

ASSEMBLY BILL NO. 497—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF THE DEPARTMENT OF MOTOR VEHICLES)

MARCH 22, 2007

Referred to Committee on Transportation

SUMMARY—Makes various changes to provisions governing transportation. (BDR 43-642)

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 transportation; revising provisions relating to services provided for the control of vehicular traffic related to a special event; requiring proof of insurance to be contained in an application for the registration of a motor vehicle; transferring certain duties for training peace officers from the Department of Motor Vehicles to the Department of Public Safety; revising provisions governing the revocation of driver's licenses; prohibiting a person who has a temporary driver's license from obtaining another temporary license in certain circumstances; revising provisions governing the issuance of motor vehicle insurance; revising provisions relating to the security that must be deposited when a report of certain motor vehicle accidents involving injury, death or damage to property is received by the Department of Motor Vehicles; requiring certain employees of the Nevada Transportation Authority to receive certain training; changing the name of the "Transportation Services Authority" to the "Nevada Transportation Authority"; requiring the Authority to appoint a Deputy Commissioner; providing the qualifications and duties of the Deputy Commissioner; and providing other matters properly relating thereto.



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Legislative Counsel's Digest:

Existing law provides that the Nevada Highway Patrol may enter into a contract with any person to provide services for the control of vehicular traffic related to a special event. (NRS 480.340) **Section 1** of this bill provides that any qualified personnel of the Department of Public Safety, as well as the Nevada Highway Patrol, may provide services for the control of vehicular traffic pursuant to the contract.

Section 1.3 of this bill requires an application for the registration of a motor vehicle to contain proof satisfactory to the Department of Motor Vehicles that the applicant carries insurance on the vehicle, in lieu of signing a declaration indicating that he has provided the insurance. (NRS 482.215, 485.185)

Section 1.7 of this bill transfers the duty of training peace officers in identifying and handling drivers who suffer from a diabetic condition or epileptic seizures from the Department of Motor Vehicles to the Department of Public Safety. (NRS 483.348)

Existing law requires the Department of Motor Vehicles to revoke the driver's license of a person who is convicted of certain felonies involving the use of a vehicle. Existing law further requires the Department to set aside the revocation during any period of imprisonment until the period of imprisonment is completed or until the person has been placed on residential confinement. (NRS 483.460) **Sections 2, 11 and 12** of this bill provide instead that the revocation will resume when the Department is notified by the Department of Corrections or the Department of Public Safety that the person has completed his period of imprisonment or has been placed on residential confinement or parole.

Existing law requires a law enforcement officer to revoke the driver's license, permit or privilege to drive of a person who has a concentration of alcohol of 0.08 or more in his blood or breath or who is found to have a detectable amount of a prohibited substance in his blood or urine. The officer is required to advise the person of his right to administrative and judicial review of the revocation and to have a temporary license, valid for 7 days, which the officer must issue upon request. (NRS 484.385) In addition, if the person requests administrative review of the revocation, the Department of Motor Vehicles is required to issue an additional temporary license which is valid for a period sufficient to complete the administrative review. (NRS 484.387) **Sections 3-6** of this bill provide that a person driving with a temporary permit is not entitled to receive an additional temporary permit if he is found again to have driven with a prohibited amount of alcohol in his blood or breath or a prohibited substance in his blood or urine.

Existing law requires each owner of a motor vehicle to maintain a certain amount of insurance against bodily injury or death. (NRS 485.185) **Section 7** of this bill requires that such insurance must be obtained from a company that is licensed and has been approved to do business in this State.

Existing law requires the Department of Motor Vehicles to suspend the driver's license or privilege to drive and the motor vehicle registrations of each owner of a motor vehicle involved in a motor vehicle accident involving injury or death when it is determined that the required security has not been deposited and the person has not been released from liability and has not executed an agreement to pay in installments. Existing law requires notice of the suspension to be sent to the person at least 10 days before the effective date of the suspension. (NRS 485.190) **Section 8** of this bill requires the suspension to be effective immediately after the determination is made unless the person immediately deposits the security at the hearing.

Under existing law, the Transportation Services Authority regulates fully regulated carriers, operators of tow cars and brokers of regulated services as provided for in chapter 706 of NRS. (NRS 706.151) **Sections 13 and 23-25** of this



bill change the name of the Transportation Services Authority to the Nevada Transportation Authority.

Section 19 of this bill requires the Authority to adopt regulations specifying the training which its compliance enforcement officers must receive.

Existing law allows the Authority to appoint a Deputy and employ other persons as needed. (NRS 706.176) **Section 27** of this bill requires the Authority to appoint a Deputy Commissioner and sets forth the qualifications and duties for the position. **Section 27** also requires the Authority to employ compliance enforcement officers and sets forth the duties for those positions.

