

ASSEMBLY BILL NO. 239—ASSEMBLYMAN HARDY

MARCH 21, 2005

Referred to Committee on Transportation

**SUMMARY**—Makes various changes relating to motor vehicles, drivers' licenses and certain operations of the Department of Motor Vehicles. (BDR 43-566)

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

~

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

AN ACT relating to state government; making various changes relating to motor vehicles, drivers' licenses and certain operations of the Department of Motor Vehicles; reducing the fees for hunting and fishing licenses for certain military veterans; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law prohibits the Department of Motor Vehicles from issuing a driver's license to any person if the Director of the Department has good cause to believe that, by physical or mental disability, the person would not be able to operate a motor vehicle safely. (NRS 483.250) Existing law authorizes the Department to require an applicant for the initial issuance or renewal of a driver's license to submit to certain examinations to determine the applicant's ability to operate safely a motor vehicle. (NRS 483.330, 483.386)

This bill authorizes a person who is 18 years of age or older to file with the Department of Motor Vehicles a report requesting that the Department examine the person's spouse or close relative to determine the ability of the spouse or relative to operate safely a motor vehicle. The Department may, after the examinations used to determine the ability of a person to operate safely a motor vehicle, allow the spouse or relative to retain the license, or may suspend, revoke or restrict the license.

Existing law provides for the issuance to a person who is an epileptic of a driver's license with a specially colored background or border. (NRS 483.348) Existing law requires a physician to report to the Health Division of the Department of Human Resources, and in turn requires the Health Division to report to the Department of Motor Vehicles, the name, age and address of every person diagnosed or reported as a case of epilepsy. (NRS 439.270)

This bill removes the requirement for a physician to report cases of epilepsy. If a physician determines that the epilepsy of a patient severely impairs the ability of



the patient to operate safely a motor vehicle, the physician must adequately inform the patient of the dangers of operating a motor vehicle while subject to such a severe epileptic impairment. This bill prohibits such a patient from operating a motor vehicle unless a physician determines that the patient's condition no longer severely impairs his ability to operate safely a motor vehicle.

This bill also provides that a physician may provide to the Department of Motor vehicles a copy of a statement or declaration documenting the fact that the physician informed the patient concerning the dangers of operating a motor vehicle while subject to a severe epileptic impairment.

Existing law requires persons in certain counties, when registering a motor vehicle, to submit evidence of compliance with controls over emissions. (NRS 482.215, 445B.700-445B.845) Inspections for emissions are ordinarily required on an annual basis, before registration, but existing law exempts new vehicles from emissions inspection requirements until the third registration of the vehicle. (NRS 445B.795; NAC 445B.592)

This bill provides that the regulations governing the control of emissions from motor vehicles: (1) must not require evidence of compliance more frequently than once every 2 years for motor vehicles manufactured in 1996 and later; and (2) must not require evidence of compliance at all for ultra low-emission vehicles. This bill requires the Commission to define the term "ultra low-emission vehicle."

Existing law provides that, for the purposes of the imposition of the basic governmental services tax and any supplemental governmental services tax, the valuation of a vehicle must be determined by the Department of Motor Vehicles on the basis of 35 percent of the manufacturer's suggested retail price in Nevada excluding options and extras, as of the time the particular make and model for that year is first offered for sale in Nevada. (NRS 371.050)

This bill provides that the valuation of an ultra low-emission vehicle must be determined by the Department of Motor Vehicles on the basis of 24.5 percent of the manufacturer's suggested retail price in Nevada, effectively reducing the governmental services tax payable for ultra low-emission vehicles by 30 percent, when compared to the governmental services tax that would otherwise be payable for such vehicles.

Existing law provides that the regular fee for the original issuance or renewal of a driver's license is \$19 and that the fee for the original issuance or renewal of a driver's license issued to a person 65 years of age or older is \$14. (NRS 483.410)

This bill reduces such fees, respectively, to \$10 and \$7 if the person applying for the original or renewal of the driver's license is a person who has been honorably discharged from the Armed Forces of the United States.

