

SENATE BILL NO. 523—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF DEPARTMENT OF MOTOR VEHICLES
AND PUBLIC SAFETY)

MARCH 26, 2001

Referred to Committee on Transportation

SUMMARY—Makes various changes relating to licensing and registration of motor vehicles, drivers and instructors. (BDR 43-511)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to motor vehicles; increasing the period of validity of a permit issued to operate certain unregistered vehicles; revising provisions relating to the form provided by the department of motor vehicles and public safety to a dealer for the transfer of ownership of a motor vehicle; authorizing the department to enter into an agreement with another state concerning the exchange of information relating to the issuance, renewal, suspension or revocation of drivers' licenses; requiring the investigation of the criminal history of an applicant for a license to operate a school for training drivers or for a license as an instructor for such a school; providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 481.063 is hereby amended to read as follows:
2 481.063 1. The director may charge and collect reasonable fees for
3 official publications of the department and from persons making use of
4 files and records of the department or its various divisions for a private
5 purpose. All money so collected must be deposited in the state treasury for
6 credit to the motor vehicle fund.
7 2. ~~The~~ *Except as otherwise provided in subsection 5, the* director
8 may release personal information *, except a photograph,* from a file or
9 record relating to the driver's license, identification card *,* or title or
10 registration of a vehicle of a person if the requester submits a written
11 release from the person who holds a lien on the vehicle, or an agent of that
12 person, or the person about whom the information is requested which is
13 dated not more than 90 days before the date of the request. The written
14 release must be in a form required by the director.



1 3. Except as otherwise provided in subsection 2, the director shall not
2 release to any person who is not a representative of the welfare division of
3 the department of human resources or an officer, employee or agent of a
4 law enforcement agency, an agent of the public defender's office or an
5 agency of a local government which collects fines imposed for parking
6 violations, who is not conducting an investigation pursuant to NRS
7 253.0415, 253.044 or 253.220, who is not authorized to transact insurance
8 pursuant to chapter 680A of NRS or who is not licensed as a private
9 investigator pursuant to chapter 648 of NRS and conducting an
10 investigation of an insurance claim:

11 (a) A list which includes license plate numbers combined with any other
12 information in the records or files of the department;

13 (b) The social security number of any person, if it is requested to
14 facilitate the solicitation of that person to purchase a product or service; or

15 (c) The name, address, telephone number or any other personally
16 identifiable information if the information is requested by the presentation
17 of a license plate number.

18 When such personally identifiable information is requested of a law
19 enforcement agency by the presentation of a license plate number, the law
20 enforcement agency shall conduct an investigation regarding the person
21 about whom information is being requested or, as soon as practicable,
22 provide the requester with the requested information if the requester
23 officially reports that the motor vehicle bearing that license plate was used
24 in a violation of NRS 205.240, 205.345, 205.380 or 205.445.

25 4. Except as otherwise provided in subsections 2 and 5, the director
26 shall not release any personal information from a file or record relating to a
27 driver's license, identification card, or title or registration of a vehicle.

28 5. Except as otherwise provided in subsection 6, if a person or
29 governmental entity ~~appears in person or by its representative,~~ provides a
30 description of the information requested and its proposed use and signs an
31 affidavit to that effect, the director may release any personal information
32 from a file or record relating to a driver's license, identification card, or
33 title or registration of a vehicle for use:

34 (a) By any governmental entity, including, but not limited to, any court
35 or law enforcement agency, in carrying out its functions, or any person
36 acting on behalf of a federal, state or local governmental agency in
37 carrying out its functions. ~~In addition, the director may, by regulation,~~
38 ~~establish a procedure whereby a governmental entity may retrieve such~~
39 ~~information electronically or by written request in lieu of appearing~~
40 ~~personally and complying with the other requirements of this subsection.~~
41 *The personal information may include a photograph from a file or*
42 *record relating to a driver's license, identification card, or title or*
43 *registration of a vehicle.*

44 (b) In connection with any civil, criminal, administrative or arbitration
45 proceeding before any federal or state court, regulatory body, board,
46 commission or agency, including, but not limited to, use for service of
47 process, investigation in anticipation of litigation, and execution or
48 enforcement of judgments and orders, or pursuant to an order of a federal
49 or state court.



