

SENATE BILL NO. 371—COMMITTEE ON
GROWTH AND INFRASTRUCTURE

MARCH 25, 2021

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to motor vehicles.
(BDR 43-837)

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; revising provisions governing the pilot program that the Department of Motor Vehicles is required to conduct to gather data relating to certain motor vehicles in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Motor Vehicles to conduct a pilot program to gather data on the annual vehicle miles traveled by certain motor vehicles registered in this State. As part of the pilot program, the Department is required to gather data on mileage, type of vehicle and type of fuel system for each such motor vehicle and produce a report every 6 months for the Legislature and the respective Chairs of the Assembly and Senate Standing Committees on Growth and Infrastructure. (NRS 482.2175) Existing law requires the owners of certain motor vehicles in this State to report the mileage shown on the odometer of the motor vehicle and certain other information required by the Department at the time of initial registration, renewal of registration and transfer of registration, if applicable. (NRS 482.2177) **Sections 2 and 3** of this bill remove the requirement for such reporting for recreational vehicles.

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 or the title or registration of a motor vehicle except under certain circumstances. One such authorized disclosure under existing law is to an 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. (NRS 481.063) **Sections 1 and 2** of this bill prohibit disclosure to an insurer, self-insurer or organization that provides assistance or support to an insurer or self-insurer or its agents, employees or contractors of information provided to the Department as part of the pilot program in connection with activities relating to the



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rating, underwriting, cancellation or nonrenewal of liability coverage for motor vehicles.

Existing law requires the Department to adopt certain regulations relating to the pilot program. (NRS 482.2175) **Section 2** authorizes the Department to adopt regulations providing for an administrative fine for failure by an owner of a motor vehicle to report in a timely manner mileage and other information, if required, as part of the pilot program.

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 6, 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 subsections 2 and 4, 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 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.



1 ↪ When such personally identifiable information is requested of a
2 law enforcement agency by the presentation of a license plate
3 number, the law enforcement agency shall conduct an investigation
4 regarding the person about whom information is being requested or,
5 as soon as practicable, provide the requester with the requested
6 information if the requester officially reports that the motor vehicle
7 bearing that license plate was used in a violation of NRS 205.240,
8 205.345, 205.380 or 205.445.

9 4. If a person is authorized to obtain such information pursuant
10 to a contract entered into with the Department and if such
11 information is requested for the purpose of an advisory notice
12 relating to a motor vehicle or the recall of a motor vehicle or for the
13 purpose of providing information concerning the history of a
14 vehicle, the Director may release:

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

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

20 5. Except as otherwise provided in subsections 2, 4, 6 and 7
21 and NRS 483.294, 483.855 and 483.937, the Director shall not
22 release any personal information from a file or record relating to a
23 driver's license, identification card, or title or registration of a
24 vehicle.

25 6. Except as otherwise provided in paragraph (a) and
26 subsection 8, if a person or governmental entity provides a
27 description of the information requested and its proposed use and
28 signs an affidavit to that effect, the Director may release any
29 personal information, except a photograph, from a file or record
30 relating to a driver's license, identification card, or title or
31 registration of a vehicle for use:

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

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

45 (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~~ *Except as otherwise provided in subsection 6 of NRS 482.2175, 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 patrol officer 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 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.

7. Upon the request of a court or its traffic violations bureau, the Director shall release the mailing address and contact information of a person who has been issued a traffic citation that is filed with the court or traffic violations bureau from a file or record relating to the driver's license of the person or the title or registration of the person's vehicle for the purpose of enabling the court or traffic violations bureau to provide notifications concerning the traffic citation to the person.



8. Except as otherwise provided in paragraph (j) of subsection 6, the Director shall not provide personal information to individuals or companies for the purpose of marketing extended vehicle warranties, and a person who requests and receives personal information may sell or disclose that information only for a use permitted pursuant to subsection 6. 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.

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

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

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

11. The Director shall not release any information relating to legal presence or any other information relating to or describing immigration status, nationality or citizenship from a file or record relating to a request for or the issuance of a license, identification card or title or registration of a vehicle to any person or to any federal, state or local governmental entity for any purpose relating to the enforcement of immigration laws.

