
ASSEMBLY BILL NO. 184—ASSEMBLYMEN AIZLEY, SEGERBLOM,
OHRENSCHALL; KIRKPATRICK AND KOIVISTO

FEBRUARY 17, 2009

JOINT SPONSOR: SENATOR PARKS

Referred to Committee on Commerce and Labor

SUMMARY—Prohibits discrimination with regard to gender identity or expression. (BDR 53-792)

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

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to gender identity; prohibiting employers from discriminating against employees with respect to the gender identity or expression of the employee; revising provisions governing drivers' licenses and identification cards to allow a person to apply for and receive a license or card indicating his choice of gender; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Sections 1-16** of this bill make it an unlawful employment practice to
2 discriminate against an employee with respect to the gender identity or expression
3 of the employee. **Sections 17-23** of this bill allow a person to apply for and receive
4 a driver's license or identification card which, if it indicates the sex of the person,
5 indicates the sex corresponding to the gender selected by the person.

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

1 **Section 1.** NRS 610.010 is hereby amended to read as follows:
2 610.010 As used in this chapter, unless the context otherwise
3 requires:
4 1. "Agreement" means a written and signed agreement of
5 indenture as an apprentice.



2. "Apprentice" means a person who is covered by a written agreement, issued pursuant to a program with an employer, or with an association of employers or an organization of employees acting as agent for an employer.

3. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

4. *"Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.*

5. "Program" means a program of training and instruction as an apprentice in an occupation in which a person may be apprenticed.

~~5.1~~ 6. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 2. NRS 610.020 is hereby amended to read as follows:

610.020 The purposes of this chapter are:

1. To open to people, without regard to race, color, creed, sex, sexual orientation, *gender identity or expression*, religion, disability or national origin, the opportunity to obtain training that will equip them for profitable employment and citizenship.

2. To establish, as a means to this end, an organized program for the voluntary training of persons under approved standards for apprenticeship, providing facilities for their training and guidance in the arts and crafts of industry and trade, with instruction in related and supplementary education.

3. To promote opportunities for employment for all persons, without regard to race, color, creed, sex, sexual orientation, *gender identity or expression*, religion, disability or national origin, under conditions providing adequate training and reasonable earnings.

4. To regulate the supply of skilled workers in relation to the demand for skilled workers.

5. To establish standards for the training of apprentices in approved programs.

6. To establish a State Apprenticeship Council with the authority to carry out the purposes of this chapter and provide for local joint apprenticeship committees to assist in carrying out the purposes of this chapter.

7. To provide for a State Director of Apprenticeship.

8. To provide for reports to the Legislature and to the public regarding the status of the training of apprentices in the State.

9. To establish procedures for regulating programs and deciding controversies concerning programs and agreements.



10. To accomplish related ends.

Sec. 3. NRS 610.150 is hereby amended to read as follows:

610.150 Every agreement entered into under this chapter must contain:

1. The names and signatures of the contracting parties and the signature of a parent or legal guardian if the apprentice is a minor.

2. The date of birth of the apprentice.

3. The name and address of the sponsor of the program.

4. A statement of the trade or craft in which the apprentice is to be trained, and the beginning date and expected duration of the apprenticeship.

5. A statement showing the number of hours to be spent by the apprentice in work and the number of hours to be spent in related and supplemental instruction, which instruction must not be less than 144 hours per year.

6. A statement setting forth a schedule of the processes in the trade or division of industry in which the apprentice is to be trained and the approximate time to be spent at each process.

7. A statement of the graduated scale of wages to be paid the apprentice and whether or not compensation is to be paid for the required time in school.

8. Statements providing:

(a) For a specific period of probation during which the agreement may be terminated by either party to the agreement upon written notice to the State Apprenticeship Council; and

(b) That after the probationary period, the agreement may be cancelled at the request of the apprentice, or suspended, cancelled or terminated by the sponsor for good cause, with due notice to the apprentice and a reasonable opportunity for corrective action, and with written notice to the apprentice and the State Apprenticeship Council of the final action taken.

9. A reference incorporating as part of the agreement the standards of the program as it exists on the date of the agreement and as it may be amended during the period of the agreement.

10. A statement that the apprentice will be accorded equal opportunity in all phases of employment and training as an apprentice without discrimination because of race, color, creed, sex, sexual orientation, *gender identity or expression*, religion or disability.

11. A statement naming the State Apprenticeship Council as the authority designated pursuant to NRS 610.180 to receive, process and dispose of controversies or differences arising out of the agreement when the controversies or differences cannot be adjusted locally or resolved in accordance with the program or collective bargaining agreements.