Existing law provides that an employee designated as an inspector or as Manager of Transportation by the Authority is a peace officer and has police powers. (NRS 289.320) **Section 14** of this bill amends this provision to apply only to inspectors.

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

Section 1. NRS 480.340 is hereby amended to read as follows:

480.340 1. Except as otherwise provided in this section, the Chief of the Nevada Highway Patrol may enter into a contract with any person or governmental agency to provide services for the control of vehicular traffic related to or affected by any special event sponsored by the person or agency.

2. Any such contract:

(a) Must require the sponsor of the special event to reimburse the Nevada Highway Patrol for the cost of the services provided.

(b) May require the sponsor to furnish a bond to ensure that reimbursement is made.

(c) Is subject to the following limitations:

(1) The services provided pursuant to the contract must be provided by personnel of the Nevada Highway Patrol ~~or~~ *or other qualified personnel of the Department.*

(2) The services required must not impair the ability of the Nevada Highway Patrol to perform its customary duties.

3. Any money received by the Nevada Highway Patrol pursuant to such a contract must be deposited with the State Treasurer for credit to the State Highway Fund.

4. As used in this section, "special event" has the meaning ascribed to it in NRS 484.900.

Sec. 1.3. NRS 482.215 is hereby amended to read as follows:

482.215 1. All applications for registration, except applications for renewal of registration, must be made as provided in this section.

2. Except as otherwise provided in NRS 482.294, applications for all registrations, except renewals of registration, must be made in person, if practicable, to any office or agent of the Department or to a registered dealer.



3. Each application must be made upon the appropriate form furnished by the Department and contain:

(a) The signature of the owner, except as otherwise provided in subsection 2 of NRS 482.294, if applicable.

(b) His residential address.

(c) His declaration of the county where he intends the vehicle to be based, unless the vehicle is deemed to have no base. The Department shall use this declaration to determine the county to which the governmental services tax is to be paid.

(d) A brief description of the vehicle to be registered, including the name of the maker, the engine, identification or serial number, whether new or used, and the last license number, if known, and the state in which it was issued, and upon the registration of a new vehicle, the date of sale by the manufacturer or franchised and licensed dealer in this State for the make to be registered to the person first purchasing or operating the vehicle.

(e) Except as otherwise provided in this paragraph, if the applicant is not an owner of a fleet of vehicles or a person described in subsection 5 ~~(f)~~ :

(1) Proof satisfactory to the Department or registered dealer that the applicant carries insurance on the vehicle, and if the insurance is not provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State as required by NRS 485.185, the applicant must meet the requirements of NRS 485.185 within 7 calendar days; and

(2) A declaration signed by the applicant that he ~~has provided the insurance required by NRS 485.185 and~~ will maintain the insurance required by NRS 485.185 during the period of registration. If the application is submitted by electronic means pursuant to NRS 482.294, the applicant is not required to sign the declaration required by this paragraph.

(f) If the applicant is an owner of a fleet of vehicles or a person described in subsection 5, evidence of insurance:

(1) In the form of a certificate of insurance on a form approved by the Commissioner of Insurance;

(2) In the form of a card issued pursuant to NRS 690B.023 which identifies the vehicle and indicates, at the time of application for registration, coverage which meets the requirements of NRS 485.185; or

(3) In another form satisfactory to the Department.

➡ The Department may file that evidence, return it to the applicant or otherwise dispose of it.

(g) If required, evidence of the applicant's compliance with controls over emission.



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4. The application must contain such other information as is required by the Department or registered dealer and must be accompanied by proof of ownership satisfactory to the Department.

5. For purposes of the evidence required by paragraph (f) of subsection 3:

(a) Vehicles which are subject to the fee for a license and the requirements of registration of the Interstate Highway User Fee Apportionment Act, and which are based in this State, may be declared as a fleet by the registered owner thereof on his original application for or application for renewal of a proportional registration. The owner may file a single certificate of insurance covering that fleet.

(b) Other fleets composed of 10 or more vehicles based in this State or vehicles insured under a blanket policy which does not identify individual vehicles may each be declared annually as a fleet by the registered owner thereof for the purposes of an application for his original or any renewed registration. The owner may file a single certificate of insurance covering that fleet.

(c) A person who qualifies as a self-insurer pursuant to the provisions of NRS 485.380 may file a copy of his certificate of self-insurance.

(d) A person who qualifies for an operator's policy of liability insurance pursuant to the provisions of NRS 485.186 and 485.3091 may file evidence of that insurance.

Sec. 1.7. NRS 483.348 is hereby amended to read as follows:

483.348 1. Except as otherwise provided in subsection 2, the Department shall issue a driver's license with a specially colored background to any person who qualifies for a driver's license pursuant to the provisions of this chapter and delivers to the Department a signed statement from a physician that the person is an insulin dependent diabetic or an epileptic. The Department shall designate one color to be used only for a driver's license held by a diabetic and another color to be used only for a driver's license held by an epileptic.