Existing law provides for the issuance of hunting and fishing licenses at reduced prices under certain circumstances if the applicant has a severe physical disability, is a minor between the ages of 12 and 16, or is a person 65 years of age or older. (NRS 502.245)

This bill extends the availability of hunting and fishing licenses at reduced prices to a person who has: (1) resided in this State for the 6-month period immediately preceding the date of his application for a license; and (2) been honorably discharged from the Armed Forces of the United States.

This bill also requires the Department of Motor Vehicles, in cooperation with the Department of Wildlife, to examine the feasibility of placing self-serve kiosks within offices of the Department of Motor Vehicles for the renewal of hunting and fishing licenses.



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

**Section 1.** Chapter 483 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

**Sec. 2. 1.** *A person who is 18 years of age or older may file with the Department a report requesting that the Department examine a licensee who:*

*(a) Is related to the person filing the report within the third degree of consanguinity or who is the spouse of the person filing the report; and*

*(b) The person filing the report reasonably and in good faith believes cannot safely operate a motor vehicle.*

**2.** *The report described in subsection 1 must:*

*(a) Include the name, relationship, address, telephone number and signature of the person filing the report.*

*(b) State the person's basis for believing that the licensee cannot safely operate a motor vehicle, which basis must be:*

*(1) Personal observation or physical evidence of a physical or medical condition that has the potential to impair the ability of the licensee to operate a motor vehicle;*

*(2) Personal knowledge that the driving record of the licensee indicates the unsafe operation of a motor vehicle; or*

*(3) An investigation by a law enforcement officer.*

*(c) Be kept confidential, except that the report must be released upon request of the licensee or an order of a court of competent jurisdiction.*

*↪ No person may file more than one report concerning the same licensee within a 12-month period.*

**3.** *A person who, in good faith and without malicious intent, files a report pursuant to this section is immune from civil and criminal liability for filing that report.*

**4.** *The Director shall prescribe:*

*(a) A standard form to be used for the filing of a report pursuant to this section; and*

*(b) The procedure to be used for the filing of a report pursuant to this section.*

**Sec. 3. 1.** *If the Department receives a report filed pursuant to section 2 of this act, the Department shall, upon written notice to the licensee of at least 5 days, require the licensee to submit to all or part of the regular examination set forth in NRS 483.330. Upon conclusion of the examination, the Department shall take action as it deems appropriate and may suspend or revoke the license of the person or allow him to retain the license, or may issue a license subject to restriction as described in NRS 483.360*



1 *or restrictions as to the type or class of vehicle that may be driven.*  
2 *Refusal or neglect on the part of the licensee to submit to the*  
3 *examination is grounds for suspension or revocation of his*  
4 *license.*

5 *2. A person whose driver's license is restricted, suspended or*  
6 *revoked pursuant to this section may request a total or partial*  
7 *reinstatement of that license. An appropriate replacement license*  
8 *must be issued to the licensee upon his satisfactory completion of*  
9 *the requirements for reinstatement established by the Department*  
10 *pursuant to NRS 483.495.*

11 **Sec. 4.** *1. Except as otherwise provided in subsection 2 and*  
12 *notwithstanding the provisions of NRS 483.348, a person with*  
13 *epilepsy shall not operate a motor vehicle if that person has been*  
14 *informed by a physician pursuant to NRS 439.270 that his*  
15 *condition would severely impair his ability to operate safely a*  
16 *motor vehicle.*

17 *2. The provisions of this section do not prohibit such a person*  
18 *from operating a motor vehicle if the physician or another*  
19 *physician subsequently informs the person that his condition no*  
20 *longer severely impairs his ability to operate safely a motor*  
21 *vehicle.*

22 **Sec. 5.** NRS 483.010 is hereby amended to read as follows:

23 483.010 The provisions of NRS 483.010 to 483.630, inclusive,  
24 *and sections 2, 3 and 4 of this act* may be cited as the Uniform  
25 Motor Vehicle Drivers' License Act.

