

Amendment No. 975

Assembly Amendment to Assembly Bill No. 338 First Reprint (BDR 43-600)
<b>Proposed by:</b> Assembly Committee on Ways and Means
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will ADD an appropriation where one does not currently exist in A.B. 338 R1.

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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.





ASSEMBLY BILL NO. 338—ASSEMBLYMEN WHEELER, KRAMER, ELLISON; ASSEFA, BILBRAY-AXELROD, CARRILLO, COHEN, EDWARDS, FUMO, GORELOW, HAFEN, HANSEN, HARDY, KRASNER, LEAVITT, MARTINEZ, MCCURDY, MUNK, PETERS, ROBERTS, SWANK, TOLLES AND YEAGER (BY REQUEST)

MARCH 18, 2019

JOINT SPONSORS: SENATORS SPEARMAN, OHRENSCHALL, KIECKHEFER; BROOKS, CANCELA, HAMMOND, HANSEN, PICKARD, SEEVERS GANSERT AND SETTELMEYER

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises requirements for the operation of a motor vehicle by a young driver. (BDR 43-600)

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; authorizing completion of a hands-on defensive driving course in lieu of certain supervised driving experience for any applicant for a driver's license who is under 18 years of age; requiring the Department of Motor Vehicles to approve and maintain a list of such courses; making an appropriation; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the issuance of a driver's license to a person who is 16 or 17 years of age under certain circumstances, including, with certain exceptions, completion by the person of a course in automobile driver education or a course provided by a school for training drivers that is licensed in this State. Such a person must also provide proof of at least 50 hours of supervised driving experience. (NRS 483.2521) **Section 3** of this bill allows any person under the age of 18 years to complete an approved hands-on course in defensive driving in lieu of completing 50 hours of supervised driving experience to obtain a driver's license. **Section 2** of this bill requires the Department of Motor Vehicles to approve for the purposes of this provision any hands-on defensive driving course that: (1) includes both theory of defensive driving and practical experience in defensive driving skills and maneuvers; (2) is provided by a school for training drivers that is licensed in this State; and (3) is conducted by a person who is licensed in this State as an instructor for a school for training drivers. **Section 2** also requires the Department to place a list of approved courses on the Internet website of the Department. **Sections 6-10** of this bill make conforming changes. **Section 10.7 of this bill makes an appropriation to the Department for the personnel and operating costs to approve and audit the hands-on courses in defensive driving.**

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

**Section 1.** (Deleted by amendment.)

**Sec. 2.** Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The Department shall approve a hands-on course in defensive driving for the purposes of NRS 483.2521 if the course:*

*(a) Includes instruction in the theory and practical applications of defensive driving;*

*(b) Requires a person taking the course to practice defensive driving skills and maneuvers, including, without limitation, emergency avoidance and response techniques;*

*(c) Is provided by a school for training drivers that meets the requirements of this section and NRS 483.700 to 483.780, inclusive; and*

*(d) Is conducted by a person who holds a license as an instructor for a school for training drivers and who meets the requirements of this section and NRS 483.700 to 483.780, inclusive.*

*2. The Department shall maintain on the Internet website of the Department a list of hands-on courses in defensive driving that are approved pursuant to this section. The list must identify those courses which are provided for free. In the event that no such free courses are available, the Internet website must provide notice of that fact.*

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

**Sec. 3.** NRS 483.2521 is hereby amended to read as follows:

483.2521 1. Except as otherwise provided in subsection ~~3.1~~ 4, the Department may issue a driver's license to a person who is 16 or 17 years of age if the person:

(a) Except as otherwise provided in subsection 2, has completed:

(1) A course in automobile driver education pursuant to NRS 389.090; or

(2) A course provided by a school for training drivers which is licensed pursuant to NRS 483.700 to 483.780, inclusive, *and section 2 of this act* and which complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the State Board of Education pursuant to NRS 389.090;

(b) ~~Has~~ *Except as otherwise provided in subsection 3, has* at least 50 hours of supervised experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280, including, without limitation, at least 10 hours of experience in driving a motor vehicle during darkness;

(c) ~~Submits~~ *Except as otherwise provided in subsection 3, submits* to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of supervised experience required pursuant to this section and which is signed:

(1) By his or her parent or legal guardian; or

(2) If the person applying for the driver's license is an emancipated minor, by a licensed driver who is at least 21 years of age or by a licensed driving instructor,

➤ who attests that the person applying for the driver's license has completed the training and experience required pursuant to paragraphs (a) ~~and~~ (b) ; ~~and (c);~~

(d) Submits to the Department:

(1) A written statement signed by the principal of the public school in which the person is enrolled or by a designee of the principal and which is provided to the person pursuant to NRS 392.123;

(2) A written statement signed by the parent or legal guardian of the person which states that the person is excused from compulsory attendance pursuant to NRS 392.070;

(3) A copy of the person's high school diploma or certificate of attendance; or

(4) A copy of the person's certificate of general educational development or an equivalent document;

(e) Has not been found to be responsible for a motor vehicle crash during the 6 months before applying for the driver's license;

(f) Has not been convicted of a moving traffic violation or a crime involving alcohol or a controlled substance during the 6 months before applying for the driver's license; and

(g) Has held an instruction permit for not less than 6 months before applying for the driver's license.