12. Such additional terms and conditions as are prescribed or approved by the State Apprenticeship Council not inconsistent with the provisions of this chapter.

Sec. 4. NRS 610.185 is hereby amended to read as follows:

610.185 The State Apprenticeship Council shall suspend for 1 year the right of any employer, association of employers or organization of employees acting as agent for an employer to participate in a program under the provisions of this chapter if the Nevada Equal Rights Commission, after notice and hearing, finds that the employer, association or organization has discriminated against an apprentice because of race, color, creed, sex, sexual orientation, *gender identity or expression*, religion, disability or national origin in violation of this chapter.

Sec. 5. NRS 613.310 is hereby amended to read as follows:

613.310 As used in NRS 613.310 to 613.435, inclusive, unless the context otherwise requires:

1. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person, including, without limitation, the human immunodeficiency virus;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

2. "Employer" means any person who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, but does not include:

(a) The United States or any corporation wholly owned by the United States.

(b) Any Indian tribe.

(c) Any private membership club exempt from taxation pursuant to 26 U.S.C. § 501(c).

3. "Employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer, but does not include any agency of the United States.

4. *"Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.*

5. "Labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of employment.



~~[5-]~~ 6. "Person" includes the State of Nevada and any of its political subdivisions.

~~[6-]~~ 7. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 6. NRS 613.330 is hereby amended to read as follows:

613.330 1. Except as otherwise provided in NRS 613.350, it is an unlawful employment practice for an employer:

(a) To fail or refuse to hire or to discharge any person, or otherwise to discriminate against any person with respect to his compensation, terms, conditions or privileges of employment, because of his race, color, religion, sex, sexual orientation, *gender identity or expression*, age, disability or national origin; or

(b) To limit, segregate or classify an employee in a way which would deprive or tend to deprive him of employment opportunities or otherwise adversely affect his status as an employee, because of his race, color, religion, sex, sexual orientation, *gender identity or expression*, age, disability or national origin.

2. It is an unlawful employment practice for an employment agency to:

(a) Fail or refuse to refer for employment, or otherwise to discriminate against, any person because of the race, color, religion, sex, sexual orientation, *gender identity or expression*, age, disability or national origin of that person; or

(b) Classify or refer for employment any person on the basis of the race, color, religion, sex, sexual orientation, *gender identity or expression*, age, disability or national origin of that person.

3. It is an unlawful employment practice for a labor organization:

(a) To exclude or to expel from its membership, or otherwise to discriminate against, any person because of his race, color, religion, sex, sexual orientation, *gender identity or expression*, age, disability or national origin;

(b) To limit, segregate or classify its membership, or to classify or fail or refuse to refer for employment any person, in any way which would deprive or tend to deprive him of employment opportunities, or would limit his employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of his race, color, religion, sex, sexual orientation, *gender identity or expression*, age, disability or national origin; or

(c) To cause or attempt to cause an employer to discriminate against any person in violation of this section.

4. It is an unlawful employment practice for any employer, labor organization or joint labor-management committee controlling



* A B 1 8 4 *

1 apprenticeship or other training or retraining, including, without
2 limitation, on-the-job training programs, to discriminate against any
3 person because of his race, color, religion, sex, sexual orientation,
4 *gender identity or expression*, age, disability or national origin in
5 admission to, or employment in, any program established to provide
6 apprenticeship or other training.

7 5. It is an unlawful employment practice for any employer,
8 employment agency, labor organization or joint labor-management
9 committee to discriminate against a person with a disability by
10 interfering, directly or indirectly, with the use of an aid or appliance,
11 including, without limitation, a service animal, by such a person.

12 6. It is an unlawful employment practice for an employer,
13 directly or indirectly, to refuse to permit an employee with a
14 disability to keep his service animal with him at all times in his
15 place of employment.

16 7. As used in this section, "service animal" has the meaning
17 ascribed to it in NRS 426.097.

18 **Sec. 7.** NRS 613.340 is hereby amended to read as follows:

19 613.340 1. It is an unlawful employment practice for an
20 employer to discriminate against any of his employees or applicants
21 for employment, for an employment agency to discriminate against
22 any person, or for a labor organization to discriminate against any
23 member thereof or applicant for membership, because he has
24 opposed any practice made an unlawful employment practice by
25 NRS 613.310 to 613.435, inclusive, or because he has made a
26 charge, testified, assisted or participated in any manner in an
27 investigation, proceeding or hearing under NRS 613.310 to 613.435,
28 inclusive.