26 **Sec. 6.** NRS 483.410 is hereby amended to read as follows:

27 483.410 1. Except as otherwise provided in subsection 6, for  
28 every driver's license, including a motorcycle driver's license,  
29 issued and service performed, the following fees must be charged:

30		
31	<i>A license issued to a person who has been honorably</i>	
32	<i>discharged from the Armed Forces of the United</i>	
33	<i>States .....</i>	<i>\$10</i>
34	A license issued to a person 65 years of age or older.....	<del>14</del> 14
35	<i>A license issued to a person 65 years of age or older</i>	
36	<i>who has been honorably discharged from the</i>	
37	<i>Armed Forces of the United States .....</i>	<i>7</i>
38	An original license issued to any other person.....	19
39	A renewal license issued to any other person.....	19
40	Reinstatement of a license after suspension, revocation	
41	or cancellation, except a revocation for a violation	
42	of NRS 484.379 or 484.3795 or pursuant to NRS	
43	484.384 and 484.385 .....	40



1	Reinstatement of a license after revocation for a	
2	violation of NRS 484.379 or 484.3795 or pursuant	
3	to NRS 484.384 and 484.385 .....	\$65
4	A new photograph, change of name, change of other	
5	information, except address, or any combination .....	5
6	A duplicate license .....	14

7  
8 2. For every motorcycle endorsement to a driver's license, a  
9 fee of \$5 must be charged.

10 3. If no other change is requested or required, the Department  
11 shall not charge a fee to convert the number of a license from the  
12 licensee's social security number, or a number that was formulated  
13 by using the licensee's social security number as a basis for the  
14 number, to a unique number that is not based on the licensee's social  
15 security number.

16 4. The increase in fees authorized by NRS 483.347 and the fees  
17 charged pursuant to NRS 483.383 and 483.415 must be paid in  
18 addition to the fees charged pursuant to subsections 1 and 2.

19 5. A penalty of \$10 must be paid by each person renewing his  
20 license after it has expired for a period of 30 days or more as  
21 provided in NRS 483.386 unless he is exempt pursuant to that  
22 section.

23 6. The Department may not charge a fee for the reinstatement  
24 of a driver's license that has been:

25 (a) Voluntarily surrendered for medical reasons; or

26 (b) Cancelled pursuant to NRS 483.310.

27 7. All fees and penalties are payable to the Administrator at the  
28 time a license or a renewal license is issued.

29 8. Except as otherwise provided in NRS 483.340, 483.415 and  
30 483.840, all money collected by the Department pursuant to this  
31 chapter must be deposited in the State Treasury for credit to the  
32 Motor Vehicle Fund.

33 **Sec. 7.** NRS 49.245 is hereby amended to read as follows:

34 49.245 There is no privilege under NRS 49.225 or 49.235:

35 1. For communications relevant to an issue in proceedings to  
36 hospitalize the patient for mental illness, if the doctor in the course  
37 of diagnosis or treatment has determined that the patient is in need  
38 of hospitalization.

39 2. As to communications made in the course of a court-ordered  
40 examination of the condition of a patient with respect to the  
41 particular purpose of the examination unless the court orders  
42 otherwise.

43 3. As to written medical or hospital records relevant to an issue  
44 of the condition of the patient in any proceeding in which the  
45 condition is an element of a claim or defense.



1 4. In a prosecution or mandamus proceeding under chapter  
2 441A of NRS.

3 5. As to any information communicated to a physician in an  
4 effort unlawfully to procure a dangerous drug or controlled  
5 substance, or unlawfully to procure the administration of any such  
6 drug or substance.

7 6. As to any written medical or hospital records which are  
8 furnished in accordance with the provisions of NRS 629.061.

9 7. As to records that are required by chapter 453 of NRS to be  
10 maintained.

