

ASSEMBLY BILL NO. 77—ASSEMBLYMEN HORNE, GIUNCHIGLIANI, MCCLEARY, LESLIE, ATKINSON, ALLEN, BUCKLEY, CARPENTER, CHRISTENSEN, CLABORN, CONKLIN, DENIS, GANSERT, GERHARDT, GOICOECHEA, GRADY, HOGAN, KIRKPATRICK, KOIVISTO, MANENDO, MCCLAIN, MORTENSON, MUNFORD, OCEGUERA, OHRENSCHALL, PARKS, PARNELL, PERKINS, PIERCE, SHERER, SIBLEY AND SMITH

FEBRUARY 17, 2005

JOINT SPONSORS: SENATORS CARLTON, CEGAVSKE,
AMODEI AND HARDY

Referred to Concurrent Committees on Transportation
and Ways and Means

SUMMARY—Revises provisions regarding courses in automobile drivers' education and requires reduction in insurance premiums for certain insureds. (BDR 34-474)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§ 1)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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; requiring the boards of trustees of certain school districts and the governing bodies of certain charter schools to establish and maintain courses in automobile drivers' education; authorizing pupils of certain rural school districts and charter schools to take such a course at an institution of higher education; encouraging school districts and charter schools to enter into agreements with vehicle dealers for the donation of motor vehicles for use in courses of automobile drivers'



education; authorizing a school district or charter school to contract with a school for training drivers to provide a course in automobile drivers' education to the pupils of the school district or charter school; requiring certain policies of liability insurance covering a motor vehicle to provide for reduced premiums for certain persons who have completed a course in automobile drivers' education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes, but does not require, the board of trustees of a school district and the governing board of a charter school to establish and maintain drivers' education courses. (NRS 389.090)

This bill amends existing law to require that each school district, and each charter school that provides instruction to high school students, establish and maintain drivers' education courses. However, this bill also requires the State Board of Education, by regulation, to provide for certain reasonable accommodations for school districts and charter schools located in counties whose population is less than 50,000 (currently counties other than Clark and Washoe Counties and Carson City), including allowing pupils of school districts and charter schools in such counties to take a course in drivers' education at a college or other institution of higher education. This bill also allows a school district or charter school to contract with certain qualified schools for training drivers pursuant to which the school for training drivers will provide a course in drivers' education to the pupils of the school district or charter school. This bill also encourages the board of trustees of each school district and the governing body of each charter school to enter into agreements with vehicle dealers pursuant to which the vehicle dealers donate motor vehicles for use in that component of drivers' education courses which is conducted in a motor vehicle.

Existing law allows the Department of Motor Vehicles, under certain circumstances, to issue a driver's license to a person who is between the ages of 15 3/4 and 18 years and who is enrolled in a public school in certain rural areas without the person having completed a course in automobile drivers' education or a similar course provided by a school for training drivers. (NRS 483.250)

This bill eliminates the exception, requiring that such rural pupils complete a course in automobile drivers' education or a similar course provided by a school for training drivers as a prerequisite to being issued a driver's license.

Existing law allows the Department of Motor Vehicles to accept gifts and grants to provide money to certain pupils who need financial assistance to pay the costs and fees associated with taking a course in automobile drivers' education. (NRS 389.100, 483.785)

This bill eliminates the involvement of the Department of Motor Vehicles with respect to such matters and states instead that if a pupil needs financial assistance to pay a laboratory fee imposed by a school district or charter school in connection with a course in drivers' education, the school district or charter school must pay the fee.

Existing law regulates casualty insurance for motor vehicles and provides for the reduction of premium rates for vehicles that are equipped with air bags and for persons who are 55 years of age or older who have completed a driver safety course and maintain a good driving record. (NRS 690B.029, 690B.031)



This bill requires certain policies of liability insurance for motor vehicles to provide reduced premiums to certain persons who have completed a drivers' education course.

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

Section 1. 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 drivers' 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 drivers' education;

(b) That a course in automobile drivers' education ~~may be~~ *must include a component of training* conducted in a classroom ~~or~~ *and a component of training conducted in a* motor vehicle ; ~~or both; and~~

(c) That ~~if~~ *, with respect to* a course in automobile drivers' education , ~~is conducted both in a classroom and in a motor vehicle;~~ 1 hour of training in a motor vehicle is equivalent to 3 hours of training in a classroom ~~;~~ *and*

(d) Reasonable accommodations for a school district or charter school in a county whose population is less than 50,000, including, without limitation, waiving the requirement for the board of trustees of the school district or the governing body of the charter school to establish and maintain courses in automobile drivers' education if the board of trustees or governing body provides for the pupils of such a school district or charter school, as applicable, to take a course in automobile drivers' education at a college, community college or other institution of higher education.