2. In lieu of issuing a driver's license pursuant to subsection 1, the Department may issue to a person specified in that subsection a driver's license with a specially colored border around the photograph on the license.

3. The Department *of Public Safety* shall provide for the education of peace officers on the:

(a) Effects and treatment of a person suffering from ~~insulin shock~~ *a diabetic condition* or an epileptic seizure and the similarity in appearance of a person suffering from ~~insulin-shock~~ *a diabetic condition* or an epileptic seizure to a person under the influence of alcohol or a controlled substance; and



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(b) Procedures for identifying and handling situations involving a person suffering from ~~[insulin-shock]~~ *a diabetic condition* or an epileptic seizure.

Sec. 2. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection 2 of NRS 484.377.

(2) A violation of NRS 484.379 that is punishable as a felony pursuant to NRS 484.3792.

(3) A violation of NRS 484.3795 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955.

➔ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume ~~[upon completion of]~~ *when the Department is notified pursuant to section 11 or 12 of this act that the person has completed the* period of imprisonment or ~~[when]~~ *that the person [is] has been* placed on residential confinement ~~[]~~ *or parole.*

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484.3775, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle accident resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A violation of NRS 484.379 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484.348.



(c) For a period of 90 days, if the offense is a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484.379 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792 has been permitted to enter a program of treatment pursuant to NRS 484.37937, the Department shall reduce by one-half the period during which he is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that he was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484.3943 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his first such offense during the period of required use of the device.

(b) For 5 years, if it is his second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064 or 206.330, chapter 484 of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484.3941.

Sec. 3. NRS 484.385 is hereby amended to read as follows:

484.385 1. As agent for the Department, the officer who obtained the result of a test given pursuant to NRS 484.382 or 484.383 shall immediately serve an order of revocation of the license, permit or privilege to drive on a person who has a concentration of alcohol of 0.08 or more in his blood or breath or has a detectable amount of a prohibited substance in his blood or



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1 urine, if that person is present, and shall seize his license or permit
2 to drive. The officer shall then advise him of his right to
3 administrative and judicial review of the revocation ~~[and to have a]~~
4 *pursuant to NRS 484.387 and, except as otherwise provided in this*
5 *subsection, that he has a right to request a temporary license .* ~~;~~
6 ~~and~~ *If the person currently is driving with a temporary license*
7 *that was issued pursuant to this section or NRS 484.387, he is not*
8 *entitled to request an additional temporary license pursuant to this*
9 *section or NRS 484.387, and the order of revocation issued by the*
10 *officer must revoke the temporary license that was previously*
11 *issued. If the person is entitled to request a temporary license, the*
12 *officer* shall issue him a temporary license on a form approved by
13 the Department if he requests one, which is effective for only 7 days
14 including the date of issuance. The officer shall immediately
15 transmit the person's license or permit to the Department along with
16 the written certificate required by subsection 2.

17 2. When a police officer has served an order of revocation of a
18 driver's license, permit or privilege on a person pursuant to
19 subsection 1, or later receives the result of an evidentiary test which
20 indicates that a person, not then present, had a concentration of
21 alcohol of 0.08 or more in his blood or breath or had a detectable
22 amount of a prohibited substance in his blood or urine, the officer
23 shall immediately prepare and transmit to the Department, together
24 with the seized license or permit and a copy of the result of the test,
25 a written certificate that he had reasonable grounds to believe that
26 the person had been driving or in actual physical control of a vehicle
27 with a concentration of alcohol of 0.08 or more in his blood or
28 breath or with a detectable amount of a prohibited substance in his
29 blood or urine, as determined by a chemical test. The certificate
30 must also indicate whether the officer served an order of revocation
31 on the person and whether he issued the person a temporary license.

32 3. The Department, upon receipt of such a certificate for which
33 an order of revocation has not been served, after examining the
34 certificate and copy of the result of the chemical test, if any, and
35 finding that revocation is proper, shall issue an order revoking the
36 person's license, permit or privilege to drive by mailing the order to
37 the person at his last known address. The order must indicate the
38 grounds for the revocation and the period during which the person is
39 not eligible for a license, permit or privilege to drive and state that
40 the person has a right to administrative and judicial review of the
41 revocation and to have a temporary license. The order of revocation
42 becomes effective 5 days after mailing.

43 4. Notice of an order of revocation and notice of the
44 affirmation of a prior order of revocation or the cancellation of a
45 temporary license provided in NRS 484.387 is sufficient if it is



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1 mailed to the person's last known address as shown by any
2 application for a license. The date of mailing may be proved by the
3 certificate of any officer or employee of the Department, specifying
4 the time of mailing the notice. The notice is presumed to have been
5 received upon the expiration of 5 days after it is deposited, postage
6 prepaid, in the United States mail.

