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SENATE BILL NO. 41—SENATOR RAWSON

PREFILED JANUARY 30, 2003

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing release and use of limited personal information to certain supervisors of personnel involved in security of resort hotels. (BDR 14-110)

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

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

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AN ACT relating to public safety; authorizing certain supervisors of personnel involved in the security of resort hotels to receive limited personal information contained in the files of the Department of Motor Vehicles, records of criminal history from agencies of criminal justice and certain other information from local law enforcement agencies; 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 179A of NRS is hereby amended by  
2 adding thereto the provisions set forth as sections 2 and 3 of this act.  
3     **Sec. 2.** *“Resort hotel” has the meaning ascribed to it in*  
4 *NRS 463.01865.*  
5     **Sec. 3. 1.** *After the receipt of the name of the registered*  
6 *owner of a motor vehicle pursuant to section 6 of this act, the*  
7 *supervisor of personnel involved in the security of a resort hotel*  
8 *may request the disclosure of:*  
9         *(a) A record of criminal history concerning the registered*  
10 *owner from an agency of criminal justice pursuant to NRS*  
11 *179A.100; or*



1       ***(b) Information from a local law enforcement agency relating***  
2 ***to whether the registered owner is wanted for questioning by the***  
3 ***local law enforcement agency.***

4       ***2. As used in this section, "registered owner" has the***  
5 ***meaning ascribed to it in NRS 482.102.***

6       **Sec. 4.** NRS 179A.010 is hereby amended to read as follows:  
7       179A.010 As used in this chapter, unless the context otherwise  
8 requires, the words and terms defined in NRS 179A.020 to  
9 179A.073, inclusive, ***and section 2 of this act*** have the meanings  
10 ascribed to them in those sections.

11       **Sec. 5.** NRS 179A.100 is hereby amended to read as follows:  
12       179A.100 1. The following records of criminal history may  
13 be disseminated by an agency of criminal justice without any  
14 restriction pursuant to this chapter:

15       (a) Any which reflect records of conviction only; and  
16       (b) Any which pertain to an incident for which a person is  
17 currently within the system of criminal justice, including parole or  
18 probation.

19       2. Without any restriction pursuant to this chapter, a record of  
20 criminal history or the absence of such a record may be:

21       (a) Disclosed among agencies which maintain a system for the  
22 mutual exchange of criminal records.

23       (b) Furnished by one agency to another to administer the system  
24 of criminal justice, including the furnishing of information by a  
25 police department to a district attorney.

26       (c) Reported to the Central Repository.

27       3. An agency of criminal justice shall disseminate to a  
28 prospective employer, upon request, records of criminal history  
29 concerning a prospective employee or volunteer which:

30       (a) Reflect convictions only; or

31       (b) Pertain to an incident for which the prospective employee or  
32 volunteer is currently within the system of criminal justice,  
33 including parole or probation.

34       4. The Central Repository shall disseminate to a prospective or  
35 current employer, upon request, information relating to sexual  
36 offenses concerning an employee, prospective employee, volunteer  
37 or prospective volunteer who gives his written consent to the release  
38 of that information.

39       5. Records of criminal history must be disseminated by an  
40 agency of criminal justice upon request, to the following persons or  
41 governmental entities:

42       (a) The person who is the subject of the record of criminal  
43 history for the purposes of NRS 179A.150.

44       (b) The person who is the subject of the record of criminal  
45 history or his attorney of record when the subject is a party in a



- 1 judicial, administrative, licensing, disciplinary or other proceeding
- 2 to which the information is relevant.
- 3 (c) The State Gaming Control Board.
- 4 (d) The State Board of Nursing.
- 5 (e) The Private Investigator's Licensing Board to investigate an
- 6 applicant for a license.
- 7 (f) A public administrator to carry out his duties as prescribed in
- 8 chapter 253 of NRS.
- 9 (g) A public guardian to investigate a ward or proposed ward or
- 10 persons who may have knowledge of assets belonging to a ward or
- 11 proposed ward.
- 12 (h) Any agency of criminal justice of the United States or of
- 13 another state or the District of Columbia.
- 14 (i) Any public utility subject to the jurisdiction of the Public
- 15 Utilities Commission of Nevada when the information is necessary
- 16 to conduct a security investigation of an employee or prospective
- 17 employee, or to protect the public health, safety or welfare.
- 18 (j) Persons and agencies authorized by statute, ordinance,
- 19 executive order, court rule, court decision or court order as
- 20 construed by appropriate state or local officers or agencies.
- 21 (k) Any person or governmental entity which has entered into a
- 22 contract to provide services to an agency of criminal justice relating
- 23 to the administration of criminal justice, if authorized by the
- 24 contract, and if the contract also specifies that the information will
- 25 be used only for stated purposes and that it will be otherwise
- 26 confidential in accordance with state and federal law and regulation.
- 27 (l) Any reporter for the electronic or printed media in his
- 28 professional capacity for communication to the public.
- 29 (m) Prospective employers if the person who is the subject of
- 30 the information has given written consent to the release of that
- 31 information by the agency which maintains it.
- 32 (n) For the express purpose of research, evaluative or statistical
- 33 programs pursuant to an agreement with an agency of criminal
- 34 justice.
- 35 (o) An agency which provides child welfare services, as defined
- 36 in NRS 432B.030.
- 37 (p) The Welfare Division of the Department of Human
- 38 Resources or its designated representative.
- 39 (q) An agency of this or any other state or the Federal
- 40 Government that is conducting activities pursuant to Part D of
- 41 Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq.
- 42 (r) The State Disaster Identification Team of the Division of
- 43 Emergency Management of the Department.
- 44 (s) The Commissioner of Insurance.