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

3. ~~The~~ *Except as otherwise provided in this section, the* board of trustees of ~~a~~ *each* school district ~~may~~ *and the governing body of each charter school providing instruction to pupils enrolled in grades 9 to 12, inclusive, shall* establish and maintain *elective* courses in automobile drivers' education during *the regular school day during* regular semesters ~~and~~ *for pupils enrolled full time in high schools in the school district or the charter school, as applicable. In addition, the board of trustees of each school district and the governing body of each charter school*



1 *providing instruction to pupils enrolled in grades 9 to 12,*
2 *inclusive, may establish and maintain elective courses in*
3 *automobile drivers' education during* summer sessions and ~~during~~
4 ~~the regular school day and~~ at times other than during the regular
5 school day, *including, without limitation, on Saturdays,* for ~~the~~:

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

8 ~~—(b) Pupils~~ *pupils* enrolled in summer classes conducted in high
9 schools in the school district ~~the~~.

10 ~~→A~~ *or the charter school, as applicable, and for pupils who are*
11 *otherwise unable to attend a course in automobile drivers'*
12 *education during the regular school day during regular semesters.*

13 4. *Except as otherwise provided in this section, the* board of
14 trustees ~~maintaining courses in automobile drivers' education~~ *of*
15 *each school district and the governing body of each charter school*
16 *providing instruction to pupils enrolled in grades 9 to 12,*
17 *inclusive,* shall insure against any liability arising out of the use of
18 motor vehicles in connection with ~~those courses.~~ *courses in*
19 *automobile drivers' education that the board of trustees or*
20 *governing body maintains pursuant to this section.* The cost of the
21 insurance must be paid from available money of the school district ~~the~~.

22 ~~4. A governing body of a charter school may establish and~~
23 ~~maintain courses in automobile drivers' education if the governing~~
24 ~~body insures against any liability arising out of the use of motor~~
25 ~~vehicles in connection with those courses.~~ *or charter school, as*
26 *applicable.*

27 5. *The board of trustees of each school district and the*
28 *governing body of each charter school are encouraged to enter*
29 *into agreements with vehicle dealers pursuant to which the vehicle*
30 *dealers donate motor vehicles for use in that component of courses*
31 *of automobile drivers' education which is conducted in a motor*
32 *vehicle pursuant to this section. As used in this subsection,*
33 *"vehicle dealer" has the meaning ascribed to it in NRS 482.020.*

34 6. Automobile drivers' education must be provided by boards
35 of trustees of school districts and governing bodies of charter
36 schools in accordance with the regulations of the State Board and
37 may not be duplicated by any other agency, department, commission
38 or officer of the State of Nevada.

39 ~~6.~~ 7. Each course in automobile drivers' education provided
40 by a board of trustees of a school district or a governing body of a
41 charter school must include, without limitation, instruction in:

42 (a) Motor vehicle insurance.

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



~~[7-]~~ 8. Each course in automobile drivers' education provided by ~~[a] the~~ board of trustees of a school district or ~~[a] the~~ governing body of a charter school must be restricted to pupils who are at least ~~[15]~~:

(a) Fifteen years of age ~~[1]~~, for the component of training conducted in a classroom; and

(b) Fifteen and one-half years of age, for the component of training conducted in a motor vehicle.

9. Except as otherwise provided in this subsection, the board of trustees of a school district or the governing body of a charter school may establish and maintain a contract with a school for training drivers pursuant to which the school for training drivers provides a course in automobile drivers' education to the pupils of the school district or charter school, as applicable. A board of trustees or governing body shall not establish or maintain such a contract unless the school for training drivers:

(a) Is licensed pursuant to the provisions of NRS 483.700 to 483.780, inclusive; and

(b) Complies with the applicable regulations governing the establishment, conduct and scope of automobile drivers' education adopted by the State Board pursuant to subsection 1.

↳ If a board of trustees or governing body enters into a contract with a school for training drivers that satisfies the requirements of paragraphs (a) and (b), the duty of the board of trustees or governing body to establish and maintain courses in automobile drivers' education is satisfied and it is the responsibility of the school for training drivers to insure against liability.

