

SENATE BILL NO. 312—SENATORS CARLTON, NEAL,
TITUS, CARE, RAGGIO, O'CONNELL, TOWNSEND
AND HARDY (BY REQUEST)

MARCH 17, 2003

JOINT SPONSORS: ASSEMBLYMEN OHRENSCHALL,
GIUNCHIGLIANI, CHOWNING AND MCCLEARY

Referred to Committee on Government Affairs

SUMMARY—Authorizes state and local governmental entities to accept consular identification card for purpose of identifying person under certain circumstances. (BDR 19-823)

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 governmental entities; authorizing state and local governmental entities to accept a consular identification card for the purpose of identifying a person under certain circumstances; clarifying that the presentation of such a consular identification card does not, by itself, convey an entitlement to any benefits; prohibiting the Department of Motor Vehicles from accepting a consular identification card as proof of the age or identity of an applicant for an instruction permit, driver's license, identification card or motorcycle driver's license; and providing other matters properly relating thereto.

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



* S B 3 1 2 R 2 *

1 **Section 1.** Chapter 237 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *Except as otherwise provided in subsection 2, with respect*
4 *to any activity or transaction in which a local government accepts*
5 *an identification card issued by the Department of Motor Vehicles*
6 *to identify a person, the local government may also accept a*
7 *consular identification card to identify a person.*

8 2. *The provisions of subsection 1 apply only to the*
9 *presentation of a consular identification card for purposes of*
10 *identification and do not convey an independent right to receive*
11 *benefits of any type.*

12 3. *As used in this section:*

13 (a) *“Consular identification card” means an identification*
14 *card issued by a consulate of a foreign government, which*
15 *consulate is located within the State of Nevada.*

16 (b) *“Identification card issued by the Department of Motor*
17 *Vehicles” means an identification card of the type described in*
18 *NRS 483.810 to 483.890, inclusive.*

19 (c) *“Local government” has the meaning ascribed to it in*
20 *NRS 237.050.*

21 **Sec. 2.** NRS 240.163 is hereby amended to read as follows:

22 240.163 1. In taking an acknowledgment, a notarial officer
23 shall determine, from personal knowledge or from other satisfactory
24 evidence, that the person making the acknowledgment is the person
25 whose signature is on the instrument. The person who signed the
26 document shall present the document to the notarial officer in
27 person.

28 2. In taking a verification upon oath or affirmation, a notarial
29 officer shall determine, from personal knowledge or from other
30 satisfactory evidence, that the person making the verification is the
31 person whose signature is on the verified statement.

32 3. In certifying or attesting a copy of a document or other item,
33 a notarial officer shall determine that the proffered copy is a
34 complete, accurate and authentic transcription or reproduction of
35 that which was copied.

36 4. In making or noting a protest of a negotiable instrument, a
37 notarial officer shall verify compliance with the provisions of
38 subsection 2 of NRS 104.3505.

39 5. In executing a jurat, a notarial officer shall administer an
40 oath or affirmation to the affiant and shall determine, from personal
41 knowledge or other satisfactory evidence, that the affiant is the
42 person named in the document. The affiant shall sign the document
43 in the presence of the notarial officer. The notarial officer shall
44 administer the oath or affirmation required pursuant to this
45 subsection in substantially the following form:



1 Do you (solemnly swear, or affirm) that the statements in
2 this document are true, (so help you God)?

3 6. A notarial officer has satisfactory evidence that a person is
4 the person whose signature is on a document if he:

5 (a) Is personally known to the notarial officer;

6 (b) Is identified upon the oath or affirmation of a credible
7 witness personally known to the notarial officer;

8 (c) Is identified on the basis of an identifying document which
9 contains a signature and a photograph or physical description;

10 (d) *Is identified on the basis of a consular identification card;*

11 (e) Is identified upon an oath or affirmation of a subscribing
12 witness who is personally known to the notarial officer; or

13 ~~(e)~~ (f) In the case of a person who is 65 years of age or older
14 and cannot satisfy the requirements of paragraphs (a) to ~~(d)~~ (e),
15 inclusive, is identified upon the basis of an identification card issued
16 by a governmental agency or a senior citizen center.

17 7. An oath or affirmation administered pursuant to subsection 6
18 must be in substantially the following form:

19 Do you (solemnly swear, or affirm) that you personally
20 know(name of person who signed the
21 document)....., (so help you God)?

