

ASSEMBLY BILL NO. 239—ASSEMBLYMAN HARDY

MARCH 21, 2005

Referred to Committee on Transportation

SUMMARY—Revises certain provisions relating to drivers' licenses and the control of emissions from engines. (BDR 43-566)

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

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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; providing under certain circumstances for the examination of a holder of a driver's license; revising certain provisions relating to the licensure of authorized inspection stations; 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 safely operate 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 safely operate a motor vehicle. The Department may, after the examinations used to determine the ability of a person to safely operate 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 control of emissions from engines and requires the State Environmental Commission and the Department of Motor Vehicles to adopt regulations prescribing requirements for the licensing of authorized inspection stations, authorized maintenance stations, authorized stations and fleet stations. (NRS 445B.700-445B.845)

This bill provides that the regulations adopted by the Commission and the Department must prohibit an authorized inspection station from conducting certain



21 activities related to the maintenance of a vehicle unless the authorized inspection
22 station is specifically authorized by the Commission to perform such activities.

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

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

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

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

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

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

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

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

16 *(1) Personal observation or physical evidence of a physical*
17 *or medical condition that has the potential to impair the ability of*
18 *the licensee to operate a motor vehicle, corroborated by an*
19 *affidavit from a physician in which the physician concurs that the*
20 *licensee should be examined to determine the licensee's ability to*
21 *safely operate a motor vehicle;*

22 *(2) Personal knowledge that the driving record of the*
23 *licensee indicates the unsafe operation of a motor vehicle,*
24 *corroborated by an affidavit from a physician in which the*
25 *physician concurs that the licensee should be examined to*
26 *determine the licensee's ability to safely operate a motor vehicle;*
27 *or*

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

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

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

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

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



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

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

5 **Sec. 3. 1. If the Department receives a report filed pursuant**
6 **to section 2 of this act, the Department shall, upon written notice**
7 **to the licensee of at least 5 days, require the licensee to submit to**
8 **all or part of the regular examination set forth in NRS 483.330.**
9 **Upon conclusion of the examination, the Department shall take**
10 **action as it deems appropriate and may suspend or revoke the**
11 **license of the person or allow him to retain the license, or may**
12 **issue a license subject to restriction as described in NRS 483.360**
13 **or restrictions as to the type or class of vehicle that may be driven.**
14 **Refusal or neglect on the part of the licensee to submit to the**
15 **examination is grounds for suspension or revocation of his**
16 **license.**

17 **2. A person whose driver's license is restricted, suspended or**
18 **revoked pursuant to this section may request a total or partial**
19 **reinstatement of that license. An appropriate replacement license**
20 **must be issued to the licensee upon his satisfactory completion of**
21 **the requirements for reinstatement established by the Department**
22 **pursuant to NRS 483.495.**

23 **Sec. 4. NRS 483.010 is hereby amended to read as follows:**

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

27 **Sec. 5. NRS 445B.775 is hereby amended to read as follows:**

28 445B.775 The regulations adopted pursuant to NRS 445B.770
29 must establish requirements by which the Department of Motor
30 Vehicles may license:

31 1. Authorized inspection stations, including criteria by which
32 any person may become qualified to inspect devices for the control
33 of emissions for motor vehicles. **The regulations adopted pursuant**
34 **to NRS 445B.770 must provide that a facility licensed as an**
35 **authorized inspection station:**

36 (a) **Except as otherwise provided in paragraph (b), may not,**
37 **unless specifically authorized by the Commission, install, repair,**
38 **diagnose or adjust any component or system of a motor vehicle**
39 **that affects exhaust emissions.**

40 (b) **May perform the following activities in connection with a**
41 **motor vehicle:**

42 (1) **The changing of oil;**

43 (2) **The replacing of an oil filter, air filter, fuel filter, belt or**
44 **hose; and**



1 ***(3) The servicing of a fuel injection system.***

2 2. Authorized maintenance stations, including criteria by which
3 any person may become qualified to install, repair and adjust
4 devices for the control of emissions for motor vehicles.

5 3. Authorized stations, including criteria by which any person
6 may become qualified to inspect, repair, adjust and install devices
7 for the control of emissions for motor vehicles.

8 **Sec. 6.** NRS 445B.785 is hereby amended to read as follows:

9 445B.785 1. The Department of Motor Vehicles shall adopt
10 regulations which:

11 (a) Prescribe requirements for licensing authorized inspection
12 stations, authorized maintenance stations, authorized stations and
13 fleet stations. ***The regulations adopted by the Department of Motor***
14 ***Vehicles pursuant to this paragraph must provide that a facility***
15 ***licensed as an authorized inspection station:***

16 ***(1) Except as otherwise provided in subparagraph (2), may***
17 ***not, unless specifically authorized by the Commission, install,***
18 ***repair, diagnose or adjust any component or system of a motor***
19 ***vehicle that affects exhaust emissions.***

20 ***(2) May perform the following activities in connection with***
21 ***a motor vehicle:***

22 ***(I) The changing of oil;***

23 ***(II) The replacing of an oil filter, air filter, fuel filter,***
24 ***belt or hose; and***

25 ***(III) The servicing of a fuel injection system.***

26 (b) Prescribe the manner in which authorized inspection
27 stations, authorized stations and fleet stations inspect motor vehicles
28 and issue evidence of compliance.

29 (c) Prescribe the diagnostic equipment necessary to perform the
30 required inspection. The regulations must ensure that the equipment
31 complies with any applicable standards of the United States
32 Environmental Protection Agency.

33 (d) Provide for any fee, bond or insurance which is necessary to
34 carry out the provisions of NRS 445B.700 to 445B.815, inclusive.

35 (e) Provide for the issuance of a pamphlet for distribution to
36 owners of motor vehicles. The pamphlet must contain information
37 explaining the reasons for and the methods of the inspections.

38 2. The Department of Motor Vehicles shall issue a copy of the
39 regulations to each authorized inspection station, authorized
40 maintenance station, authorized station and fleet station.