- 1 (c) In connection with matters relating to:
2 (1) The safety of drivers of motor vehicles;
3 (2) Safety and thefts of motor vehicles;
4 (3) Emissions from motor vehicles;
5 (4) Alterations of products related to motor vehicles;
6 (5) An advisory notice relating to a motor vehicle or the recall of a
7 motor vehicle;
8 (6) Monitoring the performance of motor vehicles;
9 (7) Parts or accessories of motor vehicles;
10 (8) Dealers of motor vehicles; or
11 (9) Removal of nonowner records from the original records of motor
12 vehicle manufacturers.
- 13 (d) By any insurer, self-insurer or organization that provides assistance
14 or support to an insurer or self-insurer or its agents, employees or
15 contractors, in connection with activities relating to the rating,
16 underwriting or investigation of claims or the prevention of fraud.
- 17 (e) In providing notice to the owners of vehicles that have been towed,
18 repossessed or impounded.
- 19 (f) By an employer or its agent or insurer to obtain or verify information
20 relating to a holder of a commercial driver's license who is employed by or
21 has applied for employment with the employer.
- 22 (g) By a private investigator, private patrolman or security consultant
23 who is licensed pursuant to chapter 648 of NRS, for any use permitted
24 pursuant to this section.
- 25 (h) By a reporter or editorial employee who is employed by or affiliated
26 with any newspaper, press association or commercially operated, federally
27 licensed radio or television station for a journalistic purpose. The
28 department may not make any inquiries regarding the use of or reason for
29 the information requested other than whether the information will be used
30 for a journalistic purpose.
- 31 (i) In connection with an investigation conducted pursuant to NRS
32 253.0415, 253.044 or 253.220.
- 33 (j) In activities relating to research and the production of statistical
34 reports, if the personal information will not be published or otherwise
35 redisclosed, or used to contact any person.
- 36 (k) In the bulk distribution of surveys, marketing material or
37 solicitations, if the director has adopted policies and procedures to ensure
38 that:
- 39 (1) The information will be used or sold only for use in the bulk
40 distribution of surveys, marketing material or solicitations;
41 (2) Each person about whom the information is requested has clearly
42 been provided with an opportunity to ~~prohibit~~ *authorize* such a use; and
43 (3) If the person about whom the information is requested ~~prohibits~~
44 *in a timely manner*
45 *does not authorize* such a use, the bulk distribution will not be directed
46 toward that person.
- 47 6. Except as otherwise provided in paragraph (j) of subsection 5, a
48 person who requests and receives personal information may sell or disclose



1 that information only for a use permitted pursuant to subsection 5. Such a
2 person shall keep and maintain for 5 years a record of:
3 (a) Each person to whom the information is provided; and
4 (b) The purpose for which that person will use the information.
5 The record must be made available for examination by the department at
6 all reasonable times upon request.
7 7. Except as otherwise provided in subsection 2, the director may deny
8 any use of the files and records if he reasonably believes that the
9 information taken may be used for an unwarranted invasion of a particular
10 person's privacy.
11 8. Except as otherwise provided in NRS 485.316, the director shall not
12 allow any person to make use of information retrieved from the database
13 created pursuant to NRS 485.313 for a private purpose and shall not in any
14 other way release any information retrieved from that database.
15 9. The director shall adopt such regulations as he deems necessary to
16 carry out the purposes of this section. In addition, the director shall, by
17 regulation, establish a procedure whereby a person who is requesting
18 personal information ~~and has personally appeared before an employee of~~
19 ~~the department at least once~~ may establish an account with the department
20 to facilitate his ability to request information electronically or by written
21 request if he has submitted to the department proof of his employment or
22 licensure, as applicable, and a signed and notarized affidavit
23 acknowledging:
24 (a) That he has read and fully understands the current laws and
25 regulations regarding the manner in which information from the
26 department's files and records may be obtained and the limited uses which
27 are permitted;
28 (b) That he understands that any sale or disclosure of information so
29 obtained must be in accordance with the provisions of this section;
30 (c) That he understands that a record will be maintained by the
31 department of any information he requests; and
32 (d) That he understands that a violation of the provisions of this section
33 is a criminal offense.
34 10. It is unlawful for any person to:
35 (a) Make a false representation to obtain any information from the files
36 or records of the department.
37 (b) Knowingly obtain or disclose any information from the files or
38 records of the department for any use not permitted by the provisions of
39 this chapter.
40 11. As used in this section, "personal information" means information
41 that reveals the identity of a person, including, without limitation, his
42 photograph, social security number, driver's license number, identification
43 card number, name, address, telephone number or information regarding a
44 medical condition or disability. The term does not include the zip code of a
45 person when separate from his full address, information regarding
46 vehicular accidents or driving violations in which he has been involved or
47 other information otherwise affecting his status as a driver.



