

SENATE BILL NO. 308—SENATOR NOLAN

MARCH 24, 2005

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing release and use of certain information contained in records of criminal history and in files of Department of Motor Vehicles. (BDR 14-285)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
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 public safety; authorizing certain persons involved in the security of resort hotels and the owners and shift managers of transient lodging to receive certain information contained in records of criminal history and in the files of the Department of Motor Vehicles; prohibiting such persons from disseminating the information received or using the information received for an unlawful purpose; providing a penalty; and providing other matters properly relating thereto.

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

1 **Section 1.** Chapter 179A of NRS is hereby amended by
2 adding thereto the provisions set forth as sections 2, 3 and 4 of this
3 act.

4 **Sec. 2.** *“Resort hotel” has the meaning ascribed to it in*
5 *NRS 463.01865.*

6 **Sec. 3.** *“Transient lodging” includes any hotel, inn, motel or*
7 *motor court. The term does not include a resort hotel.*



Sec. 4. 1. To protect public safety:

(a) A resort hotel that wishes to obtain information pursuant to this section may submit to the Central Repository and to any agency of criminal justice from which information may be requested pursuant to this section the names of the shift supervisors of personnel involved in the security of the resort hotel who are authorized to request and receive such information.

(b) The owner of transient lodging who wishes to obtain information pursuant to this section may submit to the Central Repository and to any agency of criminal justice from which information may be requested pursuant to this section his name and the names of shift managers who are authorized to request and receive such information.

2. If the shift supervisor, owner or shift manager authorized to request and receive information pursuant to subsection 1 has reasonable suspicion to believe that a motor vehicle located on the property, the registered owner of a motor vehicle located on the property or a person located on the property may pose a threat to the safety of the public, the shift supervisor, owner or shift manager may request the disclosure of the following information concerning the motor vehicle, registered owner or person:

(a) Whether the motor vehicle located on the property is stolen or wanted.

(b) Whether the registered owner of the motor vehicle located on the property is wanted for questioning by any law enforcement agency.

(c) Whether the person located on the property is wanted for questioning by any law enforcement agency.

(d) Any information that, pursuant to subsection 1 of NRS 179A.100, may be disseminated by an agency of criminal justice without any restriction.

3. The Central Repository or an agency of criminal justice shall not disseminate any information concerning a motor vehicle located on the property, the registered owner of a motor vehicle located on the property or a person located on the property other than the information specifically identified in subsection 2.

4. A shift supervisor, owner or shift manager who obtains information pursuant to this section shall not:

(a) Disseminate that information further without express authority of law or in accordance with a court order, except that the shift supervisor, owner or shift manager may disseminate that information to an appropriate law enforcement agency; or

(b) Use that information for any unlawful purpose, including, without limitation, the commission of any criminal act or the denial of the full and equal enjoyment of the goods, services,



1 *facilities, privileges, advantages and accommodations of any place*
2 *of public accommodation without discrimination or segregation*
3 *on the ground of race, color, religion, national origin or disability*
4 *in violation of NRS 651.070.*

5 *5. A person who violates any provision of subsection 4 is*
6 *guilty of a gross misdemeanor.*

7 *6. As used in this section, "registered owner" has the*
8 *meaning ascribed to it in NRS 482.102.*

9 **Sec. 5.** NRS 179A.010 is hereby amended to read as follows:

10 179A.010 As used in this chapter, unless the context otherwise
11 requires, the words and terms defined in NRS 179A.020 to
12 179A.073, inclusive, *and sections 2 and 3 of this act* have the
13 meanings ascribed to them in those sections.

14 **Sec. 6.** NRS 179A.100 is hereby amended to read as follows:

15 179A.100 1. The following records of criminal history may
16 be disseminated by an agency of criminal justice without any
17 restriction pursuant to this chapter:

18 (a) Any which reflect records of conviction only; and

19 (b) Any which pertain to an incident for which a person is
20 currently within the system of criminal justice, including parole or
21 probation.

22 2. Without any restriction pursuant to this chapter, a record of
23 criminal history or the absence of such a record may be:

24 (a) Disclosed among agencies which maintain a system for the
25 mutual exchange of criminal records.

26 (b) Furnished by one agency to another to administer the system
27 of criminal justice, including the furnishing of information by a
28 police department to a district attorney.