29 2. It is an unlawful employment practice for an employer, labor
30 organization or employment agency to print or publish or cause to
31 be printed or published any notice or advertisement relating to
32 employment by such an employer or membership in or any
33 classification or referral for employment by such a labor
34 organization, or relating to any classification or referral for
35 employment by such an employment agency, indicating any
36 preference, limitation, specification or discrimination, based on race,
37 color, religion, sex, sexual orientation, *gender identity or*
38 *expression*, age, disability or national origin, except that such a
39 notice or advertisement may indicate a preference, limitation,
40 specification or discrimination based on religion, sex, sexual
41 orientation, *gender identity or expression*, age, physical, mental or
42 visual condition or national origin when religion, sex, sexual
43 orientation, *gender identity or expression*, age, physical, mental or
44 visual condition or national origin is a bona fide occupational
45 qualification for employment.



Sec. 8. NRS 613.350 is hereby amended to read as follows:

613.350 1. It is not an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any person, for a labor organization to classify its membership or to classify or refer for employment any person, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any person in any such program, on the basis of his religion, sex, sexual orientation, *gender identity or expression*, age, disability or national origin in those instances where religion, sex, sexual orientation, *gender identity or expression*, age, physical, mental or visual condition or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

2. It is not an unlawful employment practice for an employer to fail or refuse to hire and employ employees, for an employment agency to fail to classify or refer any person for employment, for a labor organization to fail to classify its membership or to fail to classify or refer any person for employment, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to fail to admit or employ any person in any such program, on the basis of his disability in those instances where physical, mental or visual condition is a bona fide and relevant occupational qualification necessary to the normal operation of that particular business or enterprise, if it is shown that the particular disability would prevent proper performance of the work for which the person with a disability would otherwise have been hired, classified, referred or prepared under a training or retraining program.

3. It is not an unlawful employment practice for an employer to fail or refuse to hire or to discharge a person, for an employment agency to fail to classify or refer any person for employment, for a labor organization to fail to classify its membership or to fail to classify or refer any person for employment, or for an employer, labor organization or joint labor-committee controlling apprenticeship or other training or retraining programs to fail to admit or employ any person in any such program, on the basis of his age if the person is less than 40 years of age.

4. It is not an unlawful employment practice for a school, college, university or other educational institution or institution of learning to hire and employ employees of a particular religion if the school or institution is, in whole or in substantial part, owned, supported, controlled or managed by a particular religion or by a particular religious corporation, association or society, or if the



* A B 1 8 4 *

1 curriculum of the school or institution is directed toward the
2 propagation of a particular religion.

3 5. It is not an unlawful employment practice for an employer to
4 observe the terms of any bona fide plan for employees' benefits,
5 such as a retirement, pension or insurance plan, which is not a
6 subterfuge to evade the provisions of NRS 613.310 to 613.435,
7 inclusive, as they relate to discrimination against a person because
8 of age, except that no such plan excuses the failure to hire any
9 person who is at least 40 years of age.

10 6. *It is not an unlawful employment practice for an employer*
11 *to require employees to adhere to reasonable workplace*
12 *appearance, grooming and dress standards so long as such*
13 *requirements are not precluded by law, except that an employer*
14 *shall allow an employee to appear, groom and dress in a manner*
15 *consistent with the employee's gender identity or expression.*

16 **Sec. 9.** NRS 613.380 is hereby amended to read as follows:

17 613.380 Notwithstanding any other provision of NRS 613.310
18 to 613.435, inclusive, it is not an unlawful employment practice for
19 an employer to apply different standards of compensation, or
20 different terms, conditions or privileges of employment pursuant to
21 a bona fide seniority or merit system, or a system which measures
22 earnings by quantity or quality of production or to employees who
23 work in different locations, if those differences are not the result of
24 an intention to discriminate because of race, color, religion, sex,
25 sexual orientation, *gender identity or expression*, age, disability or
26 national origin, nor is it an unlawful employment practice for an
27 employer to give and to act upon the results of any professionally
28 developed ability test, if the test, its administration or action upon
29 the results is not designed, intended or used to discriminate because
30 of race, color, religion, sex, sexual orientation, *gender identity or*
31 *expression*, age, disability or national origin.

32 **Sec. 10.** NRS 613.400 is hereby amended to read as follows:

33 613.400 Nothing contained in NRS 613.310 to 613.435,
34 inclusive, requires any employer, employment agency, labor
35 organization or joint labor-management committee subject to NRS
36 613.310 to 613.435, inclusive, to grant preferential treatment to any
37 person or to any group because of the race, color, religion, sex,
38 sexual orientation, *gender identity or expression*, age, disability or
39 national origin of the individual or group on account of an
40 imbalance which exists with respect to the total number or
41 percentage of persons of any race, color, religion, sex, sexual
42 orientation, *gender identity or expression*, age, disability or national
43 origin employed by any employer, referred or classified for
44 employment by any employment agency or labor organization,
45 admitted to membership or classified by any labor organization, or



1 admitted to, or employed in, any apprenticeship or other training
2 program, in comparison with the total number or percentage of
3 persons of that race, color, religion, sex, sexual orientation, *gender*
4 *identity or expression*, age, disability or national origin in any
5 community, section or other area, or in the available workforce in
6 any community, section or other area.