Sec. 2. 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:

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]~~ 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 drivers' 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



1 complies with the applicable regulations governing the
2 establishment, conduct and scope of automobile drivers' education
3 adopted by the State Board of Education pursuant to NRS 389.090;

4 (2) He has at least 50 hours of experience in driving a motor
5 vehicle with a restricted license, instruction permit or restricted
6 instruction permit issued pursuant to NRS 483.267, 483.270 or
7 483.280;

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

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

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

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

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

22 ~~[(e) A license to a person who is between the ages of 15 3/4 and~~
23 ~~18 years if:~~

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

27 ~~—— (2) The public school does not offer automobile drivers'~~
28 ~~education;~~

29 ~~—— (3) He has at least 50 hours of experience in driving a motor~~
30 ~~vehicle with a restricted license, instruction permit or restricted~~
31 ~~instruction permit issued pursuant to NRS 483.267, 483.270 or~~
32 ~~483.280;~~

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

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

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

41 ~~—— (II) Sixty days before he applies for the license, if he was~~
42 ~~at least 16 years of age but less than 17 years of age at the time he~~
43 ~~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.]~~

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, 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. 3. NRS 483.785 is hereby amended to read as follows:

483.785 ~~[1. The Department may accept gifts and grants of money to provide grants of money to pupils who are less than 18 years of age and who need financial assistance to pay:~~

~~—(a) If a pupil is enrolled in a public school that provides instruction in automobile education,]~~ *If the board of trustees of a school district or the governing body of a charter school establishes* a laboratory fee ~~[required]~~ pursuant to NRS 389.100 ~~[-~~

~~—(b) If a pupil is enrolled in a public school that does not provide instruction in automobile education, the costs and fees of a course provided by a school for training drivers that is licensed pursuant to NRS 483.700 to 483.780, inclusive, and that complies with the applicable regulations governing the establishment, conduct and scope of automobile drivers' education adopted by the State Board of Education pursuant to NRS 389.090.~~

~~—2. The Department may, in consultation with the State Board of Education, adopt regulations to carry out the provisions of this section, including, without limitation, the:~~

~~—(a) Procedure by which a person may apply for a grant of money from the Department;~~



~~1 (b) Criteria that the Department will consider in determining~~
~~2 whether to award a grant of money; and~~
~~3 (c) Procedure by which the Department will distribute the~~
~~4 money it receives pursuant to subsection 1.] to be charged each~~
~~5 pupil enrolling in an automobile driver education course, the~~
~~6 school district or charter school, as applicable, shall pay the cost~~
~~7 of the laboratory fee for any such pupil who needs financial~~
~~8 assistance to pay the fee.~~

9 **Sec. 4.** Chapter 690B of NRS is hereby amended by adding
10 thereto a new section to read as follows:

11 *1. Except as otherwise provided in this section, a policy of*
12 *insurance against liability arising out of the ownership,*
13 *maintenance or use of a motor vehicle delivered or issued for*
14 *delivery in this State to a person who has completed a course in*
15 *drivers' education pursuant to NRS 389.090 or a course provided*
16 *by a school for training drivers licensed pursuant to NRS 483.700*
17 *to 483.780, inclusive, must contain a provision for a reduction in*
18 *the premium if:*

19 *(a) The course was taken by the principal operator of the*
20 *motor vehicle;*

21 *(b) The course was taken within the immediately preceding 3*
22 *years;*

23 *(c) A grade of B or higher was achieved or, if no grade is given*
24 *for the course, a certificate of completion was issued by the*
25 *instructor of the course; and*

26 *(d) The motor vehicle to which the policy pertains is not*
27 *classified for underwriting purposes as used for business.*

28 *2. The reduction in premium otherwise required pursuant to*
29 *subsection 1 must be:*

30 *(a) Approved by the Commissioner; and*

31 *(b) Based on the actuarial and loss experience data available*
32 *to each insurer.*

33 *3. The reduction in premium otherwise required pursuant to*
34 *subsection 1:*

35 *(a) Does not apply if the principal operator of the motor*
36 *vehicle to which the policy pertains has been convicted of or*
37 *entered a plea of guilty or nolo contendere to a moving traffic*
38 *violation or has been involved in a motor vehicle accident for*
39 *which he was primarily at fault.*

40 *(b) Applies only to one motor vehicle of which a person is the*
41 *principal operator, regardless of whether the person is the*
42 *principal operator of multiple motor vehicles.*

43 **Sec. 5.** The provisions of section 4 of this act apply to any
44 policy of insurance for liability of a motor vehicle which is issued or
45 renewed on or after July 1, 2005.



- 1 **Sec. 6.** The provisions of subsection 1 of NRS 354.599 do not
2 apply to any additional expenses of a local government that are
3 related to the provisions of this act.
4 **Sec. 7.** This act becomes effective on July 1, 2005.