29 (c) Reported to the Central Repository.

30 3. An agency of criminal justice shall disseminate to a
31 prospective employer, upon request, records of criminal history
32 concerning a prospective employee or volunteer which:

33 (a) Reflect convictions only; or

34 (b) Pertain to an incident for which the prospective employee or
35 volunteer is currently within the system of criminal justice,
36 including parole or probation.

37 4. In addition to any other information to which an employer is
38 entitled or authorized to receive, the Central Repository shall
39 disseminate to a prospective or current employer the information
40 described in subsection 4 of NRS 179A.190 concerning an
41 employee, prospective employee, volunteer or prospective volunteer
42 who gives his written consent to the release of that information if
43 the employer submits a request in the manner set forth in NRS
44 179A.200 for obtaining a notice of information. The Central
45 Repository shall search for and disseminate such information in the



1 manner set forth in NRS 179A.210 for the dissemination of a notice
2 of information. Except as otherwise provided in this subsection, the
3 provisions of NRS 179A.180 to 179A.240, inclusive, do not apply
4 to an employer who requests information and to whom information
5 is disseminated pursuant to this subsection.

6 5. Records of criminal history must be disseminated by an
7 agency of criminal justice upon request, to the following persons or
8 governmental entities:

9 (a) The person who is the subject of the record of criminal
10 history for the purposes of NRS 179A.150.

11 (b) The person who is the subject of the record of criminal
12 history or his attorney of record when the subject is a party in a
13 judicial, administrative, licensing, disciplinary or other proceeding
14 to which the information is relevant.

15 (c) The State Gaming Control Board.

16 (d) The State Board of Nursing.

17 (e) The Private Investigator's Licensing Board to investigate an
18 applicant for a license.

19 (f) A public administrator to carry out his duties as prescribed in
20 chapter 253 of NRS.

21 (g) A public guardian to investigate a ward or proposed ward or
22 persons who may have knowledge of assets belonging to a ward or
23 proposed ward.

24 (h) Any agency of criminal justice of the United States or of
25 another state or the District of Columbia.

26 (i) Any public utility subject to the jurisdiction of the Public
27 Utilities Commission of Nevada when the information is necessary
28 to conduct a security investigation of an employee or prospective
29 employee, or to protect the public health, safety or welfare.

30 (j) Persons and agencies authorized by statute, ordinance,
31 executive order, court rule, court decision or court order as
32 construed by appropriate state or local officers or agencies.

33 (k) Any person or governmental entity which has entered into a
34 contract to provide services to an agency of criminal justice relating
35 to the administration of criminal justice, if authorized by the
36 contract, and if the contract also specifies that the information will
37 be used only for stated purposes and that it will be otherwise
38 confidential in accordance with state and federal law and regulation.

39 (l) Any reporter for the electronic or printed media in his
40 professional capacity for communication to the public.

41 (m) Prospective employers if the person who is the subject of
42 the information has given written consent to the release of that
43 information by the agency which maintains it.



(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) An agency which provides child welfare services, as defined in NRS 432B.030.

(p) The Welfare Division of the Department of Human Resources or its designated representative.

(q) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(r) The State Disaster Identification Team of the Division of Emergency Management of the Department.

(s) The Commissioner of Insurance.

(t) The shift supervisor of personnel involved in the security of a resort hotel or the owner or shift manager of transient lodging as provided in section 4 of this act.

6. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 7. Chapter 481 of NRS is hereby amended by adding thereto a new section to read as follows:

1. For the purposes of the Driver's Privacy Protection Act of 1994, 18 U.S.C. § 2721, the Legislature hereby declares that the disclosure of personal information pursuant to subsection 3 is necessary to protect public safety.

2. To protect public safety:

(a) A resort hotel that wishes to obtain the names of registered owners of motor vehicles located on its property may submit to the Director the names of the shift supervisors of personnel involved in the security of the resort hotel who are authorized to receive such information.

(b) The owner of transient lodging who wishes to obtain the names of registered owners of motor vehicles located on his property may submit to the Director his name and the names of shift managers who are authorized to receive such information.