7 **Sec. 11.** NRS 613.405 is hereby amended to read as follows:

8 613.405 Any person injured by an unlawful employment
9 practice within the scope of NRS 613.310 to 613.435, inclusive,
10 may file a complaint to that effect with the Nevada Equal Rights
11 Commission if the complaint is based on discrimination because of
12 race, color, sex, sexual orientation, *gender identity or expression*,
13 age, disability, religion or national origin.

14 **Sec. 12.** NRS 233.010 is hereby amended to read as follows:

15 233.010 1. It is hereby declared to be the public policy of the
16 State of Nevada to protect the welfare, prosperity, health and peace
17 of all the people of the State, and to foster the right of all persons
18 reasonably to seek, obtain and hold ~~employment and~~ housing
19 accommodations without discrimination, distinction or restriction
20 because of race, religious creed, color, age, sex, disability, national
21 origin or ancestry.

22 2. It is hereby declared to be the public policy of the State of
23 Nevada to protect the welfare, prosperity, health and peace of all the
24 people of the State, and to foster the right of all persons reasonably
25 to seek and be granted services in places of public accommodation
26 without discrimination, distinction or restriction because of race,
27 religious creed, color, age, sex, disability, sexual orientation,
28 national origin or ancestry.

29 3. *It is hereby declared to be the public policy of the State of*
30 *Nevada to protect the welfare, prosperity, health and peace of all*
31 *the people of the State, and to foster the right of all persons*
32 *reasonably to seek, obtain and hold employment without*
33 *discrimination, distinction or restriction because of race, religious*
34 *creed, color, age, sex, gender identity or expression, disability,*
35 *national origin or ancestry.*

36 4. It is recognized that the people of this State should be
37 afforded full and accurate information concerning actual and alleged
38 practices of discrimination and acts of prejudice, and that such
39 information may provide the basis for formulating statutory
40 remedies of equal protection and opportunity for all citizens in this
41 State.

42 **Sec. 13.** NRS 233.020 is hereby amended to read as follows:

43 233.020 As used in this chapter:

44 1. "Administrator" means the Administrator of the
45 Commission.



2. "Commission" means the Nevada Equal Rights Commission within the Department of Employment, Training and Rehabilitation.

3. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

4. *"Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.*

5. "Member" means a member of the Nevada Equal Rights Commission.

~~5-1~~ 6. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 14. NRS 233.150 is hereby amended to read as follows:

233.150 The Commission may:

1. Order its Administrator to:

(a) With regard to public accommodation, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, national origin or ancestry, and may conduct hearings with regard thereto.

(b) With regard to ~~employment and~~ housing, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, national origin or ancestry, and may conduct hearings with regard thereto.

(c) With regard to employment, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, gender identity or expression, age, disability, national origin or ancestry, and may conduct hearings with regard thereto.

2. Mediate between or reconcile the persons or groups involved in those tensions, practices and acts.

3. Issue subpoenas for the attendance of witnesses or for the production of documents or tangible evidence relevant to any investigations or hearings conducted by the Commission.

4. Delegate its power to hold hearings and issue subpoenas to any of its members or any hearing officer in its employ.

5. Adopt reasonable regulations necessary for the Commission to carry out the functions assigned to it by law.

Sec. 15. NRS 281.370 is hereby amended to read as follows:

281.370 1. All personnel actions taken by state, county or municipal departments, housing authorities, agencies, boards or



1 appointing officers thereof must be based solely on merit and
2 fitness.

3 2. State, county or municipal departments, housing authorities,
4 agencies, boards or appointing officers thereof shall not refuse to
5 hire a person, discharge or bar any person from employment or
6 discriminate against any person in compensation or in other terms or
7 conditions of employment because of his race, creed, color, national
8 origin, sex, sexual orientation, *gender identity or expression*, age,
9 political affiliation or disability, except when based upon a bona fide
10 occupational qualification.

11 3. As used in this section:

12 (a) "Disability" means, with respect to a person:

13 (1) A physical or mental impairment that substantially limits
14 one or more of the major life activities of the person;

15 (2) A record of such an impairment; or

16 (3) Being regarded as having such an impairment.