1       *(t) The supervisor of any personnel involved in the security of*  
2 *a resort hotel.*

3       6. Agencies of criminal justice in this state which receive  
4 information from sources outside this state concerning transactions  
5 involving criminal justice which occur outside Nevada shall treat the  
6 information as confidentially as is required by the provisions of this  
7 chapter.

8       **Sec. 6.** Chapter 481 of NRS is hereby amended by adding  
9 thereto a new section to read as follows:

10       1. *For the purposes of the Driver’s Privacy Protection Act of*  
11 *1994, 18 U.S.C. § 2721, the Legislature hereby declares that the*  
12 *disclosure of personal information pursuant to subsection 3 is*  
13 *necessary to protect the public safety.*

14       2. *To protect public safety, a resort hotel that wishes to obtain*  
15 *the names of registered owners of motor vehicles located on its*  
16 *property may submit to the Director the names of the supervisors*  
17 *of personnel involved in the security of the resort hotel who are*  
18 *authorized to receive such information.*

19       3. *Upon the presentation of a license plate number, the*  
20 *Director shall release the name of the registered owner of a motor*  
21 *vehicle to a supervisor of personnel involved in the security of a*  
22 *resort hotel identified pursuant to subsection 2.*

23       4. *For the purposes of this section:*

24       (a) *“Registered owner” has the meaning ascribed to it in*  
25 *NRS 482.102.*

26       (b) *“Resort hotel” has the meaning ascribed to it in*  
27 *NRS 463.01865.*

28       **Sec. 7.** NRS 481.063 is hereby amended to read as follows:

29       481.063 1. The Director may charge and collect reasonable  
30 fees for official publications of the Department and from persons  
31 making use of files and records of the Department or its various  
32 divisions for a private purpose. All money so collected must be  
33 deposited in the State Treasury for credit to the Motor Vehicle Fund.

34       2. Except as otherwise provided in subsection 5, the Director  
35 may release personal information, except a photograph, from a file  
36 or record relating to the driver’s license, identification card, or title  
37 or registration of a vehicle of a person if the requester submits a  
38 written release from the person who holds a lien on the vehicle, or  
39 an agent of that person, or the person about whom the information is  
40 requested which is dated not more than 90 days before the date of  
41 the request. The written release must be in a form required by the  
42 Director.

43       3. Except as otherwise provided in subsection 2 ~~5~~ *and section*  
44 *6 of this act*, the Director shall not release to any person who is not  
45 a representative of the Welfare Division of the Department of



1 Human Resources or an officer, employee or agent of a law  
2 enforcement agency, an agent of the public defender's office or an  
3 agency of a local government which collects fines imposed for  
4 parking violations, who is not conducting an investigation pursuant  
5 to NRS 253.0415, 253.044 or 253.220, who is not authorized to  
6 transact insurance pursuant to chapter 680A of NRS or who is not  
7 licensed as a private investigator pursuant to chapter 648 of NRS  
8 and conducting an investigation of an insurance claim:

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

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

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

17 When such personally identifiable information is requested of a law  
18 enforcement agency by the presentation of a license plate number,  
19 the law enforcement agency shall conduct an investigation regarding  
20 the person about whom information is being requested or, as soon as  
21 practicable, provide the requester with the requested information if  
22 the requester officially reports that the motor vehicle bearing that  
23 license plate was used in a violation of NRS 205.240, 205.345,  
24 205.380 or 205.445.

