

SENATE BILL NO. 66—COMMITTEE ON
GROWTH AND INFRASTRUCTURE

(ON BEHALF OF THE DEPARTMENT OF MOTOR VEHICLES)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to public safety.
(BDR 43-256)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public safety; establishing certain circumstances under which a person is disqualified from operating a commercial motor vehicle; requiring a court to notify the Department of Motor Vehicles if a person is convicted of certain offenses; prohibiting an employer from allowing a person to operate a commercial motor vehicle under certain circumstances; requiring the Department to furnish full information regarding a driving record to certain persons upon request; revising provisions relating to railroad grade crossings; revising provisions concerning the crimes of involuntary servitude and coercion; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law prohibits a person from driving a commercial motor vehicle at any
2 time when the driving privilege of the person is subject to disqualification. (NRS
3 483.924) Existing federal regulations require a person convicted of certain offenses
4 to be disqualified from operating a commercial motor vehicle for a certain period.
5 The length of the period in which the person is required to be disqualified varies
6 based on the offense for which the person was convicted. For certain offenses,
7 existing federal regulations require the person to be disqualified for life. Such
8 offenses include, among others, using a commercial motor vehicle in the
9 commission of a felony involving an act or practice of "severe forms of trafficking
10 in persons," as defined by federal law. (22 U.S.C. § 7102(11); 49 C.F.R. § 383.51)
11 To conform with these federal requirements, **section 2** of this bill expressly



provides that a person is disqualified from operating a commercial motor vehicle for a certain period if the person is convicted of certain offenses. Under **section 2**, if a person is convicted of certain specified offenses relating to human trafficking while using a commercial motor vehicle, or certain other offenses, the person is disqualified for life without the possibility of reinstatement. **Section 2** prohibits a person who is disqualified from operating a motor vehicle for life from being issued or holding a commercial driver's license or commercial learner's permit. **Section 3** of this bill requires a court to provide notice to the Department of Motor Vehicles within 5 days after a person is convicted of certain offenses relating to human trafficking while using a commercial motor vehicle.

Existing federal law defines "severe forms of trafficking in persons" to include, without limitation, the recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery. (22 U.S.C. § 7102(11)) **Section 10** of this bill revises the list of acts that constitute the crime of holding a person in involuntary servitude to conform more closely with the federal definition of "severe forms of trafficking in persons." (NRS 200.463) Under **section 10**, a person who knowingly subjects, or attempts to subject, another person to forced labor or services by debt bondage or peonage is guilty of holding a person in involuntary servitude.

Existing federal law defines "coercion" to include, among other things, any scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person. (22 U.S.C. § 7102(3)) **Section 11** of this bill revises the list of acts that constitute the crime of coercion to conform more closely to this federal definition. **Section 11** makes it unlawful for a person, with the intent to compel another to do or abstain from doing an act which the other person has a right to do or abstain from doing, to use any scheme, plan or pattern to cause the person to believe that failure to perform an act would result in serious harm to or physical restraint against any person.

Existing federal regulations prohibit an employer from allowing, requiring, permitting or authorizing a driver to operate a commercial motor vehicle if the employer knows or should reasonably know of the existence of certain circumstances. (49 C.F.R. § 383.37) Existing law requires the Department to impose a civil penalty against an employer who has been convicted of violating those federal regulations. (NRS 483.939) **Section 4** of this bill enacts prohibitions on employers which are similar to the prohibitions set forth in those federal regulations. **Section 8** of this bill requires the Department to impose a civil penalty in a certain specified amount against an employer who has been convicted of certain violations of such prohibitions.

Existing law requires the Department, with certain exceptions, to furnish full information regarding the driving record of any person to certain persons or entities under certain circumstances. (NRS 483.916) **Section 7** of this bill requires the Department also to furnish that information to the person who is the subject of that driving record or the Secretary of Transportation of the United States, upon his or her request.

