

CONTINUATION STUDY OF HIGHWAY SAFETY STANDARDS AND MOTOR VEHICLE LAWS

Bulletin No. 109



**LEGISLATIVE COMMISSION
LEGISLATIVE COUNSEL BUREAU**

STATE OF NEVADA

December 1972

Carson City, Nevada

FINAL REPORT OF THE SUBCOMMITTEE
FOR STUDY OF HIGHWAY SAFETY
AND MOTOR VEHICLE LAWS

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LEGISLATIVE COMMISSION

B. Mahlon Brown
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James I. Gibson
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Senate Concurrent Resolution No. 28—Committee on Transportation

FILE NUMBER...106..

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to continue the study of highway safety and the motor vehicle laws.

WHEREAS, A study has been undertaken of the highway safety standards and the motor vehicle laws of this state; and

WHEREAS, Such standards and laws are still deficient in certain areas; and

WHEREAS, The Federal Highway Safety Act necessitates continuous study in order to update Nevada laws and standards relative to the use of motor vehicles and the safety of the highways of this state; and

WHEREAS, There have been two bills introduced in the 56th session of the legislature concerning motor vehicle inspection, and although sentiment is in favor of random inspection of motor vehicles, it is necessary to obtain assurance that such a program would be accepted by the appropriate federal authorities; and

WHEREAS, Further study is necessary in the areas of motor vehicle use and highway safety, especially concerning the inspection of motor vehicles; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the legislative commission is directed to continue the study of motor vehicle laws, highway safety standards and methods that may be developed concerning the inspection of motor vehicles and uniformity of city and county ordinances, retaining its subcommittee for such purpose; and be it further

Resolved, That the legislative commission is directed to report the results of such study and its recommendations to the 57th session of the legislature of the State of Nevada.

REPORT OF THE LEGISLATIVE COMMISSION

TO THE MEMBERS OF THE 57th SESSION OF THE NEVADA LEGISLATURE:

The Legislative Commission appointed a subcommittee to continue the study of highway safety and motor vehicle laws for the purpose of reporting to the 57th session of the legislature the results of such study and its recommendations pursuant to Senate Concurrent Resolution No. 28 (1971). Assemblyman Melvin B. Howard was designated chairman of the subcommittee and the following legislators were named as members: Senators Helen Herr and Archie Pozzi, Jr., Assemblymen Rawson M. Prince and Artie D. Valentine.

The Legislative Commission accepts the subcommittee's report and thanks the members of the subcommittee for their efforts in making the required study and report.

The report is transmitted to the members of the 1973 legislature for their consideration and appropriate action.

Respectfully submitted,

Legislative Commission
State of Nevada

December 1972

* * * * *

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FINAL REPORT OF THE LEGISLATIVE COMMISSION'S
SUBCOMMITTEE FOR STUDY OF THE HIGHWAY
SAFETY AND MOTOR VEHICLE LAWS

Introduction

Senate Concurrent Resolution 28 of the 1971 legislative session directed the Legislative Commission to continue the study of highway safety and motor vehicle laws. Pursuant to this direction, the commission appointed the following subcommittee to prosecute the study:

Assemblyman Melvin B. Howard, Chairman
Senator Helen Herr
Senator Archie Pozzi, Jr.
Assemblyman Rawson M. Prince
Assemblyman Artie D. Valentine

The study of highway safety and motor vehicle laws was initiated by the Legislative Commission in May 1966 to study the possible effect of impending federal legislation which eventually took the form of the Highway Safety Act of 1966. The study subsequently included the regulations issued pursuant to the 1966 act and amendments passed in the Federal Highway Act of 1968. These regulations were issued by the Secretary of Transportation, who had been given the responsibility of implementing the highway safety legislation. The Legislative Commission has since continued these studies through the 1971-72 legislative interim period.

The subcommittee held meetings on February 18 and October 27, 1972. Chairman Howard explained that the subcommittee would study highway safety with a view toward possible new legislation and a review of acts passed by the 56th session of the legislature, which the Nevada Department of Motor Vehicles (hereafter DMV) has found insufficient to meet desired goals. The subcommittee was particularly anxious to examine those areas of the Uniform Vehicle Code with which Nevada was not yet in compliance.

Alcohol in Relation to Driving

A considerable amount of the subcommittee's effort dealt with problems concerning drivers under the influence of intoxicating liquor or controlled substances.

At both the February and October meetings, DMV suggested legislation permitting breath tests to determine blood alcohol levels prior to arrest. This legislation is recommended by the U.S. Department of Transportation. Mr. James L. Lambert, Supervisor of the Nevada Highway Patrol, stated that the merit of this procedure is a reduction in the time enforcement officers spend off the highway. It also saves a motorist, who isn't actually intoxicated, the inconvenience and indignities of arrest and a blood, breath or urine analysis at an approved testing facility. It was estimated by Mr. Lambert that all units of the highway patrol could be equipped with testing units for approximately \$56,000.

The subcommittee declined a recommendation on this proposal because of the expressed fear of police harassment of motorists, and the possibility that this type of search before arrest was an unlawful search under the United States and Nevada Constitutions. No cases could be found from the seven states that now have similar legislation testing the constitutionality of this procedure.

The implied consent law, as it now exists in Nevada (NRS 483.-383), requires that an officer have "reasonable grounds to believe" a person is driving under the influence of intoxicating liquor, and that "such person was arrested for an offense allegedly committed while such person was driving a vehicle under the influence of intoxicating liquor." DMV stated that it was not clear that one of the offenses for which a person could be arrested includes "driving under the influence." To correct this problem of interpretation they suggested deleting the arrest requirement.

It was pointed out that other states, which have statutory language similar to or the same as Nevada, have held that the offenses under the statute for which a person may be arrested include "driving under the influence." The Supreme Court of Nevada has never passed on this subject.

It was also noted by the subcommittee that deleting the arrest requirement would, in effect, provide for prearrest testing for blood alcohol which the subcommittee already refused to recommend for the above mentioned reasons. However, the subcommittee did agree to a proposal that NRS 484.383 be amended to indicate that the arrest needed as a condition precedent to invoking the "implied consent law" could include an arrest for "driving under the influence" (Exhibit A, BDR 43-410).

The subcommittee discussed the lack of statistics available as to the number of motor vehicle fatalities caused by intoxication. It recommended legislation requiring a blood test, by a coroner, of drivers and pedestrians over the age of 15, who die as a result of traffic accidents. Such a test should be administered within 8 hours of the accident or the intoxicating substances may be chemically dissipated. The coroner will be required to send a report to DMV within 5 days (Exhibit B, BDR 43-20).

The subcommittee recommended that a person convicted for a second time within 3 years of "driving under the influence" receive a minimum sentence of 10 days in jail. But the subcommittee stipulated that a judge should be given the discretion of allowing the sentence to be served on nonconsecutive days (e.g., weekends) to protect the offender's livelihood.

The subcommittee also requested that this legislation contain the provision that if the offender is also convicted of driving under a suspended or revoked license the sentence he receives for that offense should be served consecutively with the sentence for driving under the influence (Exhibit C, BDR 43-409).

The subcommittee recommended that NRS 483.460 be amended to limit the time period during which DMV may revoke the license of a driver, if he is convicted a second time, for "driving under the influence" (Exhibit D, BDR 43-406). It was recommended that this period be limited to 10 years.

The subcommittee agreed that controlled substances should be added to the implied consent law (Exhibit A, BDR 43-410). However, there were some serious problems raised at the meeting concerning this type of legislation.

Mr. Lloyd Weyland, chief chemist for the Nevada Department of Law Enforcement Assistance, testified that it is difficult to establish the level of drug content in the blood at which a person would be under the influence of any particular drug. Not only would this vary for the particular drug, but it would also vary for any particular person.

Mr. Lambert stated that, under the desired legislation, if any amount of a controlled substance was found during a blood test,

it would be some evidence that the individual was driving under the influence of that controlled substance.