22 8. *As used in this section, unless the context otherwise*
23 *requires, "consular identification card" means an identification*
24 *card issued by a consulate of a foreign government, which*
25 *consulate is located within the State of Nevada.*

26 **Sec. 3.** Chapter 232 of NRS is hereby amended by adding
27 thereto a new section to read as follows:

28 1. *Except as otherwise provided in subsection 2 and NRS*
29 *483.290, 483.860 and 486.081, with respect to any activity or*
30 *transaction in which a state agency accepts an identification card*
31 *issued by the Department of Motor Vehicles to identify a person,*
32 *the state agency may also accept a consular identification card to*
33 *identify a person.*

34 2. *The provisions of subsection 1 apply only to the*
35 *presentation of a consular identification card for purposes of*
36 *identification and do not convey an independent right to receive*
37 *benefits of any type.*

38 3. *As used in this section:*

39 (a) *"Consular identification card" means an identification*
40 *card issued by a consulate of a foreign government, which*
41 *consulate is located within the State of Nevada.*

42 (b) *"Identification card issued by the Department of Motor*
43 *Vehicles" means an identification card of the type described in*
44 *NRS 483.810 to 483.890, inclusive.*



1 (c) *“State agency” means every public agency, bureau, board,*
2 *commission, department or division of the Executive Department*
3 *of State Government.*

4 **Sec. 4.** NRS 483.290 is hereby amended to read as follows:
5 483.290 1. Every application for an instruction permit or for
6 a driver’s license must:

7 (a) Be made upon a form furnished by the Department.

8 (b) Be verified by the applicant before a person authorized to
9 administer oaths. Officers and employees of the Department may
10 administer those oaths without charge.

11 (c) Be accompanied by the required fee.

12 (d) State the full name, date of birth, sex and residence address
13 of the applicant and briefly describe the applicant.

14 (e) State whether the applicant has theretofore been licensed as a
15 driver, and, if so, when and by what state or country, and whether
16 any such license has ever been suspended or revoked, or whether an
17 application has ever been refused, and, if so, the date of and reason
18 for the suspension, revocation or refusal.

19 (f) Include such other information as the Department may
20 require to determine the competency and eligibility of the applicant.

21 2. Every applicant must furnish proof of his age by displaying:

22 (a) If the applicant was born in the United States, a birth
23 certificate issued by a state or the District of Columbia or other
24 proof of the date of birth of the applicant, including, but not limited
25 to, a driver’s license issued by another state or the District of
26 Columbia, or a baptismal certificate and other proof that is
27 determined to be necessary and is acceptable to the Department; or

28 (b) If the applicant was born outside the United States, a
29 Certificate of Citizenship, Certificate of Naturalization, Arrival-
30 Departure Record, Alien Registration Receipt Card, United States
31 Citizen Identification Card or Letter of Authorization issued by the
32 Immigration and Naturalization Service of the United States
33 Department of Justice or a Report of Birth Abroad of a United
34 States Citizen Child issued by the Department of State, a driver’s
35 license issued by another state or the District of Columbia or other
36 proof acceptable to the Department other than a passport issued by a
37 foreign government.

38 3. At the time of applying for a driver’s license, an applicant
39 may, if eligible, register to vote pursuant to NRS 293.524.

40 4. Every applicant who has been assigned a social security
41 number must furnish proof of his social security number by
42 displaying:

43 (a) An original card issued to the applicant by the Social
44 Security Administration bearing the social security number of the
45 applicant; or



1 (b) Other proof acceptable to the Department, including, but not
2 limited to, records of employment or federal income tax returns.

3 **5. Notwithstanding any other provision of this section, the**
4 **Department shall not accept a consular identification card as**
5 **proof of the age or identity of an applicant for an instruction**
6 **permit or for a driver's license. As used in this subsection,**
7 **"consular identification card" has the meaning ascribed to it in**
8 **section 3 of this act.**

9 **Sec. 5.** NRS 483.860 is hereby amended to read as follows:

10 483.860 1. Every applicant for an identification card must
11 furnish proof of his age by presenting a birth certificate issued by a
12 state or the District of Columbia or other proof of the applicant's
13 date of birth, including, but not limited to, a driver's license issued
14 by another state or the District of Columbia, or a baptismal
15 certificate and such other corroboration of the matters stated in his
16 application as are required of applicants for a driver's license.

17 2. Every applicant who has been assigned a social security
18 number must furnish proof of his social security number by
19 displaying:

20 (a) An original card issued to the applicant by the Social
21 Security Administration bearing the applicant's social security
22 number; or

23 (b) Other proof acceptable to the Department, including, but not
24 limited to, records of employment or federal income tax returns.

