
SENATE BILL NO. 319—SENATORS SETTELMEYER, ROBERSON,
HARDY, GUSTAVSON, KIECKHEFER; GANSERT,
GOICOECHEA AND HAMMOND

MARCH 20, 2017

JOINT SPONSOR: ASSEMBLYMAN WHEELER

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to certain registered voters. (BDR 24-1127)

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 elections; requiring the Director of the Department of Motor Vehicles to notify the Secretary of State if the Director has reason to believe that a registered voter is not a citizen of the United States; requiring the Secretary of State to provide such a registered voter with certain notice; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, a person may register to vote when applying to the
2 Department of Motor Vehicles for the issuance or renewal of any type of driver’s
3 license or identification card. (NRS 293.524) Also under existing law, the Secretary
4 of State must establish and maintain an official statewide voter registration list. To
5 verify the accuracy of the information in an application to register to vote, the
6 Secretary of State must enter into a cooperative agreement with the Department of
7 Motor Vehicles to match information in the database of the statewide voter
8 registration list with information in the appropriate database of the Department of
9 Motor Vehicles. (NRS 293.675)

10 **Section 1** of this bill requires the Director of the Department of Motor Vehicles
11 to inform the Secretary of State if, based on the records or files of the Department,
12 the Director has reason to believe that a registered voter is not a citizen of the
13 United States. If the Secretary of State determines that the Department has credible
14 evidence of such fact, the Secretary of State must notify the registered voter. If the
15 registered voter does not provide proof of citizenship, the Secretary of State must
16 request that the county clerk cancel the person’s voter registration.



17 **Section 2** of this bill requires the Director of the Department to establish a
18 procedure by which an employee of the Department may notify the Director that
19 the employee has reason to believe that a registered voter is not a citizen of the
20 United States.

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

1 **Section 1.** Chapter 293 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. The Director of the Department of Motor Vehicles shall*
4 *inform the Secretary of State if, based on the records or files of the*
5 *Department, the Director has reason to believe that a registered*
6 *voter is not a citizen of the United States.*

7 *2. If the Secretary of State determines that the Department*
8 *has credible evidence that a registered voter is not a citizen of the*
9 *United States, the Secretary of State must:*

10 *(a) Notify the registered voter by certified mail, return receipt*
11 *requested, of the information provided by the Director of the*
12 *Department to the Secretary of State; and*

13 *(b) Request that the registered voter provide to the Secretary of*
14 *State satisfactory proof of citizenship, if the registered voter is a*
15 *citizen of the United States.*

16 *3. If the registered voter does not provide to the Secretary of*
17 *State satisfactory proof of citizenship within 15 days after the*
18 *return receipt has been filed in the Office of the Secretary of State,*
19 *the Secretary of State must request that the county clerk cancel the*
20 *person's voter registration.*

21 **Sec. 2.** NRS 481.063 is hereby amended to read as follows:

22 481.063 1. The Director may charge and collect reasonable
23 fees for official publications of the Department and from persons
24 making use of files and records of the Department or its various
25 divisions for a private purpose. All money so collected must be
26 deposited in the State Treasury for credit to the Motor Vehicle Fund.

27 2. Except as otherwise provided in subsection 6, the Director
28 may release personal information, except a photograph, from a file
29 or record relating to the driver's license, identification card, or title
30 or registration of a vehicle of a person if the requester submits a
31 written release from the person who holds a lien on the vehicle, or
32 an agent of that person, or the person about whom the information is
33 requested which is dated not more than 90 days before the date of
34 the request. The written release must be in a form required by the
35 Director.

36 3. Except as otherwise provided in subsections 2 and 4, the
37 Director shall not release to any person who is not a representative



1 of the Division of Welfare and Supportive Services of the
2 Department of Health and Human Services or an officer, employee
3 or agent of a law enforcement agency, an agent of the public
4 defender's office or an agency of a local government which collects
5 fines imposed for parking violations, who is not conducting an
6 investigation pursuant to NRS 253.0415 or 253.220, who is not
7 authorized to transact insurance pursuant to chapter 680A of NRS or
8 who is not licensed as a private investigator pursuant to chapter 648
9 of NRS and conducting an investigation of an insurance claim:

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

12 (b) The social security number of any person, if it is requested to
13 facilitate the solicitation of that person to purchase a product or
14 service; or

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

18 ➤ When such personally identifiable information is requested of a
19 law enforcement agency by the presentation of a license plate
20 number, the law enforcement agency shall conduct an investigation
21 regarding the person about whom information is being requested or,
22 as soon as practicable, provide the requester with the requested
23 information if the requester officially reports that the motor vehicle
24 bearing that license plate was used in a violation of NRS 205.240,
25 205.345, 205.380 or 205.445.

26 4. If a person is authorized to obtain such information pursuant
27 to a contract entered into with the Department and if such
28 information is requested for the purpose of an advisory notice
29 relating to a motor vehicle or the recall of a motor vehicle or for the
30 purpose of providing information concerning the history of a
31 vehicle, the Director may release:

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

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

37 5. Except as otherwise provided in subsections 2, 4 and 6 and
38 NRS 483.294, 483.855 and 483.937, *and section 1 of this act*, the
39 Director shall not release any personal information from a file or
40 record relating to a driver's license, identification card, or title or
41 registration of a vehicle.