Existing law requires certain vehicles to stop at all railroad grade crossings. (NRS 484B.560) **Section 9** of this bill requires the driver of a commercial motor vehicle who is not otherwise required to stop, before crossing at grade any track or tracks of a railroad, to decrease the speed of the vehicle and confirm that the tracks are clear. **Section 9** also requires the driver of any vehicle to: (1) stop the vehicle within a certain distance of a railroad grade crossing if the track or tracks of the railroad are not clear; and (2) obey any official traffic control device or the directions of a police officer at a railroad grade crossing.



66 **Sections 5 and 6** of this bill make conforming changes to indicate the proper
67 placement of **sections 2-4** in the Nevada Revised Statutes.

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

1 **Section 1.** Chapter 483 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.

3 **Sec. 2. 1.** *If a person is convicted of an offense listed in 49*
4 *C.F.R. § 383.51 involving the operation of a motor vehicle, other*
5 *than an offense described in 49 C.F.R. §§ 383.51(b)(9) or*
6 *383.51(b)(10), or the person refuses to submit to a test required by*
7 *NRS 484C.150 or 484C.160, the person is disqualified from*
8 *operating a commercial motor vehicle for the period set forth in 49*
9 *C.F.R. § 383.51.*

10 **2.** *If a person is convicted of any of the following offenses*
11 *involving the operation of a motor vehicle, the person is*
12 *disqualified from operating a commercial motor vehicle for life*
13 *without the possibility of reinstatement:*

14 **(a)** *Using a motor vehicle in the commission of a felony*
15 *involving manufacturing, distributing or dispensing a controlled*
16 *substance; or*

17 **(b)** *Using a commercial motor vehicle in the commission of:*

18 **(1)** *A violation of NRS 200.463, 200.4631, 200.464,*
19 *200.465, 200.467, 200.468, 200.4685, 201.300 or 207.400 involving*
20 *an offense described in subsection 36 or 37 of NRS 207.360;*

21 **(2)** *An attempt or conspiracy to commit an offense*
22 *described by subparagraph (1), if punishable by a felony; or*

23 **(3)** *Any other offense punishable as a felony by state or*
24 *federal law which involves an act or practice of severe forms of*
25 *human trafficking, as defined in 22 U.S.C. § 7102(11).*

26 **3.** *A person who is disqualified from operating a commercial*
27 *motor vehicle for life without the possibility of reinstatement*
28 *pursuant to this section or 49 C.F.R. § 383.51 must not be issued,*
29 *and shall not hold, a commercial driver's license or commercial*
30 *learner's permit.*

31 **Sec. 3.** *If a person is convicted of an offense described in*
32 *subparagraph (1) or (2) of paragraph (b) of subsection 2 of section*
33 *2 of this act while operating a commercial motor vehicle, the court*
34 *in which the person was convicted shall, not later than 5 business*
35 *days after the date on which the person was convicted, provide to*
36 *the Department notice of the conviction in a form prescribed by*
37 *Department.*

38 **Sec. 4. 1.** *An employer shall not allow, require, permit or*
39 *authorize a person to operate a commercial motor vehicle if the*



1 *employer knows or should reasonably know that the operation of*
2 *the motor vehicle is:*

3 (a) *During a period in which the person does not have a*
4 *current commercial driver's license or commercial learner's*
5 *permit or does not have a commercial driver's license or*
6 *commercial learner's permit with the proper class or*
7 *endorsements;*

8 (b) *In violation of any restriction on the commercial driver's*
9 *license or commercial learner's permit of the person;*

10 (c) *During a period in which the person has a commercial*
11 *driver's license or commercial learner's permit disqualified by a*
12 *state, has lost the right to operate a commercial motor vehicle in a*
13 *state or has been disqualified from operating a commercial motor*
14 *vehicle;*

15 (d) *During a period in which the person has more than one*
16 *commercial driver's license or commercial learner's permit;*

17 (e) *During a period in which the person, the motor vehicle he*
18 *or she is operating or the motor carrier operation is subject to an*
19 *out-of-service order, as defined by 49 C.F.R. § 383.5; or*

20 (f) *In violation of a federal, state or local law or regulation*
21 *pertaining to railroad-highway grade crossings.*

22 2. *As used in this section, "employer" means any person who*
23 *owns or leases a commercial motor vehicle or assigns an employee*
24 *to operate a commercial motor vehicle.*

25 **Sec. 5.** NRS 483.902 is hereby amended to read as follows:

26 483.902 The provisions of NRS 483.900 to 483.940, inclusive,
27 *and sections 2, 3 and 4 of this act* apply only with respect to
28 commercial drivers' licenses.