Sec. 2. NRS 482.396 is hereby amended to read as follows:

482.396 1. A person who is not a dealer, manufacturer or rebuilder may apply to the department for a permit to operate a vehicle which:

(a) Is not subject to the provisions of NRS 482.390, 482.395 and 706.801 to 706.861, inclusive; and

(b) Is not currently registered in this state, another state or a foreign country, or has been purchased by the applicant from a person who is not a dealer.

2. The department may issue the permit free of charge.

3. Each permit must:

(a) Bear the date of expiration in numerals of sufficient size to be plainly readable from a reasonable distance during daylight;

(b) Expire at 5 p.m. not more than ~~140~~ 60 days after its date of issuance;

(c) Be affixed to the vehicle in the manner prescribed by the department; and

(d) Be removed and destroyed upon its expiration or the issuance of a new permit or a certificate of registration ~~for~~ for the vehicle, whichever occurs first.

4. The department may authorize the issuance of more than one permit for the vehicle to be operated by the applicant.

Sec. 3. NRS 482.400 is hereby amended to read as follows:

482.400 1. Except as otherwise provided in this subsection and subsections 2, 5 and 6, upon a transfer of the title to, or the interest of an owner in, a vehicle registered or issued a certificate of ownership under the provisions of this chapter, the person or persons whose title or interest is to be transferred and the transferee shall write their signatures with pen and ink upon the certificate of ownership issued for the vehicle, together with the residence address of the transferee, in the appropriate spaces provided upon the reverse side of the certificate. The department may, by regulation, prescribe alternative methods by which a signature may be affixed upon a manufacturer's certificate of origin or a manufacturer's statement of origin issued for a vehicle. The alternative methods must ensure the authenticity of the signatures.

2. The department shall provide a form for use by a dealer for the transfer of ownership of a vehicle. ~~When the spaces provided upon the reverse side of the certificate of ownership issued for the vehicle have been filled.~~ The form must be produced in a manner which ensures that the form may not be easily counterfeited. Upon the attachment of the form to a certificate of ownership issued for a vehicle, the form becomes a part of that certificate of ownership. The department may charge a fee not to exceed ~~\$5 for each form it provides.~~ *the cost to provide the form.*

3. Except as otherwise provided in subsections 4, 5 and 6, the transferee shall immediately apply for registration as provided in NRS 482.215, and shall pay the privilege taxes due.

4. If the transferee is a dealer who intends to resell the vehicle, he ~~shall deliver immediately to the department or its agent the certificate of registration and the license plate or plates for~~ *is not required to register, pay a transfer or registration fee for, or pay a privilege tax* the vehicle.



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1 When the vehicle is resold, the purchaser shall apply for registration as
2 provided in NRS 482.215, and shall pay the privilege taxes due. ~~{The~~
3 ~~dealer is not required to register, pay a transfer or registration fee for, or~~
4 ~~pay a privilege tax on the vehicle.}~~

5 5. If the transferee consigns the vehicle to a wholesale vehicle
6 auctioneer:

7 (a) The transferee shall, within 30 days after that consignment, provide
8 the wholesale vehicle auctioneer with the certificate of ownership for the
9 vehicle, executed as required by subsection 1, and any other documents
10 necessary to obtain another certificate of ownership for the vehicle.

11 (b) The wholesale vehicle auctioneer shall be deemed a transferee of the
12 vehicle for the purposes of subsection 4. The wholesale vehicle auctioneer
13 is not required to comply with subsection 1 if he:

14 (1) Does not take an ownership interest in the vehicle;

15 (2) Auctions the vehicle to a vehicle dealer or automobile wrecker
16 who is licensed as such in this or any other state; and

17 (3) Stamps his name, his identification number as a vehicle dealer
18 and the date of the auction on the certificate of ownership and the bill of
19 sale and any other documents of transfer for the vehicle.

20 6. A charitable organization which intends to sell a vehicle which has
21 been donated to the organization must deliver immediately to the
22 department or its agent the certificate of registration and the license plate or
23 plates for the vehicle ~~{H}~~, *if the license plate or plates have not been*
24 *removed from the vehicle.* The charitable organization must not be
25 required to register, pay a transfer or registration fee for, or pay a privilege
26 tax on the vehicle. When the vehicle is sold by the charitable organization,
27 the purchaser shall apply for registration as provided in NRS 482.215 and
28 pay the privilege taxes due.