42 6. Except as otherwise provided in paragraph (a) and
43 subsection 7, if a person or governmental entity provides a
44 description of the information requested and its proposed use and
45 signs an affidavit to that effect, the Director may release any



1 personal information, except a photograph, from a file or record
2 relating to a driver's license, identification card, or title or
3 registration of a vehicle for use:

4 (a) By any governmental entity, including, but not limited to,
5 any court or law enforcement agency, in carrying out its functions,
6 or any person acting on behalf of a federal, state or local
7 governmental agency in carrying out its functions. The personal
8 information may include a photograph from a file or record relating
9 to a driver's license, identification card, or title or registration of a
10 vehicle.

11 (b) In connection with any civil, criminal, administrative or
12 arbitration proceeding before any federal or state court, regulatory
13 body, board, commission or agency, including, but not limited to,
14 use for service of process, investigation in anticipation of litigation,
15 and execution or enforcement of judgments and orders, or pursuant
16 to an order of a federal or state court.

17 (c) In connection with matters relating to:

- 18 (1) The safety of drivers of motor vehicles;
- 19 (2) Safety and thefts of motor vehicles;
- 20 (3) Emissions from motor vehicles;
- 21 (4) Alterations of products related to motor vehicles;
- 22 (5) An advisory notice relating to a motor vehicle or the
23 recall of a motor vehicle;
- 24 (6) Monitoring the performance of motor vehicles;
- 25 (7) Parts or accessories of motor vehicles;
- 26 (8) Dealers of motor vehicles; or
- 27 (9) Removal of nonowner records from the original records
28 of motor vehicle manufacturers.

29 (d) By any insurer, self-insurer or organization that provides
30 assistance or support to an insurer or self-insurer or its agents,
31 employees or contractors, in connection with activities relating to
32 the rating, underwriting or investigation of claims or the prevention
33 of fraud.

34 (e) In providing notice to the owners of vehicles that have been
35 towed, repossessed or impounded.

36 (f) By an employer or its agent or insurer to obtain or verify
37 information relating to a holder of a commercial driver's license
38 who is employed by or has applied for employment with the
39 employer.

40 (g) By a private investigator, private patrol officer or security
41 consultant who is licensed pursuant to chapter 648 of NRS, for any
42 use permitted pursuant to this section.

43 (h) By a reporter or editorial employee who is employed by or
44 affiliated with any newspaper, press association or commercially
45 operated, federally licensed radio or television station for a



1 journalistic purpose. The Department may not make any inquiries
2 regarding the use of or reason for the information requested other
3 than whether the information will be used for a journalistic purpose.

4 (i) In connection with an investigation conducted pursuant to
5 NRS 253.0415 or 253.220.

6 (j) In activities relating to research and the production of
7 statistical reports, if the personal information will not be published
8 or otherwise redisclosed, or used to contact any person.

9 7. Except as otherwise provided in paragraph (j) of subsection
10 6, the Director shall not provide personal information to individuals
11 or companies for the purpose of marketing extended vehicle
12 warranties, and a person who requests and receives personal
13 information may sell or disclose that information only for a use
14 permitted pursuant to subsection 6. Such a person shall keep and
15 maintain for 5 years a record of:

16 (a) Each person to whom the information is provided; and

17 (b) The purpose for which that person will use the information.

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

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

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

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

36 11. *The Director shall establish a procedure by which:*

37 (a) *An employee of the Department may notify the Director, or*
38 *his or her designee, that the employee has reason to believe, based*
39 *on the records or files of the Department, that a registered voter is*
40 *not a citizen of the United States; and*

41 (b) *The Director, or his or her designee, must verify that*
42 *the notification is based on information in the records and files of*
43 *the Department and not just the generalized suspicion of the*
44 *employee.*



1 **12.** The Director shall adopt such regulations as the Director
2 deems necessary to carry out the purposes of this section. In
3 addition, the Director shall, by regulation, establish a procedure
4 whereby a person who is requesting personal information may
5 establish an account with the Department to facilitate the person's
6 ability to request information electronically or by written request if
7 the person has submitted to the Department proof of employment or
8 licensure, as applicable, and a signed and notarized affidavit
9 acknowledging that the person:

10 (a) Has read and fully understands the current laws and
11 regulations regarding the manner in which information from the
12 Department's files and records may be obtained and the limited uses
13 which are permitted;

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

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

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

20 ~~12.~~ **13.** It is unlawful for any person to:

21 (a) Make a false representation to obtain any information from
22 the files or records of the Department.

23 (b) Knowingly obtain or disclose any information from the files
24 or records of the Department for any use not permitted by the
25 provisions of this chapter.

26 ~~13.~~ **14.** As used in this section:

27 (a) "Information relating to legal presence" means information
28 that may reveal whether a person is legally present in the United
29 States, including, without limitation, whether the driver's license
30 that a person possesses is a driver authorization card, whether the
31 person applied for a driver's license pursuant to NRS 483.290 or
32 483.291 and the documentation used to prove name, age and
33 residence that was provided by the person with his or her application
34 for a driver's license.

35 (b) "Personal information" means information that reveals the
36 identity of a person, including, without limitation, his or her
37 photograph, social security number, individual taxpayer
38 identification number, driver's license number, identification card
39 number, name, address, telephone number or information regarding
40 a medical condition or disability. The term does not include the zip
41 code of a person when separate from his or her full address,
42 information regarding vehicular crashes or driving violations in
43 which he or she has been involved or other information otherwise
44 affecting his or her status as a driver.



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

3 **Sec. 3.** NRS 482.170 is hereby amended to read as follows:

4 482.170 Except as otherwise provided in NRS 239.0115,
5 481.063, 483.651, 483.655, 483.657 and 485.316, *and section 1 of*
6 *this act*, all personal information in the records of registration and
7 licensing in the offices of the Department is confidential and must
8 not knowingly be disclosed by the Department.

9 **Sec. 4.** This act becomes effective on July 1, 2017.

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