

THE SIXTY-FIFTH DAY

CARSON CITY (Tuesday), April 9, 2013

Senate called to order at 11:17 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by Sister Karen Crouse.

Loving God, known by so many names, we have discovered You as the source of all freedom. Bless You for this freedom of the people of God.

We hesitate to name ourselves as such for this freedom is no easy identity to live. Therefore, this day we seek the gift You gave Solomon—the gift of wisdom—as this Chamber dares to lead others in the way of freedom, not for self but for all.

Free us from the blindness that hinders our sight of one another. Free us from power that corrupts, and provide us power that serves. Open our ears to the whispers of Your ways, the passion of Your love.

We pray for all who are called to this task and all whom they desire to serve—for the building up of all people who long for peace, employment, health and the freedom to live out their faith and all it calls them to be.

AMEN.

Pledge of Allegiance to the Flag.

The President announced that under previous order, the reading of the Journal is waived for the remainder of the 77th Legislative Session and the President and Secretary are authorized to make any necessary corrections and additions.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which were referred Senate Bills Nos. 35, 162, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Mr. President:

Your Committee on Education, to which was referred Senate Bill No. 443, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Senate Bill No. 102, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Senate Bill No. 471, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Finance.

JOYCE WOODHOUSE, *Chair*

Mr. President:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 79, 227, 250, 304, 370, 437, 473, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 408, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Finance.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 22, 55, 284, 342, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 142, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Finance.

DAVID R. PARKS, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 4, 51, 61, 92, 98, 149, 167, 206, 274, 338, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JUSTIN C. JONES, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 347, 365, 419, 423, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 78, 108, 130, 169, 237, 264, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TICK SEGERBLOM, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bills Nos. 239, 405, 457, 458, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Legislative Operations and Elections, to which was referred Senate Joint Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Mr. President:

Your Committee on Natural Resources, to which was referred Senate Bill No. 434, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

AARON D. FORD, *Chair*

Mr. President:

Your Committee on Revenue and Economic Development, to which were referred Senate Bills Nos. 215, 216, 281, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Revenue and Economic Development, to which was referred Senate Bill No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

RUBEN J. KIHUEN, *Chair*

Mr. President:

Your Committee on Transportation, to which were referred Senate Bills Nos. 262, 335, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which was referred Senate Bill No. 430, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

MARK A. MANENDO, *Chair*

WAIVERS AND EXEMPTIONS
NOTICE OF EXEMPTION

April 4, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Assembly Bills Nos. 328, 342, 448, 449, 450, 451, 461, 463, 464, 465, 472, 473, 481, 482, 488, 491, 497.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 226, 230, 247, 253, 260, 267, 285, 288, 290, 297, 309, 311, 320, 324, 325, 330, 335, 336, 338, 344, 346, 354, 355, 359, 362, 364, 368, 371, 372, 373, 384, 399, 405, 406, 409, 410, 411, 419, 424, 427, 428, 435, 436, 447, 494.

CINDY JONES

Fiscal Analysis Division

April 8, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Assembly Bill No. 7.

CINDY JONES

Fiscal Analysis Division

April 9, 2013

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 400, 401, 406, 467, 479, 499.

MARK KRMPOTIC

Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Denis moved that the following persons be accepted as accredited press representatives, that they be assigned space at the press table and that they be allowed the use of the appropriate media facilities: KTNV-TV13: Don Guevara and Ken Johnson; KVVU-TV: Robbie Hunt; TELEMUNDO LAS VEGAS: Rosana Romero.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 12.

Bill read second time.

The following amendment was proposed by the Committee on Transportation.

Amendment No. 31.

"SUMMARY—Clarifies the authority of the Nevada Transportation Authority to submit fingerprints to the Federal Bureau of Investigation. (BDR 58-356)"

"AN ACT relating to motor carriers; requiring certain motor carriers and applicants to operate as motor carriers to submit to the Nevada Transportation Authority a complete set of fingerprints and written permission authorizing the Authority to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law authorizes any agency of the State: (1) to request from a person who has applied for a license which the agency has the power to grant or deny a complete set of his or her fingerprints; and (2) to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. (NRS 239B.010) This bill specifically requires certain motor carriers and applicants to operate as motor carriers to submit to the Nevada Transportation Authority a complete set of fingerprints and written permission authorizing the Authority to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

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

Section 1. NRS 706.391 is hereby amended to read as follows:

706.391 1. Upon the filing of an application for a certificate of public convenience and necessity to operate as a common motor carrier, other than an operator of a tow car, or an application for modification of such a certificate, the Authority shall fix a time and place for a hearing on the application.

2. Except as otherwise provided in subsection 6, the Authority shall grant the certificate or modification if it finds that:

(a) The applicant is financially and operationally fit, willing and able to perform the services of a common motor carrier and that the operation of, and the provision of such services by, the applicant as a common motor carrier will foster sound economic conditions within the applicable industry;

(b) The proposed operation or the proposed modification will be consistent with the legislative policies set forth in NRS 706.151;

(c) The granting of the certificate or modification will not unreasonably and adversely affect other carriers operating in the territory for which the certificate or modification is sought;

(d) The proposed operation or the proposed modification will benefit and protect the safety and convenience of the traveling and shipping public and the motor carrier business in this State;

(e) The proposed operation, or service under the proposed modification, will be provided on a continuous basis;

(f) The market identified by the applicant as the market which the applicant intends to serve will support the proposed operation or proposed modification; and

(g) The applicant has paid all fees and costs related to the application.

3. The Authority shall not find that the potential creation of competition in a territory which may be caused by the granting of the certificate or modification, by itself, will unreasonably and adversely affect other carriers operating in the territory for the purposes of paragraph (c) of subsection 2.

4. In determining whether the applicant is fit to perform the services of a common motor carrier pursuant to paragraph (a) of subsection 2, the Authority shall consider whether the applicant has violated any provision of this chapter or any regulations adopted pursuant thereto.

5. The applicant for the certificate or modification:

(a) *Must submit a complete set of fingerprints of each natural person who is identified by the Authority as a significant principal, partner, officer, manager, member, director or trustee of the applicant and written permission authorizing the Authority to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;*

(b) Has the burden of proving to the Authority that the proposed operation will meet the requirements of subsection 2; and

~~((b))~~ (c) Must pay the amounts billed to the applicant by the Authority for the costs incurred by the Authority in conducting any investigation regarding the applicant and the application.

6. The provisions of subsections 2 to 5, inclusive, do not apply to an owner or operator of a charter bus. The Authority shall grant the certificate or modification to an owner or operator of a charter bus that is not a fully regulated carrier if the Authority finds that the owner or operator of the charter bus has complied with the provisions of subsection 1 of NRS 706.463 and any applicable regulations of the Authority.

7. The Authority may issue or modify a certificate of public convenience and necessity to operate as a common motor carrier, or issue or modify it for:

(a) The exercise of the privilege sought.

(b) The partial exercise of the privilege sought.

8. The Authority may attach to the certificate such terms and conditions as, in its judgment, the public interest may require.

9. The Authority may dispense with the hearing on the application if, upon the expiration of the time fixed in the notice thereof, no petition to intervene has been filed on behalf of any person who has filed a protest against the granting of the certificate or modification.

Sec. 2. NRS 706.426 is hereby amended to read as follows:

706.426 An application for a permit for a new operation as a contract motor carrier ~~[shall be:]~~ *must:*

1. ~~[Made]~~ *Be made* to the Authority in writing.

2. ~~[It]~~ *Be in* such form and be accompanied by such information as the Authority may require.

3. *Include a complete set of the fingerprints of each natural person who is identified by the Authority as a significant principal, partner, officer, manager, member, director or trustee of the applicant and written permission authorizing the Authority to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.*

Sec. 3. NRS 706.4463 is hereby amended to read as follows:

706.4463 1. In addition to the other requirements of this chapter, each operator of a tow car shall, to protect the health, safety and welfare of the public:

(a) Obtain a certificate of public convenience and necessity from the Authority before the operator provides any services other than those services which the operator provides as a private motor carrier of property pursuant to the provisions of this chapter;

(b) Use a tow car of sufficient size and weight which is appropriately equipped to transport safely the vehicle which is being towed; and

(c) Comply with the provisions of NRS 706.011 to 706.791, inclusive.

2. A person who wishes to obtain a certificate of public convenience and necessity to operate a tow car must ~~file~~ :

(a) File an application with the Authority ~~[]~~; and

(b) Submit to the Authority a complete set of fingerprints of each natural person who is identified by the Authority as a significant principal, partner, officer, manager, member, director or trustee of the applicant and written permission authorizing the Authority to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. The Authority shall issue a certificate of public convenience and necessity to an operator of a tow car if it determines that the applicant:

(a) Complies with the requirements of paragraphs (b) and (c) of subsection 1;

(b) Complies with the requirements of the regulations adopted by the Authority pursuant to the provisions of this chapter;

(c) Has provided evidence that the applicant has filed with the Authority a liability insurance policy, a certificate of insurance or a bond of a surety and bonding company or other surety required for every operator of a tow car pursuant to the provisions of NRS 706.291; and

(d) Has provided evidence that the applicant has filed with the Authority schedules and tariffs pursuant to subsection 2 of NRS 706.321.

4. An applicant for a certificate has the burden of proving to the Authority that the proposed operation will meet the requirements of subsection 3.

5. The Authority may hold a hearing to determine whether an applicant is entitled to a certificate only if:

(a) Upon the expiration of the time fixed in the notice that an application for a certificate of public convenience and necessity is pending, a petition to intervene has been granted by the Authority; or

(b) The Authority finds that after reviewing the information provided by the applicant and inspecting the operations of the applicant, it cannot make a determination as to whether the applicant has complied with the requirements of subsection 3.

Sec. 4. NRS 706.4464 is hereby amended to read as follows:

706.4464 1. An operator of a tow car who is issued a certificate of public convenience and necessity may transfer it to another operator of a tow car qualified pursuant to the provisions of NRS 706.011 to 706.791, inclusive, but no such transfer is valid for any purpose until a joint application to make the transfer is made to the Authority by the transferor and the transferee, and the Authority has authorized the substitution of the transferee for the transferor. *The application must include a complete set of fingerprints of each natural person who is identified by the Authority as a significant principal, partner, officer, manager, member, director or trustee of the transferee and written permission authorizing the Authority to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.* No transfer of stock of a corporate operator of a tow car subject to the jurisdiction of the Authority is valid without the prior approval of the Authority if the effect of the transfer would be to change the corporate control of the operator of a tow car or if a transfer of 15 percent or more of the common stock of the operator of a tow car is proposed.

2. The Authority shall approve an application filed with it pursuant to subsection 1 if it determines that the transferee:

(a) Complies with the provisions of NRS 706.011 to 706.791, inclusive, and the regulations adopted by the Authority pursuant to those provisions;

(b) Uses equipment that is in compliance with the regulations adopted by the Authority;

(c) Has provided evidence that the transferee has filed with the Authority a liability insurance policy, a certificate of insurance or a bond of a surety and bonding company or other surety required for every operator of a tow car pursuant to the provisions of NRS 706.291; and

(d) Has provided evidence that the transferee has filed with the Authority schedules and tariffs pursuant to NRS 706.321 which contain rates and charges and the terms and conditions that the operator of the tow car requires to perform towing services without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle which do not exceed the rates and charges that the transferor was authorized to assess for the same services.

3. The Authority may hold a hearing concerning an application submitted pursuant to this section only if:

(a) Upon the expiration of the time fixed in the notice that an application for transfer of a certificate of public convenience and necessity is pending, a petition to intervene has been granted by the Authority; or

(b) The Authority finds that after reviewing the information provided by the applicant and inspecting the operations of the applicant, it cannot make a determination as to whether the applicant has complied with the requirements of subsection 2.

4. The Authority shall not hold a hearing on an application submitted pursuant to this section if the application is made to transfer the certificate of public convenience and necessity from a natural person or partners to a corporation whose controlling stockholders will be substantially the same person or partners.

5. The approval by the Authority of an application for transfer of a certificate of public convenience and necessity of an operator of a tow car is not valid after the expiration of the term for the transferred certificate.

Sec. 5. NRS 706.463 is hereby amended to read as follows:

706.463 Each owner or operator of a charter bus which is not a fully regulated carrier shall:

1. Comply with the provisions of this chapter and any regulations adopted by the Authority pursuant to this chapter relating to safety;

2. Submit evidence satisfactory to the Authority that the owner or operator has obtained a liability insurance policy, certificate of insurance, bond of a surety company or other surety in the time, amount and form required by the Authority for a common motor carrier of passengers pursuant to NRS 706.291; ~~and~~

3. *Submit a complete set of the fingerprints of each natural person who is identified by the Authority as a significant principal, partner, officer, manager, member, director or trustee of the owner or operator and written permission authorizing the Authority to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and*

4. Not later than 5 days before beginning operation in this State, submit to the Authority a copy of its schedule or tariff setting forth the rates established by the owner or operator. If the owner or operator intends to make any changes to its schedule or tariff, the owner or operator shall submit an updated copy of the schedule or tariff to the Authority not later than 5 days before the date on which those changes are to become effective. Notwithstanding any provision of this chapter to the contrary, schedules and tariffs submitted by the owner or operator to the Authority pursuant to this section, and the rates set forth in those schedules and tariffs, are not subject to hearing or approval by the Authority.

Sec. 6. NRS 706.6411 is hereby amended to read as follows:

706.6411 1. All motor carriers, other than operators of tow cars, regulated pursuant to NRS 706.011 to 706.791, inclusive, to whom the certificates, permits and licenses provided by NRS 706.011 to 706.791, inclusive, have been issued may transfer them to another carrier, other than an operator of a tow car, qualified pursuant to NRS 706.011 to 706.791, inclusive, but no such transfer is valid for any purpose until a joint application to make the transfer has been made to the Authority by the transferor and the transferee, and the Authority has authorized the substitution of the transferee for the transferor. *The application must include*

a complete set of fingerprints of each natural person who is identified by the Authority as a significant principal, partner, officer, manager, member, director or trustee of the transferee and written permission authorizing the Authority to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. No transfer of stock of a corporate motor carrier subject to the jurisdiction of the Authority is valid without the prior approval of the Authority if the effect of the transfer would be to change the corporate control of the carrier or if a transfer of 15 percent or more of the common stock of the carrier is proposed.

2. Except as otherwise provided in subsection 3, the Authority shall fix a time and place for a hearing to be held unless the application is made to transfer the certificate from a natural person or partners to a corporation whose controlling stockholders will be substantially the same person or partners, and may hold a hearing to consider such an application.

3. The Authority may also dispense with the hearing on the joint application to transfer if, upon the expiration of the time fixed in the notice thereof, no protest against the transfer of the certificate or permit has been filed by or in behalf of any interested person.

4. In determining whether or not the transfer of a certificate of public convenience and necessity or a permit to act as a contract motor carrier should be authorized, the Authority shall consider:

(a) The service which has been performed by the transferor and that which may be performed by the transferee.

(b) Other authorized facilities for transportation in the territory for which the transfer is sought.

(c) Whether or not the transferee is fit, willing and able to perform the services of a common or contract motor carrier by vehicle and whether or not the proposed operation would be consistent with the legislative policy set forth in NRS 706.151.

5. Upon a transfer made pursuant to this section, the Authority may make such amendments, restrictions or modifications in a certificate or permit as the public interest may require.

6. No transfer is valid beyond the life of the certificate, permit or license transferred.

Sec. 7. ~~[This act becomes effective upon passage and approval.]~~
(Deleted by amendment.)

Senator Manendo moved the adoption of the amendment.

Remarks by Senator Manendo.

Thank you, Mr. President. Amendment No. 31 to Senate Bill No. 12 clarifies which members of a motor carrier applicant must submit a set of fingerprints for the purposes of a background check. The amendment specifies that those individuals who are identified by the Nevada Transportation Authority as significant actors within the applicant company must submit fingerprints. Amendment No. 31 to Senate Bill No. 12 also changes the effective date of the bill to October 1, 2013.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 125.

Bill read second time.

The following amendment was proposed by the Committee on Education.

Amendment No. 89.

"SUMMARY—Revises provisions relating to rules and regulations of the Nevada Interscholastic Activities Association. (BDR 34-871)"

"AN ACT relating to interscholastic events; revising provisions relating to the rules and regulations of the Nevada Interscholastic Activities Association; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing regulations, the Nevada Interscholastic Activities Association may approve certain games, contests and meets in which all-star teams participate if the game, contest or meet is approved by the National Collegiate Athletics Association, or its successor organization, and the National Federation of State High School Associations, or its successor organization. (NAC 386.693) Section 1 of this bill provides that the rules and regulations adopted by the Nevada Interscholastic Activities Association must provide ~~for the approval~~ criteria to be used by the Nevada Interscholastic Activities Association ~~of the~~ when determining whether to approve or disapprove the staging of all-star games, contests or meets by any other organization and the participation of all-star teams in games, contests and meets without approval from any other organization. Section 3 of this bill requires the Nevada Interscholastic Activities Association, on or before ~~December 31,~~ October 1, 2013, to amend its rules and regulations as necessary to conform to the provisions of section 1.

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

Section 1. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

The rules and regulations adopted by the Nevada Interscholastic Activities Association pursuant to NRS 386.430 must provide ~~for approval~~ criteria to be used by the Association ~~of the~~ when determining whether to approve or disapprove:

1. The staging of an all-star game, contest or meet by any other organization; and

2. The participation of an all-star team in a game, contest or meet regardless of whether the game, contest or meet is approved by any other organization.