25 **3. Notwithstanding any other provision of this section, the**
26 **Department shall not accept a consular identification card as**
27 **proof of the age or identity of an applicant for an identification**
28 **card. As used in this subsection, "consular identification card"**
29 **has the meaning ascribed to it in section 3 of this act.**

30 **Sec. 6.** NRS 486.081 is hereby amended to read as follows:

31 486.081 1. Every application for a motorcycle driver's
32 license must be made upon a form furnished by the Department and
33 must be verified by the applicant before a person authorized to
34 administer oaths. Officers and employees of the Department may
35 administer those oaths without charge.

36 2. Every application must:

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

39 (b) Briefly describe the applicant;

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

42 (d) State whether any such license has ever been suspended or
43 revoked, or whether an application has ever been refused, and, if so,
44 the date of and reason for such suspension, revocation or refusal;
45 and



1 (e) Give such other information as the Department requires to
2 determine the competency and eligibility of the applicant.

3 3. Every applicant shall furnish proof of his age by displaying:

4 (a) If he was born in the United States, a certified state-issued
5 birth certificate, baptismal certificate, driver's license issued by
6 another state or the District of Columbia or other proof acceptable to
7 the Department; or

8 (b) If he was born outside the United States, a:

9 (1) Certificate of Citizenship, Certificate of Naturalization,
10 Arrival-Departure Record, Alien Registration Receipt Card, United
11 States Citizen Identification Card or Letter of Authorization issued
12 by the Immigration and Naturalization Service of the Department of
13 Justice;

14 (2) Report of Birth Abroad of a United States Citizen Child
15 issued by the Department of State;

16 (3) Driver's license issued by another state or the District of
17 Columbia; or

18 (4) Passport issued by the United States Government.

19 **4. Notwithstanding any other provision of this section, the**
20 **Department shall not accept a consular identification card as**
21 **proof of the age or identity of an applicant for a motorcycle**
22 **driver's license. As used in this subsection, "consular**
23 **identification card" has the meaning ascribed to it in section 3 of**
24 **this act.**

25 **Sec. 7.** NRS 597.940 is hereby amended to read as follows:

26 597.940 1. Except as otherwise provided in this subsection, a
27 business shall not, without the customer's consent, record the
28 account number of any of a customer's credit cards on the
29 customer's check or draft as a condition of accepting that check or
30 draft. This subsection does not prohibit:

31 (a) The business from requiring the customer to produce
32 reasonable forms of positive identification other than a credit card,
33 ~~such as a~~ **including, without limitation:**

34 (1) A driver's license ~~or~~;

35 (2) **An identification card issued by the Department of**
36 **Motor Vehicles; or**

37 (3) **A consular identification card,**

38 as a condition of accepting a check or draft.

39 (b) The business from requesting the customer to display a
40 credit card as an indicia of creditworthiness or financial
41 responsibility, if the only information recorded by the business
42 concerning the credit card is the type of credit card displayed, the
43 issuer of the card and the date the card expires.



1 (c) The business from requesting the customer to record the
2 account number of his credit card on the check or draft with which
3 payment on the credit card account is being made.

4 (d) The business from requesting the production of or recording
5 of the account number of a credit card as a condition of cashing a
6 check or draft if:

7 (1) The business has agreed with the issuer of the credit card
8 to cash the checks or drafts as a service to the cardholders of the
9 issuer;

10 (2) The issuer has agreed to guarantee any such check or
11 draft so cashed; and

12 (3) The cardholder has given actual, apparent or implied
13 authority for the use of his account number for this purpose.

14 2. Except as otherwise provided in this subsection, a business
15 shall not, without the customer's consent, record a customer's
16 telephone number on the credit card sales slip as a condition of
17 accepting his credit card. This subsection does not:

18 (a) Prohibit the recordation of personal identifying information
19 required for a special purpose incidental to the use of the credit card,
20 such as the delivery, shipping, servicing or installation of the
21 purchased merchandise.

22 (b) Apply to a transaction in which the customer receives a cash
23 advance against his credit card or to a transaction involving the use
24 of preprinted spaces for personal identifying information that the
25 business accepting the credit card has a contractual obligation to
26 record in order to complete the transaction.

27 (c) Apply to a transaction in which the customer's purchase is
28 made by the use of a device that electronically authorizes the use of
29 the credit card and processes information relating thereto.

30 3. As used in this section, unless the context otherwise requires
31 ~~["credit"]~~ :

32 (a) *"Consular identification card" means an identification*
33 *card issued by a consulate of a foreign government, which*
34 *consulate is located within the State of Nevada.*

35 (b) *"Credit card"* has the meaning ascribed to it in
36 NRS 205.630.

37 (c) *"Identification card issued by the Department of Motor*
38 *Vehicles" means an identification card of the type described in*
39 *NRS 483.810 to 483.890, inclusive.*