3. If a shift supervisor, owner or shift manager authorized to request and receive information pursuant to subsection 2 has reasonable suspicion to believe that a motor vehicle on the property may pose a threat to the safety of the public, the shift supervisor, owner or shift manager may present the license plate number of the motor vehicle to the Director to obtain the name of the registered owner of the motor vehicle. Upon the presentation



1 *of a license plate number, the Director shall release the name of*
2 *the registered owner of a motor vehicle to the shift supervisor,*
3 *owner or shift manager.*

4 *4. For the purposes of this section:*

5 *(a) "Registered owner" has the meaning ascribed to it in*
6 *NRS 482.102.*

7 *(b) "Resort hotel" has the meaning ascribed to it in*
8 *NRS 463.01865.*

9 *(c) "Transient lodging" includes any hotel, inn, motel or*
10 *motor court. The term does not include a resort hotel.*

11 **Sec. 8.** NRS 481.063 is hereby amended to read as follows:

12 481.063 1. The Director may charge and collect reasonable
13 fees for official publications of the Department and from persons
14 making use of files and records of the Department or its various
15 divisions for a private purpose. All money so collected must be
16 deposited in the State Treasury for credit to the Motor Vehicle Fund.

17 2. Except as otherwise provided in subsection 5, the Director
18 may release personal information, except a photograph, from a file
19 or record relating to the driver's license, identification card, or title
20 or registration of a vehicle of a person if the requester submits a
21 written release from the person who holds a lien on the vehicle, or
22 an agent of that person, or the person about whom the information is
23 requested which is dated not more than 90 days before the date of
24 the request. The written release must be in a form required by the
25 Director.

26 3. Except as otherwise provided in subsection 2 ~~H~~ *and section*
27 *7 of this act*, the Director shall not release to any person who is not
28 a representative of the Welfare Division of the Department of
29 Human Resources or an officer, employee or agent of a law
30 enforcement agency, an agent of the public defender's office or an
31 agency of a local government which collects fines imposed for
32 parking violations, who is not conducting an investigation pursuant
33 to NRS 253.0415, 253.044 or 253.220, who is not authorized to
34 transact insurance pursuant to chapter 680A of NRS or who is not
35 licensed as a private investigator pursuant to chapter 648 of NRS
36 and conducting an investigation of an insurance claim:

37 (a) A list which includes license plate numbers combined with
38 any other information in the records or files of the Department;

39 (b) The social security number of any person, if it is requested to
40 facilitate the solicitation of that person to purchase a product or
41 service; or

42 (c) The name, address, telephone number or any other
43 personally identifiable information if the information is requested by
44 the presentation of a license plate number.



1 ➤ When such personally identifiable information is requested of a
2 law enforcement agency by the presentation of a license plate
3 number, the law enforcement agency shall conduct an investigation
4 regarding the person about whom information is being requested or,
5 as soon as practicable, provide the requester with the requested
6 information if the requester officially reports that the motor vehicle
7 bearing that license plate was used in a violation of NRS 205.240,
8 205.345, 205.380 or 205.445.

9 4. Except as otherwise provided in subsections 2 and 5, the
10 Director shall not release any personal information from a file or
11 record relating to a driver's license, identification card, or title or
12 registration of a vehicle.

13 5. Except as otherwise provided in paragraph (a) and
14 subsection 6, if a person or governmental entity provides a
15 description of the information requested and its proposed use and
16 signs an affidavit to that effect, the Director may release any
17 personal information, except a photograph, from a file or record
18 relating to a driver's license, identification card, or title or
19 registration of a vehicle for use:

20 (a) By any governmental entity, including, but not limited to,
21 any court or law enforcement agency, in carrying out its functions,
22 or any person acting on behalf of a federal, state or local
23 governmental agency in carrying out its functions. The personal
24 information may include a photograph from a file or record relating
25 to a driver's license, identification card, or title or registration of a
26 vehicle.

27 (b) In connection with any civil, criminal, administrative or
28 arbitration proceeding before any federal or state court, regulatory
29 body, board, commission or agency, including, but not limited to,
30 use for service of process, investigation in anticipation of litigation,
31 and execution or enforcement of judgments and orders, or pursuant
32 to an order of a federal or state court.

33 (c) In connection with matters relating to:

- 34 (1) The safety of drivers of motor vehicles;
35 (2) Safety and thefts of motor vehicles;
36 (3) Emissions from motor vehicles;
37 (4) Alterations of products related to motor vehicles;
38 (5) An advisory notice relating to a motor vehicle or the
39 recall of a motor vehicle;
40 (6) Monitoring the performance of motor vehicles;
41 (7) Parts or accessories of motor vehicles;
42 (8) Dealers of motor vehicles; or
43 (9) Removal of nonowner records from the original records
44 of motor vehicle manufacturers.