7 **Sec. 4.** NRS 484.385 is hereby amended to read as follows:

8 484.385 1. As agent for the Department, the officer who
9 obtained the result of a test given pursuant to NRS 484.382 or
10 484.383 shall immediately serve an order of revocation of the
11 license, permit or privilege to drive on a person who has a
12 concentration of alcohol of 0.10 or more in his blood or breath or
13 has a detectable amount of a prohibited substance in his blood or
14 urine, if that person is present, and shall seize his license or permit
15 to drive. The officer shall then advise him of his right to
16 administrative and judicial review of the revocation ~~[and to have a]~~
17 *pursuant to NRS 484.387 and, except as otherwise provided in this*
18 *subsection, that he has a right to request a temporary license . [*
19 *and]* *If the person currently is driving with a temporary license*
20 *that was issued pursuant to this section or NRS 484.387, he is not*
21 *entitled to request an additional temporary license pursuant to this*
22 *section or NRS 484.387, and the order of revocation issued by the*
23 *officer must revoke the temporary license that was previously*
24 *issued. If the person is entitled to request a temporary license, the*
25 *officer* shall issue him a temporary license on a form approved by
26 the Department if he requests one, which is effective for only 7 days
27 including the date of issuance. The officer shall immediately
28 transmit the person's license or permit to the Department along with
29 the written certificate required by subsection 2.

30 2. When a police officer has served an order of revocation of a
31 driver's license, permit or privilege on a person pursuant to
32 subsection 1, or later receives the result of an evidentiary test which
33 indicates that a person, not then present, had a concentration of
34 alcohol of 0.10 or more in his blood or breath or had a detectable
35 amount of a prohibited substance in his blood or urine, the officer
36 shall immediately prepare and transmit to the Department, together
37 with the seized license or permit and a copy of the result of the test,
38 a written certificate that he had reasonable grounds to believe that
39 the person had been driving or in actual physical control of a vehicle
40 with a concentration of alcohol of 0.10 or more in his blood or
41 breath or with a detectable amount of a prohibited substance in his
42 blood or urine, as determined by a chemical test. The certificate
43 must also indicate whether the officer served an order of revocation
44 on the person and whether he issued the person a temporary license.



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3. The Department, upon receipt of such a certificate for which an order of revocation has not been served, after examining the certificate and copy of the result of the chemical test, if any, and finding that revocation is proper, shall issue an order revoking the person's license, permit or privilege to drive by mailing the order to the person at his last known address. The order must indicate the grounds for the revocation and the period during which the person is not eligible for a license, permit or privilege to drive and state that the person has a right to administrative and judicial review of the revocation and to have a temporary license. The order of revocation becomes effective 5 days after mailing.

4. Notice of an order of revocation and notice of the affirmation of a prior order of revocation or the cancellation of a temporary license provided in NRS 484.387 is sufficient if it is mailed to the person's last known address as shown by any application for a license. The date of mailing may be proved by the certificate of any officer or employee of the Department, specifying the time of mailing the notice. The notice is presumed to have been received upon the expiration of 5 days after it is deposited, postage prepaid, in the United States mail.

Sec. 5. NRS 484.387 is hereby amended to read as follows:

484.387 1. At any time while a person is not eligible for a license, permit or privilege to drive following an order of revocation issued pursuant to NRS 484.385, he may request in writing a hearing by the Department to review the order of revocation, but he is only entitled to one hearing. The hearing must be conducted within 15 days after receipt of the request, or as soon thereafter as is practicable, in the county where the requester resides unless the parties agree otherwise. The Director or his agent may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the requester. ~~[The]~~ *Unless the person is ineligible for a temporary license pursuant to NRS 484.385, the* Department shall issue an additional temporary license for a period which is sufficient to complete the administrative review.

2. The scope of the hearing must be limited to the issue of whether the person, at the time of the test, had a concentration of alcohol of 0.08 or more in his blood or breath or a detectable amount of a prohibited substance in his blood or urine. Upon an affirmative finding on this issue, the Department shall affirm the order of revocation. Otherwise, the order of revocation must be rescinded.

3. If, after the hearing, the order of revocation is affirmed, the person whose license, privilege or permit has been revoked is entitled to a review of the same issues in district court in the same



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1 manner as provided by chapter 233B of NRS. The court shall notify
2 the Department upon the issuance of a stay, and the Department
3 shall issue an additional temporary license for a period which is
4 sufficient to complete the review.

5 4. If a hearing officer grants a continuance of a hearing at the
6 request of the person whose license was revoked, or a court does so
7 after issuing a stay of the revocation, the officer or court shall notify
8 the Department, and the Department shall cancel the temporary
9 license and notify the holder by mailing the order of cancellation to
10 his last known address.