2. If a course described in paragraph (a) of subsection 1 is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing such a course as required by that paragraph, complete an additional 50 hours of supervised experience in driving a motor vehicle in accordance with paragraph (b) of subsection 1.

3. *In lieu of the supervised experience required pursuant to paragraph (b) of subsection 1, a person applying for a Class C noncommercial driver's license may provide to the Department proof that the person has successfully completed*

*(a) The training required pursuant to paragraph (a) of subsection 1; and*

*(b) A hands-on course in defensive driving that has been approved by the Department pursuant to section 2 of this act.*

4. A person who is 16 or 17 years of age, who has held an instruction permit issued pursuant to subsection 4 of NRS 483.280 authorizing the holder of the permit to operate a motorcycle and who applies for a driver's license pursuant to this section that authorizes him or her to operate a motorcycle must comply with the provisions of paragraphs (d) to (g), inclusive, of subsection 1 and must:

(a) Except as otherwise provided in subsection ~~4.3~~ 5, complete a course of motorcycle safety approved by the Department;

(b) Have at least 50 hours of experience in driving a motorcycle with an instruction permit issued pursuant to subsection 4 of NRS 483.280; and

(c) Submit to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of experience required pursuant to paragraph (b) and which is signed by his or her parent or legal guardian who attests that the person applying for the motorcycle driver's license has completed the training and experience required pursuant to paragraphs (a) and (b).

~~4.3~~ 5. If a course described in paragraph (a) of subsection ~~3.3~~ 4 is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing the course, complete an additional 50 hours of experience in driving a motorcycle in accordance with paragraph (b) of subsection ~~3.3~~ 4.

**Sec. 4.** (Deleted by amendment.)

**Sec. 5.** (Deleted by amendment.)

**Sec. 6.** NRS 483.700 is hereby amended to read as follows:

483.700 No person may operate a school for training drivers, or engage in the business of giving instruction for hire in driving motor vehicles or in the preparation of an applicant for an examination given by the Department for a

1 driver's license, unless the person has secured a license therefor from the  
2 Department as provided in NRS 483.700 to 483.780, inclusive ~~H~~, and section 2 of  
3 this act.

4 **Sec. 7.** NRS 483.725 is hereby amended to read as follows:

5 483.725 1. ~~Each~~ Except as otherwise provided in section 2 of this act,  
6 each course of training provided by a school for training drivers licensed pursuant  
7 to NRS 483.700 to 483.780, inclusive, and section 2 of this act must include,  
8 without limitation, instruction in:

9 (a) Motor vehicle insurance.

10 (b) The effect of drugs and alcohol on an operator of a motor vehicle.

11 2. If a course of training provided by a school for training drivers licensed  
12 pursuant to NRS 483.700 to 483.780, inclusive, and section 2 of this act consists in  
13 whole or in part of classroom instruction, that part of the course which consists of  
14 classroom instruction may be taught interactively through the use of  
15 communications technology so that persons taking the course need not be  
16 physically present in a classroom.

17 3. The Department shall adopt regulations to carry out the provisions of  
18 subsection 2. The regulations must include, without limitation:

19 (a) Provisions for the licensing and operation of interactive courses that use  
20 communications technology;

21 (b) Provisions to ensure that interactive courses which use communications  
22 technology are secure, reliable and include measures for testing and security that  
23 are at least as secure as the measures for testing and security which would be  
24 available in an ordinary classroom; and

25 (c) Standards to ensure that interactive courses which use communications  
26 technology offer a curriculum that is at least as stringent as the curriculum which  
27 would be available in an ordinary classroom.

28 4. As used in this section, "communications technology" means any method  
29 or component, or both, that is used by a school for training drivers licensed  
30 pursuant to NRS 483.700 to 483.780, inclusive, and section 2 of this act to carry  
31 out or facilitate the transmission of information, including, without limitation, the  
32 transmission and reception of information by:

33 (a) Systems based on the following technologies:

34 (1) Video;

35 (2) Wire;

36 (3) Cable;

37 (4) Radio;

38 (5) Microwave;

39 (6) Light; or

40 (7) Optics; and

41 (b) Computer data networks, including, without limitation, the Internet or its  
42 successor, if any, and intranet services.

43 **Sec. 8.** NRS 483.760 is hereby amended to read as follows:

44 483.760 The Department may refuse to issue a license or may cancel,  
45 suspend, revoke or refuse to renew any license granted pursuant to NRS 483.700 to  
46 483.780, inclusive ~~H~~, and section 2 of this act:

47 1. If the applicant or licensee makes a material misstatement on an  
48 application.