17 (b) *"Gender identity or expression" means a gender-related*
18 *identity, appearance, expression or behavior of a person,*
19 *regardless of the person's assigned sex at birth.*

20 (c) "Sexual orientation" means having or being perceived as
21 having an orientation for heterosexuality, homosexuality or
22 bisexuality.

23 **Sec. 16.** NRS 338.125 is hereby amended to read as follows:

24 338.125 1. It is unlawful for any contractor in connection
25 with the performance of work under a contract with a public body,
26 when payment of the contract price, or any part of such payment, is
27 to be made from public money, to refuse to employ or to discharge
28 from employment any person because of his race, color, creed,
29 national origin, sex, sexual orientation , *gender identity or*
30 *expression*, or age, or to discriminate against a person with respect
31 to hire, tenure, advancement, compensation or other terms,
32 conditions or privileges of employment because of his race, creed,
33 color, national origin, sex, sexual orientation , *gender identity or*
34 *expression*, or age.

35 2. Contracts between contractors and public bodies must
36 contain the following contractual provisions:

37
38 In connection with the performance of work under this
39 contract, the contractor agrees not to discriminate against any
40 employee or applicant for employment because of race, creed,
41 color, national origin, sex, sexual orientation , *gender identity*
42 *or expression*, or age, including, without limitation, with
43 regard to employment, upgrading, demotion or transfer,
44 recruitment or recruitment advertising, layoff or termination,



1 rates of pay or other forms of compensation, and selection for
2 training, including, without limitation, apprenticeship.

3 The contractor further agrees to insert this provision in all
4 subcontracts hereunder, except subcontracts for standard
5 commercial supplies or raw materials.
6

7 3. Any violation of such provision by a contractor constitutes a
8 material breach of contract.

9 4. As used in this section ~~["sexual"]~~ :

10 (a) *"Gender identity or expression" means a gender-related*
11 *identity, appearance, expression or behavior of a person,*
12 *regardless of the person's assigned sex at birth.*

13 (b) *"Sexual orientation" means having or being perceived as*
14 *having an orientation for heterosexuality, homosexuality or*
15 *bisexuality.*

16 **Sec. 17.** NRS 483.290 is hereby amended to read as follows:

17 483.290 1. Every application for an instruction permit or for
18 a driver's license must:

19 (a) Be made upon a form furnished by the Department.

20 (b) Be verified by the applicant before a person authorized to
21 administer oaths. Officers and employees of the Department may
22 administer those oaths without charge.

23 (c) Be accompanied by the required fee.

24 (d) State the name, date of birth, sex and residence address of
25 the applicant and briefly describe the applicant. *With regard to the*
26 *sex of the applicant, the applicant may indicate on his application*
27 *the sex which corresponds to the applicant's gender-related*
28 *identity, appearance, expression or behavior, regardless of the*
29 *applicant's assigned sex at birth. The Department shall accept the*
30 *sex indicated by the applicant on his application.*

31 (e) State whether the applicant has theretofore been licensed as a
32 driver, and, if so, when and by what state or country, and whether
33 any such license has ever been suspended or revoked, or whether an
34 application has ever been refused, and, if so, the date of and reason
35 for the suspension, revocation or refusal.

36 (f) Include such other information as the Department may
37 require to determine the competency and eligibility of the applicant.

38 2. Except as otherwise provided in subsections 5, 6 and 7,
39 every applicant must furnish proof of his name and age by
40 displaying an original or certified copy of at least one of the
41 following documents:

42 (a) If the applicant was born in the United States, including,
43 without limitation, the District of Columbia or any territory of the
44 United States:



(1) A birth certificate issued by a state, a political subdivision of a state, the District of Columbia or any territory of the United States;

(2) A driver's license issued by another state, the District of Columbia or any territory of the United States;

(3) A passport issued by the United States Government;

(4) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States;

(5) For persons who served in any branch of the Armed Forces of the United States, a report of separation;

(6) A Certificate of Degree of Indian Blood issued by the United States Government; or

(7) Such other documentation as specified by the Department by regulation; or

(b) If the applicant was born outside the United States:

(1) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the Bureau of Citizenship and Immigration Services;

(2) A Consular Report of Birth Abroad issued by the Department of State;

(3) A driver's license issued by another state, the District of Columbia or any territory of the United States;

(4) A passport issued by the United States Government; or

(5) Any other proof acceptable to the Department other than a passport issued by a foreign government.

3. At the time of applying for a driver's license, an applicant may, if eligible, register to vote pursuant to NRS 293.524.

4. Every applicant who has been assigned a social security number must furnish proof of his social security number by displaying:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.

5. The Department may refuse to accept a driver's license issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or the territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver's license.

