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BULLET POINTS OUTLINING

SB 256

(BDR 43—714)

**REGARDING THE ISSUANCE OF DRIVERS LICENSES
TO PERSONS UNDER 18 YEARS OF AGE**

**BILL SPONSOR:
SENATOR BARBARA CEGAVSKE**

THE PURPOSE OF SB 256

- To put into place traditional concepts of graduated driver licensing, which include instruction permit holding periods, nighttime driving experience, and passenger restrictions for young, newly licensed drivers.
- To repeal provisions approved during the 2001 Special Session providing for a "tiered" permit holding period and passenger restriction.
- To hold parents or guardians responsible for violations of the act committed by their children.
- Add numerous other technical provisions.

JUSTIFICATION FOR REQUEST

- This measure was submitted by request, in response, in part, to a fatal car crash in Las Vegas in 2002 in which a teenage driver was killed and three passengers severely injured. Lack of driver experience and excessive speed was cited as the primary result of the crash.
- In addition, many interested parties have indicated that the current "tiered" system of passenger restrictions and permit holding periods (as approved in Senate Bill 12 of the 17th Special Session) is confusing for teens, parents, and driver educators.

NRS TITLE, CHAPTER, AND SECTION AFFECTED

This BDR primarily impacts Title 43, Chapter 483 of the *Nevada Revised Statutes* (NRS). Minor modifications are also included in Title 34, Chapter 389.

ASSEMBLY TRANSPORTATION

DATE: 5/13/03 ROOM: 3143 EXHIBIT C 1/9

SUBMITTED BY: Senator Cegavske

EFFECTIVE DATE

The proposed effective date for the BDR is October 1, 2003.

EXPLANATION OF LANGUAGE AND SUMMARY OF BDR

Section 1: Sets forth amendment to Chapter 483

Section 2:

Subsection 1:

Specifies that the Department of Motor Vehicles (DMV) may issue a driver's license to a person who is 16 or 17 years of age if he or she satisfies a number of requirements. A few of these requirements are carryovers from existing Nevada law (the drivers education course requirement and the 50 hours of behind-the-wheel experience).

This subsection basically requires that a person who is 16 or 17 years of age must first:

- a) Complete a course in driver education;
- b) Have at least 50 hours of supervised driving experience, 10 of which must be at night; and
- c) Submit a form to the department (signed by a parent or guardian/or someone over 21 or a driving instructor if the child is emancipated).

On this form the child must attest that he or she has not been found to be responsible for, during the 6 months prior to applying for the license, a motor vehicle accident, a moving traffic violation, or a crime involving alcohol or a controlled substance. He or she must also attest that an instruction (learner's) permit has been held for not less than 6 months.

Subsection 2:

This subsection is a carryover from existing law and specifies that a person who is 16 or 17 years of age who lives in a county of less than 50,000 or a city less than 25,000 need not take the driver education course if he or she is enrolled in a school that does not offer drivers education.

Section 3: This section sets forth a six-month passenger restriction for newly licensed drivers who are 16 or 17 years old. An exception is provided in subsection 2 for immediate family members. It should be noted that according to AAA, this passenger restriction, along with the six-month learner's permit holding period, is a key component of a "true graduated driver licensing (GDL) program". Section 3 also provides for certain liability for a parent or guardian who

knowingly and willfully allows a person to operate a motor vehicle in violation of this section.

Section 4:

Subsection 1:

This section sets forth that a violation of Section 3 (the passenger restriction) is a secondary, rather than a primary offense.

Subsection 2:

Stipulates that a violation of Section 3 is not a moving traffic violation and is not grounds for suspension or revocation of the driver's license.

Section 5: This language is permissive. It states that DMV may issue a unique driver's license for 16 and 17 year olds and may adopt regulations necessary to carry out the license issuance provisions in Section 2. It should be noted that DMV requested that this language be permissive.

Section 6: Specifies that a restriction placed upon the driver's license or suspension of a license based on the GDL provisions in this act remain in effect until there term expires.

NOTE: The DMV specifically asked that wording that ties the restriction or suspension to the GDL provisions (i.e., "based on the provisions of this act") be included because they have other restrictions (such as holding a license renewal due to a parking fine) that might be handled differently than a GDL-related suspension or restriction.

Section 7: This section deletes existing provisions regarding teen driving however, certain provisions of this section remain in Section 2 of this BDR.

Section 8: Contains certain technical language changes.

Section 9: Contains certain technical language changes.

Section 10: This section currently references the curfew provision, whereby a person shall not operate a motor vehicle in violation of a curfew. The measure provides certain parental responsibility provisions for a violation of this statute.