29 **Sec. 6.** NRS 483.904 is hereby amended to read as follows:

30 483.904 As used in NRS 483.900 to 483.940, inclusive, *and*
31 *sections 2, 3 and 4 of this act*, unless the context otherwise requires:

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

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

41 **Sec. 7.** NRS 483.916 is hereby amended to read as follows:

42 483.916 Except as otherwise provided in NRS 481.063, the
43 Department shall furnish full information regarding the driving
44 record of any person to:



1 1. *The person who is the subject of the driving record upon*
2 *his or her request;*

3 2. The driver's license administrator of any other state or of
4 any province or territory of Canada who requests that information;

5 ~~[2.]~~ 3. Any employer or prospective employer of that person
6 upon his or her request and payment of a fee established in
7 regulations adopted by the Department; ~~for~~

8 ~~—3.]~~ 4. Any insurer upon its request and payment of a fee
9 established in regulations adopted by the Department if the insurer
10 has complied with the provisions of NRS 485.314 ~~[4.]~~; or

11 5. *The Secretary of Transportation of the United States upon*
12 *his or her request.*

13 **Sec. 8.** NRS 483.939 is hereby amended to read as follows:

14 483.939 1. If the Department receives notice that a person
15 who holds a commercial driver's license has been convicted of
16 driving a commercial motor vehicle in violation of the prohibitions
17 described in 49 C.F.R. § 395.13, the Department shall:

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

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

24 2. If the Department receives notice that the employer of a
25 person who holds a commercial driver's license has been convicted
26 of ~~[4.]~~:

27 (a) A violation of 49 C.F.R. § ~~[383.37]~~ 383.37(a)-(d), for
28 knowingly allowing, requiring, permitting or authorizing the person
29 to operate a commercial motor vehicle during any period in which
30 the person or the commercial motor vehicle is subject to the
31 circumstances described in 49 C.F.R. § ~~[383.37,]~~ 383.37(a)-(d), the
32 Department shall impose against the employer a civil penalty in
33 the amount set forth in 49 C.F.R. § 383.53.

34 (b) *A violation of paragraph (f) of subsection 1 of section 4 of*
35 *this act, the Department shall impose against the employer a civil*
36 *penalty in the amount set forth in 49 C.F.R. Part 386, Appendix B.*

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

40 4. The Department shall adopt regulations to carry out the
41 provisions of this section.

42 5. *As used in this section, "employer" means any person who*
43 *owns or leases a commercial motor vehicle or assigns an employee*
44 *to operate a commercial motor vehicle.*



Sec. 9. NRS 484B.560 is hereby amended to read as follows:

484B.560 1. Except as otherwise provided in subsection 4, the driver of a bus carrying passengers, or of any school bus carrying any school child, or of any vehicle carrying hazardous materials as that term is defined in 49 C.F.R. § 383.5, before crossing at grade any track or tracks of a railroad, shall stop that vehicle within 50 feet but not less than 15 feet from the nearest rail of the railroad and while so stopped shall listen and look in both directions along the track for any approaching train or other on-track equipment, and for signals indicating the approach of a train or other on-track equipment, and shall not proceed until the driver can do so safely.

2. After stopping as required in this section and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in a gear of the vehicle that there will be no necessity for changing gears while traversing the crossing and the driver shall not shift gears while crossing the track or tracks.

3. When stopping is required at a railroad crossing the driver shall keep as far to the right of the highway as possible and shall not form two lanes of traffic unless the highway is marked for four or more lanes of traffic.