11 8. *As to statements and declarations provided to the*  
12 *Department of Motor Vehicles pursuant to NRS 439.270.*

13 9. If the services of the physician are sought or obtained to  
14 enable or aid a person to commit or plan to commit fraud or any  
15 other unlawful act in violation of any provision of chapter 616A,  
16 616B, 616C, 616D or 617 of NRS which the person knows or  
17 reasonably should know is fraudulent or otherwise unlawful.

18 **Sec. 8.** NRS 371.050 is hereby amended to read as follows:

19 371.050 1. Except as otherwise provided in subsections 3  
20 ~~[and 4.]~~, *4 and 5*, valuation of vehicles must be determined by the  
21 Department upon the basis of 35 percent of the manufacturer's  
22 suggested retail price in Nevada excluding options and extras, as of  
23 the time the particular make and model for that year is first offered  
24 for sale in Nevada.

25 2. If the Department is unable to determine the manufacturer's  
26 suggested retail price in Nevada with respect to any vehicle because  
27 the vehicle is specially constructed, or for any other reason, the  
28 Department shall determine the valuation upon the basis of  
29 35 percent of the original retail price to the original purchaser of the  
30 vehicle as evidenced by such document or documents as the  
31 Department may require.

32 3. For each:

33 (a) Bus, truck, truck tractor or combination of vehicles having a  
34 declared gross weight of 10,000 pounds or more; and

35 (b) Trailer or semitrailer having an unladen weight of 4,000  
36 pounds or more,

37 ↪ the Department may use 85 percent of the original purchaser's  
38 cost price in lieu of the manufacturer's suggested retail price.

39 4. If the Department is unable to determine the original  
40 manufacturer's suggested retail price in Nevada, or the original  
41 retail price to the purchaser, the Department may determine the  
42 original value of the vehicle on the basis of 50 cents per pound.

43 5. *Valuation of ultra low-emission vehicles must be*  
44 *determined by the Department upon the basis of 24.5 percent of*  
45 *the manufacturer's suggested retail price in Nevada excluding*



1 *options and extras, as of the time the particular make and model*  
2 *for that year is first offered for sale in Nevada. As used in this*  
3 *subsection, "ultra low-emission vehicle" has the meaning ascribed*  
4 *to it in the regulations adopted by the State Environmental*  
5 *Commission pursuant to subsection 6 of NRS 445B.770.*

6 6. For motor carriers which register pursuant to the provisions  
7 of the Interstate Highway User Fee Apportionment Act, the  
8 Department may determine the original purchaser's cost price of the  
9 vehicle on the basis of its declared gross weight in a manner which  
10 the Department finds appropriate and equitable.

11 **Sec. 9.** NRS 439.270 is hereby amended to read as follows:

12 439.270 1. The State Board of Health shall , *by regulation,*  
13 define ~~[epilepsy]~~ *"epilepsy"* for the purposes of ~~[the reports~~  
14 ~~hereinafter referred to in]~~ this section.

15 2. ~~[All physicians shall report immediately to the Health~~  
16 ~~Division, in writing, the name, age and address of every person~~  
17 ~~diagnosed as a case of epilepsy.~~

18 ~~—3. The Health Division shall report, in writing, to the~~  
19 ~~Department of Motor Vehicles the name, age and address of every~~  
20 ~~person reported to it as a case of epilepsy.~~

21 ~~—4. The reports are for the information of the Department of~~  
22 ~~Motor Vehicles and must be kept confidential and used solely to~~  
23 ~~determine the eligibility of any person to operate a vehicle on the~~  
24 ~~streets and highways of this State.~~

25 ~~—5. A violation of this section is a misdemeanor.]~~ *If a physician*  
26 *determines that, in his professional judgment, a patient's epilepsy*  
27 *severely impairs the ability of the patient to operate safely a motor*  
28 *vehicle, the physician shall:*

29 (a) *Adequately inform the patient that it is dangerous for the*  
30 *patient to operate a motor vehicle until such time as the physician*  
31 *or another physician determines and informs the patient that the*  
32 *patient's condition does not severely impair the ability of the*  
33 *patient to operate safely a motor vehicle; and*