6. With respect to any document described in paragraph (b) of subsection 2, the Department may:



* A B 1 8 4 *

1 (a) If the document has expired, refuse to accept the document
2 or refuse to issue a driver's license to the person presenting the
3 document, or both; and

4 (b) If the document specifies a date by which the person
5 presenting the document must depart from the United States, issue
6 to the person presenting the document a driver's license that expires
7 on the date on which the person is required to depart from the
8 United States.

9 7. The Administrator shall adopt regulations setting forth
10 criteria pursuant to which the Department will issue or refuse to
11 issue a driver's license in accordance with this section to a person
12 who is a citizen of a foreign country. The criteria must be based
13 upon the purpose for which that person is present within the United
14 States.

15 8. Notwithstanding any other provision of this section, the
16 Department shall not accept a consular identification card as proof
17 of the age or identity of an applicant for an instruction permit or for
18 a driver's license. As used in this subsection, "consular
19 identification card" has the meaning ascribed to it in NRS 232.006.

20 **Sec. 18.** NRS 483.340 is hereby amended to read as follows:

21 483.340 1. The Department shall, upon payment of the
22 required fee, issue to every qualified applicant a driver's license
23 indicating the type or class of vehicles the licensee may drive. The
24 license must bear a unique number assigned to the licensee pursuant
25 to NRS 483.345, the licensee's social security number, if he has one,
26 unless he requests that it not appear on the license, the name, date of
27 birth, mailing address and a brief description of the licensee, and a
28 space upon which the licensee shall write his usual signature in ink
29 immediately upon receipt of the license. A license is not valid until
30 it has been so signed by the licensee. *If the license bears the sex of*
31 *the licensee, the sex indicated on the license must be the sex*
32 *indicated by the licensee on his application for a license.*

33 2. The Department may issue a driver's license for purposes of
34 identification only for use by officers of local police and sheriffs'
35 departments, agents of the Investigation Division of the Department
36 of Public Safety while engaged in special undercover investigations
37 relating to narcotics or prostitution or for other undercover
38 investigations requiring the establishment of a fictitious identity,
39 federal agents while engaged in undercover investigations,
40 investigators employed by the Attorney General while engaged in
41 undercover investigations and agents of the State Gaming Control
42 Board while engaged in investigations pursuant to NRS 463.140. An
43 application for such a license must be made through the head of the
44 police or sheriff's department, the Chief of the Investigation
45 Division of the Department of Public Safety, the director of the



1 appropriate federal agency, the Attorney General or the Chairman of
2 the State Gaming Control Board. Such a license is exempt from the
3 fees required by NRS 483.410. The Department, by regulation, shall
4 provide for the cancellation of any such driver's license upon the
5 completion of the special investigation for which it was issued.

6 3. Except as otherwise provided in NRS 239.0115, information
7 pertaining to the issuance of a driver's license pursuant to
8 subsection 2 is confidential.

9 4. It is unlawful for any person to use a driver's license issued
10 pursuant to subsection 2 for any purpose other than the special
11 investigation for which it was issued.

12 5. At the time of the issuance or renewal of the driver's license,
13 the Department shall:

14 (a) Give the holder the opportunity to have indicated on his
15 driver's license that he wishes to be a donor of all or part of his body
16 pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make
17 an anatomical gift of his body or part of his body.

18 (b) Give the holder the opportunity to have indicated whether he
19 wishes to donate \$1 or more to the Anatomical Gift Account created
20 by NRS 460.150.

21 (c) Provide to each holder who is interested in becoming a donor
22 information relating to anatomical gifts, including the procedure for
23 registering as a donor with the donor registry with which the
24 Department has entered into a contract pursuant to this paragraph.
25 To carry out this paragraph, the Department shall, on such terms as
26 it deems appropriate, enter into a contract with a donor registry that
27 is in compliance with the provisions of NRS 451.500 to 451.598,
28 inclusive.

29 (d) If the Department has established a program for imprinting a
30 symbol or other indicator of a medical condition on a driver's
31 license pursuant to NRS 483.3485, give the holder the opportunity
32 to have a symbol or other indicator of a medical condition imprinted
33 on his driver's license.

34 6. If the holder wishes to make a donation to the Anatomical
35 Gift Account, the Department shall collect the donation and deposit
36 the money collected in the State Treasury for credit to the
37 Anatomical Gift Account.

38 7. The Department shall submit to the donor registry with
39 which the Department has entered into a contract pursuant to
40 paragraph (c) of subsection 5 information from the records of the
41 Department relating to persons who have drivers' licenses that
42 indicate the intention of those persons to make an anatomical gift.
43 The Department shall adopt regulations to carry out the provisions
44 of this subsection.