11 **Sec. 6.** NRS 484.387 is hereby amended to read as follows:

12 484.387 1. At any time while a person is not eligible for a
13 license, permit or privilege to drive following an order of revocation
14 issued pursuant to NRS 484.385, he may request in writing a
15 hearing by the Department to review the order of revocation, but he
16 is only entitled to one hearing. The hearing must be conducted
17 within 15 days after receipt of the request, or as soon thereafter as is
18 practicable, in the county where the requester resides unless the
19 parties agree otherwise. The Director or his agent may issue
20 subpoenas for the attendance of witnesses and the production of
21 relevant books and papers and may require a reexamination of the
22 requester. ~~[The]~~ *Unless the person is ineligible for a temporary*
23 *license pursuant to NRS 484.385, the* Department shall issue an
24 additional temporary license for a period which is sufficient to
25 complete the administrative review.

26 2. The scope of the hearing must be limited to the issue of
27 whether the person, at the time of the test, had a concentration of
28 alcohol of 0.10 or more in his blood or breath or a detectable
29 amount of a prohibited substance in his blood or urine. Upon an
30 affirmative finding on this issue, the Department shall affirm the
31 order of revocation. Otherwise, the order of revocation must be
32 rescinded.

33 3. If, after the hearing, the order of revocation is affirmed, the
34 person whose license, privilege or permit has been revoked is
35 entitled to a review of the same issues in district court in the same
36 manner as provided by chapter 233B of NRS. The court shall notify
37 the Department upon the issuance of a stay, and the Department
38 shall issue an additional temporary license for a period which is
39 sufficient to complete the review.

40 4. If a hearing officer grants a continuance of a hearing at the
41 request of the person whose license was revoked, or a court does so
42 after issuing a stay of the revocation, the officer or court shall notify
43 the Department, and the Department shall cancel the temporary
44 license and notify the holder by mailing the order of cancellation to
45 his last known address.



1 **Sec. 7.** NRS 485.185 is hereby amended to read as follows:

2 485.185 Every owner of a motor vehicle which is registered or
3 required to be registered in this State shall continuously provide,
4 while the motor vehicle is present or registered in this State,
5 insurance ~~[-]~~ *provided by an insurance company licensed by the*
6 *Division of Insurance of the Department of Business and Industry*
7 *and approved to do business in this State:*

8 1. In the amount of \$15,000 for bodily injury to or death of one
9 person in any one accident;

10 2. Subject to the limit for one person, in the amount of \$30,000
11 for bodily injury to or death of two or more persons in any one
12 accident; and

13 3. In the amount of \$10,000 for injury to or destruction of
14 property of others in any one accident,

15 ➔ for the payment of tort liabilities arising from the maintenance or
16 use of the motor vehicle.

17 **Sec. 8.** NRS 485.190 is hereby amended to read as follows:

18 485.190 1. If 20 days after the receipt of a report of an
19 accident involving a motor vehicle within this State which has
20 resulted in bodily injury or death, or damage to the property of any
21 one person in excess of \$750, the Department does not have on file
22 evidence satisfactory to it that the person who would otherwise be
23 required to file security under subsection 2 ~~[of this section]~~ has been
24 released from liability, has been finally adjudicated not to be liable
25 or has executed an acknowledged written agreement providing for
26 the payment of an agreed amount in installments with respect to all
27 claims for injuries or damages resulting from the accident, the
28 Department shall upon request set the matter for a hearing as
29 provided in NRS 485.191.

30 2. The Department shall ~~[-, at any time]~~ , *immediately* after a
31 determination adverse to an operator or owner *is made in a hearing*
32 pursuant to NRS 485.191, suspend the license of each operator and
33 all registrations of each owner of a motor vehicle involved in such
34 an accident, and, if the operator is a nonresident, the privilege of
35 operating a motor vehicle within this State, and, if the owner is a
36 nonresident, the privilege of the use within this State of any motor
37 vehicle owned by him, unless the operator or owner, or both,
38 *immediately* deposit security in the sum so determined by the
39 Department ~~[-. Notice of such a suspension must be sent by the~~
40 ~~Department to the operator and owner not less than 10 days before~~
41 ~~the effective date of the suspension and must state the amount~~
42 ~~required as security.]~~ *at the hearing.* If erroneous information is
43 given to the Department with respect to the matters set forth in
44 paragraph (a), (b) or (c) of subsection 1 of NRS 485.200, the



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1 Department shall take appropriate action as provided in this section
2 after it receives correct information with respect to those matters.

3 **Sec. 9.** NRS 485.301 is hereby amended to read as follows:

4 485.301 1. Whenever any person fails within 60 days to
5 satisfy any judgment ~~{ }~~ *that was entered as a result of an accident*
6 *involving a motor vehicle*, the judgment creditor or his attorney may
7 forward to the Department immediately after the expiration of the
8 60 days a certified copy of the judgment.