12. The Director shall adopt such regulations as the Director 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 the person's ability to request information electronically or by written request if the person has submitted to the Department proof of employment or licensure, as applicable, and a signed and notarized affidavit acknowledging that the person:

(a) 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) Understands that any sale or disclosure of information so obtained must be in accordance with the provisions of this section;

(c) Understands that a record will be maintained by the Department of any information he or she requests; and



(d) Understands that a violation of the provisions of this section is a criminal offense.

13. 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.

14. As used in this section:

(a) "Information relating to legal presence" means information that may reveal whether a person is legally present in the United States, including, without limitation, whether the driver's license that a person possesses is a driver authorization card, whether the person applied for a driver's license pursuant to NRS 483.290 or 483.291 and the documentation used to prove name, age and residence that was provided by the person with his or her application for a driver's license.

(b) "Personal information" means information that reveals the identity of a person, including, without limitation, his or her photograph, social security number, individual taxpayer identification 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 or her full address, information regarding vehicular crashes or driving violations in which he or she has been involved or other information otherwise affecting his or her status as a driver.

(c) "Vehicle" includes, without limitation, an off-highway vehicle as defined in NRS 490.060.

Sec. 2. NRS 482.2175 is hereby amended to read as follows:

482.2175 1. The Legislature hereby finds and declares that:

(a) The State faces major financial challenges to adequately fund the construction and maintenance of the highways of this State as revenues from taxes imposed on fuel, at both the state and federal level, long used to fund construction and maintenance of the highways of this State and many other states, have declined primarily because of the improved efficiency of the motor vehicles operated on the highways of this State.

(b) The Legislature must seek significant and innovative solutions in order to meet the challenges of adequately funding the construction and maintenance of the highways of this State into the future, among them the concept of basing revenue collection on the annual vehicle miles traveled by each vehicle using the highways of this State.



2. The Legislature therefore directs the Department of Motor Vehicles to conduct a pilot program to gather data on annual vehicle miles traveled and other relevant information for certain motor vehicles registered in this State.

3. Upon receipt of the information obtained pursuant to NRS 482.2177, the Department shall compile the data and prepare a report on the annual vehicle miles traveled of those motor vehicles in this State required to provide odometer readings pursuant to NRS 482.2177 by categories determined by the Department, including, without limitation, the annual vehicle miles traveled by:

(a) Type of motor vehicle, including, without limitation:

- (1) Passenger car;
- (2) Light-duty;
- (3) Heavy-duty;
- (4) Motortruck;
- (5) Truck-tractor; *and*
- (6) Bus . ~~[- and~~

~~(7) Recreational vehicle.]~~

(b) Weight of motor vehicle, including, without limitation:

- (1) Less than 6,000 pounds;
- (2) From 6,000 pounds to 8,499 pounds;
- (3) From 8,500 pounds to 10,000 pounds;
- (4) From 10,001 pounds to 26,000 pounds;
- (5) From 26,001 pounds to 80,000 pounds; and
- (6) Over 80,000 pounds.

(c) Motor vehicle fuel type or power source, including, without limitation:

- (1) Compressed natural gas;
- (2) Diesel;
- (3) Electric;
- (4) Flexible fuel E85;
- (5) Flexible fuel M85;
- (6) Hybrid diesel;
- (7) Hybrid electric;
- (8) Hybrid gasoline/gasohol;
- (9) Hydrogen;
- (10) Gasoline/gasohol;
- (11) Liquefied natural gas; and
- (12) Propane.

4. Beginning not later than December 31, 2019, the Department shall compile all the information available to produce the report required pursuant to subsection 3 every 6 months, and shall transmit the report not later than January 1 and July 1 of each year to:



(a) The Chair of the Assembly Standing Committee on Growth and Infrastructure;

(b) The Chair of the Senate Standing Committee on Growth and Infrastructure; and

(c) The Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year.

5. The Department may apply for and accept gifts, grants and donations to assist with the implementation of the pilot program.

