registered and legal owner of the motor vehicle by certified mail not later than 15 days after placing a vehicle in storage:

- (a) Of the location where the motor vehicle is being stored;
- (b) Whether the storage is inside a locked building, in a secured, fenced area or in an unsecured, open area;
- (c) Of the charge for storage; and
- (d) Of the date and time the vehicle was placed in storage.

2. If the identity of the registered and legal owners is not readily available, request the necessary information from the department . ~~for motor vehicles and public safety.~~ The operator shall attempt to notify the owner of the vehicle as soon as possible, but in no case later than 15 days, after identification of the owner is obtained.

3. Use all resources reasonably necessary to ascertain the name of the owner of a vehicle and is responsible for making an independent inquiry and correct notification of the owner.

**Sec. 219.** NRS 706.806 is hereby amended to read as follows:

706.806 As used in NRS 706.801 to 706.861, inclusive, unless the context otherwise requires:

1. “Country” includes any political subdivision thereof.
2. “Department” means the department of motor vehicles . ~~and public safety.~~
3. “Fee” means each fee for registration and tax imposed by this state, except motor vehicle fuel taxes and motor carrier licensing fees.
4. “Mileage” includes mileage in this state and in all other states and countries.
5. “Motor vehicle” includes every motor vehicle with a declared gross weight in excess of 26,000 pounds required to be registered under the laws of this state.
6. “Operator” includes the owner or operator of any motor vehicle.
7. “Plan” means a plan adopted by any state or country for the proration of fees on a basis to effectuate the principles set forth in NRS 706.826.
8. “State” includes the states of the United States, the District of Columbia and the territories of the United States.
9. “Vehicle” includes every vehicle of a type required to be registered under the laws of this state.

**Sec. 220.** NRS 706.841 is hereby amended to read as follows:

706.841 1. Each operator shall qualify to operate pursuant to the provisions of NRS 706.801 to 706.861, inclusive, by filing an application

for that purpose with the department ~~{of motor vehicles and public safety}~~ before the time any fee becomes delinquent.

2. The application must:

(a) Show the total mileage of motor vehicles operated by the person in this state and all states and countries during the next preceding 12 months ending June 30 and describe and identify each motor vehicle to be operated during the period of registration in such detail as the department may require.

(b) Be accompanied by a fee, unless the department is satisfied that the fee is secured, to be computed as follows:

(1) Divide the number of in-state miles by the total number of fleet miles;

(2) Determine the total amount of money necessary to register each motor vehicle in the fleet for which registration is requested; and

(3) Multiply the amount determined under subparagraph (2) by the fraction obtained pursuant to subparagraph (1).

**Sec. 221.** NRS 706.846 is hereby amended to read as follows:

706.846 Upon the payment of all fees required pursuant to the provisions of NRS 706.801 to 706.861, inclusive, or upon being satisfied that the fee is secured and upon compliance with the laws of this state in order to register the vehicles, the department ~~{of motor vehicles and public safety}~~ shall register them, and issue plates, licenses, emblems, certificates or other devices for the vehicles in the same manner as otherwise provided by law.

**Sec. 222.** NRS 706.8822 is hereby amended to read as follows:

706.8822 The administrator shall conduct administrative hearings and make final decisions, subject to appeal by any aggrieved party to the taxicab authority, in the following matters:

1. Any violation relating to the issuance of or transfer of license plates for motor carriers required by either the taxicab authority or the department of motor vehicles ; ~~{and public safety;}~~

2. Complaints against certificate holders;

3. Complaints against taxicab drivers;

4. Applications for, or suspension or revocation of, drivers' permits which may be required by the administrator; and

5. Imposition of monetary penalties.

**Sec. 223.** NRS 706.8828 is hereby amended to read as follows:

706.8828 1. A certificate holder shall file with the administrator, and keep in effect at all times, a policy of insurance with an insurance company licensed to do business in the State of Nevada.

2. The insurance policy specified in subsection 1 must:

(a) Provide the following coverage:

For injury to one person in any one accident.....	\$100,000
For injury to two or more persons in any one accident .....	300,000
For property damage in any one accident.....	10,000

(b) Contain a clause which states substantially that the insurance carrier may only cancel the policy upon 30 days' written notice to the certificate holder and administrator; and

(c) Contain such other provisions concerning notice as may be required by law to be given to the certificate holder.

3. If an insurance policy is canceled, the certificate holder shall not operate or cause to be operated any taxicab that was covered by the policy until other insurance is furnished.

4. A certificate holder to whom ~~the motor vehicles branch of~~ the department of motor vehicles ~~and public safety~~ has issued a certificate of self-insurance may self-insure the first \$50,000, combined single-limit, per accident, of the coverage required by subsection 2.