29 7. As used in this section, "wholesale vehicle auctioneer" means a
30 dealer who:

31 (a) Is engaged in the business of auctioning consigned motor vehicles to
32 vehicle dealers or automobile wreckers, or both, who are licensed as such
33 in this or any other state; and

34 (b) Does not in the ordinary course of his business buy, sell or own the
35 vehicles he auctions.

36 **Sec. 4.** Chapter 483 of NRS is hereby amended by adding thereto the
37 provisions set forth as sections 5 and 6 of this act.

38 **Sec. 5.** *1. The department may enter into an agreement with*
39 *another state to facilitate the exchange of information concerning the*
40 *issuance, renewal, suspension or revocation of drivers' licenses and to*
41 *ensure that each driver possesses only one license and driving record.*

42 *2. The department shall adopt regulations necessary to carry out any*
43 *such agreement.*

44 **Sec. 6.** *An applicant for a license to operate a school for training*
45 *drivers or a license as an instructor for a school for training drivers must*
46 *submit to the department:*

47 *1. A complete set of his fingerprints and written permission*
48 *authorizing the department to forward those fingerprints to the central*



1 *repository for Nevada records of criminal history for submission to the*
2 *Federal Bureau of Investigation for its report; and*

3 2. *The fee established by the department for processing the*
4 *fingerprints of the applicant. The fee must not exceed the total amount*
5 *charged by the central repository for Nevada records of criminal history*
6 *and the Federal Bureau of Investigation for processing the fingerprints*
7 *of the applicant.*

8 **Sec. 7.** NRS 483.390 is hereby amended to read as follows:

9 483.390 Whenever any person after applying for or receiving a
10 driver's license moves from the address named in the application or in the
11 license issued to him, or when the name of a licensee is changed, that
12 person shall within ~~10~~ 30 days thereafter notify the motor vehicles branch
13 of the department of his new and old addresses, or of such former and new
14 names, and of the number of any license then held by him.

15 **Sec. 8.** NRS 483.475 is hereby amended to read as follows:

16 483.475 1. ~~When~~ *Except as otherwise provided in this subsection,*
17 *when* a driver has accumulated ~~six~~ 3 or more demerit points, but less than
18 12, the department shall notify him of this fact. If, after the department
19 mails ~~this~~ *the* notice, the driver presents proof to the department that he
20 has successfully completed a course of traffic safety approved by the
21 department ~~and a statement signed by him which indicates that the~~
22 *successful completion of the course was not required pursuant to a plea*
23 *agreement,* the department shall cancel ~~three~~ *not more than 3* demerit
24 points from his driving record. If the driver accumulates 12 or more
25 demerit points before completing the course of traffic safety, he will not be
26 entitled to have demerit points canceled upon the completion of the course,
27 but must have his license suspended. A person may attend a course only
28 once in 12 months for the purpose of reducing his demerit points. The
29 ~~three~~ 3 demerit points may only be canceled from a driver's record during
30 the 12-month period immediately following the driver's successful
31 completion of the course of traffic safety. *The provisions of this*
32 *subsection do not apply to a person whose successful completion of a*
33 *course of traffic safety was required pursuant to a plea agreement.*

34 2. Any reduction of ~~three~~ demerit points applies only to the demerit
35 record of the driver and does not affect his driving record with the
36 department or his insurance record.

37 3. The department shall use a cumulative period for the suspension of
38 licenses pursuant to subsection 1. The periods of suspension are:

39 (a) For the first accumulation of 12 demerit points during a 12-month
40 period, 6 months. A driver whose license is suspended pursuant to this
41 paragraph is eligible for a restricted license during the suspension.

42 (b) For the second accumulation within 3 years of 12 demerit points
43 during a 12-month period, 1 year. A driver whose license is suspended
44 pursuant to this paragraph is eligible for a restricted license during the
45 suspension.

46 (c) For the third accumulation within 5 years of 12 demerit points
47 during a 12-month period, 1 year. A driver whose license is suspended
48 pursuant to this paragraph is not eligible for a restricted license during the
49 suspension.



1 4. The department shall suspend for 1 year the license of a driver who
2 is convicted of a sixth traffic offense within 5 years if all six offenses have
3 been assigned a value of four or more demerit points. A driver whose
4 license is suspended pursuant to this subsection is not eligible for a
5 restricted license during the suspension.

6 5. If the department determines by its records that the license of a
7 driver must be suspended pursuant to this section, it shall notify the driver
8 by mail that his privilege to drive is subject to suspension.

9 6. Except as provided in subsection 7, the department shall suspend the
10 license 30 days after it mails the notice required by subsection 5.

