

## Amendment No. 408

Senate Amendment to Senate Bill No. 51 (BDR 43-492)

**Proposed by:** Senate Committee on 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 underlining* is newly added transitory language.

WBD/TMC



Date: 4/23/2011

S.B. No. 51—Revises provisions relating to the reporting of and imposition of penalties for certain convictions for the violation of certain traffic laws. (BDR 43-492)



## SENATE BILL NO. 51—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF THE DEPARTMENT OF MOTOR VEHICLES)

PREFILED DECEMBER 15, 2010

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to the reporting of and imposition of penalties for certain convictions for the violation of certain traffic laws. (BDR 43-492)

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

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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 motor vehicles; revising provisions relating to the reporting of certain convictions for the violation of certain traffic laws; revising the penalties imposed for operating a commercial motor vehicle under certain circumstances; providing for the imposition of a civil penalty against the employer of a person who operates a commercial motor vehicle under certain circumstances; deleting a provision concerning driver's licenses surrendered to a court under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing state law prohibits a person from driving a commercial motor vehicle on the highways of this State at any time while the person is subject to an out-of-service order. (NRS 483.924) **Section 4** of this bill expands the definition of the term "out-of-service order" to include both a temporary prohibition against a person operating a commercial motor vehicle, as described in 49 C.F.R. § 395.13, and a temporary prohibition against a commercial motor vehicle being operated, as described in 49 C.F.R. § 396.9(c). **Section 1** of this bill, with respect to drivers who are declared out-of-service pursuant to 49 C.F.R. § 395.13 and are convicted of violating such a declaration, requires the Department of Motor Vehicles to suspend the privilege of the person to drive a commercial motor vehicle for the period specified in 49 C.F.R. § 383.51(e) and to impose a civil penalty against the person in the amount specified by 49 C.F.R. § ~~383.53(b)(1)~~ 383.53(b)(1). Section 1 also requires the Department to impose a civil penalty in the amount specified in 49 C.F.R. § 383.53(b)(2) against the employer of a driver of a commercial motor vehicle if the employer is convicted of knowingly allowing, requiring, permitting or authorizing the person to operate a commercial motor vehicle during any period in which the person or the commercial motor vehicle is subject to an out-of-service order.

Under existing state law, courts having jurisdiction over violations of certain licensing laws or other laws regulating the operation of motor vehicles on highways are required to forward to the Department of Motor Vehicles a record of the conviction of a person for violating such laws. The record must be forwarded to the Department within 20 days after the conviction. (NRS 483.450) Under existing federal law, in the context of a person who holds a

commercial driver's license or is operating a commercial motor vehicle, the licensing entity of the state in which the person is convicted of violating a law relating to motor vehicle traffic control must provide notice of the conviction to the licensing entity of the state in which the person is licensed. The notification must be made within 10 days after the conviction. (49 C.F.R. § 384.209) **Section 2** of this bill: (1) reduces from 20 days to 5 days the period within which a court must forward to the Department a record of conviction; and (2) requires the Department, if the conviction is of a person holding a commercial driver's license, to provide notice of the conviction to the Commercial Driver's License Information System within 5 days after the date on which the Department received the record of conviction from the court. **Section 2** thus allows the Department to comply with the 10-day reporting period imposed pursuant to federal regulation. **Section 2 also deletes a provision of existing law pursuant to which a court that requires the surrender of the driver's licenses of a person convicted of certain traffic offenses may forward those licenses to the Department together with the record of the person's conviction.**

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

**Section 1.** Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. If the Department receives notice that a person who holds a commercial driver's license has been convicted of driving a commercial motor vehicle in violation of an out-of-service declaration, as described in 49 C.F.R. § 395.13, the Department shall:*

*(a) Suspend the privilege of the person to operate a commercial motor vehicle for the period set forth in 49 C.F.R. § 383.51(e); and*

*(b) In addition to any other applicable fees and penalties that must be paid to reinstate the commercial driver's license after suspension, impose against the person a civil penalty in the amount set forth in 49 C.F.R. § ~~383.53(b)~~ 383.53(b)(1).*

*2. If the Department receives notice that the employer of a person who holds a commercial driver's license has been convicted of a violation of 49 C.F.R. § 383.37(c) for knowingly allowing, requiring, permitting or authorizing the person to operate a commercial motor vehicle during any period in which the person or the commercial motor vehicle is subject to an out-of-service order, the Department shall impose against the employer a civil penalty in the amount set forth in 49 C.F.R. § 383.53(b)(2).*

*3. All money collected by the Department pursuant to paragraph (b) of subsection 1 or subsection 2 must be deposited in the State Treasury for credit to the Motor Vehicle Fund.*

~~3.~~ *4. The Department ~~may~~ shall adopt regulations to carry out the provisions of this section.*

**Sec. 2.** NRS 483.450 is hereby amended to read as follows:

483.450 1. ~~Whenever any person is convicted of any offense for which the provisions of NRS 483.010 to 483.630, inclusive, make mandatory the revocation of his or her driver's license by the Department, the court in which the person is convicted may require the surrender to it of all driver's licenses then held by the person convicted, and the court may, within 20 days after the conviction, forward these licenses, together with a record of the conviction, to the Department.~~

~~2.~~ A record of conviction must be made in a manner approved by the Department. The court shall provide sufficient information to allow the Department to include accurately the information regarding the conviction in the driver's record.

~~2.~~ 2. The Department shall adopt regulations prescribing the information necessary to record the conviction in the driver's record.

~~3.~~ 3. Every court, including a juvenile court, having jurisdiction over violations of the provisions of NRS 483.010 to 483.630, inclusive, or any other law of this State or municipal ordinance regulating the operation of motor vehicles on highways, shall forward to the Department:

(a) If the court is other than a juvenile court, a record of the conviction of any person in that court for a violation of any such laws other than regulations governing standing or parking; or

(b) If the court is a juvenile court, a record of any finding that a child has violated a traffic law or ordinance other than one governing standing or parking,

within ~~20~~ 5 days after the conviction or finding, and may recommend the suspension of the driver's license of the person convicted or child found in violation of a traffic law or ordinance.

~~4.~~ 4. *If a record forwarded to the Department pursuant to subsection ~~4~~ 3 is a record of the conviction of a person who holds a commercial driver's license, the Department shall, within 5 days after the date on which it receives such a record, transmit notice of the conviction to the Commercial Driver's License Information System.*

~~5.~~ 5. For the purposes of NRS 483.010 to 483.630, inclusive:

(a) "Conviction" has the meaning prescribed by regulation pursuant to NRS 481.052.

(b) A forfeiture of bail or collateral deposited to secure a defendant's appearance in court, if the forfeiture has not been vacated, is equivalent to a conviction.

~~6.~~ 6. ~~The necessary expenses of mailing ~~licenses and~~ records of conviction to the Department as required by ~~subsections 1 and 4~~ this section must be paid by the court charged with the duty of forwarding those ~~licenses and~~ records of conviction.~~

~~7.~~ 7. *As used in this section, "Commercial Driver's License Information System" has the meaning ascribed to it in NRS 483.904.*

**Sec. 3.** NRS 483.902 is hereby amended to read as follows:

483.902 The provisions of NRS 483.900 to 483.940, inclusive, *and section 1 of this act* apply only with respect to commercial drivers' licenses.

**Sec. 4.** NRS 483.904 is hereby amended to read as follows:

483.904 As used in NRS 483.900 to 483.940, inclusive, *and section 1 of this act*, unless the context otherwise requires:

1. "Commercial driver's license" means a license issued to a person which authorizes the person 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) *A person operating a commercial motor vehicle ~~as such a prohibition is described in 49 C.F.R. § 395.13; or~~*

(b) *The operation of a commercial motor vehicle as such a prohibition is described in 49 C.F.R. § 396.9(c).*

**Sec. 5.** NRS 483.924 is hereby amended to read as follows:

483.924 A person shall not drive a commercial motor vehicle on the highways of this State:

1. Unless the person has been issued and has in his or her immediate possession a:

1 (a) Commercial driver's license with applicable endorsements valid for the  
2 vehicle the person is driving issued by this State or by any other jurisdiction in  
3 accordance with the minimum federal standards for the issuance of a commercial  
4 driver's license; or

5 (b) Valid learner's permit for the operation of a commercial motor vehicle and  
6 is accompanied by the holder of a commercial driver's license valid for the vehicle  
7 being driven.

8 2. At any time while the person's driving privilege is suspended, revoked or  
9 cancelled, or while subject to a disqualification ~~{or}~~, *including, without limitation,*  
10 *a disqualification for violating* an out-of-service order ~~{}~~ *that is imposed pursuant*  
11 *to 49 C.F.R. § 383.51(e).*

12 **Sec. 6.** 1. This section and sections 1, 3, 4 and 5 of this act become  
13 effective on October 1, 2011.

14 2. Section 2 of this act becomes effective on January 1, 2012.