(d) By any insurer, self-insurer or organization that provides assistance or support to an insurer or self-insurer or its agents, employees or contractors, in connection with activities relating to the rating, underwriting or investigation of claims or the prevention of fraud.

(e) In providing notice to the owners of vehicles that have been towed, repossessed or impounded.

(f) By an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license who is employed by or has applied for employment with the employer.

(g) By a private investigator, private patrolman or security consultant who is licensed pursuant to chapter 648 of NRS, for any use permitted pursuant to this section.

(h) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station for a journalistic purpose. The Department may not make any inquiries regarding the use of or reason for the information requested other than whether the information will be used for a journalistic purpose.

(i) In connection with an investigation conducted pursuant to NRS 253.0415, 253.044 or 253.220.

(j) In activities relating to research and the production of statistical reports, if the personal information will not be published or otherwise redisclosed, or used to contact any person.

(k) In the bulk distribution of surveys, marketing material or solicitations, if the Director has adopted policies and procedures to ensure that:

(1) The information will be used or sold only for use in the bulk distribution of surveys, marketing material or solicitations;

(2) Each person about whom the information is requested has clearly been provided with an opportunity to authorize such a use; and

(3) If the person about whom the information is requested does not authorize such a use, the bulk distribution will not be directed toward that person.

6. Except as otherwise provided in paragraph (j) of subsection 5, a person who requests and receives personal information may sell or disclose that information only for a use permitted pursuant to subsection 5. Such a person shall keep and maintain for 5 years a record of:

(a) Each person to whom the information is provided; and

(b) The purpose for which that person will use the information.

➔ The record must be made available for examination by the Department at all reasonable times upon request.



1 7. Except as otherwise provided in subsection 2, the Director
2 may deny any use of the files and records if he reasonably believes
3 that the information taken may be used for an unwarranted invasion
4 of a particular person's privacy.

5 8. Except as otherwise provided in NRS 485.316, the Director
6 shall not allow any person to make use of information retrieved
7 from the database created pursuant to NRS 485.313 for a private
8 purpose and shall not in any other way release any information
9 retrieved from that database.

10 9. The Director shall adopt such regulations as he deems
11 necessary to carry out the purposes of this section. In addition, the
12 Director shall, by regulation, establish a procedure whereby a person
13 who is requesting personal information may establish an account
14 with the Department to facilitate his ability to request information
15 electronically or by written request if he has submitted to the
16 Department proof of his employment or licensure, as applicable, and
17 a signed and notarized affidavit acknowledging:

18 (a) That he has read and fully understands the current laws and
19 regulations regarding the manner in which information from the
20 Department's files and records may be obtained and the limited uses
21 which are permitted;

22 (b) That he understands that any sale or disclosure of
23 information so obtained must be in accordance with the provisions
24 of this section;

25 (c) That he understands that a record will be maintained by the
26 Department of any information he requests; and

27 (d) That he understands that a violation of the provisions of this
28 section is a criminal offense.

29 10. It is unlawful for any person to:

30 (a) Make a false representation to obtain any information from
31 the files or records of the Department.

32 (b) Knowingly obtain or disclose any information from the files
33 or records of the Department for any use not permitted by the
34 provisions of this chapter.

35 11. As used in this section, "personal information" means
36 information that reveals the identity of a person, including, without
37 limitation, his photograph, social security number, driver's license
38 number, identification card number, name, address, telephone
39 number or information regarding a medical condition or disability.
40 The term does not include the zip code of a person when separate
41 from his full address, information regarding vehicular accidents or
42 driving violations in which he has been involved or other
43 information otherwise affecting his status as a driver.



- 1 **Sec. 9.** NRS 482.170 is hereby amended to read as follows:
2 482.170 Except as otherwise provided in NRS 481.063 and
3 485.316 ~~H~~ *and section 7 of this act*, all personal information in the
4 records of registration and licensing in the offices of the Department
5 is confidential and must not knowingly be disclosed by the
6 Department.
7 **Sec. 10.** This act becomes effective upon passage and
8 approval.



