

Amendment No. 186

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| Senate Amendment to Senate Bill No. 217 | (BDR 43-119) |
| Proposed by: Senate Committee on Energy, Infrastructure and Transportation | |
| Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes | |

| ASSEMBLY ACTION | | Initial and Date | SENATE ACTION | | Initial and Date |
|-----------------|--------------------------|-------------------------------|---------------|--------------------------|-------------------------------|
| Adopted | <input type="checkbox"/> | Lost <input type="checkbox"/> | Adopted | <input type="checkbox"/> | Lost <input type="checkbox"/> |
| Concurred In | <input type="checkbox"/> | Not <input type="checkbox"/> | Concurred In | <input type="checkbox"/> | Not <input type="checkbox"/> |
| Receded | <input type="checkbox"/> | Not <input type="checkbox"/> | Receded | <input type="checkbox"/> | Not <input type="checkbox"/> |

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold dashed underlining* is newly added transitory language.

DLJ/MSM



Date: 4/5/2009

S.B. No. 217—Enacts provisions relating to the Department of Motor Vehicles and registration under the federal Military Selective Service Act.
(BDR 43-119)



SENATE BILL NO. 217—SENATOR COFFIN

MARCH 13, 2009

Referred to Committee on Energy, Infrastructure and Transportation

SUMMARY—Enacts provisions relating to the Department of Motor Vehicles and registration under the federal Military Selective Service Act. (BDR 43-119)

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 the Department of Motor Vehicles; providing that certain applicants for drivers' licenses, instruction permits, identification cards and commercial drivers' licenses ~~must~~ **may** authorize the Department of Motor Vehicles to forward to the Selective Service System personal information necessary for registration with the System; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Department of Motor Vehicles is prohibited from releasing personal information from a file or record relating to a driver's license or identification card except under certain circumstances. (NRS 481.063) Existing federal law requires every male citizen of the United States and every other male residing in the United States who is at least 18 years of age but less than 26 years of age to register with the Selective Service System. (50 U.S.C. App. § 453) **Sections 3-5** of this bill require the Department of Motor Vehicles to forward to the Selective Service System the personal information necessary for registration with the Selective Service System of any applicant for a driver's license, instruction permit, restricted license, special restricted license, identification card or commercial driver's license, or for a duplicate or substitute of such a license or permit, or for the renewal or reinstatement of such a license or permit, who is required to register with the Selective Service System ~~and who indicates by checking a box on the application that he wishes the Department to forward such information.~~ This bill also requires the Department of Motor Vehicles to include on the application for any such license or permit a notice that ~~submission of the application by a person required to register~~ **registration** with the Selective Service System ~~serves as an indication that the applicant has either already registered with the Selective Service System or authorizes the Department of Motor Vehicles to submit the necessary personal information to the Selective Service System.~~ **in compliance with federal law maintains the eligibility of the applicant for various federal benefits.**

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

Section 1. NRS 481.063 is hereby amended to read as follows:

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

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

3. Except as otherwise provided in subsection 2, the Director shall not release to any person who is not a representative of the Division of Welfare and Supportive Services of the Department of Health and Human Services or an officer, employee or agent of a law enforcement agency, an agent of the public defender's office or an agency of a local government which collects fines imposed for parking violations, who is not conducting an investigation pursuant to NRS 253.0415, 253.044 or 253.220, who is not authorized to transact insurance pursuant to chapter 680A of NRS or who is not licensed as a private investigator pursuant to chapter 648 of NRS and conducting an investigation of an insurance claim:

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

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

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

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

4. Except as otherwise provided in subsections 2 and 5, *and sections 3, 4 and 5 of this act*, the Director shall not release any personal information from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

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

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

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

(c) In connection with matters relating to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 10. It is unlawful for any person to:

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

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

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

39 **Sec. 2.** Chapter 483 of NRS is hereby amended by adding thereto the
40 provisions set forth as sections 3, 4 and 5 of this act.

41 **Sec. 3. 1. When applying for a driver's license, an instruction permit, a**
42 **restricted license or a special restricted license or for a duplicate or the renewal**
43 **or reinstatement of such a license or permit, a male applicant who is:**

44 (a) A citizen of the United States or an immigrant; and

45 (b) At least 18 years of age but less than 26 years of age,

46 ↪ ~~shall~~ **may** authorize the Department to register him with the Selective Service
47 System in compliance with section 3 of the Military Selective Service Act, 50
48 U.S.C. App. §§ 451 et seq., as amended.

49 **2. An application for a driver's license, an instruction permit, a restricted**
50 **license or a special restricted license or for a duplicate or substitute or the**
51 **renewal or reinstatement of such a license or permit must include a notice that**
52 ~~submission of the application to the Department by any applicant described in~~
53 ~~subsection 1 serves as an indication that the applicant has already registered with~~

~~the Selective Service System or authorizes~~ box which may be checked by an applicant described in subsection 1 to authorize the Department to submit the necessary personal information to the Selective Service System to register the applicant in compliance with federal law. The application must also inform the applicant that by registering with the Selective Service System in compliance with federal law, the applicant remains eligible for federal student loans, grants, benefits relating to job training, most federal jobs and, if applicable, citizenship in the United States.

~~3. [The Department shall forward to the Selective Service System in an electronic format the necessary personal information of the applicants described in subsection 1.] If an applicant indicates on his application that he wishes the Department to forward the necessary personal information to the Selective Service System, the Department shall forward that information to the Selective Service System in an electronic format.~~

Sec. 4. 1. When applying for an identification card or for a duplicate or the renewal of such a card, a male applicant who is:

(a) A citizen of the United States or an immigrant; and

(b) At least 18 years of age but less than 26 years of age,

~~shall~~ may authorize the Department to register him with the Selective Service System in compliance with section 3 of the Military Selective Service Act, 50 U.S.C. App. §§ 451 et seq., as amended.