9 2. If the defendant named in any certified copy of a judgment
10 *that was entered as a result of an accident involving a motor*
11 *vehicle and* reported to the Department is a nonresident, the
12 Department shall transmit a certified copy of the judgment to the
13 officer in charge of the issuance of licenses and registration
14 certificates of the state in which the defendant is a resident.

15 **Sec. 10.** NRS 485.3099 is hereby amended to read as follows:

16 485.3099 1. The Department shall, upon request, consent to
17 the immediate cancellation of any certificate of financial
18 responsibility or waive the requirement of filing proof of financial
19 responsibility, in ~~{any of}~~ the following events:

20 (a) ~~{At any time after 3 years after the date the proof of financial~~
21 ~~responsibility was required when, during the 3 year period~~
22 ~~preceding the request, the Department has not received a record of a~~
23 ~~conviction or a forfeiture of bail which would require or permit the~~
24 ~~suspension or revocation of the license, registration or nonresident's~~
25 ~~operating privilege of the person by or for whom the proof of~~
26 ~~financial responsibility was furnished;~~

27 ~~—(b)}~~ The death of the person on whose behalf the proof of
28 financial responsibility was filed or the permanent incapacity of the
29 person to operate a motor vehicle; or

30 ~~{(e)}~~ (b) If the person who is required to file proof of financial
31 responsibility surrenders his license and registration to the
32 Department.

33 2. If a person who surrenders his license and registration
34 pursuant to paragraph ~~{(e)}~~ (b) of subsection 1 applies for a license
35 or registration within a period of 3 years after the date proof of
36 financial responsibility was originally required, the application must
37 be refused unless the applicant reestablishes proof of financial
38 responsibility for the remainder of the 3-year period.

39 **Sec. 11.** Chapter 209 of NRS is hereby amended by adding
40 thereto a new section to read as follows:

41 *The Director shall notify the Department of Motor Vehicles*
42 *when a driver who has had his license, permit or privilege to drive*
43 *revoked pursuant to NRS 483.460 has completed a period of*
44 *imprisonment or is placed on residential confinement. The*
45 *notification process must conform to the guidelines provided in*



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regulation by the Department of Motor Vehicles pursuant to NRS 483.460. The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment or when the person is placed on residential confinement.

Sec. 12. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

The Chief shall notify the Department of Motor Vehicles when a driver who has had his license, permit or privilege to drive revoked pursuant to NRS 483.460 is placed on parole. The notification process must conform to the guidelines provided in regulation by the Department of Motor Vehicles pursuant to NRS 483.460. The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment or when the person is placed on residential confinement.

Sec. 13. NRS 232.510 is hereby amended to read as follows:

232.510 1. The Department of Business and Industry is hereby created.

2. The Department consists of a Director and the following:

- (a) Consumer Affairs Division.
- (b) Division of Financial Institutions.
- (c) Housing Division.
- (d) Manufactured Housing Division.
- (e) Real Estate Division.
- (f) Division of Insurance.
- (g) Division of Industrial Relations.
- (h) Office of Labor Commissioner.
- (i) Taxicab Authority.
- (j) Nevada Athletic Commission.
- (k) Office of the Nevada Attorney for Injured Workers.
- (l) *Nevada* Transportation ~~{Services}~~ Authority.
- (m) Division of Mortgage Lending.

(n) Any other office, commission, board, agency or entity created or placed within the Department pursuant to a specific statute, the budget approved by the Legislature or an executive order, or an entity whose budget or activities have been placed within the control of the Department by a specific statute.

Sec. 14. NRS 289.320 is hereby amended to read as follows:

289.320 An employee of the *Nevada* Transportation ~~{Services}~~ Authority whom it designates as an inspector ~~{or as Manager of Transportation}~~ is a peace officer and has police power for the enforcement of the provisions of:



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1 1. Chapters 706 and 712 of NRS and all regulations of the
2 *Nevada* Transportation ~~{Services}~~ Authority or the Department of
3 Motor Vehicles pertaining thereto; and

4 2. Chapter 482 of NRS and NRS 483.230, 483.350 and
5 483.530 to 483.620, inclusive, for the purposes of carrying out the
6 provisions of chapter 706 of NRS.

7 **Sec. 15.** Chapter 706 of NRS is hereby amended by adding
8 thereto the provisions set forth as sections 16 to 19, inclusive, of this
9 act.

