

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.

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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 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 adopt certain regulations to comply with certain federal regulations; 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 crime of involuntary servitude; 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
12 provides that a person is disqualified from operating a commercial motor vehicle
13 for a certain period if the person is convicted of certain offenses. Under **section 2, if**
14 a person is convicted of certain specified offenses relating to human trafficking
15 while using a commercial motor vehicle, or certain other offenses, the person is
16 disqualified for life without the possibility of reinstatement. **Section 2** prohibits a
17 person who is disqualified from operating a motor vehicle for life from being issued
18 or holding a commercial driver's license or commercial learner's permit. **Section 3**
19 of this bill requires a court to provide notice to the Department of Motor Vehicles
20 within 5 days after a person is convicted of certain offenses relating to human
21 trafficking while using a commercial motor vehicle.

22 Existing federal law defines "severe forms of trafficking in persons" to include,
23 without limitation, the recruitment, harboring, transportation, provision or obtaining
24 of a person for labor or services, through the use of force, fraud or coercion for the
25 purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.
26 (22 U.S.C. § 7102(11)) **Section 10** of this bill revises the list of acts that constitute
27 the crime of holding a person in involuntary servitude to conform more closely with
28 the federal definition of "severe forms of trafficking in persons." (NRS 200.463)
29 Under **section 10**, a person who knowingly subjects, or attempts to subject, another
30 person to forced labor or services by debt bondage, peonage, or using a scheme,
31 plan or pattern intended to cause the person to believe that the failure to perform an
32 act would result in serious harm or physical restraint against any person is guilty of
33 holding a person in involuntary servitude.

34 Similarly, **section 10.5** of this bill revises the list of acts that constitute the
35 crime of holding a minor in involuntary servitude to conform more closely with the
36 federal definition of "severe forms of trafficking in persons." (NRS 200.4631)
37 Under **section 10.5**, a person who has physical custody of a minor, allows a minor
38 to reside in his or her residence, is in a position of authority over a minor or
39 provides care to the minor and who knowingly uses a scheme, plan or pattern
40 intended to cause the minor to believe that the failure to perform an act would result
41 in serious harm or physical restraint against any person is guilty of holding a minor
42 in involuntary servitude.

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

53 Existing law requires the Department to adopt certain regulations relating to
54 commercial drivers' licenses. (NRS 483.908) **Section 6.5** of this bill additionally
55 requires the Department to adopt regulations necessary to comply with certain
56 federal regulations related to commercial driver's licenses and learner's permits and
57 the operation of commercial motor vehicles. (49 C.F.R. § 383.73(q))

58 Existing law requires the Department, with certain exceptions, to furnish full
59 information regarding the driving record of any person to certain persons or entities
60 under certain circumstances. (NRS 483.916) **Section 7** of this bill requires the
61 Department also to furnish that information to the person who is the subject of that
62 driving record or the Secretary of Transportation of the United States, upon his or
63 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.

Sections 5 and 6 of this bill make conforming changes to indicate the proper 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:

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

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

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

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

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

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

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

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

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

Sec. 3. *If a person is convicted of an offense described in subparagraph (1) or (2) of paragraph (b) of subsection 2 of*



1 *section 2 of this act while operating a commercial motor vehicle,*
2 *the court in which the person was convicted shall, not later than 5*
3 *business days after the date on which the person was convicted,*
4 *provide to the Department notice of the conviction in a form*
5 *prescribed by Department.*

6 **Sec. 4.** 1. *An employer shall not allow, require, permit or*
7 *authorize a person to operate a commercial motor vehicle if the*
8 *employer knows or should reasonably know that the operation of*
9 *the motor vehicle is:*

10 (a) *During a period in which the person does not have a*
11 *current commercial driver's license or commercial learner's*
12 *permit or does not have a commercial driver's license or*
13 *commercial learner's permit with the proper class or*
14 *endorsements;*

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

17 (c) *During a period in which the person has a commercial*
18 *driver's license or commercial learner's permit disqualified by a*
19 *state, has lost the right to operate a commercial motor vehicle in a*
20 *state or has been disqualified from operating a commercial motor*
21 *vehicle;*

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

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

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

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

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

33 483.902 The provisions of NRS 483.900 to 483.940, inclusive,
34 *and sections 2, 3 and 4 of this act* apply only with respect to
35 commercial drivers' licenses.

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

37 483.904 As used in NRS 483.900 to 483.940, inclusive, *and*
38 *sections 2, 3 and 4 of this act*, unless the context otherwise requires:

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

42 2. "Commercial Driver's License Information System" means
43 the information system maintained by the Secretary of
44 Transportation pursuant to 49 U.S.C. § 31309 to serve as a
45 clearinghouse for locating information relating to the licensing,



1 identification and disqualification of operators of commercial motor
2 vehicles.