2. An application for an identification card or for a duplicate or the renewal of such a card must include a ~~notice that submission of the application to the Department by any applicant described in subsection 1 serves as an indication that the applicant has already registered with the Selective Service System or authorizes~~ box which may be checked by an applicant described in subsection 1 to authorize the Department to submit the necessary personal information to the Selective Service System to register the applicant in compliance with federal law. The application must also inform the applicant that by registering with the Selective Service System in compliance with federal law, the applicant remains eligible for federal student loans, grants, benefits relating to job training, most federal jobs and, if applicable, citizenship in the United States.

~~3. [The Department shall forward to the Selective Service System in an electronic format the necessary personal information of the applicants described in subsection 1.] If an applicant indicates on his application that he wishes the Department to forward the necessary personal information to the Selective Service System, the Department shall forward that information to the Selective Service System in an electronic format.~~

Sec. 5. 1. When applying for a commercial driver's license or for a duplicate or the renewal or reinstatement of such a license, a male applicant who is:

(a) A citizen of the United States or an immigrant; and

(b) At least 18 years of age but less than 26 years of age,

~~shall~~ may authorize the Department to register him with the Selective Service System in compliance with section 3 of the Military Selective Service Act, 50 U.S.C. App. §§ 451 et seq., as amended.

2. An application for a commercial driver's license or for a duplicate or the renewal or reinstatement of such a license must include a ~~notice that submission of the application to the Department by any applicant described in subsection 1 serves as an indication that the applicant has already registered with the Selective Service System or authorizes~~ box which may be checked by an applicant described in subsection 1 to authorize the Department to submit the necessary personal information to the Selective Service System to register the applicant in

compliance with federal law. The application must also inform the applicant that by registering with the Selective Service System in compliance with federal law, the applicant remains eligible for federal student loans, grants, benefits relating to job training, most federal jobs and, if applicable, citizenship in the United States.

3. ~~[The Department shall forward to the Selective Service System in an electronic format the necessary personal information of the applicants described in subsection 1.] If an applicant indicates on his application that he wishes the Department to forward the necessary personal information to the Selective Service System, the Department shall forward that information to the Selective Service System in an electronic format.~~

Sec. 6. NRS 483.015 is hereby amended to read as follows:

483.015 Except as otherwise provided in NRS 483.330, the provisions of NRS 483.010 to 483.630, inclusive, *and section 3 of this act* apply only with respect to noncommercial drivers' licenses.

Sec. 7. NRS 483.020 is hereby amended to read as follows:

483.020 As used in NRS 483.010 to 483.630, inclusive, *and section 3 of this act*, unless the context otherwise requires, the words and terms defined in NRS 483.030 to 483.190, inclusive, have the meanings ascribed to them in those sections.

Sec. 8. NRS 483.820 is hereby amended to read as follows:

483.820 1. A person who applies for an identification card in accordance with the provisions of NRS 483.810 to 483.890, inclusive, *and section 4 of this act* and who is not ineligible to receive an identification card pursuant to NRS 483.861, is entitled to receive an identification card if he is:

(a) A resident of this State and is 10 years of age or older and does not hold a valid driver's license or identification card from any state or jurisdiction; or

(b) A seasonal resident who does not hold a valid Nevada driver's license.

2. Except as otherwise provided in NRS 483.825, the Department shall charge and collect the following fees for the issuance of an original, duplicate or changed identification card:

| | |
|---|-----|
| An original or duplicate identification card issued to a person 65 years of age or older..... | \$4 |
| An original or duplicate identification card issued to a person under 18 years of age | 3 |
| A renewal of an identification card for a person under 18 years of age | 3 |
| An original or duplicate identification card issued to any other person..... | 9 |
| A renewal of an identification card for any person at least 18 years of age, but less than 65 years of age..... | 9 |
| A new photograph or change of name, or both..... | 4 |

3. The Department shall not charge a fee for:

(a) An identification card issued to a person who has voluntarily surrendered his driver's license pursuant to NRS 483.420; or

(b) A renewal of an identification card for a person 65 years of age or older.

4. Except as otherwise provided in NRS 483.825, the increase in fees authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to this section.

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

1 **Sec. 9.** NRS 483.902 is hereby amended to read as follows:
2 483.902 The provisions of NRS 483.900 to 483.940, inclusive, *and section 5*
3 *of this act* apply only with respect to commercial drivers' licenses.

4 **Sec. 10.** NRS 483.904 is hereby amended to read as follows:
5 483.904 As used in NRS 483.900 to 483.940, inclusive, *and section 5 of this*
6 *act*, unless the context otherwise requires:

7 1. "Commercial driver's license" means a license issued to a person which
8 authorizes him to drive a class or type of commercial motor vehicle.

9 2. "Commercial Driver's License Information System" means the information
10 system maintained by the Secretary of Transportation pursuant to 49 U.S.C. §
11 31309 to serve as a clearinghouse for locating information relating to the licensing,
12 identification and disqualification of operators of commercial motor vehicles.

13 3. "Out-of-service order" means a temporary prohibition against driving a
14 commercial motor vehicle.

15 **Sec. 11.** The Department shall take all action necessary to ensure that the
16 application form it uses for each license, permit and identification card described in
17 sections 3, 4 and 5 of this act complies with the requirements of those sections on
18 and after July 1, 2010.

19 **Sec. 12.** 1. This section and section 11 of this act become effective upon
20 passage and approval.

21 2. Sections 1 to 10, inclusive, of this act become effective on July 1, 2010.