Section 11: This section contains two amendments, they are:

Subsection 1(c):

This amendment proposes to set a limit on the number of hours of in-class driver education that may be substituted for training in a motor vehicle. The rational behind this amendment stems from the fact that a driver education program could, if taken to the extreme, only have in-car training and claim that it has then met the classroom requirement (through substitution). Since the drivers education curriculum requires instruction on everything ranging from motor vehicle insurance to alcohol and drug use, it is safe to say that this curriculum cannot be entirely taught while providing in-car instruction. Therefore, a limitation on the number of substituted classroom hours is being proposed.

Subsection 7:

This section now proposes an exception to the age limitation for taking drivers education. The sponsor learned that some pupils who sign up for a restricted driver's license under NRS 483.267 and 483.270 are unable to take drivers education if they are under 15 years of age (a restricted license can be awarded to a person as young as 14 years old). Therefore, it was thought that these younger restricted license applicants should be able to at least be permitted to take drivers education if it is offered in their schools.

Section 12: This section repeals the tiered passenger requirements.

Section 13: Provides that certain sections of the act do not apply to a person issued a drivers license before October 1, 2003.

W31941

"Saving Nevada's Teen Drivers"

Presented by the *Teenage Driver Public Forum Committee*

February 2003

Teen killed, four injured



**"Motor Vehicle Crashes are the Leading Cause of
Death for People 15 to 20 years old"**

John Phillips
Drive Friendly
(702) 243-3964

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"Saving Nevada's Teen Drivers"

presented by the *Teenage Driver Public Forum Committee*

Mission Statement

To research, develop, and implement more effective methods to *prevent* teenage motor vehicle crashes.

Objectives

- I. Research the facts and problems contributing to teenage motor vehicle accidents.
- II. Examine current programs that address teenage driver preparation.
 - A. Nevada's Programs
 - B. Programs in other states
- III. Brainstorm more effective solutions.

The Issue

- ◆ Motor vehicle crashes are the number one cause of death for Nevada teens.
- ◆ 16 and 17-year-olds comprise 1.9 percent of Nevada drivers, but are involved in 7.2 percent of fatal crashes.
- ◆ 3/4 of teen passengers killed in crashes in Nevada were in cars driven by other teens.
- ◆ Teen crashes also kill drivers and passengers in other vehicles.
- ◆ Government funded studies show teens are particularly distracted by other teen passengers, not adult passengers.
- ◆ Teen passengers increase the risk of a fatal crash by 30 percent. Each additional teen passenger amplifies the risk.

Executive Summary

The 72nd Session of the Nevada Legislature will consider many bills dealing with operating a motor vehicle. Among these, will be bills pertaining to new teen drivers. While the Nevada Legislature is sometimes reluctant to pass laws that further restrict personal freedom, this year, policy makers are more likely than ever to hear from constituents on the dangers facing both teen drivers and those with whom they share the road.

The number of vehicle-related deaths hit an all-time high in 2002, with 371 Nevadans losing their lives. This represents a 17.2 percent increase over 2001, according to Nevada's Office of Traffic Safety. The previous record was 361 in 1998.

In 2002, some horrific fatal crashes involving teens attracted intense media attention, particularly in Clark County. These crashes moved the community to take action to lower the teen crash rate. Unfortunately, the actions that need to be taken are not clearly outlined. The age-old belief that driver education *alone* will solve the problem has been proven time and again *not* to be successful.

Other action must be taken, along with assuring that driver education is provided in the best, most helpful way possible. The Teenage Driver Public Forum Committee discussed a number of options, which are presented in this report.

The Committee agreed, in general, that issues surrounding teen driving can be broken into the following four areas:

- ◆ Education
- ◆ Training
- ◆ Legislation
- ◆ Law Enforcement

Facts About Teen Drivers

- ◆ According to the National Transportation Safety Board, Nevada is one of 11 states voted as having the weakest graduated driver licensing program in the nation.
- ◆ Nevada ranks as one of the worst states in the nation with regard to its driver education programs. In Clark County, there are 31 high schools and only 6 offer driver education classes. None offer a "behind the wheel" program and there are no future plans to establish such a program or even bring driver education classes back into the schools.
- ◆ Nevada is the fastest growing state in the nation with Clark County seeing the largest growth. Approximately 16,000 teens reach the age of 16 annually and many of these students are unprepared to drive on our streets and freeways.
- ◆ Southern Nevada has some of the worst driving hazards in the United States.
- ◆ There is not enough public funding allocated for "behind the wheel" training or for driver education programs.
- ◆ Driver education courses are not required for teenagers living in counties with populations less than 50,000 or cities with less than 25,000 people. In addition, if the public school they are enrolled in does not offer driver's education they are not required to take it.
- ◆ The crash rate per mile for drivers between the ages of 15 and 20 is four times that of adult drivers.
- ◆ Research into fatal teen crashes during the 1990s found that the greatest danger times are after school, and at the beginning and end of each school year.
- ◆ Teenagers think they are invincible.
- ◆ Young drivers who drink are involved in fatal crashes at twice the rate of drivers who are 21 and over.