10 **Sec. 16.** *“Chairman” means the person designated as*
11 *Chairman of the Authority by the Governor pursuant to*
12 *NRS 706.1512.*

13 **Sec. 17.** *“Compliance enforcement officer” means a person*
14 *employed pursuant to NRS 706.176 whose duties include*
15 *enforcing certain state statutes and regulations pertaining to*
16 *motor carriers.*

17 **Sec. 18.** *“Deputy Commissioner” means the person*
18 *appointed as Deputy Commissioner of the Authority pursuant to*
19 *NRS 706.176.*

20 **Sec. 19.** *The Authority shall adopt regulations setting forth*
21 *the training which a compliance enforcement officer employed by*
22 *the Authority pursuant to NRS 706.176 must complete, including,*
23 *without limitation, training in commercial vehicle safety*
24 *inspections provided by the Nevada Highway Patrol.*

25 **Sec. 20.** NRS 706.011 is hereby amended to read as follows:
26 706.011 As used in NRS 706.011 to 706.791, inclusive, *and*
27 *sections 16 to 19, inclusive, of this act*, unless the context otherwise
28 requires, the words and terms defined in NRS 706.013 to 706.146,
29 inclusive, *and sections 16, 17 and 18 of this act* have the meanings
30 ascribed to them in those sections.

31 **Sec. 21.** NRS 706.018 is hereby amended to read as follows:
32 706.018 “Authority” means the *Nevada* Transportation
33 ~~{Services}~~ Authority created pursuant to NRS 706.1511.

34 **Sec. 22.** NRS 706.151 is hereby amended to read as follows:
35 706.151 1. It is hereby declared to be the purpose and policy
36 of the Legislature in enacting this chapter:

37 (a) Except to the extent otherwise provided in NRS 706.881 to
38 706.885, inclusive, *and sections 16 to 19, inclusive, of this act*, to
39 confer upon the Authority the power and to make it the duty of the
40 Authority to regulate fully regulated carriers, operators of tow cars
41 and brokers of regulated services to the extent provided in this
42 chapter and to confer upon the Department of Motor Vehicles the
43 power to license all motor carriers and to make it the duty of the
44 Department of Motor Vehicles and the Department of Public Safety
45 to enforce the provisions of this chapter and the regulations adopted



1 by the Authority pursuant to it, to relieve the undue burdens on the
2 highways arising by reason of the use of the highways by vehicles in
3 a gainful occupation thereon.

4 (b) To provide for reasonable compensation for the use of the
5 highways in gainful occupations, and enable the State of Nevada, by
6 using license fees, to provide for the proper construction,
7 maintenance and repair thereof, and thereby protect the safety and
8 welfare of the traveling and shipping public in their use of the
9 highways.

10 (c) To provide for fair and impartial regulation, to promote safe,
11 adequate, economical and efficient service and to foster sound
12 economic conditions in motor transportation.

13 (d) To encourage the establishment and maintenance of
14 reasonable charges for:

15 (1) Intrastate transportation by fully regulated carriers; and

16 (2) Towing services performed without the prior consent of
17 the owner of the vehicle or the person authorized by the owner to
18 operate the vehicle,

19 ➤ without unjust discriminations against or undue preferences or
20 advantages being given to any motor carrier or applicant for a
21 certificate of public convenience and necessity.

22 (e) To discourage any practices which would tend to increase or
23 create competition that may be detrimental to the traveling and
24 shipping public or the motor carrier business within this State.

25 2. All of the provisions of this chapter must be administered
26 and enforced with a view to carrying out the declaration of policy
27 contained in this section.

28 **Sec. 23.** NRS 706.1511 is hereby amended to read as follows:

29 706.1511 1. The *Nevada* Transportation [Services] Authority
30 is hereby created.

31 2. The Authority consists of three members appointed by the
32 Governor. After the initial term each member shall serve a term of 4
33 years.

34 3. The Governor shall appoint to the Authority members who
35 have at least 2 years of experience in one or more of the following
36 fields:

37 (a) Accounting.

38 (b) Business administration.

39 (c) Economics.

40 (d) Administrative law.

41 (e) Transportation.

42 (f) Professional engineering.

43 ➤ At least one but not more than two of the members appointed
44 must be residents of Clark County.

45 4. Not more than two of the members may be:



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(a) Members of the same political party.

(b) From the same field of experience.

5. All of the members must be persons who are independent of the industries regulated by the Authority. No elected officer of this State or any political subdivision is eligible for appointment.

6. The members of the Authority shall give their entire time to the business of the Authority and shall not pursue any other business or vocation or hold any other office of profit.

7. Each member of the Authority serves at the pleasure of the Governor.

Sec. 24. NRS 706.1513 is hereby amended to read as follows:

706.1513 The Authority may sue and be sued in the name of the *Nevada* Transportation ~~[Services]~~ Authority.

Sec. 25. NRS 706.1516 is hereby amended to read as follows:

706.1516 1. The *Nevada* Transportation ~~[Services]~~ Authority Regulatory Fund is hereby created as a special revenue fund. All money collected by the Authority pursuant to law must be deposited in the State Treasury for credit to the Fund.