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

29 5. Except as otherwise provided in subsection 6, if a person or  
30 governmental entity provides a description of the information  
31 requested and its proposed use and signs an affidavit to that effect,  
32 the Director may release any personal information from a file or  
33 record relating to a driver's license, identification card, or title or  
34 registration of a vehicle for use:

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

42 (b) In connection with any civil, criminal, administrative or  
43 arbitration proceeding before any federal or state court, regulatory  
44 body, board, commission or agency, including, but not limited to,  
45 use for service of process, investigation in anticipation of litigation,



- 1 and execution or enforcement of judgments and orders, or pursuant  
2 to an order of a federal or state court.
- 3 (c) In connection with matters relating to:
- 4 (1) The safety of drivers of motor vehicles;
  - 5 (2) Safety and thefts of motor vehicles;
  - 6 (3) Emissions from motor vehicles;
  - 7 (4) Alterations of products related to motor vehicles;
  - 8 (5) An advisory notice relating to a motor vehicle or the  
9 recall of a motor vehicle;
  - 10 (6) Monitoring the performance of motor vehicles;
  - 11 (7) Parts or accessories of motor vehicles;
  - 12 (8) Dealers of motor vehicles; or
  - 13 (9) Removal of nonowner records from the original records  
14 of motor vehicle manufacturers.
- 15 (d) By any insurer, self-insurer or organization that provides  
16 assistance or support to an insurer or self-insurer or its agents,  
17 employees or contractors, in connection with activities relating to  
18 the rating, underwriting or investigation of claims or the prevention  
19 of fraud.
- 20 (e) In providing notice to the owners of vehicles that have been  
21 towed, repossessed or impounded.
- 22 (f) By an employer or its agent or insurer to obtain or verify  
23 information relating to a holder of a commercial driver's license  
24 who is employed by or has applied for employment with the  
25 employer.
- 26 (g) By a private investigator, private patrolman or security  
27 consultant who is licensed pursuant to chapter 648 of NRS, for any  
28 use permitted pursuant to this section.
- 29 (h) By a reporter or editorial employee who is employed by or  
30 affiliated with any newspaper, press association or commercially  
31 operated, federally licensed radio or television station for a  
32 journalistic purpose. The Department may not make any inquiries  
33 regarding the use of or reason for the information requested other  
34 than whether the information will be used for a journalistic purpose.
- 35 (i) In connection with an investigation conducted pursuant to  
36 NRS 253.0415, 253.044 or 253.220.
- 37 (j) In activities relating to research and the production of  
38 statistical reports, if the personal information will not be published  
39 or otherwise redisclosed, or used to contact any person.
- 40 (k) In the bulk distribution of surveys, marketing material or  
41 solicitations, if the Director has adopted policies and procedures to  
42 ensure that:
- 43 (1) The information will be used or sold only for use in the  
44 bulk distribution of surveys, marketing material or solicitations;



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

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

7 6. Except as otherwise provided in paragraph (j) of subsection  
8 5, a person who requests and receives personal information may sell  
9 or disclose that information only for a use permitted pursuant to  
10 subsection 5. Such a person shall keep and maintain for 5 years a  
11 record of:

12 (a) Each person to whom the information is provided; and  
13 (b) The purpose for which that person will use the  
14 information.

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

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

21 8. Except as otherwise provided in NRS 485.316, the Director  
22 shall not allow any person to make use of information retrieved  
23 from the database created pursuant to NRS 485.313 for a private  
24 purpose and shall not in any other way release any information  
25 retrieved from that database.

26 9. The Director shall adopt such regulations as he deems  
27 necessary to carry out the purposes of this section. In addition, the  
28 Director shall, by regulation, establish a procedure whereby a person  
29 who is requesting personal information may establish an account  
30 with the Department to facilitate his ability to request information  
31 electronically or by written request if he has submitted to the  
32 Department proof of his employment or licensure, as applicable, and  
33 a signed and notarized affidavit acknowledging:

34 (a) That he has read and fully understands the current laws and  
35 regulations regarding the manner in which information from the  
36 Department's files and records may be obtained and the limited uses  
37 which are permitted;

38 (b) That he understands that any sale or disclosure of  
39 information so obtained must be in accordance with the provisions  
40 of this section;

41 (c) That he understands that a record will be maintained by the  
42 Department of any information he requests; and

43 (d) That he understands that a violation of the provisions of this  
44 section is a criminal offense.

45 10. It is unlawful for any person to:



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

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

6 11. As used in this section, "personal information" means  
7 information that reveals the identity of a person, including, without  
8 limitation, his photograph, social security number, driver's license  
9 number, identification card number, name, address, telephone  
10 number or information regarding a medical condition or disability.  
11 The term does not include the zip code of a person when separate  
12 from his full address, information regarding vehicular accidents or  
13 driving violations in which he has been involved or other  
14 information otherwise affecting his status as a driver.

15 **Sec. 8.** NRS 482.170 is hereby amended to read as follows:

16 482.170 Except as otherwise provided in NRS 481.063 ~~and~~  
17 ~~485.316,]~~ , *485.316 and section 6 of this act*, all personal  
18 information in the records of registration and licensing in the offices  
19 of the Department is confidential and must not knowingly be  
20 disclosed by the Department.

21 **Sec. 9.** This act becomes effective upon passage and approval.

