
ASSEMBLY BILL NO. 406—ASSEMBLYMEN HARDY, GIBBONS,
ANDONOV, BEERS, BROWN, CHRISTENSEN, COLLINS,
CONKLIN, GOICOECHEA, GRADY, GRIFFIN, GUSTAVSON,
HETRICK, KNECHT, KOIVISTO, MABEY, MANENDO,
MCCLAIN, PIERCE AND WEBER

MARCH 17, 2003

Referred to Committee on Transportation

SUMMARY—Revises provisions governing driving privileges for
certain persons with epilepsy. (BDR 43-1166)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to public safety; requiring the Department of
Motor Vehicles to suspend or revoke the driver's license
of a person with epilepsy under certain circumstances;
requiring physicians to inform certain patients with
epilepsy of the dangers of operating a motor vehicle;
abolishing the related duty of physicians to report certain
patient information; providing that certain statements
maintained by physicians concerning patients with
epilepsy are not subject to the doctor-patient privilege if
furnished to the Department of Motor Vehicles under
certain circumstances; and providing other matters
properly relating thereto.

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

1 **Section 1.** Chapter 483 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *A person with epilepsy shall not operate a motor vehicle if*
4 *that person has been informed by a physician pursuant to NRS*
5 *439.270 that his condition would severely impair his ability to*
6 *operate safely a motor vehicle.*



* A B 4 0 6 *

1 **2. If it is determined that a person has violated the provisions**
2 **of subsection 1, the Department shall suspend or revoke the**
3 **driver's license of the person. The person may apply for**
4 **reinstatement of his driver's license if he presents medical**
5 **evidence satisfactory to the Department that his condition does not**
6 **severely impair his ability to operate safely a motor vehicle.**

7 **Sec. 2.** NRS 483.010 is hereby amended to read as follows:
8 483.010 The provisions of NRS 483.010 to 483.630, inclusive,
9 **and section 1 of this act,** may be cited as the Uniform Motor
10 Vehicle Drivers' License Act.

11 **Sec. 3.** NRS 49.245 is hereby amended to read as follows:
12 49.245 There is no privilege under NRS 49.225 or 49.235:

13 1. For communications relevant to an issue in proceedings to
14 hospitalize the patient for mental illness, if the doctor in the course
15 of diagnosis or treatment has determined that the patient is in need
16 of hospitalization.

17 2. As to communications made in the course of a court-ordered
18 examination of the condition of a patient with respect to the
19 particular purpose of the examination unless the court orders
20 otherwise.

21 3. As to written medical or hospital records relevant to an issue
22 of the condition of the patient in any proceeding in which the
23 condition is an element of a claim or defense.

24 4. In a prosecution or mandamus proceeding under chapter
25 441A of NRS.

26 5. As to any information communicated to a physician in an
27 effort unlawfully to procure a dangerous drug or controlled
28 substance, or unlawfully to procure the administration of any such
29 drug or substance.

30 6. As to any written medical or hospital records which are
31 furnished in accordance with the provisions of NRS 629.061.

32 7. As to records that are required by chapter 453 of NRS to be
33 maintained.

34 8. **As to statements that are required to be maintained**
35 **pursuant to NRS 439.270, if furnished to the Department of Motor**
36 **Vehicles in accordance with that section.**

37 9. If the services of the physician are sought or obtained to
38 enable or aid a person to commit or plan to commit fraud or any
39 other unlawful act in violation of any provision of chapter 616A,
40 616B, 616C, 616D or 617 of NRS which the person knows or
41 reasonably should know is fraudulent or otherwise unlawful.

42 **Sec. 4.** NRS 439.270 is hereby amended to read as follows:

43 439.270 1. The State Board of Health shall define epilepsy
44 for the purposes of ~~the reports hereinafter referred to in~~ this
45 section.



1 ~~[2. All physicians shall report immediately to the Health~~
2 ~~Division, in writing, the name, age and address of every person~~
3 ~~diagnosed as a case of epilepsy.~~

4 ~~3. The Health Division shall report, in writing, to the~~
5 ~~Department of Motor Vehicles the name, age and address of every~~
6 ~~person reported to it as a case of epilepsy.~~

7 ~~4. The reports are for the information of the Department of~~
8 ~~Motor Vehicles and must be kept confidential and used solely to~~
9 ~~determine the eligibility of any person to operate a vehicle on the~~
10 ~~streets and highways of this state.~~

11 ~~5. A violation of this section is a misdemeanor.]~~

12 *2. If a physician determines that, in his professional*
13 *judgment, a patient's epilepsy severely impairs the ability of the*
14 *patient to operate safely a motor vehicle, the physician shall:*

15 *(a) Adequately inform the patient of the dangers of operating a*
16 *motor vehicle with his condition until such time as the physician*
17 *or another physician informs the patient that the patient's*
18 *condition does not severely impair the ability of the patient to*
19 *operate safely a motor vehicle; and*

20 *(b) Except as otherwise provided in subsection 3:*

21 *(1) Require the patient to sign a statement acknowledging*
22 *that the patient has been informed by the physician of the dangers*
23 *of operating a motor vehicle with his condition; and*

24 *(2) Retain the original signed acknowledgment and provide*
25 *a copy of the statement to the patient.*

26 *3. If a patient refuses to sign a statement pursuant to*
27 *paragraph (b) of subsection 2, the physician shall sign a written*
28 *statement verifying that the physician informed the patient of all*
29 *material facts and information required by paragraph (a) of*
30 *subsection 2. The physician shall, to the extent practicable,*
31 *provide a copy of the statement signed by the physician to the*
32 *patient.*

33 *4. A statement signed by a patient pursuant to subsection 2 or*
34 *a statement signed by a physician pursuant to subsection 3 shall*
35 *be deemed a health care record, as defined in NRS 629.021. Upon*
36 *request of the Department of Motor Vehicles, the physician shall*
37 *provide a copy of the statement to the Department.*

38 *5. As used in this section, "patient" means a person who*
39 *consults or is examined or interviewed by a physician for the*
40 *purposes of diagnosis or treatment.*

41 **Sec. 5.** This act becomes effective on July 1, 2003.