6. *The Department shall not disclose any information provided to the Department pursuant to NRS 482.2177 to an 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, cancellation or nonrenewal of insurance required by NRS 485.185.*

7. The Department ~~[shall:]~~ :

(a) ~~[Adopt]~~ *Shall adopt* regulations which establish procedures for implementing the pilot program, including, without limitation, those procedures required for:

(1) A person to provide to the Department the mileage shown on the odometer of each vehicle and other information as required by NRS 482.2177; and

(2) Any exemptions from the requirements of NRS 482.2177 that the Department deems appropriate to avoid undue hardship for the registered owner of a motor vehicle.

(b) ~~[Investigate]~~ *May adopt regulations providing for an administrative fine for failure to comply in a timely manner with the requirements of NRS 482.2177.*

8. *The Department shall investigate* and, where possible, implement technology or other solutions which allow a person required to provide to the Department the mileage shown on the odometer of his or her vehicle and other information pursuant to NRS 482.2177 to provide that digitally or electronically to the Department.

Sec. 3. NRS 482.2177 is hereby amended to read as follows:

482.2177 1. Except as otherwise provided in subsection 4, upon application for the initial registration of any motor vehicle pursuant to this chapter, the applicant shall provide the Department or registered dealer the mileage shown on the odometer of the vehicle at the time of application and any other information required by the Department. Upon application for the transfer of registration pursuant to NRS 482.399 to another motor vehicle, the applicant shall provide to the Department or registered dealer the mileage



1 shown on the odometer of the vehicle to which the registration is to
2 be transferred at the time of application and any other information
3 required by the Department.

4 2. At the time of renewal of registration of a motor vehicle
5 pursuant to this chapter, the mileage shown on the odometer of the
6 vehicle and any other information required by the Department must
7 be provided to the Department as follows:

8 (a) If the vehicle is required upon renewal of registration to
9 submit evidence of compliance with standards for the control of
10 emissions pursuant to chapter 445B of NRS, the mileage shown on
11 the odometer of the vehicle at the time of the inspection and any
12 other information required by the Department must be noted on the
13 evidence of compliance.

14 (b) If the vehicle is not required upon renewal of registration to
15 submit evidence of compliance with standards for the control of
16 emissions pursuant to chapter 445B of NRS, the mileage shown on
17 the odometer of the vehicle at the time of renewal and any other
18 information required by the Department must be noted by the owner
19 in a manner prescribed by the Department.

20 3. Upon the transfer of the ownership of or interest in a motor
21 vehicle and the expiration of the registration pursuant to NRS
22 482.399, the holder of the original registration must provide to the
23 Department the mileage shown on the odometer of the vehicle at
24 the time of the transfer and any other information required by the
25 Department in a manner prescribed by the Department.

26 4. The provisions of this section do not apply to a:

27 (a) Motorcycle or moped.

28 (b) *Recreational vehicle*.

29 (c) Vehicle that is exempt from registration pursuant to
30 NRS 482.210.

31 ~~(e)~~ (d) Vehicle registered as a farm vehicle.

32 ~~(d)~~ (e) Vehicle that is registered through the Motor Carrier
33 Division pursuant to the provisions of NRS 706.801 to 706.861,
34 inclusive, and which has a declared gross weight in excess of 10,000
35 pounds.

36 ~~(e)~~ (f) Vehicle that has been exempted by regulations adopted
37 pursuant to subsection ~~(g)~~ 7 of NRS 482.2175.

38 5. The Department or its agents may inspect the odometer of a
39 vehicle for which the mileage shown on the odometer is reported
40 pursuant to paragraph (b) of subsection 2 not more than once every
41 2 years to verify the mileage reported.

42 **Sec. 4.** The provisions of subsection 1 of NRS 218D.380 do
43 not apply to any provision of this act which adds or revises a
44 requirement to submit a report to the Legislature.



1 **Sec. 5.** Notwithstanding the provisions of NRS 218D.430 and
2 218D.435, a committee, other than the Assembly Standing
3 Committee on Ways and Means and the Senate Standing Committee
4 on Finance, may vote on this act before the expiration of the period
5 prescribed for the return of a fiscal note in NRS 218D.475. This
6 section applies retroactively from and after March 22, 2021.
7 **Sec. 6.** This act becomes effective upon passage and approval
8 and expires by limitation on December 31, 2026.