Sec. 19. NRS 483.840 is hereby amended to read as follows:

483.840 1. The form of the identification cards must be similar to that of drivers' licenses but distinguishable in color or otherwise.

2. Identification cards do not authorize the operation of any motor vehicles.

3. Identification cards must include the following information concerning the holder:

(a) The name and sample signature of the holder.

(b) A unique identification number assigned to the holder that is not based on the holder's social security number.

(c) A personal description of the holder. *If the identification card bears the sex of the holder, the sex indicated on the identification card must be the sex indicated by the holder on his application for an identification card.*

(d) The date of birth of the holder.

(e) The current address of the holder in this State.

(f) A colored photograph of the holder.

4. The information required to be included on the identification card pursuant to subsection 3 must be placed on the card in the manner specified in subsection 1 of NRS 483.347.

5. At the time of the issuance or renewal of the identification card, the Department shall:

(a) Give the holder the opportunity to have indicated on his identification card that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his body or part of his body.

(b) Give the holder the opportunity to indicate whether he wishes to donate \$1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on an identification card pursuant to NRS 483.863, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his identification card.

6. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit



* A B 1 8 4 *

1 the money collected in the State Treasury for credit to the
2 Anatomical Gift Account.

3 7. The Department shall submit to the donor registry with
4 which the Department has entered into a contract pursuant to
5 paragraph (c) of subsection 5 information from the records of the
6 Department relating to persons who have identification cards issued
7 by the Department that indicate the intention of those persons to
8 make an anatomical gift. The Department shall adopt regulations to
9 carry out the provisions of this subsection.

10 8. As used in this section, "photograph" has the meaning
11 ascribed to it in NRS 483.125.

12 **Sec. 20.** NRS 483.850 is hereby amended to read as follows:

13 483.850 1. Every application for an identification card must
14 be made upon a form provided by the Department and include:

15 (a) The applicant's name.

16 (b) His social security number, if any.

17 (c) His date of birth.

18 (d) His state of legal residence.

19 (e) His current address in this State, unless the applicant is on
20 active duty in the military service of the United States.

21 (f) A statement from:

22 (1) A resident stating that he does not hold a valid driver's
23 license or identification card from any state or jurisdiction; or

24 (2) A seasonal resident stating that he does not hold a valid
25 Nevada driver's license.

26 2. *If an application for an identification card requires the*
27 *applicant to indicate his sex, the applicant may indicate on his*
28 *application the sex which corresponds to the applicant's gender-*
29 *related identity, appearance, expression or behavior, regardless of*
30 *the applicant's assigned sex at birth. The Department shall accept*
31 *the sex indicated by the applicant on his application.*

32 3. When the form is completed, the applicant must sign the
33 form and verify the contents before a person authorized to
34 administer oaths.

35 ~~[3.]~~ 4. At the time of applying for an identification card, an
36 applicant may, if eligible, register to vote pursuant to NRS 293.524.

37 ~~[4.]~~ 5. A person who possesses a driver's license or
38 identification card issued by another state or jurisdiction who wishes
39 to apply for an identification card pursuant to this section shall
40 surrender to the Department the driver's license or identification
41 card issued by the other state or jurisdiction at the time he applies
42 for an identification card pursuant to this section.

43 **Sec. 21.** NRS 483.908 is hereby amended to read as follows:

44 483.908 1. The Department shall adopt regulations:



* A B 1 8 4 *

~~[1-]~~ (a) Providing for the issuance, expiration, renewal, suspension, revocation and reinstatement of commercial drivers' licenses;

~~[2-]~~ (b) Providing the same exemptions allowed pursuant to federal regulations for farmers, firefighters, military personnel or any other class of operators or vehicles for which exemptions are authorized by federal law or regulations;

~~[3-]~~ (c) Specifying the violations which constitute grounds for disqualification from driving a commercial motor vehicle and the penalties associated with each violation;

~~[4-]~~ (d) Setting forth a schedule of various alcohol concentrations and the penalties which must be imposed if those concentrations are detected in the breath, blood, urine or other bodily substances of a person who is driving, operating or is in actual physical control of a commercial motor vehicle; and

~~[5-]~~ (e) Necessary to enable it to carry out the provisions of NRS 483.900 to 483.940, inclusive.