49 2. If the applicant or licensee fails or refuses to provide any information  
50 requested by the Department in conjunction with an application.

51 3. If the applicant has been convicted of a crime for a violation of any of the  
52 provisions of NRS 483.700 to 483.780, inclusive ~~H~~, and section 2 of this act.

4. If the licensee permits fraud or engages in fraudulent practices either with reference to the applicant or the Department or induces or countenances fraud or fraudulent practices on the part of any applicant for driver's license.

5. If the licensee fails to comply with or is convicted of a crime for a violation of any of the provisions of NRS 483.700 to 483.780, inclusive, *and section 2 of this act* or any of the regulations or requirements of the Department made pursuant thereto.

6. If the licensee or any employee or agent of the licensee solicits persons for enrollment in a school for training drivers in an office of the Department or within 200 feet of any such office.

7. If the licensee or any employee or agent of the licensee follows the identical course of training which is used by the Department in giving an examination for a driver's license.

**Sec. 9.** NRS 483.767 is hereby amended to read as follows:

483.767 1. The Department may impose an administrative fine, not to exceed \$2,500, for a violation of any provision of NRS 483.700 to 483.780, inclusive, *and section 2 of this act* or any rule, regulation or order adopted or issued pursuant thereto. The Department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

2. All administrative fines collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer to the credit of the State Highway Fund.

3. In addition to any other remedy provided by NRS 483.700 to 483.780, inclusive, *and section 2 of this act*, the Department may compel compliance with any provision of NRS 483.700 to 483.780, inclusive, *and section 2 of this act* and any rule, regulation or order adopted or issued pursuant thereto, by injunction or other appropriate remedy and the Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

**Sec. 10.** NRS 483.780 is hereby amended to read as follows:

483.780 The Department shall charge annually the following fees for licenses issued pursuant to the provisions of NRS 483.700 to 483.780, inclusive ~~§~~, *and section 2 of this act*:

License for a school for training drivers .....	\$50
License for a driving instructor.....	10
License for a school, an agency or a business that provides an educational course on the abuse of alcohol and controlled substances.....	250
License for an instructor of an educational course on the abuse of alcohol and controlled substances .....	50
License for a school for traffic safety.....	250
License for an instructor of traffic safety .....	50

**Sec. 10.5.** NRS 486.071 is hereby amended to read as follows:

486.071 1. Except as otherwise provided in subsection 3 and NRS 486.161, the Department shall not issue a motorcycle driver's license unless the applicant:

(a) Is at least 18 years of age; and

(b) Has successfully completed:

(1) Except as otherwise provided in subsection 2, such written examinations and driving tests as may be required by the Department; or

(2) A course of motorcycle safety approved by the Department.

2. A holder of an instruction permit issued pursuant to subsection 4 or 5 of NRS 483.280 who applies to the Department for a motorcycle driver's license pursuant to subsection 1 is not required to successfully complete the written

examinations required pursuant to subparagraph (1) of paragraph (b) of subsection 1 if the holder of the permit:

- (a) Is at least 18 years of age;
- (b) Has held the instruction permit for not less than 6 months; and
- (c) The instruction permit expired not more than 30 days before the date of application for a motorcycle driver's license.

3. The Department shall not issue a motorcycle driver's license to an applicant who is at least 16 years of age but is less than 18 years of age unless the applicant:

- (a) Meets the requirements of subsection ~~(3)~~ 4 of NRS 483.2521; and
- (b) Has successfully completed such written examinations and driving tests as may be required by the Department.

4. Except as otherwise provided in subsection ~~(3)~~ 4 of NRS 483.2521, any person who has been issued a driver's license pursuant to chapter 483 of NRS without having the authority to drive a motorcycle endorsed thereon must, before driving a motorcycle, successfully pass:

- (a) A driving test conducted by the Department; or
  - (b) A course of motorcycle safety approved by the Department,
- and have the authority endorsed upon the license.

**Sec. 10.7. 1. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles for the personnel and operating costs to approve hands-on courses in defensive driving pursuant to section 2 of this act and audit those courses the following sums:**

**For the Fiscal Year 2019-2020 ..... \$91,844**

**For the Fiscal Year 2020-2021 ..... \$92,099**

**2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2020, and September 17, 2021, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 18, 2020, and September 17, 2021, respectively.**

**Sec. 11.** The amendatory provisions of sections 3 to 10.5, inclusive, of this act do not apply to a person who applies for a driver's license pursuant to NRS 483.2521 before July 1, 2020.

**Sec. 12. ~~(This act becomes)~~ 1. This section and sections 1 to 10.5, inclusive, and 11 of this act become** effective:

**~~(1)~~ (a)** Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

**~~(2)~~ (b)** On July 1, 2020, for all other purposes.

**2. Section 10.7 of this act becomes effective on July 1, 2019.**