2. Money in the Fund may be used only to defray the costs of:

(a) Maintaining staff and equipment needed to regulate adequately persons subject to the jurisdiction of the Authority.

(b) Participating in all proceedings relevant to the jurisdiction of the Authority.

(c) Audits, inspections, investigations, publication of notices, reports and retaining consultants connected with that maintenance and participation.

(d) The salaries, travel expenses and subsistence allowances of the members of the Authority.

3. All claims against the Fund must be paid as other claims against the State are paid.

4. The Authority must furnish upon request a statement showing the balance remaining in the Fund as of the close of the preceding fiscal year.

Sec. 26. NRS 706.1715 is hereby amended to read as follows:

706.1715 1. The Attorney General shall:

(a) Act as counsel and attorney for the Authority in all actions, proceedings and hearings.

(b) Prosecute in the name of the *Nevada* Transportation ~~[Services]~~ Authority all civil actions for the enforcement of this chapter and for the recovery of any penalty or forfeiture provided for therein.

(c) Generally aid the Authority in the performance of its duties and the enforcement of this chapter.



2. The Attorney General or any district attorney may prosecute any violation of this chapter or chapter 712 of NRS for which a criminal penalty is provided.

Sec. 27. NRS 706.176 is hereby amended to read as follows:

706.176 **1.** The Authority ~~may:~~

~~1. Appoint a Deputy who serves in the unclassified service of the State.~~

~~2. Employ] shall appoint a Deputy Commissioner who:~~

(a) Must be knowledgeable and experienced in public administration and fiscal management;

(b) Must be knowledgeable in the areas of motor carrier regulation by the Authority; and

(c) Must be independent of and have no pecuniary interest in any entity regulated by the Authority.

2. The Deputy Commissioner shall:

(a) Serve as Chief Financial Officer for the Authority and is responsible for directing the daily operation of the Authority, including, without limitation:

(1) Budget preparation;

(2) Administration;

(3) Human resources;

(4) Purchases and acquisitions made by the Authority; and

(5) Contracts and leases entered into by the Authority;

(b) Develop and implement policies and procedures to ensure the efficient operation of the Authority;

(c) Oversee:

(1) The review of applications for certificates, permits and modifications of tariffs;

(2) The maintenance of a hearing calendar of all matters pending before the Authority; and

(3) Compliance with and enforcement of State statutes and regulations pertaining to motor carriers which are regulated by the Authority; and

(d) Authenticate documents and serve as custodian of all agency records.

3. The Deputy Commissioner is in the unclassified service of the State.

4. The Authority shall employ compliance enforcement officers whose duties shall include, without limitation, enforcement activities to ensure motor carriers are operating in compliance with State statutes and regulations, conducting operational inspections of motor carriers and investigating complaints against motor carriers.

5. The Authority may employ such other personnel as may be necessary.



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1 **Sec. 28.** On October 1, 2007, the State Controller shall transfer
2 all assets and liabilities from the Transportation Services Authority
3 Regulatory Fund to the Nevada Transportation Authority Regulatory
4 Fund created pursuant to section 25 of this act.

5 **Sec. 29.** The Legislative Counsel shall:

6 1. In preparing the reprint and supplements to the Nevada
7 Revised Statutes, appropriately change any references to an officer,
8 agency or other entity whose name is changed or whose
9 responsibilities are transferred pursuant to the provisions of this act
10 to refer to the appropriate officer, agency or other entity.

11 2. In preparing supplements to the Nevada Administrative
12 Code, appropriately change any references to an officer, agency or
13 other entity whose name is changed or whose responsibilities are
14 transferred pursuant to the provisions of this act to refer to the
15 appropriate officer, agency or other entity.

16 **Sec. 30.** 1. This section and section 1 of this act become
17 effective upon passage and approval.

18 2. Sections 13 to 29, inclusive, of this act, become effective
19 upon passage and approval for the purpose of adopting regulations
20 and conducting any preliminary activities necessary to ensure that
21 the provisions of this act are carried out in an orderly fashion and on
22 October 1, 2007, for all other purposes.

23 3. Sections 1.3, 1.7, 3, 5 and 7 to 10, inclusive, of this act
24 become effective on October 1, 2007.

25 4. Sections 2, 11 and 12 of this act become effective on
26 March 1, 2008.

27 5. Sections 3 and 5 of this act expire by limitation on the date
28 of the repeal of the federal law requiring each state to make it
29 unlawful for a person to operate a motor vehicle with a blood
30 alcohol concentration of 0.08 percent or greater as a condition to
31 receiving federal funding for the construction of highways in this
32 State.

33 6. Sections 4 and 6 of this act become effective on the date of
34 the repeal of the federal law requiring each state to make it unlawful
35 for a person to operate a motor vehicle with a blood alcohol
36 concentration of 0.08 percent or greater as a condition to receiving
37 federal funding for the construction of highways in this State.