~~[6-]~~

2. The Department shall not adopt regulations which are more restrictive than the federal regulations adopted pursuant to the Commercial Motor Vehicle Safety Act of 1986, as amended, 49 U.S.C. chapter 313, ~~[7-]~~ §§ 31301 et seq. ~~[8-]~~

3. *If an application for a commercial driver's license requires the applicant to indicate his sex, the applicant may indicate on his application the sex which corresponds to the applicant's gender-related identity, appearance, expression or behavior, regardless of the applicant's assigned sex at birth. The Department shall accept the sex indicated by the applicant on his application.*

4. *If a commercial driver's license issued by the Department bears the sex of the licensee, the sex indicated on the license must be the sex indicated by the licensee on his application for the commercial driver's license.*

Sec. 22. NRS 486.081 is hereby amended to read as follows:

486.081 1. Every application for a motorcycle driver's license must be made upon a form furnished by the Department and must be verified by the applicant before a person authorized to administer oaths. Officers and employees of the Department may administer those oaths without charge.

2. Every application must:

(a) State the full name, date of birth, sex and residence address of the applicant. ~~[9-]~~ *With regard to the sex of the applicant, the applicant may indicate on his application the sex which corresponds to the applicant's gender-related identity, appearance, expression or behavior, regardless of the applicant's assigned sex*



1 *at birth. The Department shall accept the sex indicated by the*
2 *applicant on his application.*

3 (b) Briefly describe the applicant . [§]

4 (c) State whether the applicant has previously been licensed as a
5 driver, and, if so, when and by what state or country . [§]

6 (d) State whether any such license has ever been suspended or
7 revoked, or whether an application has ever been refused, and, if so,
8 the date of and reason for such suspension, revocation or refusal . [§
9 and]

10 (e) Give such other information as the Department requires to
11 determine the competency and eligibility of the applicant.

12 3. Except as otherwise provided in subsections 5, 6 and 7,
13 every applicant shall furnish proof of his name and age by
14 displaying an original or certified copy of at least one of the
15 following documents:

16 (a) If he was born in the United States, including, without
17 limitation, the District of Columbia or any territory of the United
18 States:

19 (1) A birth certificate issued by a state, a political subdivision
20 of a state, the District of Columbia or any territory of the United
21 States;

22 (2) A driver's license issued by another state, the District of
23 Columbia or any territory of the United States;

24 (3) A passport issued by the United States Government;

25 (4) A military identification card or military dependent
26 identification card issued by any branch of the Armed Forces of the
27 United States;

28 (5) For persons who served in any branch of the Armed
29 Forces of the United States, a report of separation;

30 (6) A Certificate of Degree of Indian Blood issued by the
31 United States Government; or

32 (7) Such other documentation as specified by the Department
33 by regulation; or

34 (b) If he was born outside the United States:

35 (1) A Certificate of Citizenship, Certificate of Naturalization,
36 Permanent Resident Card or Temporary Resident Card issued by the
37 Bureau of Citizenship and Immigration Services;

38 (2) A Consular Report of Birth Abroad issued by the
39 Department of State;

40 (3) A driver's license issued by another state, the District of
41 Columbia or any territory of the United States;

42 (4) A passport issued by the United States Government; or

43 (5) Any other proof acceptable to the Department other than
44 a passport issued by a foreign government.



4. Every applicant who has been assigned a social security number must furnish proof of his social security number by displaying:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department, including, without limitation, records of employment or federal income tax returns.

5. The Department may refuse to accept a driver's license issued by another state, the District of Columbia or any territory of the United States if the Department determines that the other state, the District of Columbia or the territory of the United States has less stringent standards than the State of Nevada for the issuance of a driver's license.

6. With respect to any document described in paragraph (b) of subsection 3, the Department may:

(a) If the document has expired, refuse to accept the document or refuse to issue a driver's license to the person presenting the document, or both; and

(b) If the document specifies a date by which the person presenting the document must depart from the United States, issue to the person presenting the document a driver's license that expires on the date on which the person is required to depart from the United States.

7. The Director shall adopt regulations setting forth criteria pursuant to which the Department will issue or refuse to issue a driver's license in accordance with this section to a person who is a citizen of a foreign country. The criteria must be based upon the purpose for which that person is present within the United States.

8. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for a motorcycle driver's license. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

Sec. 23. NRS 486.141 is hereby amended to read as follows:

486.141 **1.** Every application for an instruction permit or driver's license under the provisions of NRS 486.011 to 486.381, inclusive, must be made upon a form furnished by the Department. There must be no charge for the making and filing of the application.

2. *If a driver's license issued by the Department under the provisions of NRS 486.011 to 486.381, inclusive, bears the sex of the licensee, the sex indicated on the license must be the sex indicated by the licensee on his application for a license.*



* A B 1 8 4 *

1 **Sec. 24.** The amendatory provisions of this act do not apply to
2 offenses that were committed before October 1, 2009.

③⑩



* A B 1 8 4 *