34 (b) *Except as otherwise provided in subsection 3:*

35 (1) *Require the patient to sign a statement acknowledging*  
36 *that the patient has been informed by the physician of the dangers*  
37 *of operating a motor vehicle; and*

38 (2) *Retain the original signed statement and provide a copy*  
39 *thereof to the patient.*

40 3. *If a patient refuses to sign a statement pursuant to*  
41 *paragraph (b) of subsection 2, the physician shall sign a written*  
42 *declaration verifying that the physician informed the patient of all*  
43 *material facts and information required by paragraph (a) of*  
44 *subsection 2. The physician shall, to the extent practicable,*



1 *provide a copy of the declaration signed by the physician to the*  
2 *patient.*

3 *4. A statement signed by a patient pursuant to subsection 2*  
4 *and a declaration signed by a physician pursuant to subsection 3*  
5 *shall be deemed health care records, as defined in NRS 629.021.*

6 *5. A physician may, upon request of the Department of Motor*  
7 *Vehicles, provide to the Department of Motor Vehicles a copy of a*  
8 *statement signed by a patient pursuant to subsection 2 or a*  
9 *declaration signed by the physician pursuant to subsection 3. A*  
10 *statement or declaration received by the Department of Motor*  
11 *Vehicles pursuant to this subsection:*

12 *(a) Is confidential, except that the contents of the physician's*  
13 *declaration may be disclosed to the patient; and*

14 *(b) May be used by the Department of Motor Vehicles only to*  
15 *determine the eligibility of the patient to operate a motor vehicle.*

16 *6. The provision by a physician to the Department of Motor*  
17 *Vehicles of a copy of a statement or declaration pursuant to*  
18 *subsection 5 is solely within the discretion of the physician. A*  
19 *physician may not be held liable in any civil or criminal action on*  
20 *the basis that he did or did not provide such a copy.*

21 *7. As used in this section, "patient" means a person who*  
22 *consults or is examined or interviewed by a physician for the*  
23 *purposes of diagnosis or treatment.*

24 **Sec. 10.** NRS 445B.770 is hereby amended to read as follows:

25 445B.770 1. In any county whose population is 100,000 or  
26 more, the Commission shall, in cooperation with the Department of  
27 Motor Vehicles and any local air pollution control agency, adopt  
28 regulations for the control of emissions from motor vehicles in areas  
29 of the county designated by the Commission.

30 2. In any county whose population is less than 100,000, if the  
31 Commission determines that it is feasible and practicable to carry  
32 out a program of inspecting and testing motor vehicles and systems  
33 for the control of emissions from motor vehicles, and if carrying out  
34 the program is deemed necessary to achieve or maintain the  
35 prescribed standards for the quality of ambient air in areas of the  
36 State designated by the Commission, the Commission shall, in  
37 cooperation with the Department of Motor Vehicles and any local  
38 air pollution control agency established under NRS 445B.500 which  
39 has jurisdiction in a designated area, adopt regulations and  
40 transportation controls as may be necessary to carry out the  
41 program.

42 3. The regulations must distinguish between light-duty and  
43 heavy-duty motor vehicles and may prescribe:



1 (a) Appropriate criteria and procedures for the approval,  
2 installation and use of devices for the control of emissions from  
3 motor vehicles; and

4 (b) Requirements for the proper maintenance of such devices  
5 and motor vehicles.

6 4. The regulations must establish:

7 (a) Requirements by which the Department of Motor Vehicles  
8 shall license authorized stations to inspect, repair, adjust and install  
9 devices for the control of emissions for motor vehicles, including  
10 criteria by which any person may become qualified to inspect,  
11 repair, adjust and install those devices.

12 (b) Requirements by which the Department of Motor Vehicles  
13 may license an owner or lessee of a fleet of three or more vehicles  
14 as a fleet station if the owner or lessee complies with the regulations  
15 of the Commission. The fleet station shall only certify vehicles  
16 which constitute that fleet.