4. No such stop need be made at a railroad crossing:

(a) Where a police officer or official traffic-control device controls the movement of traffic.

(b) Which is marked with a device indicating that the crossing is abandoned.

(c) Which is a streetcar crossing or is used exclusively for industrial switching purposes within an area designated as a business district.

(d) Which is marked with a sign identifying it as an exempt crossing. Signs identifying a crossing as exempt may be erected only:

(1) If the tracks are an industrial or spur line;

(2) By or with the consent of the appropriate state or local authority which has jurisdiction over the road; and

(3) After the State or the local authority has held a public hearing to determine whether the crossing should be designated an exempt crossing.

5. The driver of a commercial motor vehicle, as that term is defined in 49 C.F.R. § 383.5, who is not otherwise required to stop pursuant to subsection 1 shall, before crossing at grade any track or tracks of a railroad, decrease the speed of the commercial motor vehicle and confirm that the tracks are clear of any approaching train or other on-track equipment.



6. *If the driver of any vehicle approaches a railroad crossing and the track or tracks of the railroad are not clear, the driver shall stop that vehicle within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until the driver can do so safely.*

7. It is unlawful for the driver of any vehicle ~~[, when]~~ :

(a) *When* crossing at grade any track or tracks of a railroad, to fail to completely cross the track or tracks without stopping due to insufficient:

~~[(a)]~~ (1) Space for the vehicle on the opposite side of the railroad crossing; or

~~[(b)]~~ (2) Undercarriage clearance of the vehicle ~~[~~
~~—6.3; or~~

(b) *To fail to obey an official traffic-control device or the directions of a police officer at a railroad crossing.*

8. As used in this section, “completely cross” means to travel across a railroad track or tracks in such a manner that the trailing end of the vehicle is 15 feet or more past the nearest rail of the railroad track or tracks.

Sec. 10. NRS 200.463 is hereby amended to read as follows:

200.463 1. A person who knowingly subjects, or attempts to subject, another person to forced labor or services by:

(a) Causing or threatening to cause physical harm to any person;

(b) Physically restraining or threatening to physically restrain any person;

(c) Abusing or threatening to abuse the law or legal process;

(d) Knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of the person;

(e) Extortion; ~~[or]~~

(f) Causing or threatening to cause financial harm to any person ~~[~~;

(g) *Debt bondage; or*

(h) *Peonage,*

↪ is guilty of holding a person in involuntary servitude.

2. Unless a greater penalty is provided in NRS 200.4631, a person who is found guilty of holding a person in involuntary servitude is guilty of a category B felony and shall be punished:

(a) Where the victim suffers substantial bodily harm while held in involuntary servitude or in attempted escape or escape therefrom, by imprisonment in the state prison for a minimum term of not less than 7 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$50,000.



(b) Where the victim suffers no substantial bodily harm as a result of being held in involuntary servitude, by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, and may be further punished by a fine of not more than \$50,000.

3. As used in this section:

(a) *“Debt bondage” has the meaning ascribed to it in 22 U.S.C. § 7102.*

(b) *“Peonage” means a status or condition of compulsory service based upon real or alleged indebtedness.*

Sec. 11. NRS 207.190 is hereby amended to read as follows:

207.190 1. It is unlawful for a person, with the intent to compel another to do or abstain from doing an act which the other person has a right to do or abstain from doing, to:

(a) Use violence or inflict injury upon the other person or any of the other person’s family, or upon the other person’s property, or threaten such violence or injury;

(b) Deprive the person of any tool, implement or clothing, or hinder the person in the use thereof; ~~or~~

(c) Attempt to intimidate the person by threats or force ~~or~~; or

(d) *Use any scheme, plan or pattern intended to cause the person to believe that failure to perform an act would result in serious harm to or physical restraint against any person.*

2. A person who violates the provisions of subsection 1 shall be punished:

(a) Where physical force or the immediate threat of physical force is used, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

(b) Where no physical force or immediate threat of physical force is used, for a misdemeanor.

Sec. 12. This act becomes effective on July 1, 2023.