Another serious problem raised was that a violation of NRS 484.-379 (driving under the influence) is a misdemeanor and carries a maximum penalty of 6 months in jail, \$500 fine and a suspension of driving privileges for a period of 1 year. However, a person found to unlawfully have a controlled substance in his blood stream could be charged and convicted under NRS 453.411 ("* * * knowingly use or be under the influence of a controlled substance * * *"). This is a felony and could be punished by 6 years in prison and a \$2,000 fine, as well as being convicted and punished under NRS 483.379 for driving under the influence.

It was suggested by the Deputy Legislative Counsel that invoking the implied consent law when a person is faced with a possible misdemeanor conviction is considerably less onerous than invoking that same implied consent law when a person is faced with a possible felony conviction.

Drivers' Licenses

The subcommittee recommended (Exhibit C, BDR 43-409) a mandatory 10-day jail sentence for driving a motor vehicle with a suspended or revoked driver's license. It also recommended that if this same person is also convicted, at the same proceeding, of driving under the influence for the second time within a 3-year period, he should receive separate sentences that must be served consecutively.

The subcommittee declined to recommend legislation which would allow DMV to refuse to issue or renew a driver's license if a court notifies the department that this person has failed to honor his written promise to appear. It was thought that the government now has adequate remedies that may be taken against such person.

The subcommittee recommended that DMV establish a system of "instant-photo" licenses (Exhibit E, BDR 43-23). It was estimated by DMV that this system would cost the state about \$60,000 per year more than the system presently in use. However, drivers' licenses would then contain a picture of the licensee, and the new license could be issued while the applicant waited.

The subcommittee recommended that a registry of the blind be established and maintained in the Services to the Blind Division of the Department of Health, Welfare and Rehabilitation; and, that the names contained therein should be transmitted to DMV for use in screening applications for new drivers' licenses and renewals (Exhibit F, BDR 43-21). Testimony was offered indicating that the department is not always able to learn of deteriorated vision of a licensee. A similar bill failed last session, allegedly because it contained provisions requiring optometrists to file a written report. Some legislators thought that this violated a privileged doctor-patient relationship. It was noted, however, that the system could not work if optometrists were not required to participate. Also, in Nevada, there is no optometrist-client privileges recognized by the legislature. The bill recommended by the subcommittee is in substantially the same form as the one which failed last session.

DMV requested legislation (Exhibit G, BDR 43-413) allowing the department to suspend a license, without a hearing, if a person is merely charged with an offense for which a conviction would require mandatory revocation of the license under the provisions of NRS 483.460. The Deputy Attorney General assigned to DMV, stated that he had researched the problem and believed that it would not raise any constitutional problems.

The Deputy Legislative Counsel suggested that any suspension of a driver's license without a hearing may violate procedural due process as interpreted by a recent United States Supreme Court case (Bell v. Burson, 402 U.S. 535 (1971)). This may also amount to depriving a person of rights and privileges before he is found guilty of any civil or criminal wrong.

After the Deputy Attorney General from DMV stated that the bill should be passed because most persons charged are convicted, the subcommittee voted to recommend the legislation.

The subcommittee declined to recommend changes in the traffic school safety program. However, it suggested that DMV submit any proposals it had in this area to the legislature.

Motorcycles

It was brought to the attention of the subcommittee that provisions in NRS pertaining to motorcycle equipment and licensing are now in chapter 486. DMV requested that the provisions relating to motorcycle licensing be placed in chapter 483; and those provisions relating to motorcycle equipment be placed in chapter 484. This was an effort by the department to consolidate related material in the motor vehicle section of the Nevada Revised Statutes.

The subcommittee informed the Director of DMV, that the Legislative Counsel, has the authority, by statute, to arrange the order of the NRS. It suggested that DMV contact the Legislative Counsel's office concerning the proposed changes.

The subcommittee recommended that the duration of a license to operate a motorcycle be extended from 2 to 4 years (Exhibit H, BDR 43-22). This would bring the drivers' licenses for motorcycles and other motor vehicles into conformity.

The subcommittee recommended that the provisions providing for learners' permits for motorcycles be repealed (Exhibit H, BDR 43-22). A holder of a learner's permit is not permitted to drive on a highway; and a permit is not necessary to drive a motorcycle on private property.

The subcommittee declined to recommend that the definition of motorcycle be amended to exclude three-wheel vehicles.

The subcommittee recommended that NRS 486.211, requiring the operator of a motorcycle to keep both hands on the handlebars, be amended (Exhibit H, BDR 43-22). This change is to make it clear that the operator can make hand signals, and that a police officer can perform his required duties.

Registration

The subcommittee recommended legislation that would require new residents of Nevada, who own motor vehicles registered in

other states or countries, to register their motor vehicles and obtain a driver's license from DMV within 45 days after becoming a resident (Exhibit I, BDR 43-311). This legislation would provide a new definition of resident which would include nearly all persons, except actual tourists and nonresident students, who occupy dwellings or conduct businesses in this state.

Existing legislation does not require new residents, who own motor vehicles, to register their vehicles and obtain drivers' licenses until their present registration expires.

This legislation was requested to minimize registrations in December, to increase revenue for the state and to give DMV better control of vehicles using the highways of Nevada.

The subcommittee recommended an increase of \$1 in registration fees for the purpose of hiring more highway patrolmen (Exhibit J, BDR 43-25). The Director of DMV indicated that he hopes to increase the number of commissioned officers until the ratio of highway patrolmen to registered vehicles is 1 patrolman for every 1,500 vehicles. The ratio is now 1 to 4,000.

At the February subcommittee meeting DMV requested that the system of county designations on license plates be discontinued and replaced by a simplified three-letter, three-number system for statewide distribution. The subcommittee indicated there has been considerable opposition in the past to discontinuing the county designations on the plates. The subcommittee, at that time, recommended a bill which would allow DMV, under the present system, to place the numbers either to the left or the right of the letters.

However, at the October meeting, DMV again indicated that it needed a system that would allow for statewide distribution. Representatives of DMV stated that the new system would allow for 15 million license plate codes without the present problem of creating sufficient codes for the more populous counties. The subcommittee decided to recommend this new system rather than the legislation considered at the earlier meeting (Exhibit K, BDR 43-107).

Motor Vehicle Equipment

The subcommittee considered possible legislation concerning minimum tread depth on tires. Studies were discussed which indicated that the disablement rate for tires increases tremendously when tread depth is less than 2/32 inch. It has

also been shown that hydroplaning--a condition where the tire loses contact with the road because a layer of water and air forms between the surfaces of the road and the tire--is an extremely dangerous hazard created by smooth tires.

It was suggested, because of the many different types of vehicles that use the highways of Nevada and other problems inherent to this area, that this type of legislation may be better implemented by giving the Director of DMV the authority to formulate rules and regulations governing tread depth and governing the vehicles to which these rules and regulations will apply. The subcommittee recommended this legislation (Exhibit L, BDR 43-408).

The subcommittee declined to recommend legislation making it mandatory that seat belts be used by all persons in vehicles so equipped. Representatives of DMV stated that studies have shown that seat belts are often not used and that they do lessen the incidence of serious injuries. The subcommittee felt that legislation of this type would be very difficult to enforce. The Highway Safety Coordinator for DMV indicated that the department would still attempt to have the legislation introduced. He felt that merely having such legislation in force may increase the use of seat belts.

Highways

It was brought to the attention of the subcommittee that in the last few years there has been an increase in the number of fatalities on the highways due to motor vehicle collisions with domestic animals. The subcommittee declined to recommend the repeal of Nevada's "Open Range Law" which exempts livestock producers from civil liability if their animals cause accidents on the highways. However, the subcommittee did recommend that the legislature send a resolution to Congress requesting additional funding so that appropriate federal agencies could fence federal grazing land in Nevada adjacent to highways (Exhibit M, BDR 26).

Vehicle Safety Inspection

The primary purpose for the appointment of this subcommittee, and the problem which consumed a large proportion of its time, was consideration of a random vehicle inspection law. As was pointed out by S.C.R. 28, of the 56th session of the legislature, sentiment in the legislature has been in favor of a

random, rather than a periodic, inspection program. There were two principle problems raised by the proposed adoption of such a program: Will the program be acceptable by the appropriate federal authorities; and will the legislature be able to tailor a program that will satisfy state bugetary considerations?

The Federal Highway Safety Act of 1966 requires that each state have a comprehensive highway safety program meeting uniform standards approved by the Secretary of Transportation. These standards include provisions for motor vehicle safety inspections. The standards, which were first published in the Federal Register in 1967, contain Highway Safety Standard 4.4.1. which provides:

Each state shall have a program for periodic inspection of all registered vehicles or other experimental, pilot, or demonstration program approved by the Secretary, to reduce the number of vehicles with existing or potential conditions which cause or contribute to accidents or increase the severity of accidents which do occur, and shall require the owner to correct such conditions.

I. The program shall provide, as a minimum, that:

A. Every vehicle registered in the State is inspected either at the time of initial registration and at least annually thereafter, or at such other time as may be designated under an experimental, pilot, or demonstration program approved by the Secretary. * * * 23 Code of Federal Regulations § 204.4.

When the standards were first announced, the periodic motor vehicle inspection program was given top priority by the Secretary of Transportation. Since that time, the Secretary has seemingly given greater priority to other programs.

It also appears that the Secretary has been more willing to allow deviation from periodic-type inspection programs. Mr. Douglas Toms, Director of the National Highway Safety Bureau, has stated that there was no data available showing that periodic motor vehicle inspections significantly reduced traffic fatalities.

What the above suggests is that, barring a change of policy by the newly appointed administrators in the Department of Transportation, a random vehicle inspection program would be acceptable in satisfying the requirements of the Highway Safety Act.

The subcommittee heard extensive testimony from representatives of DMV on the structure and cost of a random inspection program. There is, of course, considerable deviation in total costs depending upon the composition of the program examined. Mr. Hill suggested an initial program consisting of three inspection teams working throughout the state. Each of the proposed teams would contain two officers and three mechanics. The proposed cost of this concept would be approximately \$250,000 per year, once the program is fully implemented.

Because of the budgetary considerations involved, the subcommittee decided not to recommend specific legislation. Instead, it requested that DMV offer a bill for the consideration of the entire legislature.

It was suggested by a subcommittee member Mr. Valentine, at the October meeting, that safety standards should be developed and applied to used cars sold by dealers. While a program of this type would aid the state in satisfying some of the requirements under the federal programs for motor vehicle inspections, the subcommittee decided that more study would be needed before such a program could be adequately developed for the dealers.

Conclusion

There was insufficient time for the subcommittee to consider further recommendations. With the adoption of a motor vehicle inspection program, Nevada will be in substantial compliance with the Federal Highway Safety Act and would have little to fear from the sometimes threatened loss of federal highway funds. However, the subcommittee believes that highway safety is of such vital importance to the citizens of this state, that it should receive the legislature's continuing attention.

Respectfully submitted,

Assemblyman Melvin B. Howard,
Chairman
Senator Helen Herr
Senator Archie Pozzi, Jr.
Assemblyman Rawson M. Prince
Assemblyman Artie D. Valentine

SUMMARY--Extends the implied consent law to include chemical tests for the purpose of detecting controlled substances. Fiscal Note: No. (BDR 43-410)

AN ACT relating to driving under the influence of chemical substances and the implied consent law; including within the implied consent law tests for determining the presence of controlled substances; clarifying provisions; and providing other matters properly relating thereto.

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

Section 1. NRS 484.383 is hereby amended to read as follows:

484.383 1. Except as provided in subsections 4 and 5, any person who drives a vehicle upon a highway in this state shall be deemed to have given his consent to a chemical test of his blood, urine, breath or other bodily substance for the purpose of determining the [alcoholic] content of alcohol, or controlled substances as defined in chapter 453 of NRS, in his blood when such test is administered at the direction of a police officer having reasonable grounds to believe that such person was driving a vehicle while under the influence of intoxicating liquor or a controlled substance, and after such person was arrested for [any] driving a vehicle under the influence of intoxicating liquor or a controlled substance, or for any other offense allegedly committed while such person was driving a vehicle

under the influence of intoxicating liquor [.] or a controlled substance.

2. Such person shall be informed that his failure to submit to such test will result in the suspension of his privilege to drive a vehicle for a period of 6 months.

3. Any person who is dead, unconscious, or otherwise in a condition rendering him incapable of refusal shall be deemed not to have withdrawn his consent, and any such test may be administered whether or not such person is informed that his failure to submit to such test will result in the suspension of his privilege to drive a vehicle for a period of 6 months.

4. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section.

5. A person may refuse to submit to a blood test if means are reasonably available to perform a breath or urine test, and may refuse to submit to a blood or urine test if means are reasonably available to perform a breath test. However, if the test is being conducted to detect the presence of controlled substances, a person may only refuse to submit to a blood test if a urine test is available.

Sec. 2. NRS 484.385 is hereby amended to read as follows:

484.385 1. If a person under arrest refuses to submit to a required chemical test as directed by a police officer under NRS 484.383, none shall be given; but the department of motor vehicles, upon receipt of a sworn written statement of such officer that he had reasonable grounds to believe the arrested person had been driving a vehicle upon a highway while under the influence of intoxicating liquor , or a controlled substance as defined in chapter 453 of NRS, and that such person refused to submit to such test upon the request of such officer, shall immediately:

(a) Suspend such person's license or instruction permit to drive for a period of 6 months;

(b) If such person is a nonresident, suspend his privilege to drive a vehicle in this state for a period of 6 months and inform the appropriate agency in the state of his residence of such action; or

(c) If such person is a resident without a license or instruction permit to drive, deny to such person the issuance of a license or permit for a period of 6 months after the date of the alleged violation.

2. The [revocations] suspensions provided for in subsection 1 shall become effective 10 days after the mailing of written notice thereof by such department to any such person at his last-known address.

Sec. 3. NRS 484.387 is hereby amended to read as follows:

484.387 1. Except as provided in subsection 2, any person whose license or permit has been suspended, or [if the issuance thereof has been delayed,] whose application for a license or permit has been delayed pursuant to NRS 484.385 , may request a hearing before the department of motor vehicles, and such hearing shall be afforded him in the same manner and under the same conditions as are provided in subsection 10 of NRS 483.470.

2. The scope of such hearing shall be limited to the issues of whether a police officer had reasonable grounds to believe such person had been driving a vehicle upon a highway while under the influence of intoxicating liquor, or a controlled substance as defined in chapter 453 of NRS, had been placed under arrest, and had refused to submit to the test upon the request of the police officer. [Whether such person was informed that his privilege to drive would be suspended if he refused to submit to the test shall not be an issue.]

3. If the suspension or determination that there be a denial of issuance is sustained after such hearing, the person whose license or permit has been suspended, or to whom a license or permit has been denied, shall have the right to a review of the matter in district court in the same manner as provided by NRS 483.520.

Sec. 4. NRS 484.389 is hereby amended to read as follows:

484.389 1. If a person refuses to submit to a required chemical test provided for in NRS 484.383, evidence of such refusal shall be admissible in any criminal action arising out of acts alleged to have been committed while such person was driving a vehicle while under the influence of intoxicating liquor [.] or a controlled substance as defined in chapter 453 of NRS.

2. If a person submits to such a test, full information concerning such test shall be made available, upon his request, to him or his attorney.

Sec. 5. NRS 484.391 is hereby amended to read as follows:

484.391 1. A person arrested for driving a vehicle while under the influence of intoxicating liquor , or a controlled substance as defined in chapter 453 of NRS, shall be permitted, upon his request and at his expense, reasonable opportunity to have a qualified person of his own choosing administer a chemical test or tests for the purpose of determining the [alcoholic] content of alcohol or controlled substances in his blood.

2. The failure or inability to obtain such a test or tests by such person shall not preclude the admission of evidence relating to the refusal to submit to a test or relating to a test taken upon the request of a police officer.

3. A test obtained under the provisions of this section may not be substituted for or stand in lieu of the test required by NRS 484.383.

Sec. 6. NRS 484.393 is hereby amended to read as follows:

484.393 1. The results of any blood test administered under the provisions of NRS 484.383 or 484.391 shall not be admissible in any hearing or criminal action arising out of the acts alleged to have been committed while a person was under the influence of intoxicating liquor , or a controlled substance as defined in chapter 453 of NRS, unless the blood tested was withdrawn by a physician, registered nurse or a technician employed in a medical laboratory.

2. The limitation contained in subsection 1 shall not apply to the taking of a chemical test of the urine, breath or other bodily substance.

3. No [such] physician, registered nurse [or] , technician or any hospital or other medical facility owning, leasing or otherwise using the premises on which such tests are performed shall incur any civil or criminal liability as a result of the [administering] proper administration of a blood test when requested by a police officer or the person to be tested to administer such test.

SUMMARY--Requires blood test for driver or pedestrian killed in motor vehicle accident. Fiscal Note: No. (BDR 43-20)

AN ACT relating to motor vehicles; requiring a blood test of any driver or pedestrian killed in an accident involving a motor vehicle; and providing other matters properly relating thereto.

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

Section 1. Chapter 484 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. Any coroner, or other public official performing like functions, shall report in writing to the department of motor vehicles the death of any person within his jurisdiction as the result of an accident involving a motor vehicle, and the circumstances of such accident, within 5 days of such death.

2. In the case of any driver, or any pedestrian 15 years or older, who dies within 8 hours of such accident, the coroner or other public official performing like functions shall, within 8 hours after such death, examine the body and make such tests as are necessary to determine the presence and percentage concentration of any alcohol or controlled substances in the blood or other body fluids of the deceased. The information

obtained from any such test or examination shall be included in each report required under this section.

3. Any information obtained under subsection 2 shall be used only by the department of motor vehicles, and only for statistical purposes.

SUMMARY--Increases penalty upon conviction of driving while driver's license is canceled, revoked or suspended.
Fiscal Note: No. (BDR 43-409)

AN ACT relating to drivers' licenses and driving under the influence of intoxicating liquor or a controlled substance; providing mandatory jail sentence for conviction of driving after license has been canceled, revoked or suspended; allowing intermittent sentences; clarifying periods of suspension and revocation; providing mandatory jail sentence for second conviction within 3 years of driving "under the influence"; and providing other matters properly relating thereto.

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

Section 1. NRS 483.560 is hereby amended to read as follows:

483.560 1. [Whenever the department has canceled, suspended or revoked the license of any driver, it shall be unlawful for such driver to operate a vehicle on the public streets and highways of this state during the period of cancellation, suspension or revocation.] Any person who drives a motor vehicle on a highway of this state at a time when his driver's license has been canceled, revoked or suspended shall be guilty of a misdemeanor and upon conviction shall be punished by mandatory confinement in the county or municipal jail for not less than 10 days, or more than 6 months. Such person may also be punished by a fine of not more than \$500.

2. Any term of confinement imposed under the provisions of subsection 1 of this act may be served intermittently at the discretion of the judge or justice of the peace. This discretion shall be exercised after considering all the circumstances surrounding the offense, and the family and employment situation of the person convicted. However, the full term of confinement shall be served within a 6-month period from the date of conviction, and any segment of time the person is confined shall not consist of less than a 24-hour period.

3. Jail sentences simultaneously imposed under this section and NRS 484.379 shall run consecutively.

[2.] 4. The department upon receiving a record of the conviction of any person under this section upon a charge of driving a vehicle while the license of such person was suspended shall extend the period of such suspension for an additional like period, from and after the expiration date of the last suspension period; and if the conviction was upon a charge of driving while a license was revoked the department shall [not issue a new license] extend the period of revocation for an additional period of 1 year from and after the date such person

would otherwise have been entitled to apply for a new license.
Suspensions and revocations under this section shall run
consecutively.

Sec. 2. NRS 484.379 is hereby amended to read as follows:

484.379 1. It is unlawful for any person who is under the influence of intoxicating liquor to drive or be in actual physical control of a vehicle within this state.

2. It is unlawful for any person who is an habitual user of or under the influence of any controlled substance as defined in chapter 453 of NRS, or any person who inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any chemical, poison or organic solvent, to a degree which renders him incapable of safely driving or steering a vehicle to drive or steer a vehicle within this state. The fact that any person charged with a violation of this subsection is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this subsection.

3. Any person who violates the provisions of this section is guilty of a misdemeanor and such person's license to operate a vehicle in this state may, by the decision of the court, be suspended by the department of motor vehicles for a period of not less than 30 days nor more than 1 year.

4. Upon a subsequent conviction within 3 years for an offense under the provisions of this section, the person so convicted shall be punished by [a fine of not less than \$100 nor more than \$500 or by imprisonment in the county jail for not less than 10 days nor more than 6 months or by both such fine and imprisonment.] mandatory confinement in the county or municipal jail for not less than 10 days, nor more than 6 months. Such person may also be punished by a fine of not more than \$500. His license to operate a vehicle in this state shall be revoked for 2 years by the department of motor vehicles.

5. No judge or justice of the peace in imposing sentences provided for in this section shall suspend the same or any part thereof.

6. Any term of confinement imposed under the provisions of subsection 4 of this act may be served intermittently at the discretion of the judge or justice of the peace. This discretion shall be exercised after considering all the circumstances surrounding the offense, and the family and employment situation of the person convicted. However, the full term of confinement shall be served within a 6-month period from the date of conviction, and any segment of time the person is confined shall not consist of less than a 24-hour period.

7. Jail sentences simultaneously imposed under this section, and NRS 483.560 or 485.330, shall run consecutively.

Sec. 3. NRS 485.330 is hereby amended to read as follows:

485.330 1. Any person whose [license or] registration [or nonresident's operating privilege] has been suspended [or revoked] under this chapter and who, during such suspension , [or revocation,] drives [any] such motor vehicle upon any highway or knowingly permits any motor vehicle owned by such person to be operated by another upon any highway, except as permitted under this chapter, shall be guilty of a misdemeanor.

2. Any person whose license or nonresident driving privilege has been suspended or revoked under this chapter and who, during such suspension or revocation, drives any motor vehicle upon any highway of this state shall be guilty of a misdemeanor and, upon conviction, shall be punished by mandatory confinement in the county or municipal jail for not less than 10 days, nor more than 6 months. Such person may also be punished by a fine of not more than \$500.

3. Any term of confinement imposed under the provisions of subsection 2 of this act may be served intermittently at the discretion of the judge or justice of the peace. This discretion shall be exercised after considering all the circumstances

surrounding the offense, and the family and employment situation of the person convicted. However, the full term of confinement shall be served within a 6-month period from the date of conviction, and any segment of time the person is confined shall not consist of less than a 24-hour period.

4. Jail sentences simultaneously imposed under this section and NRS 484.379 shall run consecutively.

SUMMARY--Limits the period of time during which a person may have his driver's license revoked for subsequent convictions of driving "under the influence."
Fiscal Note: No. (BDR 43-406)

AN ACT relating to drivers' licenses; limiting the period of time to 10 years, during which a person may have his driver's license revoked for subsequent convictions of driving under the influence of intoxicating liquor or a controlled substance; and providing other matters properly relating thereto.

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

Section 1. NRS 483.460 is hereby amended to read as follows:

483.460 Unless otherwise provided by law, the department shall forthwith revoke, for a period of 1 year, the license of any driver upon receiving a record of such driver's conviction of any of the following offenses, when such conviction has become final:

1. Manslaughter resulting from the driving of a motor vehicle.
2. [A second conviction of driving a motor vehicle while under the influence of intoxicating liquor or the influence of any controlled substance as defined in chapter 453 of NRS, or of inhalation, ingestion, application or other use of any chemical, poison or organic solvent, or any compound or combination of any chemical, poison or organic solvent, to a degree which

renders the driver incapable of safely driving; but the revocation provided for in this subsection shall in no event exceed the time fixed as provided in subsection 4 of NRS 484.379.

3.] Any felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

[4.] 3. Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another.

[5.] 4. Perjury or the making of a false affidavit or statement under oath to the department under NRS 483.010 to 483.630, inclusive, or under any other law relating to the ownership or driving of motor vehicles.

[6.] 5. Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

Sec. 2. NRS 484.379 is hereby amended to read as follows:

484.379 1. It is unlawful for any person who is under the influence of intoxicating liquor to drive or be in actual physical control of a vehicle within this state.

2. It is unlawful for any person who is an habitual user of or under the influence of any controlled substance as defined in chapter 453 of NRS, or any person who inhales, ingests, applies

or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any chemical, poison or organic solvent, to a degree which renders him incapable of safely driving or steering a vehicle to drive or steer a vehicle within this state. The fact that any person charged with a violation of this subsection is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this subsection.

3. Any person who violates the provisions of this section is guilty of a misdemeanor and such person's license to operate a vehicle in this state may, by the decision of the court, be suspended by the department of motor vehicles for a period of not less than 30 days nor more than 1 year.

4. Upon a subsequent conviction within 3 years for an offense under the provisions of this section, the person so convicted shall be punished by a fine of not less than \$100 nor more than \$500 or by imprisonment in the county jail for not less than 10 days nor more than 6 months or by both such fine and imprisonment. His license to operate a vehicle in this state shall be revoked for 2 years by the department of motor vehicles.

5. Upon a subsequent conviction, after three years, but within 10 years, for an offense under the provisions of this section,

the person so convicted shall have his license revoked by the department for a period of 1 year.

6. No judge or justice of the peace in imposing sentences provided for in this section shall suspend the same or any part thereof.

SUMMARY--Enables issuance of instant drivers' licenses and increases license fee. Fiscal Note: No. (BDR 43-23)

AN ACT relating to motor vehicles; enabling the issuance of instant drivers' licenses by the department of motor vehicles; increasing driver's license fee; and providing other matters properly relating thereto.

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

Section 1. NRS 483.347 is hereby amended to read as follows:

483.347 1. The department may, upon being satisfied that it is feasible, produce [a] an instant driver's license : [, bearing]

(a) Bearing a colored photograph of the licensee [.] ; and

(b) Which may be obtained immediately by any applicant upon qualifying therefor.

2. If a changeover to this style of license is feasible, it shall not become effective until the department has:

(a) Established a uniform procedure for the production of such licenses, applicable to renewal as well as to original licenses.

(b) Determined the costs of such production.

(c) Adjusted the fees provided in NRS 483.410, up to a maximum of [50 cents,] \$1, if such adjustment is essential to

recover additional costs which may be incurred in any such changeover and to that extent only.

3. If the department finds that implementation is not feasible before the convening of the [57th] 58th session of the Nevada legislature, the department shall report in detail its findings to the [57th] 58th session of the legislature.

SUMMARY--Establishes registry and driver's license examination for persons who are blind, partially blind or night-blind.
Fiscal Note: No. (BDR 43-21)

AN ACT relating to blind, partially blind and night-blind persons; establishing a registry of such persons; requiring examination prior to issuance of drivers' licenses; providing penalties; and providing other matters properly relating thereto.

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

Section 1. Chapter 426 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. The supervisor of the division shall establish within the division a registry which shall be directed by a clerk, who shall be appointed by the supervisor and be in the classified service of the State of Nevada under chapter 284 of NRS.

2. The clerk of the registry shall compile from the sources named in subsection 3 and shall maintain a register of persons in the State of Nevada who are blind or night-blind or whose vision is severely impaired.

3. The following sources shall submit, within 30 days of learning such information, to the clerk of the registry the name, address, birth date, social security number, visual acuity and any other information which may be required by regulation of the division, of

persons who are blind or night-blind or whose vision is severely impaired and shall designate whether such person is blind, night-blind or has severely impaired vision:

(a) Hospitals, medical clinics and similar institutions which treat persons who are blind, night-blind or whose vision is severely impaired; and

(b) Agencies of the state and political subdivisions which provide special tax consideration for blindness or which provide aid to the blind as defined in NRS 426.050.

4. When any source described in paragraphs (a) and (b) learns that vision has been restored to any person whose name appears in the registry, the fact of restoration of vision shall be reported to the registry within 30 days of learning such fact.

5. The clerk of the registry shall submit, within 10 days after receipt of the information described in subsection 3, a copy of such information to the director of the department of motor vehicles.

6. All information learned by the clerk pursuant to this section is confidential and shall not be revealed, without the consent of the individual concerned, for any purpose other than administration of the division, of aid to the blind as defined in NRS 426.050 or issuance, under chapter 483 of NRS, of licenses to operate motor vehicles.

7. The supervisor of the division may adopt regulations governing reports to and operation of the registry.

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

1. The department shall maintain a file of the names, addresses, birth dates and social security numbers of persons who are blind or night-blind or whose vision is severely impaired. The initial information in this file shall be forwarded to the department by the clerk of the registry of the services to the blind division of the department of health, welfare and rehabilitation.

2. All information learned by the department pursuant to this section is confidential and any person who, without the consent of the individual concerned, reveals such information for purposes other than those specified in this section or other than for administration of aid to the blind as defined in NRS 426.050 is guilty of a misdemeanor.

Sec. 3. NRS 426.520 is hereby amended to read as follows:

426.520 As used in NRS 426.520 to 426.610, inclusive, unless the context otherwise requires:

1. "Blind person" means any person who by reason of loss or impairment of eyesight is unable to provide himself with the necessities of life, and who has not sufficient income of his own to maintain himself, and shall include any person whose visual

acuity with correcting lenses does not exceed 20/200 in the better eye, or whose vision in the better eye is restricted to a field which subtends an angle of not greater than 20°.

2. "Division" means the services to the blind division of the department of health, welfare and rehabilitation.

3. "Night-blind person" means a person afflicted with nyctalopia.

4. "Severely visually impaired person" means any person whose visual acuity with correcting lenses does not exceed 20/70 in the better eye, or whose vision in the better eye is restricted to a field which subtends an angle of not greater than 30°, or whose vision is impaired to such an extent that it materially limits, contributes to limiting or, if not corrected, will probably result in limiting the individual's activities or functioning.

Sec. 4. NRS 426.550 is hereby amended to read as follows:

426.550 1. The division shall be the sole agency in the state responsible for the rehabilitation of the blind.

2. The division shall be headed by a supervisor who is experienced in work for the blind. Preference shall be given to qualified blind persons in filling the position of supervisor of the division.

3. The supervisor of the division shall be directly responsible to the director of the department of health, welfare and rehabilitation.

4. The division shall:

(a) Assist blind persons in achieving physical and psychological orientation, inform blind persons of available services, stimulate

and assist the blind in achieving social and economic independence, and do all things which will ameliorate the condition of the blind.

(b) Provide intensive programs of case finding, education, training, job findings and placement, physical restoration, and such other services and equipment as may assist in rendering blind persons more self-supporting and socially independent.

(c) Maintain a registry of blind, night-blind and severely visually impaired persons for the purposes of this act.

SUMMARY--Provides for the suspension of a driver's license by the department, without a hearing, upon a person merely being charged with certain offenses. Fiscal Note: No. (BDR 43-413)

AN ACT relating to the suspension of drivers' licenses; providing for the suspension of a license by the department, without a hearing, upon a person merely being charged with certain offenses.

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

Section 1. NRS 483.470 is hereby amended to read as follows:

483.470 1. The department is hereby authorized to suspend the license of a driver without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

(a) Has [committed] been formally charged with an offense for which mandatory revocation of license is required upon conviction;

(b) Has been [involved] formally charged with an offense as a driver in any accident resulting in the death or personal injury of another or serious property damage;

(c) Is an habitually reckless or negligent driver of a motor vehicle;

(d) Is an habitual violator of the traffic laws;

(e) Is physically or mentally incompetent to drive a motor vehicle;

(f) Has permitted an unlawful or fraudulent use of such license;
or

(g) Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation.

2. As used in this section, "traffic violation" means conviction on a charge involving a moving traffic violation in any municipal court, justice's court or district court in the State of Nevada.

3. The department shall establish a uniform system of demerit points for various traffic violations occurring within the State of Nevada affecting any holder of a driver's license issued by the department.

4. Such system shall be a running system of demerits covering a period of 12 months next preceding any date on which a licensee may be called before the department to show cause as to why his driver's license should not be suspended.

5. Such system shall be uniform in its operation and the department shall set up a system of demerits for each traffic violation coming under this section, depending upon the gravity of such violation, on a scale of one demerit point for a minor violation of any traffic law to eight demerit points for an extremely serious violation of the law governing traffic violations. Details of the violation shall be submitted to the department by the

court where the conviction is obtained. The department may provide for a graduated system of demerits within each category of violations according to the extent to which the traffic law was violated.

6. When any driver has accumulated six or more demerit points, but less than 12, the department shall notify him of this fact. If the driver, after such notice, presents proof to the department that he has successfully completed a traffic safety school course, approved by the department, for the number of hours prescribed by the course, with the approval of the department as constituting a course of instruction, the department shall cancel the three most recently acquired demerit points from his driving record, pursuant to this subsection, during a 12-month period; but if such driver accumulates 12 demerit points before completing the traffic safety school, he will not be entitled to have demerit points canceled upon completion of such course, but shall have his license suspended.

7. Any three-demerit-point reduction shall apply only to the demerit record of the driver and shall not affect his driving record with the department or insurance record.

8. When any licensee has accumulated 12 demerit points the department shall suspend the license of such licensee until the

total of his demerits has dropped below 12 demerits in the next preceding 12 months.

9. The director of the department of motor vehicles is hereby empowered to set up a scale of demerit values for each traffic violation.

10. Upon suspending the license of any person as authorized in subsection 1, the department shall immediately notify the licensee in writing, and upon his request shall afford him an opportunity for a hearing as early as practical within not to exceed 20 days after receipt of such request in the county wherein the licensee resides unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the administrator, or his duly authorized agent, may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers, and may require a reexamination of the licensee. Upon such hearing the department shall either rescind its order of suspension or, good cause appearing therefor, may extend the suspension of such license or revoke such license.

SUMMARY--Makes changes in licensing provisions for motorcycles and requirement of having both hands on handlebars.

Fiscal Note: No. (BDR 43-22)

AN ACT relating to motorcycles; eliminating the requirements for an instruction permit; extending the expiration date of drivers' licenses; providing an exception for peace officers from the requirement of having both hands on the handlebars of a motorcycle; providing penalties; and providing other matters properly relating thereto.

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

Section 1. NRS 486.071 is hereby amended to read as follows:

486.071 [1. Any person who is at least 15 1/2 years of age or older, enrolled in a motorcycle driver's training school, licensed by the department in the same manner as provided for driver training schools pursuant to NRS 483.700 to 483.760, inclusive, and NRS 483.780, may apply to the department for an instruction permit.

2. The department may, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit entitling the applicant, while having such permit in his immediate possession, to drive a motorcycle for a period of 6 months if:

(a) Such driving is done off of a highway; and

(b) There is a person who is at least 18 years of age who is licensed to drive a motorcycle in immediate attendance and giving supervision.

3.] Except as provided in NRS 486.161, no person shall be issued a motorcycle driver's license or authorized to drive a motorcycle unless such person:

[(a)] 1. Is at least 16 years of age;

[(b)] 2. Has successfully completed a motorcycle driver's training school; and

[(c)] 3. Has successfully completed such written examination and driving test as may be required by the department.

Sec. 2. NRS 486.081 is hereby amended to read as follows:

486.081 1. Every application for [an instruction permit or for] a motorcycle driver's license shall be made upon a form furnished by the department and shall be verified by the applicant before a person authorized to administer oaths. Officers and employees of the department are hereby authorized to administer such oaths without charge.

2. Every application shall:

(a) State the full name, date of birth, sex and residence address of the applicant;

(b) Briefly describe the applicant;

(c) State whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country;

(d) State whether any such license has ever been suspended or

revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal; and

(e) Give such other information as the department may require to determine the applicant's competency and eligibility.

3. Every applicant between the ages of [15 1/2] 16 and 21 years shall furnish proof of his age by displaying a birth certificate, baptismal certificate or other proof acceptable to the department.

Sec. 3. NRS 486.091 is hereby amended to read as follows:

486.091 1. Whenever an application for [an instruction permit or for] a motorcycle driver's license is received from a person previously licensed in another state, the department shall request a copy of the driver's record from such other state. When received, the driver's record shall become a part of the driver's record in this state with the same effect as though entered on the driver's record in this state in the original instance.

2. Whenever the department receives a request for a driver's record from another licensing state the record shall be forwarded without charge.

Sec. 4. NRS 486.101 is hereby amended to read as follows:

486.101 1. The application of any person under the age of 18 years for [an instruction permit or] a motorcycle driver's license shall be signed and verified, before a person authorized to administer oaths, by either or both the father or mother of the applicant,

if either or both are living and have custody of him, or if neither parent is living, then by the person or guardian having such custody, or by an employer of such minor, or if there is no guardian or employer, then by any responsible person who is willing to assume the obligation imposed under this chapter, upon a person signing the application of a minor.

2. Any negligence or willful misconduct of a minor under the age of 18 years when driving a motorcycle upon a highway shall be imputed to the person who has signed the application of such minor for a [permit or] license, which person shall be jointly and severally liable with such minor for any damages caused by such negligence or willful misconduct.

Sec. 5. NRS 486.121 is hereby amended to read as follows:

486.121 The department, upon receipt of satisfactory evidence of the death of the persons who signed the application of a minor for [an instruction permit or] a license, shall cancel such [permit or] license and shall not issue a new [permit or] license until such time as a new application, duly signed and verified, is made as required by this chapter. This provision shall not apply if the minor has attained the age of 18 years.

Sec. 6. NRS 486.161 is hereby amended to read as follows:

486.161 1. [Except as provided in subsection 2, every motorcycle driver's license or other authority to drive a motorcycle shall

expire on the second anniversary of the date of birth of the applicant occurring after June 30 next following the date of its issuance.

2.] Every license issued [before January 1, 1972,] authorizing a person to drive a power cycle shall be valid for driving a power cycle for a period of 4 years, and every such license authorizing a person to drive a motorcycle shall be valid for driving a motorcycle [until its normal expiration.] for a period of 4 years.

[3.] 2. Any person who has been issued a driver's license before January 1, 1972, without having the authority to drive a motorcycle or power cycle endorsed thereon shall, before driving a motorcycle, as defined in NRS 486.041, successfully pass a driving test conducted by the department, pay a fee of \$2 and have such authority endorsed upon such license.

[4.] 3. As used in this section, "power cycle" means every motor vehicle equipped with a seat or saddle for the use of the driver designed to travel on not more than three wheels in contact with the ground and propelled by a motor of 70 cc. displacement or less which produces 6 1/2 horsepower or less.

Sec. 7. NRS 486.211 is hereby amended to read as follows:

486.211 The driver of a motorcycle shall drive with one hand on each handlebar at all times, except when such driver : is making an arm signal for a turn.]

1. Is making an arm signal for a turn; or
2. Is a peace officer and is making a radio call or otherwise performing his duties.

SUMMARY--Amends provisions concerning motor vehicle operation and licensing and drivers' licensing for new residents.
Fiscal Note: No. (BDR 43-311)

AN ACT relating to the operation and registration of vehicles by new residents; defining resident; requiring a new resident to register his vehicle within 45 days; requiring a new resident to obtain a Nevada driver's license; providing a penalty; and providing other matters properly relating thereto.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. "Out-of-state student" means a student whose legal residence is not in this state and who comes into Nevada for the purpose of attending an educational institution.

Sec. 3. "Resident" shall include, but not be limited to, the following:

1. Any person whose legal residence is in the State of Nevada.
2. Any person who engages in intrastate business and operates in such business any motor vehicle, trailer or semitrailer; or any person maintaining such vehicles in this state, as the home state of such vehicles, who does not come within the provisions of NRS 482.385 to 482.395, inclusive, or NRS 706.801 to 706.861, inclusive.

3. Any person, except an actual tourist or an out-of-state student, who owns, leases or rents a place of residence or business within this state; or who occupies, or permits immediate members of his family to occupy, a place of residence or business within this state.

4. Any person who physically resides in this state and engages in a trade, profession, occupation or accepts gainful employment in this state.

5. Any person, not a short-term lessor, who allows his motor vehicle to be kept or used by a resident of this state.

6. Any person who declares himself to be a resident of Nevada for purposes of obtaining privileges not ordinarily extended to nonresidents of this state.

Sec. 4. NRS 482.010 is hereby amended to read as follows:

482.010 When used in this chapter, the words and terms in NRS 482.013 to 482.135, inclusive, and sections 2 and 3 of this act, shall, for the purposes of this chapter, have the meanings ascribed to them in NRS 482.013 to 482.135, inclusive, and sections 2 and 3 of this act, except in those instances where the context clearly indicates a different meaning.

