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BULLET POINTS OUTLINING  
SB 256  
(BDR 43—714)

REGARDING THE ISSUANCE OF DRIVERS LICENSES  
TO PERSONS UNDER 18 YEARS OF AGE

BILL SPONSOR:  
SENATOR BARBARA CEGAVSKE

**THE PURPOSE OF SB 256**

- To put into place traditional concepts of graduated driver licensing, which include instruction permit holding periods, nighttime driving experience, and passenger restrictions for young, newly licensed drivers.
- To repeal provisions approved during the 2001 Special Session providing for a “tiered” permit holding period and passenger restriction.
- To hold parents or guardians responsible for violations of the act committed by their children.
- Add numerous other technical provisions.

**JUSTIFICATION FOR REQUEST**

- This measure was submitted by request, in response, in part, to a fatal car crash in Las Vegas in 2002 in which a teenage driver was killed and three passengers severely injured. Lack of driver experience and excessive speed was cited as the primary result of the crash.
- In addition, many interested parties have indicated that the current “tiered” system of passenger restrictions and permit holding periods (as approved in Senate Bill 12 of the 17th Special Session) is confusing for teens, parents, and driver educators.

**NRS TITLE, CHAPTER, AND SECTION AFFECTED**

This BDR primarily impacts Title 43, Chapter 483 of the *Nevada Revised Statutes* (NRS). Minor modifications are also included in Title 34, Chapter 389.

## EFFECTIVE DATE

The proposed effective date for the BDR is October 1, 2003.

## EXPLANATION OF LANGUAGE AND SUMMARY OF BDR

**Section 1:** Sets forth amendment to Chapter 483

**Section 2:**

### *Subsection 1:*

Specifies that the Department of Motor Vehicles (DMV) may issue a driver's license to a person who is 16 or 17 years of age if he or she satisfies a number of requirements. A few of these requirements are carryovers from existing Nevada law (the drivers education course requirement and the 50 hours of behind-the-wheel experience).

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This subsection basically requires that a person who is 16 or 17 years of age must first:

- a) Complete a course in driver education;
- b) Have at least 50 hours of supervised driving experience, 10 of which must be at night; and
- c) Submit a form to the department (signed by a parent or guardian/or someone over 21 or a driving instructor if the child is emancipated).

On this form the child must attest that he or she has not been found to be responsible for, during the 6 months prior to applying for the license, a motor vehicle accident, a moving traffic violation, or a crime involving alcohol or a controlled substance. He or she must also attest that an instruction (learner's) permit has been held for not less than 6 months.

### *Subsection 2:*

This subsection is a carryover from existing law and specifies that a person who is 16 or 17 years of age who lives in a county of less than 50,000 or a city less than 25,000 need not take the driver education course if he or she is enrolled in a school that does not offer drivers education.

**Section 3:** This section sets forth a six-month passenger restriction for newly licensed drivers who are 16 or 17 years old. An exception is provided in subsection 2 for immediate family members. It should be noted that according to AAA, this passenger restriction, along with the six-month learner's permit holding period, is a key component of a "true graduated driver licensing (GDL) program". Section 3 also provides for certain liability for a parent or guardian who

knowingly and willfully allows a person to operate a motor vehicle in violation of this section.

**Section 4:**

*Subsection 1:*

This section sets forth that a violation of Section 3 (the passenger restriction) is a secondary, rather than a primary offense.

*Subsection 2:*

Stipulates that a violation of Section 3 is not a moving traffic violation and is not grounds for suspension or revocation of the driver's license.

**Section 5:** This language is permissive. It states that DMV may issue a unique driver's license for 16 and 17 year olds and may adopt regulations necessary to carry out the license issuance provisions in Section 2. It should be noted that DMV requested that this language be permissive.

**Section 6:** Specifies that a restriction placed upon the driver's license or suspension of a license based on the GDL provisions in this act remain in effect until their term expires.

NOTE: The DMV specifically asked that wording that ties the restriction or suspension to the GDL provisions (i.e., "based on the provisions of this act") be included because they have other restrictions (such as holding a license renewal due to a parking fine) that might be handled differently than a GDL-related suspension or restriction.

**Section 7:** This section deletes existing provisions regarding teen driving however, certain provisions of this section remain in Section 2 of this BDR.

**Section 8:** Contains certain technical language changes.

**Section 9:** Contains certain technical language changes.

**Section 10:** This section currently references the curfew provision, whereby a person shall not operate a motor vehicle in violation of a curfew. The measure provides certain parental responsibility provisions for a violation of this statute.

**Section 11:** This section contains two amendments, they are:

*Subsection 1(c):*

This amendment proposes to set a limit on the number of hours of in-class driver education that may be substituted for training in a motor vehicle. The rationale behind this amendment stems from the fact that a driver education program could, if taken to the extreme, only have in-car training and claim that it has then met the classroom requirement (through substitution). Since the driver's education curriculum requires instruction on everything ranging from motor vehicle insurance to alcohol and drug use, it is safe to say that this curriculum cannot be entirely taught while providing in-car instruction. Therefore, a limitation on the number of substituted classroom hours is being proposed.

*Subsection 7:*

This section now proposes an exception to the age limitation for taking driver's education. The sponsor learned that some pupils who sign up for a restricted driver's license under NRS 483.267 and 483.270 are unable to take driver's education if they are under 15 years of age (a restricted license can be awarded to a person as young as 14 years old). Therefore, it was thought that these younger restricted license applicants should be able to at least be permitted to take driver's education if it is offered in their schools.

**Section 12:** This section repeals the tiered passenger requirements.

**Section 13:** Provides that certain sections of the act do not apply to a person issued a driver's license before October 1, 2003.

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