Sec. 2. NRS 386.430 is hereby amended to read as follows:

386.430 1. The Nevada Interscholastic Activities Association shall adopt rules and regulations in the manner provided for state agencies by chapter 233B of NRS as may be necessary to carry out the provisions of

NRS 386.420 to 386.470, inclusive ~~and~~ , *and section 1 of this act.* The regulations must include provisions governing the eligibility and participation of homeschooled children in interscholastic activities and events. In addition to the regulations governing eligibility, a homeschooled child who wishes to participate must have on file with the school district in which the child resides a current notice of intent of a homeschooled child to participate in programs and activities pursuant to NRS 392.705.

2. The Nevada Interscholastic Activities Association shall adopt regulations setting forth:

(a) The standards of safety for each event, competition or other activity engaged in by a spirit squad of a school that is a member of the Nevada Interscholastic Activities Association, which must substantially comply with the spirit rules of the National Federation of State High School Associations, or its successor organization; and

(b) The qualifications required for a person to become a coach of a spirit squad.

3. If the Nevada Interscholastic Activities Association intends to adopt, repeal or amend a policy, rule or regulation concerning or affecting homeschooled children, the Association shall consult with the Northern Nevada Homeschool Advisory Council and the Southern Nevada Homeschool Advisory Council, or their successor organizations, to provide those Councils with a reasonable opportunity to submit data, opinions or arguments, orally or in writing, concerning the proposal or change. The Association shall consider all written and oral submissions respecting the proposal or change before taking final action.

4. As used in this section, "spirit squad" means any team or other group of persons that is formed for the purpose of:

(a) Leading cheers or rallies to encourage support for a team that participates in a sport that is sanctioned by the Nevada Interscholastic Activities Association; or

(b) Participating in a competition against another team or other group of persons to determine the ability of each team or group of persons to engage in an activity specified in paragraph (a).

Sec. 3. The Nevada Interscholastic Activities Association shall, on or before ~~December 31,~~ October 1, 2013, amend its rules and regulations, including, without limitation, NAC 386.693, as necessary to conform to the provisions of section 1 of this act.

Sec. 4. This act becomes effective ~~on July 1, 2013,~~ on October 1, 2013.

1. Upon passage and approval for the purpose of adopting regulations:
and

2. On October 1, 2013, for all other purposes.

Senator Kihuen moved the adoption of the amendment.

Remarks by Senator Kihuen.

Thank you, Mr. President. Amendment No. 89 makes two changes to Senate Bill No. 125: it revises the proposed language in the bill to clarify that the rules and regulations of the Nevada Interscholastic Athletic Association include criteria used to determine the approval or disapproval of requests to the Nevada Interscholastic Athletic Association for staging of all-star events; and it revises the date the Nevada Interscholastic Athletic Association must amend its rules and regulations from December 31, 2013, to October 1, 2013.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 202.

Bill read second time and ordered to third reading.

Senate Bill No. 204.

Bill read second time.

The following amendment was proposed by the Committee on Transportation.

Amendment No. 77.

"SUMMARY—Requires the Department of Motor Vehicles to establish a next-of-kin registry. (BDR 43-712)"

"AN ACT relating to public safety; requiring the Department of Motor Vehicles to establish a registry on the Internet website of the Department for the storage of and access to emergency contact information for certain persons with drivers' licenses and identification cards; requiring certain law enforcement personnel to use the registry to notify emergency contact persons designated previously by certain victims of a motor vehicle accident; providing immunity from liability for the Department and law enforcement personnel for certain acts and omissions related to the registry; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 11 of this bill requires the Department of Motor Vehicles to establish a registry on its Internet website to be known as the Next-of-Kin Registry. The Registry must include, in a secure portion of the Department's Internet website, an account unique to each registrant in which the registrant may provide the names ~~and~~ telephone numbers and addresses of one or two emergency contact persons. Any person may register if he or she possesses a Nevada driver's license or identification card ~~except that holders of a commercial driver's license are not included, to avoid any potential conflict with federal law.~~ The emergency contact persons listed in the Registry must be at least 18 years of age, but do not have to be related to the registrant, except that if the registrant is under 18 years of age and not emancipated, at least one of the emergency contact persons must be a parent or legal guardian of the registrant. Information in the Registry must be accessible to: (1) law enforcement personnel, for the purpose of making contact on behalf of a registrant who is the victim of a motor vehicle accident

or other situation and who is dead, seriously injured or incapacitated and unable to communicate; (2) a coroner or a medical examiner or their respective personnel, for the purpose of locating a next-of-kin for a decedent; and ~~[(2)]~~ (3) the registrant, for the purpose of amending or deleting contact information. Section 13 of this bill requires law enforcement personnel to use the Registry when possible and as soon as is practicable to make such contact. Section 14 of this bill limits access to the information in the Registry to the registrant, law enforcement personnel, a coroner or a medical examiner or their respective personnel and the Department, with certain exceptions, including others authorized by a court order. Section 15 of this bill provides that the names, ~~and~~ telephone numbers and addresses of emergency contact persons in the Registry are confidential, not public records for the purposes of Nevada's Open Meeting Law, and not discoverable except upon a subpoena issued in a criminal matter. Sections ~~[18-23]~~ 18-24 of this bill require the Department, at the time of the issuance or renewal of a driver's license or identification card, to give the holder of the driver's license or identification card the opportunity to register the names, ~~and~~ telephone numbers and addresses of emergency contact persons in accordance with the provisions of this bill.

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

Section 1. NRS 481.063 is hereby amended to read as follows:

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

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

3. Except as otherwise provided in subsections 2 and 4, the Director shall not release to any person who is not a representative of the Division of Welfare and Supportive Services of the Department of Health and Human Services or an officer, employee or agent of a law enforcement agency, an agent of the public defender's office or an agency of a local government which collects fines imposed for parking violations, who is not conducting an investigation pursuant to NRS 253.0415 or 253.220, who is not authorized to transact insurance pursuant to chapter 680A of NRS or who is not licensed as

a private investigator pursuant to chapter 648 of NRS and conducting an investigation of an insurance claim:

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

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

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

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

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

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

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

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

6. Except as otherwise provided in paragraph (a) and subsection 7, if a person or governmental entity provides a description of the information requested and its proposed use and signs an affidavit to that effect, the Director may release any personal information, except a photograph, from a file or record relating to a driver's license, identification card, or title or registration of a vehicle for use:

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

(b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board,

commission or agency, including, but not limited to, use for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to an order of a federal or state court.