Sec. 5. NRS 482.385 is hereby amended to read as follows:

482.385 1. Except as otherwise provided in NRS 482.390, a nonresident owner of a vehicle of a type subject to registration

under this chapter, owning any vehicle which has been duly registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in this state has displayed upon it the registration number plate or plates issued for such vehicle in the place of residence of such owner, may operate or permit the operation of such vehicle within this state without any registration thereof in this state under the provisions of this chapter and without the payment of any registration fees to the state.

2. Nothing in this section shall be construed:

(a) To prohibit the use of manufacturers' or dealers' license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this state.

(b) To require registration of vehicles of a type subject to registration under this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.

3. When a person, formerly a nonresident, becomes a resident of this state, [he may continue to operate or permit the operation of any vehicle which he owns and which is validly registered in another jurisdiction, without registration in this state, until the expiration of the registration period of such other jurisdiction during which he became a resident of this state. Immediately

upon the expiration of such registration period, the owner shall apply for registration of the vehicle in this state as provided in this chapter.

4. If a vehicle which comes within the provisions of subsection 3 is transferred to a resident of this state, or to a person who uses such vehicle for a gainful purpose in this state, the transferee shall apply immediately for registration of such vehicle as provided in this chapter, and shall not be entitled to the benefits of subsection 3.] he shall, within 45 days after becoming a resident, apply for the registration of any vehicle which he owns and which is regularly operated in this state.

4. A person registering a vehicle pursuant to the provisions of subsection 3 shall be assessed a privilege tax, as required by the provisions of chapter 371 of NRS. The privilege tax due shall be credited, pro rata, on a monthly basis, for the number of months remaining in the registration period pursuant to the laws of the state or country under which the person had previously registered his vehicle and paid a privilege tax.

5. If a vehicle is used in this state for a gainful purpose, the owner shall immediately apply to the department for registration, except as provided in NRS 482.390, 482.395 and NRS 706.801 to 706.861, inclusive.

6. An owner registering a vehicle under the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the department for cancellation.

Sec. 6. NRS 482.395 is hereby amended to read as follows:

482.395 The director is authorized, empowered and directed to enter into agreements and formal compacts with appropriate officials of other states for the purpose of establishing rules and regulations governing registration, conduct and operation of motor vehicles coming within the provisions of NRS 482.385 and 482.390, including mutual agreements leading to the revocation of reciprocity for persistent violators of laws concerning motor vehicle operation and licensing.

Sec. 7. Chapter 483 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 and 9 of this act.

Sec. 8. "Out-of-state student" means a student whose legal residence is not in this state and who comes into Nevada for the purpose of attending an educational institution.

Sec. 9. "Resident" shall include, but not be limited to, the following:

1. Any person whose legal residence is in the State of Nevada.
2. Any person who engages in intrastate business and operates in such business any motor vehicle, trailer or semitrailer; or any person maintaining such vehicles in this state, as the home

state of such vehicles, who does not come within the provisions of NRS 482.385 to 482.395, inclusive, or NRS 706.801 to 706.861, inclusive.

3. Any person, except an actual tourist or an out-of-state student, who owns, leases or rents a place of residence or business within this state; or who occupies, or permits immediate members of his family to occupy, a place of residence or business within this state.

4. Any person who physically resides in this state and engages in a trade, profession, occupation or accepts gainful employment in this state.

5. Any person, not a short-term lessor, who allows his motor vehicle to be kept or used by a resident of this state.

6. Any person who declares himself to be a resident of Nevada for purposes of obtaining privileges not ordinarily extended to nonresidents of this state.

Sec. 10. NRS 483.020 is hereby amended to read as follows:

483.020 When used in NRS 483.010 to 483.630, inclusive, and sections 8 and 9 of this act, the words and phrases defined in NRS 483.030 to 483.190, inclusive, and sections 8 and 9 of this act, have the meanings respectively ascribed to them in such sections.

Sec. 11. NRS 483.245 is hereby amended to read as follows:

483.245 1. When a person who owns a motor vehicle required to be registered under the provisions of chapter 482 of NRS, and who was formerly a nonresident, becomes a resident, he may continue to use a valid license from another jurisdiction until such time as it becomes necessary for him to register such motor vehicle in this state. At that time he shall be required to obtain a Nevada license as a prerequisite to driving any motor vehicle in the State of Nevada.

2. Where a person who applies for a license has a valid driver's license from a state which has requirements for issuance of driver's licenses comparable to those of the State of Nevada, the department may:

(a) [Waive the examination for such person and issue a Nevada license which shall expire no later than the license from such other state; or

(b)] Issue a Nevada license under the same terms and conditions applicable to a renewal of a license in this state [.] ; or

(b) Require that such person submit to an examination pursuant to the provisions of NRS 483.330.

3. In carrying out the provisions of this chapter, the director is authorized to enter into reciprocal agreements with appropriate officials of other states concerning the licensing of drivers of motor vehicles.

Sec. 12. NRS 483.140 is hereby repealed.

SUMMARY--Increases motor vehicle registration fees. Fiscal
Note: No. (BDR 43-25)

AN ACT relating to motor vehicles; increasing the registration fees of such vehicles for purposes of hiring supplementary patrolmen for the Nevada highway patrol; and providing other matters properly relating thereto.

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

Section 1. NRS 482.480 is hereby amended to read as follows:

482.480 There shall be paid to the department for the registration or transfer of registration of motor vehicles, trailers and semitrailers, fees according to the following schedule:

1. For each stock passenger car, bus and each reconstructed or specially constructed passenger car, regardless of weight or number of passenger capacity, a registration fee of \$5.50.
2. For every motorcycle, the sum of \$3.50.
3. For every motortruck having an unladen weight of 3,500 pounds or less, as shown by a public weighmaster's certificate, a registration fee of \$9.
4. For every trailer or semitrailer having an unladen weight of 1,000 pounds or less, a flat registration fee of \$2.50. For every trailer having an unladen weight of more than 1,000

pounds, but not more than 3,500 pounds, a flat registration fee of \$5.50. For every trailer or semitrailer having an unladen weight of more than 3,500 pounds and less than 4,000 pounds, fees according to the following schedule:

| | |
|--|-----|
| 3,501 to and including 3,549 pounds..... | \$8 |
| 3,550 to and including 3,649 pounds..... | 10 |
| 3,650 to and including 3,749 pounds..... | 12 |
| 3,750 to and including 3,849 pounds..... | 14 |
| 3,850 to and including 3,949 pounds..... | 16 |
| 3,950 to and including 3,999 pounds..... | 18 |

5. For every motortruck having an unladen weight of more than 3,500 pounds and less than 5,050 pounds, fees according to the following schedule:

| | |
|--|------|
| 3,501 to and including 3,549 pounds..... | \$10 |
| 3,550 to and including 3,649 pounds..... | 12 |
| 3,650 to and including 3,749 pounds..... | 14 |
| 3,750 to and including 3,849 pounds..... | 16 |
| 3,850 to and including 3,949 pounds..... | 18 |
| 3,950 to and including 3,999 pounds..... | 20 |
| 4,000 to and including 5,049 pounds..... | 25 |

6. For every trailer or semitrailer having an unladen weight of 4,000 pounds or more, except mobile homes, and for every motor-truck having an unladen weight of 5,050 pounds or more, 50 cents per 100 pounds, or major fraction thereof, of unladen weight as

shown by a public weighmaster's certificate. At the time of weighing, each vehicle shall have in place each and every accessory and appliance belonging to and used on such vehicle in the transportation of property. Whenever a camper is attached to a motortruck the camper shall be considered as a load and the fees imposed by this section upon the motortruck shall be based on the unladen weight of the motortruck, exclusive of the camper.

7. For every mobile home, the registration fee shall be \$5.50.

8. Except as provided in subsection 9, for each transfer of registration the fee shall be \$2.

9. The fee for transfer of a registration to any motor vehicle enumerated in subsection 6 shall be \$2 plus the excess, if any, of the fee which would have been payable for an original registration of such vehicle over the fee paid for registration of the vehicle from which the registration is transferred.