**Sec. 224.** Section 20 of this act is hereby amended to read as follows:

The duties of the personnel of the Nevada highway patrol are:

1. To police the public highways of this state, to enforce and to aid in enforcing thereon all the traffic laws of the State of Nevada and to enforce all other laws of this state when:

(a) In the apprehension or pursuit of an offender or suspected offender;

(b) Making arrests for crimes committed in their presence or upon or adjacent to the highways of this state; or

(c) Making arrests pursuant to a warrant in the officer's possession or communicated to him.

2. To investigate accidents on all primary and secondary highways within the State of Nevada resulting in personal injury, property damage or death, and to gather evidence to prosecute any person guilty of any violation of the law contributing to the happening of such an accident.

3. In conjunction with the department of motor vehicles, to enforce the provisions of chapters 365, 366, 408, 482 to 486, inclusive, 487 and 706 of NRS.

4. To maintain the central repository for Nevada records of criminal history and to carry out the provisions of chapter 179A of NRS.

5. To enforce the provisions of laws and regulations relating to motor carriers, the safety of their vehicles and equipment, and their transportation of hazardous materials and other cargo.

6. To maintain the repository for information concerning hazardous materials in Nevada and to carry out its duties pursuant to chapter 459 of NRS concerning the transportation of hazardous materials.

7. To perform such other duties in connection with those specified in this section as may be imposed by the director.

**Sec. 225.** Section 30 of chapter 491, Statutes of Nevada 1991, at page 1448, is hereby amended to read as follows:

Sec. 30. 1. Except as otherwise provided in section 34 of this act and in addition to all other taxes imposed on the valuation of vehicles, the board of county commissioners of Churchill, Elko, Humboldt, Washoe and Lander counties and the board of supervisors of Carson City may by ordinance, but not as in a case of emergency, impose a special governmental services tax of 1 cent on each \$1 of valuation of the vehicle for the governmental services of operating upon the public streets, roads and highways of the county on each vehicle based in the county except:

(a) A vehicle exempt from the governmental services tax pursuant to chapter 371 of NRS; or

(b) A vehicle subject to NRS 706.011 to 706.861, inclusive, which is engaged in interstate or intercounty operations.

2. The department of motor vehicles ~~and public safety~~ shall deposit the proceeds of the tax imposed pursuant to subsection 1 with the state treasurer for credit to the tax distribution fund for the county in which it was collected.

3. As used in this section, "based" has the meaning ascribed to it in NRS 482.011.

**Sec. 226.** Section 9 of chapter 475, Statutes of Nevada 1993, at page 1953, is hereby amended to read as follows:

Sec. 9. 1. Except as otherwise provided in section 14 of this act and in addition to all other taxes imposed on the valuation of vehicles, the board of county commissioners of Douglas, Esmeralda, Lincoln, Lyon, Mineral, Nye, Pershing, Storey and White Pine counties may by ordinance, in the manner provided in section 13 of this act, impose a special governmental services tax of 1 cent on each \$1 of valuation of the vehicle for the privilege of operating upon the public streets, roads and highways of the county on each vehicle based in the county except:

(a) A vehicle exempt from the governmental services tax pursuant to chapter 371 of NRS; or

(b) A vehicle subject to NRS 706.011 to 706.861, inclusive, which is engaged in interstate or intercounty operations.

2. The department of motor vehicles ~~and public safety~~ shall deposit the proceeds of the tax imposed pursuant to subsection 1 with the state treasurer for credit to the tax distribution fund for the county in which it was collected.

3. As used in this section, "based" has the meaning ascribed to it in NRS 482.011.

**Sec. 227.** Section 7 of chapter 575, Statutes of Nevada 1997, at page 2825, is hereby amended to read as follows:

Sec. 7. The amendatory provisions of this act expire by limitation on October 1, 2001, if on that date the department of motor vehicles ~~and public safety~~ has received fewer than 250 applications for the issuance of a license plate pursuant to section 1 of this act.

**Sec. 228.** Section 18 of chapter 599, Statutes of Nevada 1997, at page 3005, is hereby amended to read as follows:

Sec. 18. Assembly Bill No. 529 of this session is hereby amended by adding thereto a new section to be designated as section 3, immediately following section 2, to read as follows:

Sec. 3. The amendatory provisions of this act expire by limitation on October 1, 2001, if on that date the department of motor vehicles ~~and public safety~~ has received fewer than 250 applications for the issuance of a license plate pursuant to section 1 of this act.

**Sec. 229.** Section 6 of chapter 607, Statutes of Nevada 1997, at page 3055, is hereby amended to read as follows:

Sec. 6. The amendatory provisions of this act expire by limitation on October 1, 2001, if on that date the department of motor vehicles

~~and public safety~~ has received fewer than 250 applications for the issuance of a license plate pursuant to section 1 of this act.