- ◆ Nevada law requires that new teen drivers receive 30 hours of classroom education in an approved driving course. If the course is offered via the Internet, television or some other means, the course must have a specific state license to assure the students are meeting driver education requirements.
- ◆ A bill being introduced by Senator Barbara Cegavske seeks to revise the current provision that states one hour of "behind the wheel" training is equal to three hours of classroom time.
- ◆ The Committee believes that television and Internet-based programs are not as successful as the classroom format for imparting the necessary information. While the Committee felt that driver education programs cannot reduce the teen crash rate alone, it provides an important foundation from which to build driving experience and practice.
- ◆ The 2001 Legislature took action to allow 15-year-olds to take a driver education course, regardless of their year in school. This has been one positive change.
- ◆ "Behind the wheel" training and experience is essential in reducing the teen crash rate, but few Nevada teens are receiving adequate training. Most programs have limited time and resources to offer new drivers what they need to know in preparation for the dangers of the road. Private driving school and training programs are available and provide a valuable service in mediating this huge problem. The state has not clearly recognized the importance of this component in preparing new drivers.
- ◆ Currently, teens must receive 50 hours of "behind the wheel" training with a driver that is at least 21 years old and has been driving for at least one year. The teen's parent or guardian must sign an affidavit to this effect; however, the Committee felt this is too often submitted falsely.

Committee's Recommendations:

1. Support and strengthen our graduated driver licensing program.
2. Strengthen current driver education requirements.
3. Require mandatory "behind the wheel" training.
4. The Teenage Driver Public Forum Committee should meet with the Clark County School Board to discuss increased involvement in driver education and training programs.
5. Encourage parents to start a "layaway savings plan" for their child's driver education. Driving is a privilege --- not a right.
6. Request that insurance companies create a fund for driver education training.
7. Obtain more government grants to support teen driver education programs.
8. Require more adverse consequences or penalties for teens that are convicted of either drug or alcohol offenses or for traffic violations. These consequences could include community service or assignment to treatment programs. This would serve as an incentive to acquire safe driving practices.
9. Gross misdemeanor and felony convictions should not be reduced to misdemeanors by the judicial system. There is currently too much leniency.
10. Return the minimum age requirement to 16 to obtain a drivers license.
11. Teens must maintain a learners permit for 6 months prior to obtaining a drivers license.
12. Make it mandatory that a teenage drivers education 30-hour course be completed prior to a teen obtaining a one-year instruction permit.
13. The DMV affidavit is a legal document that teen parents must sign. It should be formulated into a form/checklist log, whereby, the licensed driver certifies under penalty of perjury that the hours logged are accurate. It would include: the start/stop time, the conditions such as day or night, wet

or dry road surface, freeway vs. surface street, light traffic/heavy traffic, etc. The parent does not have to be the actual *behind the wheel* trainer.

Related Recommendations

1. Implementing mandatory primary seat belt laws effective immediately.
2. Lowering the blood alcohol level to .08.
3. Mandatory annual safety vehicle inspections.
4. Posting bulletin boards in all high schools with driver education information.
5. Suggest all high schools have an "Annual Driver Safety Awareness" program taught by law enforcement agencies.
6. Standardize and update the DMV's "behind the wheel" road test.
7. Traffic awareness and general public safety should be taught in grades K through 12. Scofflaw practices such as jaywalking and riding bicycles on the wrong side of the road are prime examples. Respect for the rules of the road should be established long before the initiation of driver training as fifteen years of age is too late to start the process.

Conclusion

A teenager operating a motor vehicle has become an American way of life. Nevada's current rules and requirements for teen drivers do not adequately address the unique concerns associated with teens obtaining a driver's license. The Teenage Driver Public Forum Committee's proposal addresses the areas of education, training, legislation and law enforcement. The Committee's recommendations simplify procedures, facilitate understanding, and provide police with a viable tool for enforcement. The proposals are cost-effective and address current procedural shortfalls through a combination of driver education and training. The Committee respectfully

submits these recommendations for consideration, review and implementation as soon as possible.

Acknowledgements

I would like to extend my sincere appreciation and special thanks to the members of the Teenage Drivers Public Forum Committee whom are listed below: