

ASSEMBLY BILL NO. 52—COMMITTEE ON TRANSPORTATION

FEBRUARY 11, 2005

Referred to Committee on Transportation

SUMMARY—Makes various changes concerning drivers' licenses issued to persons under 18 years of age. (BDR 43-972)

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 motor vehicles; making various changes concerning the issuance of drivers' licenses to persons who are 16 or 17 years of age; revising certain restrictions relating to the transportation of passengers who are minors by persons who are 16 or 17 years of age; revising provisions governing automobile driver education in public schools; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the circumstances under which a driver's license may be issued to a person who is between 15 3/4 and 18 years of age. (NRS 483.250)

This bill prohibits a person who is under 16 years of age from obtaining a driver's license. This bill requires a person who is 16 or 17 years of age to hold an instruction permit for at least 6 months before applying for a license. The person also must not have been responsible for a motor vehicle accident or convicted of driving under the influence during the 6 months before applying for the license.

Existing law restricts a driver who is under 18 years of age from transporting passengers who are under 18 years of age for the first 30 to 90 days after the license is issued depending upon the age of the driver at the time of issuance, unless the passenger is a member of the driver's immediate family. (NRS 483.253)

This bill prohibits a driver who is 16 or 17 years of age from transporting passengers who are under 18 years of age for the first 6 months after the license is issued unless the passengers who are under 18 years of age are members of the driver's immediate family. Violating this provision is not a moving traffic violation or grounds for the suspension or revocation of the driver's license. Peace officers are specifically prohibited from stopping a motor vehicle solely to determine whether the driver is unlawfully transporting passengers who are under 18 years of



age. However, a peace officer may issue a citation for such a violation if the vehicle is halted or the driver is arrested for another alleged violation or offense.

This bill further requires that a driver's education course offered in the public schools include a component of training conducted in the classroom.

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 to 6, inclusive, of this act.

Sec. 2. 1. *The Department may issue a driver's license to a person who is 16 or 17 years of age if:*

(a) Except as otherwise provided in subsection 2, he has completed:

(1) A course in automobile driver education pursuant to NRS 389.090; or

(2) A course provided by a school for training drivers which is licensed pursuant to NRS 483.700 to 483.780, inclusive, and which complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the State Board of Education pursuant to NRS 389.090;

(b) He has at least 50 hours of supervised experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280, including, without limitation, at least 10 hours of experience in driving a motor vehicle during darkness;

(c) He submits to the Department, on a form provided by the Department, a log which contains the dates and times of the 50 hours of supervised experience required pursuant to paragraph (b) and which is signed:

(1) By his parent or legal guardian; or

(2) If the person applying for the driver's license is an emancipated minor, by a licensed driver who is at least 21 years of age or by a licensed driving instructor,

↳ who attests that the person applying for the driver's license has completed the training and experience required pursuant to paragraphs (a) and (b);

(d) He has not been found to be responsible for a motor vehicle accident during the 6 months before he applies for the driver's license;

(e) He has not been convicted of a moving traffic violation or a crime involving alcohol or a controlled substance during the 6 months before he applies for the driver's license; and



1 (f) *He has held an instruction permit for not less than 6*
2 *months before he applies for the driver's license.*

3 2. *A person who is 16 or 17 years of age and who:*

4 (a) *Resides in a county whose population is less than 50,000 or*
5 *in a city or town whose population is less than 25,000; and*

6 (b) *Is not enrolled in a school or is enrolled in a school that*
7 *does not offer automobile driver education,*

8 *↪ is not required to complete a course as required pursuant to*
9 *paragraph (a) of subsection 1.*

10 **Sec. 3.** 1. *Except as otherwise provided in subsection 2, a*
11 *person to whom a driver's license is issued pursuant to section 2 of*
12 *this act shall not, during the first 6 months after the date on which*
13 *the driver's license is issued, transport as a passenger a person*
14 *who is under 18 years of age.*

15 2. *A person to whom a driver's license is issued pursuant to*
16 *section 2 of this act may transport as a passenger a member of his*
17 *immediate family, regardless of the age of the family member.*

18 **Sec. 4.** 1. *A peace officer shall not stop a motor vehicle for*
19 *the sole purpose of determining whether the driver is violating a*
20 *provision of section 3 of this act. Except as otherwise provided in*
21 *subsection 2, a citation may be issued for a violation of section 3*
22 *of this act only if the violation is discovered when the vehicle is*
23 *halted or its driver is arrested for another alleged violation or*
24 *offense.*

25 2. *A peace officer shall not issue a citation to a person for*
26 *operating a motor vehicle in violation of section 3 of this act if the*
27 *person provides satisfactory evidence to the peace officer that the*
28 *person has held the driver's license for not less than 6 months.*

29 3. *A violation of section 3 of this act:*

30 (a) *Is not a moving traffic violation for the purposes of NRS*
31 *483.473; and*

32 (b) *Is not grounds for suspension or revocation of the driver's*
33 *license for the purposes of NRS 483.360.*

34 **Sec. 5.** *The Department may:*

35 1. *With respect to a driver's license that is issued pursuant to*
36 *section 2 of this act:*

37 (a) *Include on the face of the license the original date on*
38 *which the license was issued; or*

39 (b) *Otherwise indicate that the license is for use by a person*
40 *who:*

41 (1) *Is 16 or 17 years of age; and*

42 (2) *Has satisfied the requirements set forth in section 2 of*
43 *this act before receiving the license;*



2. *Issue drivers' licenses pursuant to section 2 of this act, in accordance with the requirements of NRS 483.347, with distinguishing characteristics which clearly indicate that the licensee is 16 or 17 years of age; and*

3. *Adopt regulations necessary to carry out the provisions governing the issuance of drivers' licenses pursuant to section 2 of this act.*

Sec. 6. *If the driver's license of a person who is under 18 years of age is restricted or suspended as a result of an act committed in violation of sections 2 to 6, inclusive, of this act, the restriction or suspension remains in effect until the end of the term of the restriction or suspension even if the person becomes 18 years of age before the end of the term of the restriction or suspension.*

Sec. 7. NRS 483.250 is hereby amended to read as follows:

483.250 The Department shall not issue any license pursuant to the provisions of NRS 483.010 to 483.630, inclusive ~~[-]~~ , *and sections 2 to 6, inclusive, of this act:*

1. To any person who is under the age of 18 years, except that the Department may issue:

(a) A restricted license to a person between the ages of 14 and 18 years pursuant to the provisions of NRS 483.267 and 483.270.

(b) An instruction permit to a person who is at least 15 1/2 years of age pursuant to the provisions of subsection 1 of NRS 483.280.

(c) A restricted instruction permit to a person under the age of 18 years pursuant to the provisions of subsection 3 of NRS 483.280.

~~(d) [Except as otherwise provided in paragraph (e), a license to a person between the ages of 15 3/4 and 18 years if:~~

~~—— (1) He has completed a course:~~

~~—— (I) In automobile driver education pursuant to NRS 389.090; or~~

~~—— (II) Provided by a school for training drivers licensed pursuant to NRS 483.700 to 483.780, inclusive, if the course complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the State Board of Education pursuant to NRS 389.090;~~

~~—— (2) He has at least 50 hours of experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280;~~

~~—— (3) His parent or legal guardian signs and submits to the Department a form provided by the Department which attests that the person who wishes to obtain the license has completed the training and experience required by subparagraphs (1) and (2); and~~

~~—— (4) He has held an instruction permit for at least:~~



~~(I) Ninety days before he applies for the license, if he was under the age of 16 years at the time he obtained the instruction permit;~~

~~(II) Sixty days before he applies for the license, if he was at least 16 years of age but less than 17 years of age at the time he obtained the instruction permit; or~~

~~(III) Thirty days before he applies for the license, if he was at least 17 years of age but less than 18 years of age at the time he obtained the instruction permit.~~

~~(e) A license to a person who is between the ages of 15 3/4 and 18 years if:~~

~~(1) The public school in which he is enrolled is located in a county whose population is less than 50,000 or in a city or town whose population is less than 25,000;~~

~~(2) The public school does not offer automobile driver education;~~

~~(3) He has at least 50 hours of experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280;~~

~~(4) His parent or legal guardian signs and submits to the Department a form provided by the Department which attests that the person who wishes to obtain the license has completed the experience required by subparagraph (3); and~~

~~(5) He has held an instruction permit for at least:~~

~~(I) Ninety days before he applies for the license, if he was under the age of 16 years at the time he obtained the instruction permit;~~

~~(II) Sixty days before he applies for the license, if he was at least 16 years of age but less than 17 years of age at the time he obtained the instruction permit; or~~

~~(III) Thirty days before he applies for the license, if he was at least 17 years of age but less than 18 years of age at the time he obtained the instruction permit.]~~ ***A driver's license to a person who is 16 or 17 years of age pursuant to section 2 of this act.***

2. To any person whose license has been revoked until the expiration of the period during which he is not eligible for a license.

3. To any person whose license has been suspended, but upon good cause shown to the Administrator, the Department may issue a restricted license to him or shorten any period of suspension.

4. To any person who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to legal capacity.



5. To any person who is required by NRS 483.010 to 483.630, inclusive, *and sections 2 to 6, inclusive, of this act* to take an examination, unless he has successfully passed the examination.

6. To any person when the Administrator has good cause to believe that by reason of physical or mental disability that person would not be able to operate a motor vehicle safely.

7. To any person who is not a resident of this State.

8. To any child who is the subject of a court order issued pursuant to title 5 of NRS which delays his privilege to drive.

9. To any person who is the subject of a court order issued pursuant to NRS 206.330 which suspends or delays his privilege to drive until the expiration of the period of suspension or delay.

Sec. 8. NRS 483.255 is hereby amended to read as follows:

483.255 The Department shall adopt regulations that set forth the number of hours of training which a person whose age is less than 18 years must complete in a course provided by a school for training drivers to be issued a *driver's* license pursuant to ~~subparagraph (H) of subparagraph (1)~~ *subparagraph (2)* of paragraph ~~(d)~~ *(a)* of subsection 1 of ~~NRS 483.250~~ *section 2 of this act*. The regulations must require that the number of hours that must be completed by such a person be comparable to the number of hours of instruction which would be required of such a person if he completed his training in a course provided pursuant to NRS 389.090.

Sec. 9. NRS 483.620 is hereby amended to read as follows:

483.620 It is a misdemeanor for any person to violate any of the provisions of NRS 483.010 to 483.630, inclusive, *and sections 2 to 6, inclusive, of this act*, unless such violation is, by NRS 483.010 to 483.630, inclusive, *and sections 2 to 6, inclusive, of this act*, or other law of this State, declared to be a felony.

Sec. 10. NRS 389.090 is hereby amended to read as follows:

389.090 1. The State Board shall adopt regulations governing the establishment, conduct and scope of automobile driver education in the public schools of this State. The regulations must set forth, without limitation:

(a) The number of hours of training that must be completed by a pupil who enrolls in a course in automobile driver education;

(b) That a course in automobile driver education ~~may be~~ :

(1) Must include a component of training conducted in a classroom ~~or~~ ; *and*

(2) May, in addition to the component of training conducted in a classroom, include a component of training conducted in a motor vehicle ; ~~or both~~ ; *and*



(c) That if a course in automobile driver education ~~is~~ *includes components of training* conducted both in a classroom and in a motor vehicle ~~is~~:

(1) *One* hour of training in a motor vehicle is equivalent to 3 hours of training in a classroom ~~is~~; and

(2) *Not more than one-half of the required number of hours of training described in paragraph (a) may be training in a motor vehicle.*

2. The aims and purposes of automobile driver education are to develop the knowledge, attitudes, habits and skills necessary for the safe operation of motor vehicles.

3. The board of trustees of a school district may establish and maintain courses in automobile driver education during regular semesters and summer sessions and during the regular school day and at times other than during the regular school day for:

(a) Pupils enrolled in the regular full-time day high schools in the school district.

(b) Pupils enrolled in summer classes conducted in high schools in the school district.

➤ A board of trustees maintaining courses in automobile driver education shall insure against any liability arising out of the use of motor vehicles in connection with those courses. The cost of the insurance must be paid from available money of the school district.

4. A governing body of a charter school may establish and maintain courses in automobile driver education if the governing body insures against any liability arising out of the use of motor vehicles in connection with those courses.

5. Automobile driver education must be provided by boards of trustees of school districts and governing bodies of charter schools in accordance with the regulations of the State Board and may not be duplicated by any other agency, department, commission or officer of the State of Nevada.

6. Each course in automobile driver education provided by a board of trustees of a school district or a governing body of a charter school must include, without limitation, instruction in:

(a) Motor vehicle insurance.

(b) The effect of drugs and alcohol on an operator of a motor vehicle.

7. Each course in automobile driver education provided by a board of trustees of a school district or a governing body of a charter school must be restricted to pupils who are at least 15 years of age.

Sec. 11. NRS 483.253 is hereby repealed.

Sec. 12. The provisions of sections 2 to 5, inclusive, and 7 of this act do not apply to a person who has been issued a driver's license before October 1, 2005.



TEXT OF REPEALED SECTION

483.253 Restrictions on transporting passengers who are under 18 years of age; exception for members of immediate family.

1. If a person is under the age of 16 years on the date on which the Department issues a license to him pursuant to NRS 483.250, he shall not, during the 90 days immediately succeeding the date on which the Department issues that license, transport as a passenger in a motor vehicle that he is driving any person under the age of 18 years unless that passenger is a member of his immediate family.

2. If a person is 16 years of age or older but less than 17 years of age on the date on which the Department issues a license to him pursuant to NRS 483.250, he shall not, during the 60 days immediately succeeding the date on which the Department issues that license, transport as a passenger in a motor vehicle that he is driving any person under the age of 18 years unless that passenger is a member of his immediate family.

3. If a person is 17 years of age or older but less than 18 years of age on the date on which the Department issues a license to him pursuant to NRS 483.250, he shall not, during the 30 days immediately succeeding the date on which the Department issues that license, transport as a passenger in a motor vehicle that he is driving any person under the age of 18 years unless that passenger is a member of his immediate family.