**Sec. 230.** Section 6 of chapter 64, Statutes of Nevada 1999, at page 159, is hereby amended to read as follows:

Sec. 6. The amendatory provisions of sections 1, 2 and 3 of this act expire by limitation on October 1, 2003, if on that date the department of motor vehicles ~~and public safety~~ has received less than 250 applications for the issuance of license plates pursuant to the provisions of section 1 of this act.

**Sec. 231.** Section 2 of chapter 224, Statutes of Nevada 1999, at page 990, is hereby amended to read as follows:

Sec. 2. *As used in this chapter, "department" means the department of motor vehicles.*

**Sec. 232.** Section 52 of chapter 224, Statutes of Nevada 1999, at page 1003, is hereby amended to read as follows:

Sec. 52. *"Department" means the department of motor vehicles.*

**Sec. 233.** Section 101 of chapter 224, Statutes of Nevada 1999, at page 1021, is hereby amended to read as follows:

Sec. 101. Chapter 373 of NRS is hereby amended by adding thereto a new section to read as follows:

*"Department" means the department of motor vehicles.*

**Sec. 234.** Section 106 of chapter 224, Statutes of Nevada 1999, at page 1022, is hereby amended to read as follows:

Sec. 106. NRS 590.120 is hereby amended to read as follows:

590.120 1. Every person, or any officer, agent or employee thereof, shipping or transporting any ~~gasoline~~ motor vehicle fuel or lubricating oil into this state for sale or consignment, or with intent to sell or consign the same, shall pay to the department of ~~taxation~~ motor vehicles an inspection fee of 0.055 of a cent per gallon for every gallon of ~~gasoline~~ motor vehicle fuel or lubricating oil so shipped or transported into the state, or that is held for sale within this state. ~~Nothing in this section requires~~ This section does not require the payment of an inspection fee on any shipment or consignment of ~~gasoline~~ motor vehicle fuel or lubricating oil when ~~such~~ the inspection fee has ~~already~~ been paid.

2. Of each inspection fee paid to the department of ~~taxation~~ motor vehicles pursuant to this section, 0.005 of a cent per gallon must be transferred quarterly to an account in the state general fund for the state board of agriculture. The state board of agriculture shall use all money transferred pursuant to this subsection to pay the expenses incurred in enforcing the provisions of NRS 590.070.

3. On or before the ~~25th~~ last day of each calendar month, every person, or any officer, agent or employee thereof, required to pay the inspection fee ~~mentioned~~ described in subsection 1 shall send to the department of ~~taxation~~ motor vehicles a correct report of the ~~gasoline~~ motor vehicle fuel or oil volumes for the preceding month. The report must include a list of distributors or retailers distributing or selling the products and must be accompanied by the required fees.

4. Failure to send the report and remittance as specified in subsections 1 and 3 is a violation of NRS 590.010 to 590.150, inclusive, *and is* punishable as provided in NRS 590.150.

*5. The provisions of this section must be carried out in the manner prescribed in chapter 365 of NRS and sections 2 to 45, inclusive, of this act.*

**Sec. 235.** Section 107 of chapter 224, Statutes of Nevada 1999, at page 1022, is hereby amended to read as follows:

Sec. 107. NRS 590.130 is hereby amended to read as follows:

590.130 Except as otherwise provided in subsection 2 of NRS 590.120, all inspection fees received by the department of ~~taxation~~ *motor vehicles* must be deposited with the state treasurer for credit to the state general fund, and all expenses incurred in carrying out the provisions of NRS 590.010 to 590.150, inclusive, must be paid out of funds provided by direct legislative appropriation.

**Sec. 236.** Section 108 of chapter 224, Statutes of Nevada 1999, at page 1022, is hereby amended to read as follows:

Sec. 108. NRS 590.720 is hereby amended to read as follows:

590.720 "Department" means the department of ~~taxation~~ *motor vehicles*.

**Sec. 237.** Section 109 of chapter 224, Statutes of Nevada 1999, at page 1022, is hereby amended to read as follows:

Sec. 109. NRS 590.840 is hereby amended to read as follows:

590.840 1. Except as otherwise provided in subsection ~~1~~ *2*, the department shall collect for deposit in the fund a fee of 0.75 cent for each gallon of motor vehicle fuel, diesel fuel of grade number 1, diesel fuel of grade number 2 and heating oil imported into this state in one of those forms or refined in this state. The fee imposed by this section is in addition to the taxes imposed by chapters 365 and 366 of NRS.

