

(Reprinted with amendments adopted on May 27, 2019)

SECOND REPRINT

A.B. 338

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 SETTELMAYER

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:

- 1 Existing law authorizes the issuance of a driver’s license to a person who is 16
- 2 or 17 years of age under certain circumstances, including, with certain exceptions,
- 3 completion by the person of a course in automobile driver education or a course
- 4 provided by a school for training drivers that is licensed in this State. Such a person
- 5 must also provide proof of at least 50 hours of supervised driving experience. (NRS
- 6 483.2521) **Section 3** of this bill allows any person under the age of 18 years to
- 7 complete an approved hands-on course in defensive driving in lieu of completing
- 8 50 hours of supervised driving experience to obtain a driver’s license. **Section 2** of
- 9 this bill requires the Department of Motor Vehicles to approve for the purposes of



10 this provision any hands-on defensive driving course that: (1) includes both theory
11 of defensive driving and practical experience in defensive driving skills and
12 maneuvers; (2) is provided by a school for training drivers that is licensed in this
13 State; and (3) is conducted by a person who is licensed in this State as an instructor
14 for a school for training drivers. **Section 2** also requires the Department to place a
15 list of approved courses on the Internet website of the Department. **Sections 6-10** of
16 this bill make conforming changes. **Section 10.7** of this bill makes an appropriation
17 to the Department for the personnel and operating costs to approve and audit the
18 hands-on courses in defensive driving.

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

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

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

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

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

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

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

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

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

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

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

27 483.2521 1. Except as otherwise provided in subsection ~~3.~~
28 **4**, the Department may issue a driver's license to a person who is 16
29 or 17 years of age if the person:

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

31 (1) A course in automobile driver education pursuant to NRS
32 389.090; or



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

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

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

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

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

21 ↪ who attests that the person applying for the driver's license has
22 completed the training and experience required pursuant to
23 paragraphs (a) and (b);

24 (d) Submits to the Department:

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

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

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

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

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

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

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

43 2. If a course described in paragraph (a) of subsection 1 is not
44 offered within a 30-mile radius of a person's residence, the person
45 may, in lieu of completing such a course as required by that



1 paragraph, complete an additional 50 hours of supervised experience
2 in driving a motor vehicle in accordance with paragraph (b) of
3 subsection 1.

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

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

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

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

19 (a) Except as otherwise provided in subsection ~~[4.]~~ 5, complete a
20 course of motorcycle safety approved by the Department;

21 (b) Have at least 50 hours of experience in driving a motorcycle
22 with an instruction permit issued pursuant to subsection 4 of NRS
23 483.280; and

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

30 ~~[4.]~~ 5. If a course described in paragraph (a) of subsection ~~[3]~~
31 4 is not offered within a 30-mile radius of a person's residence, the
32 person may, in lieu of completing the course, complete an additional
33 50 hours of experience in driving a motorcycle in accordance with
34 paragraph (b) of subsection ~~[3.]~~ 4.

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

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

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

38 483.700 No person may operate a school for training drivers,
39 or engage in the business of giving instruction for hire in driving
40 motor vehicles or in the preparation of an applicant for an
41 examination given by the Department for a driver's license, unless
42 the person has secured a license therefor from the Department as
43 provided in NRS 483.700 to 483.780, inclusive ~~[.]~~, and section 2 of
44 *this act.*



1 **Sec. 7.** NRS 483.725 is hereby amended to read as follows:
2 483.725 1. ~~Each~~ *Except as otherwise provided in section 2*
3 *of this act, each* course of training provided by a school for training
4 drivers licensed pursuant to NRS 483.700 to 483.780, inclusive, *and*
5 *section 2 of this act* must include, without limitation, instruction in:

6 (a) Motor vehicle insurance.
7 (b) The effect of drugs and alcohol on an operator of a motor
8 vehicle.