17 (c) Requirements by which the Department of Motor Vehicles  
18 provides for inspections of motor vehicles owned by this State and  
19 any of its political subdivisions.

20 5. The Commission shall consider, before adopting any  
21 regulation or establishing any criteria pursuant to paragraph (a) of  
22 subsection 3:

23 (a) The availability of devices adaptable to specific makes,  
24 models and years of motor vehicles.

25 (b) The effectiveness of those devices for reducing the emission  
26 of each type of air pollutant under conditions in this State.

27 (c) The capability of those devices for reducing any particular  
28 type or types of pollutants without significantly increasing the  
29 emission of any other type or types of pollutant.

30 (d) The capacity of any manufacturer to produce and distribute  
31 the particular device in such quantities and at such times as will  
32 meet the estimated needs in Nevada.

33 (e) The reasonableness of the retail cost of the device and the  
34 cost of its installation and maintenance over the life of the device  
35 and the motor vehicle.

36 (f) The ease of determining whether any such installed device is  
37 functioning properly.

38 *6. The Commission, in adopting regulations for the control of*  
39 *emissions from motor vehicles, shall not:*

40 *(a) With respect to motor vehicles manufactured after 1995,*  
41 *require evidence of compliance with standards for the control of*  
42 *emissions more frequently than once every 2 years.*

43 *(b) With respect to motor vehicles determined by the*  
44 *Commission to be ultra low-emission vehicles, require evidence of*  
45 *compliance with standards for the control of emissions. The*



*Commission shall, by regulation, define “ultra low-emission vehicle” for the purpose of this paragraph.*

**Sec. 11.** NRS 445B.825 is hereby amended to read as follows:

445B.825 1. ~~[The]~~ *In addition to the exceptions set forth in subsection 6 of NRS 445B.770, the* Commission may provide for exemption from the provisions of NRS 445B.770 to 445B.815, inclusive, of designated classes of motor vehicles, including classes based upon the year of manufacture of motor vehicles.

2. The Commission shall provide for a waiver from the provisions of NRS 445B.770 to 445B.815, inclusive, if compliance involves repair and equipment costs which exceed the limits established by the Commission. The Commission shall establish the limits in a manner which avoids unnecessary financial hardship to motor vehicle owners.

**Sec. 12.** NRS 502.245 is hereby amended to read as follows:

502.245 1. The Department shall issue any hunting or fishing license or combined hunting and fishing license authorized under the provisions of this chapter, upon proof satisfactory of the requisite facts and payment of the applicable fee, to any person who has resided in this State:

(a) For the 6-month period immediately preceding the date of his application for a license and:

(1) Has a severe physical disability; ~~[or]~~

(2) Has attained his 12th birthday but has not attained his 16th birthday; or

*(3) Has been honorably discharged from the Armed Forces of the United States; or*

(b) Continuously for 5 years immediately preceding the date of this application for a license and is 65 years of age or older.

2. The Department shall charge and collect a fee of:

For a hunting license ..... \$9

For a fishing license ..... 9

For a combined hunting and fishing license ..... 17

3. For the purposes of this section, “severe physical disability” means a physical disability which materially limits the person’s ability to engage in gainful employment.

**Sec. 13.** The Department of Motor Vehicles shall:

1. In cooperation with the Department of Wildlife, examine the feasibility of developing and implementing a system of self-serve kiosks for the renewal of hunting licenses, fishing licenses and combined hunting and fishing licenses, including, without limitation, the placement of such kiosks within offices of the Department of Motor Vehicles.



- 1       2. On or before July 1, 2006, submit to the Director of the
- 2 Legislative Counsel Bureau for transmission to the 74th Session of
- 3 the Nevada Legislature a written report relating to the results of the
- 4 examination conducted pursuant to subsection 1. The report must
- 5 include any recommendations for proposed legislation.