11 7. If a written request for a hearing is received by the department:

12 (a) The suspension of the license is stayed until a determination is made
13 by the department after the hearing.

14 (b) The hearing must be held within 45 days after the request is received
15 in the county where the driver resides unless he and the department agree
16 that the hearing may be held in some other county. The scope of the
17 hearing must be limited to whether the records of the department
18 accurately reflect the driving history of the driver.

19 **Sec. 9.** NRS 483.710 is hereby amended to read as follows:

20 483.710 An applicant for a license to operate a school for training
21 drivers must:

22 1. Be of good moral character.

23 2. Maintain an established place of business:

24 (a) That is open to the public;

25 (b) That is not within 200 feet of any building used by the department as
26 an office; and

27 (c) Where the records of the school are maintained.

28 3. Have the equipment necessary to give proper instruction in the
29 operation of motor vehicles.

30 4. Be 21 years of age or older.

31 5. ~~Hold a valid driving instructor's certificate issued by the state~~
32 ~~department of education in accordance with regulations prescribed by the~~
33 ~~state board of education governing the qualifications of instructors in~~
34 ~~privately owned schools for training drivers.~~

35 ~~—6.1~~ Have at least 100 hours of experience as an instructor operating
36 vehicles with pupils at a school for training drivers, if the school for which
37 the applicant is applying for a license will provide that training to pupils
38 enrolled at the school.

39 ~~17.1~~ 6. File with the department a surety bond in the amount of \$10,000
40 to the department, executed by the applicant as principal with a corporation
41 authorized to transact surety business in this state as surety. The bond must
42 be continuous in form and conditioned that the operator conduct the
43 business of the school as an instructional institution without fraud or
44 fraudulent representation. Upon application by an operator, the department
45 may reduce the amount of the bond required to an amount not less than
46 \$5,000 if the operator has satisfactorily conducted his school for the 5
47 years immediately preceding the application for reduction.



1 **Sec. 10.** NRS 483.720 is hereby amended to read as follows:
2 483.720 An applicant for a license as an instructor for a school for
3 training drivers must:

- 4 1. Be of good moral character;
- 5 2. Pass such examination as the department may require on traffic
- 6 laws, safe driving practices and operation of motor vehicles;
- 7 3. Be physically able to operate a motor vehicle safely and train others
- 8 in the operation of motor vehicles;
- 9 4. Hold a valid Nevada driver's license; *and*
- 10 5. Be 21 years of age or older. ~~and~~
- 11 ~~6. Hold a valid driving instructor's certificate issued by the state~~
- 12 ~~department of education in accordance with regulations prescribed by the~~
- 13 ~~state board of education governing the qualifications of instructors in~~
- 14 ~~privately owned schools for training drivers.~~

15 **Sec. 11.** NRS 483.730 is hereby amended to read as follows:

16 483.730 1. The department shall issue a license to operate a school
17 for training drivers or to act as an instructor for such a school, if it is
18 satisfied that the applicant has met the qualifications required by NRS
19 483.700 to 483.780, inclusive ~~H~~, *and section 6 of this act.*

20 2. The license is valid for 5 years after the date of issuance, unless
21 canceled, suspended or revoked by the department and, except as otherwise
22 provided in subsection 3, may be renewed subject to the same conditions as
23 the original *license, except that an operator of or instructor for a school*
24 *for training drivers is not required to comply with the provisions of*
25 *section 6 of this act for the renewal of his* license.

26 3. The department may renew the license of an instructor of a school
27 for training drivers if, when he submits his application for the renewal of
28 his license, he provides evidence satisfactory to the department that, during
29 the period of the license, he completed at least six credits of continuing
30 education by attending:

31 (a) A course of instruction relating to the training of drivers approved
32 by the department; or

33 (b) A state or national conference approved by the department of
34 education for credit for continuing education.

35 4. In determining whether an instructor has complied with the
36 provisions of subsection 3, the department shall award one credit of
37 continuing education for the completion of each 15 hours of:

38 (a) Classroom instruction in a course specified in paragraph (a) of
39 subsection 3; or

40 (b) Attendance at a conference specified in paragraph (b) of subsection
41 3.

42 **Sec. 12.** NRS 483.640, 483.650, 483.660, 483.680 and 483.690 are
43 hereby repealed.

44 **Sec. 13.** This act becomes effective upon passage and approval.



LEADLINES OF REPEALED SECTIONS

- 483.640** Enactment.
483.650 Definitions.
483.660 Text of compact.
483.680 Department to furnish information or documents to other
states enacting compact.
483.690 Expenses of administrator of compact.

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