2. ~~The department of motor vehicles shall cooperate with the department of taxation in ascertaining the amount of diesel fuel so imported and the identity of each person liable for payment of the fee upon it.~~

~~3.~~ The fee imposed by subsection 1 does not apply to motor vehicle fuel, diesel fuel of grade number 1, diesel fuel of grade number 2 or heating oil that is:

(a) Imported or refined by the United States, its unincorporated agencies and instrumentalities, or any incorporated agency or instrumentality of the United States wholly owned by the United States or by a corporation wholly owned by the United States;

(b) Exported from ~~the~~ *this* state;

(c) Imported or refined by railroad companies for use in locomotive engines;

(d) Being transported through ~~the~~ *this* state in interstate commerce; or

(e) Used as fuel for jet or turbine-powered aircraft.

~~4.~~ *3.* The fee is payable on or before the ~~25th~~ *last* day of each calendar month for those products subject to the fee that are handled during the preceding calendar month. The department shall prescribe by regulation the manner of payment of the fee and for this purpose may reasonably classify the persons liable for payment. The department may, in collecting the fee, employ any administrative power conferred upon it by chapter 365 of NRS ~~1~~.

~~—5.1~~ *or sections 2 to 45, inclusive, of this act.*

4. The expenses incurred by the department in performing its duties under NRS 590.700 to 590.920, inclusive, are a charge against the fund.

**Sec. 238.** Section 8 of chapter 277, Statutes of Nevada 1999, at page 1168, is hereby amended to read as follows:

Sec. 8. 1. This section and sections 1 to 4, inclusive, 6 and 7 of this act become effective on October 1, 1999.

2. Section 5 of this act becomes effective at 12:01 a.m. on October 1, 1999.

3. The amendatory provisions of sections 2, 5 and 7 of this act expire by limitation on October 1, 2003, if on that date the department of motor vehicles ~~and public safety~~ has received fewer than 250 applications for the issuance of a license plate pursuant to section 2 of this act.

4. The amendatory provisions of sections 3, 4 and 6 of this act expire by limitation on October 1, 2003, if on that date the department of motor vehicles ~~and public safety~~ has received fewer than 250 applications for the issuance of a license plate pursuant to section 3 of this act.

**Sec. 239.** NRS 481.043, 481.0477, 481.085, 481.105, 481.115, 481.125, 481.130, 481.140, 481.147, 481.150, 481.155, 481.160, 481.180, 481.185, 481.195, 481.205, 481.215, 481.225, 481.230, 481.240, 481.2405, 481.241, 481.243, 481.245, 481.250, 481.260, 481.300, 481.310, 486.500, 486.510 and 486.520 are hereby repealed.

**Sec. 240.** 1. If the authority to appoint an officer or a member of a board, commission or similar body is transferred pursuant to the provisions of this act to another appointing authority, the officer or member remains in office:

(a) If he serves a definite term of office, for the duration of that term unless removed before that date in the manner authorized by law.

(b) If he serves at the pleasure of the appointing authority, until replaced by the new appointing authority.

2. Any regulations adopted by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations is transferred. Such regulations may be enforced by the officer or agency to which the responsibility for the enforcement of the regulations is transferred.

3. Any contract or other agreement entered into by an officer or agency whose name is changed or whose responsibility for the administration of the provisions of the contract or other agreement is transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement is transferred. Such contracts or other agreements may be enforced by the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement is transferred.

**Sec. 241.** 1. This section, sections 1 to 41, inclusive, 43 to 54, inclusive, 56, 57, 59 to 223, inclusive, 227 to 240, inclusive, and 242 of this act become effective upon passage and approval for the purpose of authorizing any preliminary activities necessary to ensure that the provisions of this act are carried out in an orderly fashion and on July 1, 2001, for all other purposes.

2. Sections 55, 58, 225 and 226 of this act become effective at 12:01 a.m. on July 1, 2001.

3. Sections 42 and 224 of this act become effective on January 1, 2002.

**Sec. 242.** 1. The legislative counsel shall, in preparing the reprint and supplements to the Nevada Revised Statutes, with respect to any section which is not amended by this act or is adopted or amended by another act, appropriately change any reference to an officer or agency whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate officer of agency. If any internal reference is made to a section repealed by this act, the legislative counsel shall delete the reference and replace it by reference to the superseding section, if any.

2. The legislative counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any reference to an officer or agency whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate officer of agency. If any internal reference is made to a section repealed by this act, the legislative counsel shall delete the reference and replace it by reference to the superseding section, if any.

3. Any reference in a bill or resolution passed by the 71st session of the Nevada legislature to an officer or agency whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency shall be deemed to refer to the officer or agency to which the responsibility is transferred.