

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 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:

1 Under existing law, the Department of Motor Vehicles is prohibited from
2 releasing personal information from a file or record relating to a driver's license or
3 identification card except under certain circumstances. (NRS 481.063) Existing
4 federal law requires every male citizen of the United States and every other male
5 residing in the United States who is at least 18 years of age but less than 26 years of
6 age to register with the Selective Service System. (50 U.S.C. App. § 453) **Sections**
7 **3-5** of this bill require the Department of Motor Vehicles to forward to the
8 Selective Service System the personal information necessary for registration with
9 the Selective Service System of any applicant for a driver's license, instruction
10 permit, restricted license, special restricted license, identification card or
11 commercial driver's license, or for a duplicate or substitute of such a license or
12 permit, or for the renewal or reinstatement of such a license or permit, who is
13 required to register with the Selective Service System. This bill also requires the
14 Department of Motor Vehicles to include on the application for any such license or
15 permit a notice that submission of the application by a person required to register
16 with the Selective Service System serves as an indication that the applicant has
17 either already registered with the Selective Service System or authorizes the
18 Department of Motor Vehicles to submit the necessary personal information to the
19 Selective Service System.



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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.



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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



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1 who is employed by or has applied for employment with the
2 employer.

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

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

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

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

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

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

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

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

28 6. Except as otherwise provided in paragraph (j) of subsection
29 5, a person who requests and receives personal information may sell
30 or disclose that information only for a use permitted pursuant to
31 subsection 5. Such a person shall keep and maintain for 5 years a
32 record of:

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

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

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

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

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



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

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

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

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

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

10. It is unlawful for any person to:

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

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

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

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

Sec. 3. 1. *When applying for a driver's license, an instruction permit, a restricted license or a special restricted license or for a duplicate or the renewal or reinstatement of such a license or permit, 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 authorize the Department to register him with the Selective Service System in compliance with section 3 of the



1 *Military Selective Service Act, 50 U.S.C. App. §§ 451 et seq., as*
2 *amended.*

3 2. *An application for a driver's license, an instruction permit,*
4 *a restricted license or a special restricted license or for a duplicate*
5 *or substitute or the renewal or reinstatement of such a license or*
6 *permit must include a notice that submission of the application to*
7 *the Department by any applicant described in subsection 1 serves*
8 *as an indication that the applicant has already registered with the*
9 *Selective Service System or authorizes the Department to submit*
10 *the necessary personal information to the Selective Service System*
11 *to register the applicant in compliance with federal law.*

12 3. *The Department shall forward to the Selective Service*
13 *System in an electronic format the necessary personal information*
14 *of the applicants described in subsection 1.*

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

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

18 (b) *At least 18 years of age but less than 26 years of age,*
19 *↪ shall authorize the Department to register him with the*
20 *Selective Service System in compliance with section 3 of the*
21 *Military Selective Service Act, 50 U.S.C. App. §§ 451 et seq., as*
22 *amended.*

23 2. *An application for an identification card or for a duplicate*
24 *or the renewal of such a card must include a notice that*
25 *submission of the application to the Department by any applicant*
26 *described in subsection 1 serves as an indication that the applicant*
27 *has already registered with the Selective Service System or*
28 *authorizes the Department to submit the necessary personal*
29 *information to the Selective Service System to register the*
30 *applicant in compliance with federal law.*

31 3. *The Department shall forward to the Selective Service*
32 *System in an electronic format the necessary personal information*
33 *of the applicants described in subsection 1.*

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

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

38 (b) *At least 18 years of age but less than 26 years of age,*
39 *↪ shall authorize the Department to register him with the*
40 *Selective Service System in compliance with section 3 of the*
41 *Military Selective Service Act, 50 U.S.C. App. §§ 451 et seq., as*
42 *amended.*

43 2. *An application for a commercial driver's license or for a*
44 *duplicate or the renewal or reinstatement of such a license must*
45 *include a notice that submission of the application to the*



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1 *Department by any applicant described in subsection 1 serves as*
2 *an indication that the applicant has already registered with the*
3 *Selective Service System or authorizes the Department to submit*
4 *the necessary personal information to the Selective Service System*
5 *to register the applicant in compliance with federal law.*

6 *3. The Department shall forward to the Selective Service*
7 *System in an electronic format the necessary personal information*
8 *of the applicants described in subsection 1.*

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

10 483.015 Except as otherwise provided in NRS 483.330, the
11 provisions of NRS 483.010 to 483.630, inclusive, *and section 3 of*
12 *this act* apply only with respect to noncommercial drivers' licenses.

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

14 483.020 As used in NRS 483.010 to 483.630, inclusive, *and*
15 *section 3 of this act*, unless the context otherwise requires, the
16 words and terms defined in NRS 483.030 to 483.190, inclusive,
17 have the meanings ascribed to them in those sections.

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

19 483.820 1. A person who applies for an identification card in
20 accordance with the provisions of NRS 483.810 to 483.890,
21 inclusive, *and section 4 of this act* and who is not ineligible to
22 receive an identification card pursuant to NRS 483.861, is entitled to
23 receive an identification card if he is:

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

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

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

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33	An original or duplicate identification card issued to a	
34	person 65 years of age or older	\$4
35	An original or duplicate identification card issued to a	
36	person under 18 years of age	3
37	A renewal of an identification card for a person under	
38	18 years of age	3
39	An original or duplicate identification card issued to	
40	any other person	9
41	A renewal of an identification card for any person at	
42	least 18 years of age, but less than 65 years of age	9
43	A new photograph or change of name, or both	4
44		

45 3. The Department shall not charge a fee for:



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(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.

Sec. 9. NRS 483.902 is hereby amended to read as follows:

483.902 The provisions of NRS 483.900 to 483.940, inclusive, *and section 5 of this act* apply only with respect to commercial drivers' licenses.

Sec. 10. NRS 483.904 is hereby amended to read as follows:

483.904 As used in NRS 483.900 to 483.940, inclusive, *and section 5 of this act*, unless the context otherwise requires:

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

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

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

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

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

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