10. For each stock passenger car, bus, reconstructed or specially constructed passenger car, motorcycle, motortruck and truck tractor there shall be an additional fee of [~~\$1~~] \$2 for each registration, which shall be placed in a special fund to be used only for the purposes specified in NRS 481.145.

SUMMARY--Changes license plate codes and provides code for motorcycles. Fiscal Note: No. (BDR 43-107)

AN ACT changing the license plate codes for passenger cars, trucks and trailers; providing a license plate code for motorcycles; and providing other matters properly relating thereto.

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

Section 1. NRS 482.270 is hereby amended to read as follows:

482.270 1. The director shall order the preparation of motor vehicle license plates with no other colors than blue and silver, the same to be alternated one upon the background and the other upon the letters and numbers in alternate issues of license plates. The director may, in his discretion, substitute white in place of silver when no suitable material is available.

2. The director may determine and vary the size, shape and form and the material of which license plates shall be made, but each license plate shall be of sufficient size to be plainly readable from a distance of 100 feet during daylight. [Effective upon the issue of all license plates after January 1, 1967, all] All license plates shall be so treated as to reflect light and to be at least 100 times brighter than conventional painted

number plates. When properly mounted on an unlighted vehicle, the license plates, when viewed from a vehicle equipped with standard headlights, shall be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.

3. Every license plate shall have displayed upon it the registration number assigned to the vehicle and to the owner thereof, and the name of the state, which may be abbreviated, and:

- (a) If issued for a calendar year, such year.
- (b) If issued for a registration period other than a calendar year, the month and year such registration expires.

4. [The registration numbers assigned to passenger cars shall be coded for Carson City and the several counties and consecutively numbered. The code letters shall be at the left of the number plate, as follows:

Carson City, OR or ORA to ORZ, inclusive;

Churchill, CH or CHA to CHZ, inclusive;

Clark, C or CA to CZ, inclusive, or CAA to CZZ, inclusive;

Douglas, DS or DSA to DSZ, inclusive;

Elko, EL or ELA to ELZ, inclusive;

Esmeralda, ES or ESA to ESZ, inclusive;

Eureka, EU or EUA to EUZ, inclusive;

Humboldt, HU or HUA to HUZ, inclusive;
Lander, LA or LAA to LAZ, inclusive;
Lincoln, LN or LNA to LNZ, inclusive;
Lyon, LY or LYA to LYZ, inclusive;
Mineral, MN or MNA to MNZ, inclusive;
Nye, NY or NYA to NYZ, inclusive;
Pershing, PE or PEA to PEZ, inclusive;
Storey, ST or STA to STZ, inclusive;
Washoe, W or WAA to WZZ, inclusive; and
White Pine, WP or WPA to WPZ, inclusive.

Flunk Prefix letters which do not duplicate nor conflict with the foregoing code letters may be reserved by the department for number plates assignable to dealers, exempt vehicles and motorcycles, as may be determined; but the letters I and Q shall not be used for any vehicle. Following the county code, or special prefix letter, a series of five or fewer numerals, commencing with 1 to 99,999, shall be used for Carson City and each county as the need may be. The letters H, I, O, P, Q and U shall not be used as the second letter in Clark and Washoe counties.

5. The director shall first exhaust the code letters containing the fewest letters before assigning any additional letter.

6. No number plates may contain more than six letters and numbers in combination.

7. All letters and numbers shall be of the same size.

8. The director may omit letters added to a single- or double-letter county code when appropriate to avoid misleading or offensive combinations.] All license plates issued after January 1, 1974, shall have the following code series:

(a) Passenger cars. All license plates for passenger cars shall be comprised of three letters followed by three numbers.

(1) The letters shall be in consecutive, alphabetical sequence as: AAA through ZZZ, inclusive; and

(2) The numbers shall be in consecutive numerical sequence as: 000 through 999, inclusive.

(b) Trucks. All license plates for trucks shall be comprised of two letters in consecutive, alphabetical sequence, followed by four numbers in consecutive, numerical sequence.

(c) Trailers. All license plates for trailers shall be comprised of one letter followed by five numbers in consecutive, numerical sequence.

(d) Motorcycles. All license plates for motorcycles shall be comprised of five numbers in consecutive, numerical sequence. Only one plate shall be issued for a motorcycle.

Flush All code series shall be for statewide distribution.

5. All letters and numbers shall be of the same size.

6. The department shall avoid using misleading or offensive combinations of letters or numbers, and shall omit those combinations that would result in confusion between letters and numbers.

7. In the event that the department exhausts the license plate codes, the director may reverse the position of the letters relative to the numerals.

8. All license plates issued prior to January 1, 1974, bearing a different designation from that provided for in this section, shall be valid during the period for which such plates were issued.

Sec. 2. NRS 482.369 is hereby amended to read as follows:

482.369 In providing the distinguishing plates to be issued pursuant to NRS 482.368, the director shall:

1. Select combinations of letters and numbers which are not confusingly similar to the combinations prescribed by NRS 482.-270 . [, 482.273 and 482.274.]

2. Employ letters and numbers of the same size as are used on license plates issued pursuant to NRS 482.270 . [, 482.273 and 482.274.]

Sec. 3. NRS 482.273 and 482.274 are hereby repealed.

Sec. 4. This act shall become effective on January 1, 1974.

SUMMARY--Authorizes the director of the department of motor vehicles to adopt rules and regulations relating to pneumatic tires.
Fiscal Note: No. (BDR 43-408)

AN ACT relating to pneumatic tires; authorizing the director of the department of motor vehicles to adopt rules and regulations concerning the sale and use of pneumatic tires for certain vehicles; and providing other matters properly relating thereto.

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

Section 1. Chapter 484 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. The director, after a hearing, shall adopt rules and regulations relating to pneumatic vehicle tires as he determines necessary to provide for public safety.

(a) In adopting these regulations, the department shall consider, as evidence of generally accepted standards, the rules and regulations of the Federal Highway Administration and publications of the Rubber Manufacturers Association.

(b) Adopted rules and regulations shall specify:

(1) Minimum tread depth of tires being operated on the highways;

(2) Prohibitions on the use of recut or regrooved tires; and

(3) Carcass strength, size and load capacity.

2. After adoption of such rules and regulations, no dealer or person holding a retail seller's license shall sell, offer for sale, expose for sale or install on a vehicle for use on a highway a pneumatic tire which is not in compliance with such rules and regulations.

3. After adoption of such rules and regulations, no person shall use on a highway a pneumatic tire which is not in conformance with the rules and regulations.

4. Regulations relating to tire tread depth shall not apply to pneumatic tires used on the following as defined in this chapter:

- (a) Bicycles;
- (b) Buses;
- (c) Commercial vehicles;
- (d) Common carriers;
- (e) Farm tractors;
- (f) Implements of husbandry;
- (g) Pole trailers;
- (h) School buses;
- (i) Semitrailers;
- (j) Special mobile equipment;
- (k) Trailers;
- (l) Trucks which have 3 or more axles; and
- (m) Truck tractors.

SUMMARY--Memorializes Congress to provide funds for fencing federal lands traversed by highways. (BDR 26)

ASSEMBLY JOINT RESOLUTION--Memorializing Congress to provide funds for fencing land adjacent to highways that pass through federal land.

WHEREAS, Highway safety has become a matter of great concern both at the state and federal level; and

WHEREAS, It has been determined that domestic animals ranging across Nevada's highways create an extremely dangerous hazard that has caused many deaths among those who have traveled these highways in motor vehicles; and

WHEREAS, Much of the unfenced land abutting Nevada's highways is federal land; and

WHEREAS, Nevada's highways could be kept substantially free of domestic animals if federal grazing land was fenced; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND THE SENATE OF THE STATE OF NEVADA, JOINTLY, That the legislature of the State of Nevada hereby respectfully memorializes the Congress of the United States to provide additional funding to fence federal land used for grazing domestic animals; and be it further

RESOLVED, That copies of this resolution be prepared and transmitted by the legislative counsel to the Vice President of the

United States as presiding officer of the Senate, to the Speaker of the House of Representatives and to all members of the Nevada congressional delegation.