(c) In connection with matters relating to:

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

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

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

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

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

(h) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station for a journalistic purpose. The Department may not make any inquiries regarding the use of or reason for the information requested other than whether the information will be used for a journalistic purpose.

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

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

(k) In the bulk distribution of surveys, marketing material or solicitations, if the Director has adopted policies and procedures to ensure that:

- (1) The information will be used or sold only for use in the bulk distribution of surveys, marketing material or solicitations;

(2) Each person about whom the information is requested has clearly been provided with an opportunity to authorize such a use; and

(3) If the person about whom the information is requested does not authorize such a use, the bulk distribution will not be directed toward that person.

7. Except as otherwise provided in paragraph (j) of subsection 6, a person who requests and receives personal information may sell or disclose that information only for a use permitted pursuant to subsection 6. Such a person shall keep and maintain for 5 years a record of:

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

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

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

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

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

10. *Except as otherwise provided in sections 14 and 15 of this act, or as otherwise required by law, the Director shall not:*

(a) *Allow any person to make use of any information retrieved from the Next-of-Kin Registry established pursuant to section 11 of this act for a private purpose; and*

(b) *In any other way release any information retrieved from the Registry.*

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

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

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

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

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

~~{11}~~ 12. It is unlawful for any person to:

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

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

~~{12}~~ 13. As used in this section:

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

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

Sec. 2. NRS 482.170 is hereby amended to read as follows:

482.170 Except as otherwise provided in NRS 239.0115, 481.063 and 485.316, *and sections 14 and 15 of this act*, all personal information in the records of registration and licensing in the offices of the Department is confidential and must not knowingly be disclosed by the Department.

Sec. 3. Chapter 483 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 17, inclusive, of this act.

Sec. 4. *As used in sections 4 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections ~~{5}~~ 4.5 to 10, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4.5. *"Coroner or medical examiner" includes, without limitation, an employee of a coroner or medical examiner who has been authorized by the coroner or medical examiner to access the Next-of-Kin Registry.*

Sec. 5. *"Emergency contact person" means any person who is:*

1. *At least 18 years of age; and*
2. *Identified by a registrant in the Next-of-Kin Registry as a person who is to be contacted pursuant to section 13 of this act.*

Sec. 6. *"Identification card" means an identification card issued by the Department pursuant to NRS 483.810 to 483.890, inclusive.*

Sec. 7. *"Law enforcement personnel" means a peace officer, as that term is defined in NRS 289.010, or an employee of a law enforcement agency, as that term is defined in NRS 277.035, who has been directed by a peace officer to access the Next-of-Kin Registry.*

Sec. 8. *"Nevada driver's license" means any driver's license or permit to operate a vehicle issued under or granted by the laws of this State and includes, without limitation, any temporary or restricted license or*

instruction permit. ~~The term does not include a commercial driver's license issued pursuant to the provisions of NRS 483.900 to 483.940, inclusive.~~

Sec. 9. "Next-of-Kin Registry" means the registry established pursuant to section 11 of this act.

Sec. 10. "Registrant" means a person who:

1. Possesses a Nevada driver's license or identification card; and
2. Has provided the name, ~~and~~ telephone number and address of an emergency contact person to the Department for inclusion in the Next-of-Kin Registry.

Sec. 11. The Department shall establish and maintain on its Internet website a registry to be known as the Next-of-Kin Registry. The Next-of-Kin Registry must include, without limitation, in a secure portion of the Internet website, an account unique to each registrant that contains an electronic reproduction of the name, ~~and~~ telephone number and address of each emergency contact person provided by a registrant. A registrant may not provide the names, ~~and~~ telephone numbers and addresses of more than two emergency contact persons to the Next-of-Kin Registry. The account must be capable of being accessed by:

1. Law enforcement personnel, a coroner or a medical examiner pursuant to section 13 of this act; and
2. The registrant for the purpose of adding, amending or deleting the name, ~~and~~ telephone number or address of an emergency contact person.

Sec. 12. 1. A person who wishes to register the name, ~~and~~ telephone number and address of an emergency contact person in an account within the Next-of-Kin Registry must:

- (a) Possess a Nevada driver's license or identification card;
- (b) Indicate his or her wish to be a registrant in the manner provided by the Department pursuant to NRS 483.267, 483.270, 483.280, 483.340, 483.490 or 483.840; and
- (c) Submit the name, ~~and~~ telephone number and address of the emergency contact person to the Department on a form prescribed by the Department. If the person is under 18 years of age and is not emancipated, a parent or legal guardian of the person must be listed as the emergency contact person.

2. If the person satisfies the requirements of subsection 1, the Department shall:

- (a) Make an electronic reproduction of the names, ~~and~~ telephone numbers and addresses of the emergency contact persons submitted by the registrant and post it within the Next-of-Kin Registry in an account designated by the unique number assigned to the registrant's Nevada driver's license or identification card;

(b) Assign to the registrant an access code for accessing his or her account; and

(c) Provide the access code to the registrant and, if the registrant is under 18 years of age and is not emancipated, to the parent or legal guardian of the registrant who is listed as his or her emergency contact person.

Sec. 13. 1. When a motor vehicle accident or other situation results in a ~~driver or any passenger~~ person who has a Nevada driver's license or identification card being unable to communicate due to death, serious bodily injury or other incapacitation, law enforcement personnel shall attempt to locate an emergency contact person for the ~~driver or passenger~~ person by accessing the Next-of-Kin Registry. Law enforcement personnel shall, as soon as is practicable, notify the emergency contact person of each registrant who is unable to communicate and inform the emergency contact person of the hospital or other location at which the registrant may be receiving medical treatment.