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

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

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

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

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

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

36 (a) Systems based on the following technologies:

- 37 (1) Video;
38 (2) Wire;
39 (3) Cable;
40 (4) Radio;
41 (5) Microwave;
42 (6) Light; or
43 (7) Optics; and

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



1 **Sec. 8.** NRS 483.760 is hereby amended to read as follows:
2 483.760 The Department may refuse to issue a license or may
3 cancel, suspend, revoke or refuse to renew any license granted
4 pursuant to NRS 483.700 to 483.780, inclusive ~~[-]~~, *and section 2 of*
5 *this act*:

6 1. If the applicant or licensee makes a material misstatement on
7 an application.

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

11 3. If the applicant has been convicted of a crime for a violation
12 of any of the provisions of NRS 483.700 to 483.780, inclusive ~~[-]~~,
13 *and section 2 of this act*.

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

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

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

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

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

29 483.767 1. The Department may impose an administrative
30 fine, not to exceed \$2,500, for a violation of any provision of NRS
31 483.700 to 483.780, inclusive, *and section 2 of this act* or any rule,
32 regulation or order adopted or issued pursuant thereto. The
33 Department shall afford to any person so fined an opportunity for a
34 hearing pursuant to the provisions of NRS 233B.121.

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

38 3. In addition to any other remedy provided by NRS 483.700 to
39 483.780, inclusive, *and section 2 of this act*, the Department may
40 compel compliance with any provision of NRS 483.700 to 483.780,
41 inclusive, *and section 2 of this act* and any rule, regulation or order
42 adopted or issued pursuant thereto, by injunction or other
43 appropriate remedy and the Department may institute and maintain
44 in the name of the State of Nevada any such enforcement
45 proceedings.



1 **Sec. 10.** NRS 483.780 is hereby amended to read as follows:
2 483.780 The Department shall charge annually the following
3 fees for licenses issued pursuant to the provisions of NRS 483.700
4 to 483.780, inclusive ~~1~~, *and section 2 of this act*:

5		
6	License for a school for training drivers.....	\$50
7	License for a driving instructor	10
8	License for a school, an agency or a business that	
9	provides an educational course on the abuse of	
10	alcohol and controlled substances	250
11	License for an instructor of an educational course	
12	on the abuse of alcohol and controlled	
13	substances.....	50
14	License for a school for traffic safety.....	250
15	License for an instructor of traffic safety	50

16 **Sec. 10.5.** NRS 486.071 is hereby amended to read as follows:
17 486.071 1. Except as otherwise provided in subsection 3 and
18 NRS 486.161, the Department shall not issue a motorcycle driver’s
19 license unless the applicant:

- 20 (a) Is at least 18 years of age; and
- 21 (b) Has successfully completed:
 - 22 (1) Except as otherwise provided in subsection 2, such
 - 23 written examinations and driving tests as may be required by the
 - 24 Department; or
 - 25 (2) A course of motorcycle safety approved by the
 - 26 Department.

27 2. A holder of an instruction permit issued pursuant to
28 subsection 4 or 5 of NRS 483.280 who applies to the Department
29 for a motorcycle driver’s license pursuant to subsection 1 is not
30 required to successfully complete the written examinations required
31 pursuant to subparagraph (1) of paragraph (b) of subsection 1 if the
32 holder of the permit:

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

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

- 41 (a) Meets the requirements of subsection ~~1~~ 4 of NRS
- 42 483.2521; and
- 43 (b) Has successfully completed such written examinations and
- 44 driving tests as may be required by the Department.



1 4. Except as otherwise provided in subsection ~~3~~ 4 of NRS
2 483.2521, any person who has been issued a driver's license
3 pursuant to chapter 483 of NRS without having the authority to
4 drive a motorcycle endorsed thereon must, before driving a
5 motorcycle, successfully pass:

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

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

14	For the Fiscal Year 2019-2020	\$91,844
15	For the Fiscal Year 2020-2021	\$92,099

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

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

31 **Sec. 12.** 1. This section and sections 1 to 10.5, inclusive, and
32 11 of this act become effective:

- 33 (a) Upon passage and approval for the purpose of adopting any
- 34 regulations and performing any other preparatory administrative
- 35 tasks that are necessary to carry out the provisions of this act; and
- 36 (b) On July 1, 2020, for all other purposes.

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