3 **Sec. 6.5.** NRS 483.908 is hereby amended to read as follows:

4 483.908 The Department shall adopt regulations:

5 1. Providing for the issuance, expiration, renewal, suspension,
6 revocation and reinstatement of commercial drivers' licenses;

7 2. Providing the same exemptions allowed pursuant to federal
8 regulations for farmers, firefighters, military personnel or any other
9 class of operators or vehicles for which exemptions are authorized
10 by federal law or regulations;

11 3. Specifying the violations which constitute grounds for
12 disqualification from driving a commercial motor vehicle and the
13 penalties associated with each violation;

14 4. Setting forth a schedule of various alcohol concentrations
15 and the penalties which must be imposed if those concentrations are
16 detected in the breath, blood, urine or other bodily substances of a
17 person who is driving, operating or is in actual physical control of a
18 commercial motor vehicle; ~~{and}~~

19 5. Necessary to enable it to carry out the provisions of NRS
20 483.900 to 483.940, inclusive ~~{ }~~; and

21 *6. Necessary to enable it to comply with the provisions of 49*
22 *C.F.R. § 383.73(q).*

23 ➤ The Department shall not adopt regulations which are more
24 restrictive than the federal regulations adopted pursuant to the
25 Commercial Motor Vehicle Safety Act of 1986, as amended, 49
26 U.S.C. chapter 313 (§§ 31301 et seq.).

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

28 483.916 Except as otherwise provided in NRS 481.063, the
29 Department shall furnish full information regarding the driving
30 record of any person to:

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

33 2. The driver's license administrator of any other state or of
34 any province or territory of Canada ~~{who requests that information;}~~
35 *upon his or her request;*

36 ~~{2.}~~ 3. Any employer or prospective employer of that person
37 upon his or her request and payment of a fee established in
38 regulations adopted by the Department; ~~{or}~~

39 ~~—3.}~~ 4. Any insurer upon its request and payment of a fee
40 established in regulations adopted by the Department if the insurer
41 has complied with the provisions of NRS 485.314 ~~{ }~~; or

42 *5. The Secretary of Transportation of the United States upon*
43 *his or her request.*



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

483.939 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 the prohibitions 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; 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)(1).

2. If the Department receives notice that the employer of a person who holds a commercial driver's license has been convicted of ~~fat~~:

(a) A violation of 49 C.F.R. § ~~[383.37]~~ 383.37(a)-(d), 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 the circumstances described in 49 C.F.R. § ~~[383.37,]~~ 383.37(a)-(d), the Department shall impose against the employer a civil penalty in the amount set forth in 49 C.F.R. § 383.53.

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

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.

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

5. As used in this section, "employer" means any person who owns or leases a commercial motor vehicle or assigns an employee 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.]; 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; ~~for~~

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

(g) Debt bondage;

(h) Peonage; or

(i) Using a scheme, plan or pattern intended to cause the person to believe that the failure to perform an act would result in serious harm or physical restraint against any person,

↪ 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. 10.5. NRS 200.4631 is hereby amended to read as follows:

200.4631 1. A person who has physical custody of a minor, allows a minor to reside in his or her residence, is in a position of authority over a minor or provides care for any length of time to a minor and who knowingly:

(a) Obtains labor or services from the minor by causing or threatening to cause serious harm to the minor or by engaging in a pattern of conduct that results in physical injury to the minor, sexual abuse of the minor or sexual assault of the minor pursuant to NRS 200.366; ~~for~~

(b) Benefits, financially or by receiving anything of value other than sexual gratification from the labor or services obtained by the conduct specified in paragraph (a) ~~for~~; or

(c) Uses a scheme, plan or pattern intended to cause the minor to believe that the failure to perform an act would result in serious harm or physical restraint against any person,

↪ is guilty of holding a minor in involuntary servitude.

2. A person who is found guilty of holding a minor in involuntary servitude is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served, and may be further punished by a fine of at least \$50,000.

3. Consent of the victim to the performance of any labor or services is not a valid defense to a prosecution conducted pursuant to this section.

4. Nothing in this section shall be construed to prohibit a parent or guardian of a child from requiring his or her child to perform common household chores under the threat of the reasonable exercise of discipline by the parent or guardian of the child.

5. For the purposes of this section:

(a) "Physical injury" includes, without limitation:

(1) A sprain or dislocation;

(2) Damage to cartilage;

(3) A fracture of a bone or the skull;

(4) An injury causing an intracranial hemorrhage or injury to another internal organ;

(5) Permanent or temporary disfigurement, including, without limitation, a burn, scalding, cut, laceration, puncture or bite; or

(6) Permanent or temporary loss or impairment of a part or organ of the body.

(b) "Serious harm" means any harm, whether physical or nonphysical, including, without limitation, psychological, financial



1 or reputational harm, that is sufficiently serious, under the
2 circumstances, to compel a reasonable person of the same
3 background and in the same circumstances as the victim to perform
4 or to continue to provide labor or services to avoid incurring that
5 harm.

6 (c) “Sexual abuse” includes acts upon a child constituting:

7 (1) Lewdness with a child pursuant to NRS 201.230;

8 (2) Sado-masochistic abuse pursuant to NRS 201.262;

9 (3) Sexual assault pursuant to NRS 200.366;

10 (4) Open or gross lewdness pursuant to NRS 201.210; and

11 (5) Mutilation of the genitalia of a female child, aiding,
12 abetting, encouraging or participating in the mutilation of the
13 genitalia of a female child, or removal of a female child from this
14 State for the purpose of mutilating the genitalia of the child pursuant
15 to NRS 200.5083.

16 **Sec. 11.** (Deleted by amendment.)

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

