

CHAPTER.....

AN ACT relating to the Department of Motor Vehicles; authorizing the Department to enter into certain agreements relating to advertising; authorizing the Director of the Department to release certain information to certain persons; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, it is unlawful for any person to erect any bulletin board or other advertising device on the grounds of the State Capitol or on any other state building or property. (NRS 331.200) **Section 1** of this bill authorizes the Director of the Department of Motor Vehicles to enter into agreements for the placement of advertising in areas of buildings owned or occupied by the Department. Any money collected by the Department from such advertising must be deposited in the Motor Vehicle Fund and used to offset the costs of communicating with the public. **Section 3.5** of this bill requires the Department to make certain reports to the Interim Finance Committee concerning such agreements.

Existing law prohibits the Director from disclosing certain information, including personally identifiable information, except to certain persons. **Section 1.5** of this bill authorizes the Director to disclose certain information to a person who, pursuant to a contract with the Department, requests such information for the purpose of an advisory notice relating to a motor vehicle or the recall of a motor vehicle or for providing information concerning the history of a vehicle.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Section 1. Chapter 481 of NRS is hereby amended by adding thereto a new section to read as follows:

- 1. The Director may enter into an agreement with a person for the placement of advertisements in areas of buildings owned or occupied by the Department that are frequented by the public.*
- 2. A person who enters into an agreement with the Director pursuant to subsection 1 shall ensure that each advertisement placed pursuant to the agreement does not inhibit or disrupt the functioning of the Department.*
- 3. Any money collected by the Department from an agreement entered into pursuant to subsection 1 must be:*
 - (a) Deposited with the State Treasurer for credit to the Motor Vehicle Fund; and*
 - (b) Used to offset the costs of communicating with the public.*
- 4. The Director may adopt regulations to carry out the provisions of this section.*



Sec. 1.5. 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 ~~{5,}~~ 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 ~~{subsection 2,}~~ **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 ~~5~~ 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.

~~5~~ 6. Except as otherwise provided in paragraph (a) and subsection ~~6~~ 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.

~~6.~~ 7. Except as otherwise provided in paragraph (j) of subsection ~~5.~~ 6, a person who requests and receives personal



information may sell or disclose that information only for a use permitted pursuant to subsection ~~5.1~~ 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.

~~7.1~~ 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.

~~8.1~~ 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.

~~9.1~~ 10. 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.

~~10.1~~ 11. 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.

~~11.1~~ 12. As used in this section, "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.

Sec. 2. NRS 331.200 is hereby amended to read as follows:

331.200 1. It shall be unlawful for any person to commit any of the following acts upon the grounds of the State Capitol or of any other state building or property:

(a) Willfully deface, break down or destroy any fence upon or surrounding such grounds;

(b) ~~Erect~~ *Except as otherwise provided in section 1 of this act, erect* any bulletin board or other advertising device in or upon such grounds;

(c) Deposit any garbage, debris or other obstruction in or upon such grounds;

(d) Injure, break down or destroy any tree, shrub or other thing upon such grounds; or

(e) Injure the grass upon such grounds by walking upon it.

2. Any person violating any of the provisions of this section shall be guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of the property damaged or destroyed, and in no event less than a misdemeanor.

Secs. 2.3-2.7. (Deleted by amendment.)

Sec. 3. The amendatory provisions of sections 1 and 2 of this act that concern property occupied by the Department of Motor Vehicles apply only with respect to such property for which:

1. The Department entered into a lease on or after the effective date of those sections; or

2. The Department entered into a lease before the effective date of those sections that did not prohibit the Department from receiving payment for advertising upon such property.

Sec. 3.3. (Deleted by amendment.)

Sec. 3.5. The Department of Motor Vehicles shall:

1. On or before February 1, 2012, submit a report to the Interim Finance Committee summarizing any agreement entered into pursuant to section 1 of this act. The report must include, without limitation, the terms of the agreement, a list of buildings owned or occupied by the Department in which advertising is placed



and a description of the types of advertising placed pursuant to the agreement.

2. On or before August 1, 2012, submit an update to the report required by subsection 1 and a report which must include, without limitation, information concerning the manner in which any money collected by the Department pursuant to any agreement entered into pursuant to section 1 of this act has been expended during the 2011-2013 biennium and the manner in which the Department plans to use such money during the 2013-2015 biennium.

Sec. 4. 1. This section and sections 1 and 2 to 3.5, inclusive, of this act become effective upon passage and approval.

2. Section 1.5 of this act becomes effective on July 1, 2011.

