

Amendment No. 82

Senate Amendment to Senate Bill No. 143

(BDR 43-696)

Proposed by: Senate Committee on Transportation**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date	
Adopted	☐	Lost	☐	_____		Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____		Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____		Receded	☐	Not	☐	_____

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.

DLJ/BJE



Date: 4/14/2013

S.B. No. 143—Revises provisions governing certain examinations for driver's licenses. (BDR 43-696)



SENATE BILL NO. 143—SENATORS WOODHOUSE, MANENDO, SEGERBLOM, SPEARMAN,
PARKS; FORD, JONES AND KIHUEN

FEBRUARY 18, 2013

Referred to Committee on Transportation

SUMMARY—Revises provisions governing certain examinations for driver's licenses. (BDR 43-696)

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 motor vehicles; requiring the Department of Motor Vehicles to include on certain examinations at least one question testing an applicant's knowledge of a certain subject; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Motor Vehicles to require each applicant for an instruction permit, driver's license or commercial driver's license to submit to an examination consisting of various areas and subjects, including a test of the applicant's knowledge of practices for safe driving and the traffic laws of this State. (NRS 483.280, 483.330) As part of the practices for safe driving and the traffic laws of this State, existing law prohibits a person, under certain circumstances, from texting or otherwise using a cellular telephone or other handheld wireless communications device while operating a motor vehicle on a highway in this State, unless the device is used with an accessory which allows the person to communicate without his or her hands. (NRS 484B.165) **Sections 1 and 2** of this bill require the Department, if the Department administers an examination concerning practices for safe driving or the traffic laws of this State, to ensure that the examination includes at least one question testing the applicant's or licensee's knowledge of the prohibition against texting or otherwise using a cellular telephone or other handheld wireless communications device while operating a motor vehicle upon a highway in this State.

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

Section 1. NRS 483.280 is hereby amended to read as follows:
483.280 1. Any person who is at least 15 1/2 years of age may apply to the Department for an instruction permit. The Department may, in its discretion, after the applicant has successfully passed all parts of the examination *administered pursuant to NRS 483.330*, other than the driving test, issue to the applicant an instruction permit entitling the applicant, while having the permit in his or her immediate possession, to drive a motor vehicle upon the highways for a period of 1

1 year when accompanied by a licensed driver who is at least 21 years of age, who
2 has had at least 1 year of licensed driving experience in the type of vehicle for
3 which the permit was issued and who is actually occupying a seat beside the driver,
4 except when the permittee is occupying a motorcycle. The term "licensed driving
5 experience" as used in this subsection does not include driving experience gained
6 under an instruction permit issued pursuant to the provisions of this section.

7 2. The Department may, in its discretion, issue a temporary driver's permit to
8 an applicant for a driver's license permitting the applicant to drive a motor vehicle
9 while the Department is completing its investigation and determination of all facts
10 relative to the applicant's right to receive a driver's license. The permit must be in
11 the applicant's immediate possession while driving a motor vehicle, and is invalid
12 when the applicant's license has been issued or for good cause has been refused.

13 3. The Department, upon receiving proper application, may, in its discretion,
14 issue a restricted instruction permit effective for a school year, or for a more
15 restricted period, to an applicant who is enrolled in a drivers' education program
16 which includes practice driving and which is approved by the Department even
17 though the applicant has not reached the legal age to be eligible for a driver's
18 license. The instruction permit entitles the permittee, when the permittee has the
19 permit in his or her immediate possession, to drive a motor vehicle only on a
20 designated highway or within a designated area, but only when an approved
21 instructor is occupying a seat beside the permittee.

22 **Sec. 2.** NRS 483.330 is hereby amended to read as follows:

23 483.330 1. The Department may require every applicant for a driver's
24 license, including a commercial driver's license issued pursuant to NRS 483.900 to
25 483.940, inclusive, to submit to an examination. The examination may include:

26 (a) A test of the applicant's ability to understand official devices used to
27 control traffic;

28 (b) A test of the applicant's knowledge of practices for safe driving and the
29 traffic laws of this State;

30 (c) Except as otherwise provided in subsection 2, a test of the applicant's
31 eyesight; and

32 (d) Except as otherwise provided in subsection 3, an actual demonstration of
33 the applicant's ability to exercise ordinary and reasonable control in the operation
34 of a motor vehicle of the type or class of vehicle for which he or she is to be
35 licensed.

36 ➤ The examination may also include such further physical and mental examination
37 as the Department finds necessary to determine the applicant's fitness to drive a
38 motor vehicle safely upon the highways. *If the Department requires an applicant
39 to submit to a test specified in paragraph (b), the Department shall ensure that
40 the test includes at least one question testing the applicant's knowledge of the
41 provisions of NRS 484B.165.*

42 2. The Department may provide by regulation for the acceptance of a report
43 from an ophthalmologist, optician or optometrist in lieu of an eye test by a driver's
44 license examiner.

45 3. If the Department establishes a type or classification of driver's license to
46 operate a motor vehicle of a type which is not normally available to examine an
47 applicant's ability to exercise ordinary and reasonable control of such a vehicle, the
48 Department may, by regulation, provide for the acceptance of an affidavit from a:

49 (a) Past, present or prospective employer of the applicant; or

50 (b) Local joint apprenticeship committee which had jurisdiction over the
51 training or testing, or both, of the applicant,

52 ➤ in lieu of an actual demonstration.

1 4. The Department may waive an examination pursuant to subsection 1 for a
2 person applying for a Nevada driver's license who possesses a valid driver's license
3 of the same type or class issued by another jurisdiction unless that person:

4 (a) Has not attained 21 years of age, except that the Department may, based on
5 the driving record of the applicant, waive the examination to demonstrate the
6 applicant's ability to exercise ordinary and reasonable control in the operation of a
7 motor vehicle of the same type or class of vehicle for which he or she is to be
8 licensed;

9 (b) Has had his or her license or privilege to drive a motor vehicle suspended,
10 revoked or cancelled or has been otherwise disqualified from driving during the
11 immediately preceding 4 years;

12 (c) Has been convicted of a violation of NRS 484C.130 or, during the
13 immediately preceding 7 years, of a violation of NRS 484C.110, 484C.120 or
14 484C.430 or a law of any other jurisdiction that prohibits the same or similar
15 conduct;

16 (d) Has restrictions to his or her driver's license which the Department must
17 reevaluate to ensure the safe driving of a motor vehicle by that person;

18 (e) Has had three or more convictions of moving traffic violations on his or her
19 driving record during the immediately preceding 4 years; or

20 (f) Has been convicted of any of the offenses related to the use or operation of
21 a motor vehicle which must be reported pursuant to the provisions of Parts 1327 et
22 seq. of Title 23 of the Code of Federal Regulations relating to the National Driver
23 Register Problem Driver Pointer System during the immediately preceding 4 years.

24 **Sec. 3.** This act becomes effective:

25 1. Upon passage and approval for the purposes of adopting any necessary
26 regulations and performing any other preparatory administrative tasks that are
27 necessary to carry out the provisions of this act; and

28 2. On ~~October 1, 2013,~~ January 1, 2014, for all other purposes.