2. When a person who has a Nevada driver's license or identification card dies, a coroner or a medical examiner may access the Next-of-Kin Registry to assist in locating a next-of-kin of the decedent.

Sec. 14. 1. Except as otherwise provided in this section, the Department shall provide access to the account of a registrant in the Next of Kin Registry only to:

(a) Law enforcement personnel, a coroner or a medical examiner requesting access pursuant to section 13 of this act;

(b) The registrant for the purposes of adding, amending or deleting the name, ~~and~~ telephone number and address of an emergency contact person;

(c) The parent or legal guardian of a registrant who is under 18 years of age and is not emancipated; and

(d) Employees of the Department only as required to carry out the provisions of sections 4 to 17, inclusive, of this act.

2. The Department ~~may~~ shall provide access to the account of a registrant:

(a) Pursuant to the lawful order of a court of competent jurisdiction;

(b) At the request of a deceased registrant's personal representative; and

(c) If the Department determines that providing access to the account is in the best interest of the registrant.

Sec. 15. Except as otherwise provided in section 14 of this act, the name, ~~and~~ telephone number and address of an emergency contact person submitted by a registrant to the Next-of-Kin Registry are:

1. Confidential;

2. To be used exclusively as provided in sections 4 to 17, inclusive, of this act;

3. Not a public record for the purposes of chapter 239 of NRS; and

4. Not discoverable by any person, entity or governmental agency except upon the issuance of a subpoena by a grand jury or a court order in a criminal matter.

Sec. 16. *The Department, any employees of the Department, ~~and~~ any law enforcement personnel and any coroner or medical examiner carrying out the provisions of sections 4 to 17, inclusive, of this act ~~in good faith and~~ in the scope of their public duties or employment are not liable to any person for civil damages or subject to criminal prosecution resulting from or caused by, without limitation:*

1. *Any disruption or failure in Internet service caused by any accident, malfunction, act of sabotage or God, or any other condition or circumstance which the Department has not directly or indirectly caused and which results in, or prevents:*

(a) *The Department from establishing, maintaining or accessing the Next-of-Kin Registry;*

(b) *Law enforcement personnel, a coroner or a medical examiner from accessing the Next-of-Kin Registry pursuant to section 13 of this act; or*

(c) *A registrant from accessing his or her account in the Next-of-Kin Registry or adding, amending or deleting the name, ~~and~~ telephone number or address of an emergency contact person contained therein.*

2. *Any misuse of, omission of or failure to input accurate information into, or input of inaccurate or outdated information into the Next-of-Kin Registry by a registrant.*

3. *The inability of law enforcement personnel, a coroner or a medical examiner to make contact with any emergency contact person.*

Sec. 17. *The Department may adopt such regulations as are necessary to carry out the provisions of sections 4 to 17, inclusive, of this act.*

Sec. 18. NRS 483.267 is hereby amended to read as follows:

483.267 1. The Department may issue a restricted license to any applicant between the ages of 14 and 18 years which entitles the applicant to drive a motor vehicle upon a highway if a member of his or her household has a medical condition which renders that member unable to operate a motor vehicle, and a hardship exists which requires the applicant to drive.

2. An application for a restricted license under this section must:

(a) Be made upon a form provided by the Department.

(b) Contain a statement that a person living in the same household with the applicant suffers from a medical condition which renders that person unable to operate a motor vehicle and explaining the need for the applicant to drive.

(c) Be signed and verified as provided in NRS 483.300.

(d) Contain such other information as may be required by the Department.

(e) *Give the applicant the opportunity to register with the Next-of-Kin Registry in accordance with the provisions of sections 4 to 17, inclusive, of this act.*

3. A restricted license issued pursuant to this section:

(a) Is effective for the period specified by the Department;

(b) Authorizes the licensee to operate a motor vehicle on a street or highway only under conditions specified by the Department; and

(c) May contain other restrictions which the Department deems necessary.

4. No license may be issued under this section until the Department is satisfied fully as to the applicant's competency and fitness to drive a motor vehicle.

Sec. 19. NRS 483.270 is hereby amended to read as follows:

483.270 1. The Department may issue a restricted license to any pupil between the ages of 14 and 18 years who is attending:

(a) A public school in a school district in this State in a county whose population is less than 55,000 or in a city or town whose population is less than 25,000 when transportation to and from school is not provided by the board of trustees of the school district, if the pupil meets the requirements for eligibility adopted by the Department pursuant to subsection 5; or

(b) A private school meeting the requirements for approval under NRS 392.070 when transportation to and from school is not provided by the private school,

↳ and it is impossible or impracticable to furnish such pupil with private transportation to and from school.

2. An application for the issuance of a restricted license under this section must:

(a) Be made upon a form provided by the Department.

(b) Be signed and verified as provided in NRS 483.300.

(c) *Give the applicant the opportunity to register with the Next-of-Kin Registry in accordance with the provisions of sections 4 to 17, inclusive, of this act.*

(d) Contain such other information as may be required by the Department.

3. Any restricted license issued pursuant to this section:

(a) Is effective only for the school year during which it is issued or for a more restricted period.

(b) Authorizes the licensee to drive a motor vehicle on a street or highway only while going to and from school, and at a speed not in excess of the speed limit set by law for school buses.

(c) May contain such other restrictions as the Department may deem necessary and proper.

(d) May authorize the licensee to transport as passengers in a motor vehicle driven by the licensee, only while the licensee is going to and from school, members of his or her immediate family, or other minor persons upon written consent of the parents or guardians of such minors, but in no event may the number of passengers so transported at any time exceed the number of passengers for which the vehicle was designed.

4. No restricted license may be issued under the provisions of this section until the Department is satisfied fully as to the applicant's competency and fitness to drive a motor vehicle.

5. The Department shall adopt regulations that set forth the requirements for eligibility of a pupil to receive a restricted license pursuant to paragraph (a) of subsection 1.

Sec. 20. NRS 483.280 is hereby amended to read as follows:

483.280 1. Any person who is at least 15 1/2 years of age may apply to the Department for an instruction permit. The Department may, in its discretion, 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 the permit in his or her immediate possession, to drive a motor vehicle upon the highways for a period of 1 year when accompanied by a licensed driver who is at least 21 years of age, who has had at least 1 year of licensed driving experience in the type of vehicle for which the permit was issued and who is actually occupying a seat beside the driver, except when the permittee is occupying a motorcycle. The term "licensed driving experience" as used in this subsection does not include driving experience gained under an instruction permit issued pursuant to the provisions of this section.

2. The Department may, in its discretion, issue a temporary driver's permit to an applicant for a driver's license permitting the applicant to drive a motor vehicle while the Department is completing its investigation and determination of all facts relative to the applicant's right to receive a driver's license. The permit must be in the applicant's immediate possession while driving a motor vehicle, and is invalid when the applicant's license has been issued or for good cause has been refused.

3. The Department, upon receiving proper application, may, in its discretion, issue a restricted instruction permit effective for a school year, or for a more restricted period, to an applicant who is enrolled in a drivers' education program which includes practice driving and which is approved by the Department even though the applicant has not reached the legal age to be eligible for a driver's license. The instruction permit entitles the permittee, when the permittee has the permit in his or her immediate possession, to drive a motor vehicle only on a designated highway or within a designated area, but only when an approved instructor is occupying a seat beside the permittee.

4. *At the time of issuance of a permit pursuant to this section, the Department shall give the holder of the permit the opportunity to register with the Next-of-Kin Registry in accordance with the provisions of sections 4 to 17, inclusive, of this act.*

Sec. 21. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive.

2. The Department shall adopt regulations prescribing the information that must be contained on a driver's license.

3. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations, criminal investigators employed by the Secretary of State while engaged in undercover investigations and agents of the State Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General, the Secretary of State or his or her designee or the Chair of the State Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

4. Except as otherwise provided in NRS 239.0115, information pertaining to the issuance of a driver's license pursuant to subsection 3 is confidential.

5. It is unlawful for any person to use a driver's license issued pursuant to subsection 3 for any purpose other than the special investigation for which it was issued.

6. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his or her driver's license that the holder wishes to be a donor of all or part of his or her body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his or her body or part thereof.

(b) Give the holder the opportunity to have indicated whether he or she wishes to donate \$1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on a driver's license pursuant to NRS 483.3485, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his or her driver's license.

(e) Give the holder the opportunity to register with the Next-of-Kin Registry in accordance with the provisions of sections 4 to 17, inclusive, of this act.

7. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

8. The Department shall submit to the donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 6 information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 22. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a second violation within 7 years of NRS 484C.110, and one-half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his or her work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself, herself or a member of his or her immediate family.

➔ Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if the applicant is issued a restricted license.

2. A person who has been ordered to install a device in a motor vehicle pursuant to NRS 484C.460:

(a) Shall install the device not later than 21 days after the date on which the order was issued; and

(b) May not receive a restricted license pursuant to this section until:

(1) After at least 1 year of the period during which the person is not eligible for a license, if the person was convicted of:

(I) A violation of NRS 484C.430 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

(II) A violation of NRS 484C.110 that is punishable as a felony pursuant to NRS 484C.410 or 484C.420;

(2) After at least 180 days of the period during which the person is not eligible for a license, if the person was convicted of a violation of subsection 6 of NRS 484B.653; or

(3) After at least 45 days of the period during which the person is not eligible for a license, if the person was convicted of a first violation within 7 years of NRS 484C.110.

3. If the Department has received a copy of an order requiring a person to install a device in a motor vehicle pursuant to NRS 484C.460, the Department shall not issue a restricted driver's license to such a person pursuant to this section unless the applicant has submitted proof of compliance with the order and subsection 2.

4. After a driver's license has been revoked or suspended pursuant to title 5 of NRS, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his or her work, or both; or

(b) If applicable, to and from school.

5. After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his or her work, or both;

(b) To receive regularly scheduled medical care for himself, herself or a member of his or her immediate family; or

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

6. A driver who violates a condition of a restricted license issued pursuant to subsection 1 or by another jurisdiction is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

(a) A violation of NRS 484C.110, 484C.210 or 484C.430;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

↪ the driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

7. The periods of suspensions and revocations required pursuant to this chapter and NRS 484C.210 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

8. Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

9. *At the time of issuance of a restricted license pursuant to this section, the Department shall give the holder of the restricted license the opportunity to register with the Next-of-Kin Registry in accordance with the provisions of sections 4 to 17, inclusive, of this act.*

Sec. 23. NRS 483.840 is hereby amended to read as follows:

483.840 1. The form of the identification cards must be similar to that of drivers' licenses but distinguishable in color or otherwise.

2. Identification cards do not authorize the operation of any motor vehicles.

3. The Department shall adopt regulations prescribing the information that must be contained on an identification card.

4. At the time of the issuance or renewal of the identification card, the Department shall:

(a) Give the holder the opportunity to have indicated on his or her identification card that the holder wishes to be a donor of all or part of his or her body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his or her body or part thereof.

(b) Give the holder the opportunity to indicate whether he or she wishes to donate \$1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on an identification card pursuant to NRS 483.863, give the holder the opportunity to have a symbol or other indicator of a medical condition imprinted on his or her identification card.

(e) *Give the holder the opportunity to register with the Next-of-Kin Registry in accordance with the provisions of sections 4 to 17, inclusive, of this act.*

5. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

6. The Department shall submit to the donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 4 information from the records of the Department relating to persons who have identification cards issued by the Department that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 24. NRS 483.928 is hereby amended to read as follows:

483.928 1. A person who wishes to be issued a commercial driver's license by this State must:

~~1.1~~ (a) Apply to the Department for a commercial driver's license;

~~1.2~~ (b) In accordance with standards contained in regulations adopted by the Department:

~~1.2.1~~ (1) Pass a knowledge test for the type of motor vehicle the person operates or expects to operate; and

~~1.2.2~~ (2) Pass a driving skills test for driving a commercial motor vehicle taken in a motor vehicle which is representative of the type of motor vehicle the person operates or expects to operate;

~~1.3~~ (c) Comply with all other requirements contained in the regulations adopted by the Department pursuant to NRS 483.908;

~~1.4~~ (d) Not be ineligible to be issued a commercial driver's license pursuant to NRS 483.929; and

~~1.5~~ (e) For the issuance of a commercial driver's license with an endorsement for hazardous materials, submit a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History and all applicable federal agencies to process the fingerprints for a background check of the applicant in accordance with Section 1012 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, 49 U.S.C. § 5103a.

2. At the time of issuance or renewal of a commercial driver's license, the Department shall give the holder the opportunity to register with the Next-of-Kin Registry in accordance with the provisions of sections 4 to 17, inclusive, of this act.

~~Sec. 24.~~ Sec. 25. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On ~~January 1, 2014,~~ July 1, 2015, for all other purposes.

Senator Gustavson moved the adoption of the amendment.

Remarks by Senator Gustavson.

Thank you, Mr. President. Amendment No. 77 makes five changes to Senate Bill No. 204: (1) it provides that the Next-of-Kin Registry can be used for an injury or death as a result of a criminal act or other emergency situation, expanding the use of the registry beyond automobile crashes; (2) it expands the contact information in the registry to include the address of an emergency contact; (3) it adds persons holding a commercial driver's license to the Next-of-Kin Registry; (4) it provides access to the Next-of-Kin registry to County Coroner and the Medical Examiner's Office personnel and employees; and (5) it changes the effective date from January 1, 2014, to July 1, 2015, at the request of the Department of Motor Vehicles, to remove the small fiscal note on the bill.

Amendment adopted.

Senator Smith moved that Senate Bill No. 204 be re-referred to the Committee on Finance upon return from reprint.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Finance.

Senate Bill No. 438.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 14.

Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Senate Bill No. 38 be taken from the General File and placed on the Secretary's Desk.

Motion carried.

Senator Smith moved that Senate Bills Nos. 5, 18, 40, 279, 351, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REMARKS FROM THE FLOOR

Senator Segerblom requested that the following remarks be entered in the Journal.

SENATOR SEGERBLOM:

Thank you very much, Mr. President. As you know, today my late mother, former Assemblywoman Gene Segerblom, is being inducted into the Assembly Hall of Fame. Because of that, my family is here with me today. Please make them feel welcome.

SENATOR SMITH:

Thank you, Mr. President. I rise today to acknowledge the significance of Equal Pay Day. This date signifies the date in the year when wages paid to American women catch up to the wages paid to American men—wages that are earned by December 31 of the previous year.

Fifty years ago, in 1963, the United States Congress passed the Equal Pay Act making it illegal to pay men and women different wage rates for equal work on jobs requiring equal skill, effort and responsibility. One year later, in 1964, the United States Congress passed the Civil Rights Act making it illegal to discriminate based on a person's race, religion, color or gender. Together the effects of both of these acts made it so employers cannot deny women equal pay for equal work or deny women the privileges of employment such as transfers or promotions because of their gender. However, even with the passage of these acts several years ago, the United States General Accounting Office reported that women managers in seven of ten industries surveyed actually lost ground in closing the wage gap. Total wages earned are important to both the individual and their families, with the effects being felt later in life regarding social security and pensions.

Today we urge the citizens in Nevada to recognize the value of women's contributions to the labor force and recognize the importance of equal pay and its effect on individuals, families and the economy.

I was thinking about our pay in this building and realized we Senators, female and male, are on absolute equal footing because we are all being paid nothing right now—so we are all being compensated equally.

Seriously, I urge you to think about this issue because it really is a very serious matter in this country where we have so many single women supporting families; they suffer from the inability to earn the same wage as their male counterparts.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Brower, the privilege of the Floor of the Senate Chamber for this day was extended to Mikalee Byerman, Dylan Dahle and Jilleann Dahle.

On request of Senator Cegavske, the privilege of the Floor of the Senate Chamber for this day was extended to Jeanette Vandermeer and John Vandermeer.

On request of Senator Goicoechea, the privilege of the Floor of the Senate Chamber for this day was extended to Jerry Robich and Brandon Wilding.

On request of Senator Gustavson, the privilege of the Floor of the Senate Chamber for this day was extended to Lily Bloom, Rodney Bloom, Diane Karsten and George Karsten.

On request of Senator Hardy, the privilege of the Floor of the Senate Chamber for this day was extended to Aubrey Thomas, Connor Thomas and Emma Woods.

On request of Senator Jones, the privilege of the Floor of the Senate Chamber for this day was extended to Sergio Lemus.

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to Yaracelt Hernandez and Debbie Leonard.

On request of Senator Kihuen, the privilege of the Floor of the Senate Chamber for this day was extended to Emily McIlveene.

On request of Senator Segerblom, the privilege of the Floor of the Senate Chamber for this day was extended to Emma Day, Mary Clare Day and my family members in the Senate Gallery.

On request of Senator Settelmeyer, the privilege of the Floor of the Senate Chamber for this day was extended to Bruce D. MacRae and Tracie Sasaki.

On request of Senator Smith, the privilege of the Floor of the Senate Chamber for this day was extended to members of Boy Scout Troop 11: Ammon Bishop, Mason Fisher, Benjamin Gibbons, Nikolas Gibbons, Timothy Roberts, Brocken Roelofs, and Paul Wolz; chaperones, David Nelson and D. Kenneth Lightfoot.

Senator Denis moved that the Senate adjourn until Wednesday, April 10, 2013, at 11:00 a.m. and that it do so in memory of Joan Malkiewich, the mother of former Legislative Counsel Bureau Director Lorne Malkiewich.

Motion carried.

Senate adjourned at 11:51 a.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate