

ASSEMBLY BILL NO. 459—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

MARCH 23, 2015

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to elections.
(BDR 24-1082)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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.

AN ACT relating to elections; requiring the Department of Motor Vehicles and certain courts to provide to the Secretary of State and relevant county clerk information related to persons who may not be citizens of the United States; requiring a county clerk to cancel the voter registration of certain persons; providing, with limited exception, that certain information relating to elections or voter registration which is confidential or not a public record is also not subject to discovery or subpoena; providing that the Department is not required to give an application to register to vote to certain persons who apply for driver authorization cards; requiring the Secretary of State to adopt certain regulations; requiring a person who claims that he or she is not qualified to act as a juror because he or she is not a citizen of the United States to submit a written affirmation for purposes of verifying that the person is not a registered voter; making various other changes relating to voter registration; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law sets forth qualifications for voting in this State, including that a
- 2 voter must be a citizen of the United States. (Nev. Const. Art. 2, § 1) Existing law
- 3 requires a county clerk to cancel the registration of a voter under certain
- 4 circumstances, including that a person is not a citizen of the United States. (NRS
- 5 293.535, 293.540, 293.541) **Sections 2 and 3** of this bill require, with limited
- 6 exceptions, a county clerk to cancel the voter registration of a person if the county



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7 clerk receives certain information from the Department of Motor Vehicles or a
8 court indicating that the person may not be a United States citizen. Before the
9 county clerk cancels the voter registration of the person, **sections 2 and 8** require
10 the person to be given certain notice that his or her voter registration will be
11 cancelled. **Sections 2 and 3** provide that a county clerk is not required to cancel the
12 voter registration of a person or remove a person's name from the statewide voter
13 registration less than 90 days before a primary or general election if doing so is
14 prohibited by federal law.

15 Existing law requires the Department of Motor Vehicles to provide an
16 application to register to vote to each person who applies for the issuance or
17 renewal of a driver's license or identification card. (NRS 293.524) **Section 5** of this
18 bill provides that the Department is not required to provide an application to
19 register to vote to a person who applies for the issuance of a driver authorization
20 card if the person is not a citizen of the United States. **Section 5** also requires the
21 Secretary of State to adopt regulations establishing a procedure to ensure that a
22 person who is not a citizen of the United States does not submit an application to
23 register to vote at the Department.

24 **Section 8** of this bill requires a court of this State to notify the county clerk and
25 Secretary of State if a person summoned for service on a jury claims to be ineligible
26 because he or she is not a citizen of the United States for purposes of verifying that
27 the person is not a registered voter.

28 Existing law provides that certain information relating to elections or voter
29 registration is confidential or is not a public record. (NRS 293.503, 293B.135,
30 293D.510) **Section 3.5** of this bill provides that any such information is also not
31 subject to discovery or subpoena in a civil action or criminal prosecution absent the
32 consent of the person about whom the information pertains. This provision also
33 would apply to the information declared to be confidential and not a public record
34 pursuant to **sections 2, 3 and 8**.

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

1 **Section 1.** Chapter 293 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2, 3 and 3.5 of this act.

3 **Sec. 2. 1. *Not later than 30 calendar days after receiving an***
4 ***application for a driver authorization card pursuant to NRS***
5 ***483.291 from a person who does not provide documents that prove***
6 ***he or she is a citizen of the United States, the Department of Motor***
7 ***Vehicles shall submit to the Secretary of State and the county***
8 ***clerk of the county in which the person resides the full name, date***
9 ***of birth, mailing address and residential address of the person for***
10 ***purposes of determining whether the person is registered to vote.***
11 ***The Department may submit the information to the Secretary of***
12 ***State and county clerks through the use of electronic transmission***
13 ***if the information will be securely transmitted and stored by the***
14 ***Department, Secretary of State and county clerks. If the***
15 ***Department creates a record for purposes of submitting***
16 ***the information to the Secretary of State or a county clerk, the***



1 *Department shall destroy the record immediately after submitting*
2 *the record pursuant to this subsection.*

3 *2. Not later than 5 business days after receiving information*
4 *from the Department of Motor Vehicles pursuant to subsection 1,*
5 *the county clerk shall determine whether the person who applied*
6 *for a driver authorization card pursuant to NRS 483.291 and is*
7 *not a citizen of the United States is registered to vote. If the person*
8 *is registered to vote, the county clerk shall notify the person by*
9 *registered or certified mail, return receipt requested, that the voter*
10 *registration of the person will be cancelled unless the person*
11 *submits to the county clerk proof of citizenship not later than 15*
12 *business days after the date on the return receipt.*

13 *3. If a person submits proof of citizenship to the county clerk:*

14 *(a) On or before 15 business days after the date on the return*
15 *receipt of the notification sent pursuant to subsection 2, the county*
16 *clerk shall not cancel the person's voter registration.*

17 *(b) More than 15 business days after the date on the return*
18 *receipt of the notification, the county clerk shall immediately*
19 *reinstate the person's voter registration and enter the person's*
20 *voter registration information on the statewide voter registration*
21 *list.*

22 *4. Except as otherwise provided in subsection 5, if a person*
23 *who receives a notice pursuant to subsection 2 does not submit*
24 *proof of citizenship on or before 15 business days after the date on*
25 *the return receipt of the notification sent pursuant to subsection 2,*
26 *the county clerk shall cancel the voter registration of the person*
27 *and remove the person from the statewide voter registration list.*

28 *5. The county clerk is not required to cancel the voter*
29 *registration of the person or remove the person from the statewide*
30 *voter registration list pursuant to this section less than 90 days*
31 *before a primary or general election if such an action is prohibited*
32 *by the National Voter Registration Act of 1993, 52 U.S.C. §§*
33 *20501 et seq., as amended, or any other federal law.*

34 *6. For purposes of this section, the county clerk shall accept*
35 *the following forms of proof of citizenship if the person displays*
36 *an original or certified copy thereof:*

37 *(a) A birth certificate issued by a state, a political subdivision*
38 *of a state, the District of Columbia or any territory of the United*
39 *States;*

40 *(b) A driver's license issued by another state, the District of*
41 *Columbia or any territory of the United States which is issued*
42 *pursuant to the standards established by 6 C.F.R. Part 37,*
43 *Subparts A to E, inclusive, and which contains a security mark*
44 *approved by the United States Department of Homeland Security*
45 *in accordance with 6 C.F.R. § 37.17;*



- 1 (c) *A passport issued by the United States Government;*
- 2 (d) *A Certificate of Degree of Indian Blood issued by the*
- 3 *United States Government;*
- 4 (e) *A Certificate of Citizenship or Certificate of Naturalization;*
- 5 *or*
- 6 (f) *Any other form of identification issued by a governmental*
- 7 *agency that requires a person to demonstrate his or her citizenship*
- 8 *to receive such identification.*

9 7. *Information submitted by the Department of Motor*
10 *Vehicles or received by the Secretary of State or a county clerk*
11 *pursuant to this section:*

12 (a) *Is confidential and is not a public record; and*

13 (b) *May only be used for purposes of determining whether a*
14 *person is registered to vote.*

15 **Sec. 3. 1.** *Not later than 5 business days after receiving*
16 *from a court a written affirmation described in section 8 of this act*
17 *signed under penalty of perjury by a person who receives a*
18 *summons to appear for jury duty and who declares that he or she*
19 *is not qualified to act as a juror because he or she is not a citizen*
20 *of the United States, the county clerk shall determine whether the*
21 *person who signed the written affirmation pursuant to section 8 of*
22 *this act is registered to vote.*

23 2. *Except as otherwise provided in subsection 3, if the person*
24 *is registered to vote, the county clerk shall cancel the voter*
25 *registration of the person and remove the person from the*
26 *statewide voter registration list.*

27 3. *The county clerk is not required to cancel the voter*
28 *registration of the person or remove the person from the statewide*
29 *voter registration list pursuant to this section less than 90 days*
30 *before a primary or general election if such an action is prohibited*
31 *by the National Voter Registration Act of 1993, 52 U.S.C. §§*
32 *20501 et seq., as amended, or any other federal law.*

33 4. *Information contained in a written affirmation:*

34 (a) *Is confidential and is not a public record; and*

35 (b) *May not be used for purposes other than cancelling the*
36 *voter registration of a person pursuant to this section.*

37 **Sec. 3.5.** *If any provision of this title declares that*
38 *information is confidential or is not a public record, the*
39 *information is not subject to discovery or subpoena in a civil*
40 *action or criminal prosecution absent the consent of the person*
41 *about whom the information pertains.*

42 **Sec. 4.** NRS 293.503 is hereby amended to read as follows:

43 293.503 1. The county clerk of each county where a registrar
44 of voters has not been appointed pursuant to NRS 244.164:



1 (a) Is ex officio county registrar and registrar for all precincts
2 within the county.

3 (b) Shall have the custody of all books, documents and papers
4 pertaining to registration provided for in this chapter.

5 2. All books, documents and papers pertaining to registration
6 are official records of the office of the county clerk.

7 3. The county clerk shall maintain records of any program or
8 activity that is conducted within the county to ensure the accuracy
9 and currency of the registrar of voters' register for not less than 2
10 years after creation. The records must include the names and
11 addresses of any person to whom a notice is mailed pursuant to NRS
12 293.5235, 293.530, or 293.535 *or section 2 of this act* and whether
13 the person responded to the notice.

14 4. Any program or activity that is conducted within the county
15 for the purpose of removing the name of each person who is
16 ineligible to vote in the county from the registrar of voters' register
17 must be complete not later than 90 days before the next primary or
18 general election.

19 5. Except as otherwise provided by subsection 6, all records
20 maintained by the county clerk pursuant to subsection 3 must be
21 available for public inspection.

22 6. Except as otherwise provided in NRS 239.0115, any
23 information relating to where a person registers to vote must remain
24 confidential and is not available for public inspection. Such
25 information may only be used by an election officer for purposes
26 related to voter registration.

27 **Sec. 5.** NRS 293.524 is hereby amended to read as follows:

28 293.524 1. The Department of Motor Vehicles shall provide
29 an application to register to vote to each person who applies for the
30 issuance or renewal of any type of driver's license or identification
31 card issued by the Department. *The provisions of this subsection do*
32 *not require the Department to give an application to register to*
33 *vote to a person who applies pursuant to NRS 483.291 for a driver*
34 *authorization card and is not a citizen of the United States.*

35 2. The county clerk shall use the applications to register to vote
36 which are signed and completed pursuant to subsection 1 to register
37 applicants to vote or to correct information in the registrar of voters'
38 register. An application that is not signed must not be used to
39 register or correct the registration of the applicant.

40 3. For the purposes of this section, each employee specifically
41 authorized to do so by the Director of the Department may oversee
42 the completion of an application. The authorized employee shall
43 check the application for completeness and verify the information
44 required by the application. Each application must include a
45 duplicate copy or receipt to be retained by the applicant upon



1 completion of the form. The Department shall, except as otherwise
2 provided in this subsection, forward each application on a weekly
3 basis to the county clerk or, if applicable, to the registrar of voters of
4 the county in which the applicant resides. The applications must be
5 forwarded daily during the 2 weeks immediately preceding the fifth
6 Sunday preceding an election.

7 4. The county clerk shall accept any application to register to
8 vote which is obtained from the Department of Motor Vehicles
9 pursuant to this section and completed by the fifth Sunday preceding
10 an election if the county clerk receives the application not later than
11 5 days after that date. Upon receipt of an application, the county
12 clerk or field registrar of voters shall determine whether the
13 application is complete. If the county clerk or field registrar of
14 voters determines that the application is complete, he or she shall
15 notify the applicant and the applicant shall be deemed to be
16 registered as of the date of the submission of the application. If the
17 county clerk or field registrar of voters determines that the
18 application is not complete, he or she shall notify the applicant of
19 the additional information required. The applicant shall be deemed
20 to be registered as of the date of the initial submission of the
21 application if the additional information is provided within 15 days
22 after the notice for the additional information is mailed. If the
23 applicant has not provided the additional information within 15 days
24 after the notice for the additional information is mailed, the
25 incomplete application is void. Any notification required by this
26 subsection must be given by mail at the mailing address on the
27 application not more than 7 working days after the determination is
28 made concerning whether the application is complete.

29 5. The county clerk shall use any form submitted to the
30 Department to correct information on a driver's license or
31 identification card to correct information in the registrar of voters'
32 register, unless the person indicates on the form that the correction
33 is not to be used for the purposes of voter registration. The
34 Department shall forward each such form to the county clerk or, if
35 applicable, to the registrar of voters of the county in which the
36 person resides in the same manner provided by subsection 3 for
37 applications to register to vote.

38 6. Upon receipt of a form to correct information, the county
39 clerk shall compare the information to that contained in the registrar
40 of voters' register. If the person is a registered voter, the county
41 clerk shall correct the information to reflect any changes indicated
42 on the form. After making any changes, the county clerk shall notify
43 the person by mail that the records have been corrected.

44 7. The Secretary of State shall, with the approval of the
45 Director, adopt regulations to:



1 (a) Establish any procedure necessary to provide an elector who
2 applies to register to vote pursuant to this section the opportunity to
3 do so;

4 (b) Prescribe the contents of any forms or applications which the
5 Department is required to distribute pursuant to this section; ~~and~~

6 (c) Provide for the transfer of the completed applications of
7 registration from the Department to the appropriate county clerk for
8 inclusion in the election board registers and registrar of voters'
9 register ~~H~~; and

10 *(d) Establish a procedure to ensure that a person who is not a*
11 *citizen of the United States does not submit an application to*
12 *register to vote to the Department.*

13 **Sec. 6.** NRS 293.540 is hereby amended to read as follows:

14 293.540 The county clerk shall cancel the registration:

15 1. If the county clerk has personal knowledge of the death of
16 the person registered, or if an authenticated certificate of the death
17 of any elector is filed in the county clerk's office.

18 2. If the county clerk is provided a certified copy of a court
19 order stating that the court specifically finds by clear and convincing
20 evidence that the person registered lacks the mental capacity to vote
21 because he or she cannot communicate, with or without
22 accommodations, a specific desire to participate in the voting
23 process.

24 3. Upon the determination that the person registered has been
25 convicted of a felony unless:

26 (a) If the person registered was convicted of a felony in this
27 State, the right to vote of the person has been restored pursuant to
28 the provisions of NRS 213.090, 213.155 or 213.157.

29 (b) If the person registered was convicted of a felony in another
30 state, the right to vote of the person has been restored pursuant to
31 the laws of the state in which the person was convicted.

32 4. Upon the production of a certified copy of the judgment of
33 any court directing the cancellation to be made.

34 5. Upon the request of any registered voter to affiliate with any
35 political party or to change affiliation, if that change is made before
36 the end of the last day to register to vote in the election.

37 6. At the request of the person registered.

38 7. If the county clerk has discovered an incorrect registration
39 pursuant to the provisions of NRS 293.5235, 293.530 or 293.535 *or*
40 *section 2 of this act* and the elector has failed to respond or appear
41 to vote within the required time.

42 8. As required by NRS 293.541 ~~H~~ *or section 3 of this act.*

43 9. Upon verification that the application to register to vote is a
44 duplicate if the county clerk has the original or another duplicate of
45 the application on file in the county clerk's office.



1 **Sec. 7.** (Deleted by amendment.)

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

4 *1. If a person receives a summons to appear for jury duty and*
5 *the person claims that he or she is not qualified to act as a juror*
6 *because he or she is not a citizen of the United States, the person*
7 *shall submit to the court a written affirmation, signed under*
8 *penalty of perjury, declaring that the person is not qualified to act*
9 *as a juror because he or she is not a citizen of the United States.*
10 *The written affirmation must be dated and include, without*
11 *limitation:*

12 *(a) The full name, date of birth, mailing address and*
13 *residential address of the person; and*

14 *(b) A statement in the form prescribed by the Secretary of State*
15 *that, by signing the written affirmation, the person understands*
16 *that if he or she is registered to vote in this State, his or her voter*
17 *registration will be cancelled pursuant to section 3 of this act.*

18 *2. The court must forward any written affirmation that the*
19 *court receives pursuant to subsection 1 to the Secretary of State*
20 *and the county clerk of the county in which the person resides not*
21 *later than 30 calendar days after receipt of the written affirmation*
22 *in order for the county clerk to verify pursuant to section 3 of this*
23 *act that the person is not registered to vote. The court may submit*
24 *the written affirmation to the Secretary of State and relevant*
25 *county clerk through the use of electronic transmission if the*
26 *information will be securely transmitted and stored by the court,*
27 *Secretary of State and county clerk.*

28 *3. The information contained on a written affirmation*
29 *received by a court pursuant to subsection 1:*

30 *(a) Is confidential and is not a public record;*

31 *(b) Is not subject to discovery or subpoena in a civil action or*
32 *criminal prosecution absent the consent of the person who*
33 *submitted the written affirmation; and*

34 *(c) May not be used for purposes other than cancelling the*
35 *voter registration of the person pursuant to section 3 of this act.*

36 **Sec. 9.** NRS 239.010 is hereby amended to read as follows:

37 239.010 1. Except as otherwise provided in this section and
38 NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516,
39 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160,
40 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
41 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
42 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
43 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
44 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130,
45 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,



1 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245,
2 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801,
3 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450,
4 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662,
5 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140,
6 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
7 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,
8 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300,
9 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,
10 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,
11 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140,
12 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350,
13 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025,
14 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135,
15 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070,
16 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
17 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
18 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080,
19 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275,
20 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264,
21 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460,
22 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,
23 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320,
24 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175,
25 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534,
26 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195,
27 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570,
28 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610,
29 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,
30 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,
31 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536,
32 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040,
33 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964,
34 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210,
35 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
36 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265,
37 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133,
38 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125,
39 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185,
40 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089,
41 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400,
42 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191,
43 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625,
44 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225,
45 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320,



1 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065,
2 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133,
3 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340,
4 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190,
5 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280,
6 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
7 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117,
8 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196,
9 704B.320, 704B.325, 706.1725, 710.159, 711.600, *and sections 2, 3*
10 *and 8 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of
11 Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013
12 and unless otherwise declared by law to be confidential, all public
13 books and public records of a governmental entity must be open at
14 all times during office hours to inspection by any person, and may
15 be fully copied or an abstract or memorandum may be prepared
16 from those public books and public records. Any such copies,
17 abstracts or memoranda may be used to supply the general public
18 with copies, abstracts or memoranda of the records or may be used
19 in any other way to the advantage of the governmental entity or of
20 the general public. This section does not supersede or in any manner
21 affect the federal laws governing copyrights or enlarge, diminish or
22 affect in any other manner the rights of a person in any written book
23 or record which is copyrighted pursuant to federal law.

24 2. A governmental entity may not reject a book or record
25 which is copyrighted solely because it is copyrighted.

26 3. A governmental entity that has legal custody or control of a
27 public book or record shall not deny a request made pursuant to
28 subsection 1 to inspect or copy or receive a copy of a public book or
29 record on the basis that the requested public book or record contains
30 information that is confidential if the governmental entity can
31 redact, delete, conceal or separate the confidential information from
32 the information included in the public book or record that is not
33 otherwise confidential.

34 4. A person may request a copy of a public record in any
35 medium in which the public record is readily available. An officer,
36 employee or agent of a governmental entity who has legal custody
37 or control of a public record:

38 (a) Shall not refuse to provide a copy of that public record in a
39 readily available medium because the officer, employee or agent has
40 already prepared or would prefer to provide the copy in a different
41 medium.

42 (b) Except as otherwise provided in NRS 239.030, shall, upon
43 request, prepare the copy of the public record and shall not require
44 the person who has requested the copy to prepare the copy himself
45 or herself.



1 **Sec. 10.** NRS 481.063 is hereby amended to read as follows:

2 481.063 1. The Director may charge and collect reasonable
3 fees for official publications of the Department and from persons
4 making use of files and records of the Department or its various
5 divisions for a private purpose. All money so collected must be
6 deposited in the State Treasury for credit to the Motor Vehicle Fund.

7 2. Except as otherwise provided in subsection 6, the Director
8 may release personal information, except a photograph, from a file
9 or record relating to the driver's license, identification card, or title
10 or registration of a vehicle of a person if the requester submits a
11 written release from the person who holds a lien on the vehicle, or
12 an agent of that person, or the person about whom the information is
13 requested which is dated not more than 90 days before the date of
14 the request. The written release must be in a form required by the
15 Director.

16 3. Except as otherwise provided in subsections 2 and 4, the
17 Director shall not release to any person who is not a representative
18 of the Division of Welfare and Supportive Services of the
19 Department of Health and Human Services or an officer, employee
20 or agent of a law enforcement agency, an agent of the public
21 defender's office or an agency of a local government which collects
22 fines imposed for parking violations, who is not conducting an
23 investigation pursuant to NRS 253.0415 or 253.220, who is not
24 authorized to transact insurance pursuant to chapter 680A of NRS or
25 who is not licensed as a private investigator pursuant to chapter 648
26 of NRS and conducting an investigation of an insurance claim:

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

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

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

35 ➤ When such personally identifiable information is requested of a
36 law enforcement agency by the presentation of a license plate
37 number, the law enforcement agency shall conduct an investigation
38 regarding the person about whom information is being requested or,
39 as soon as practicable, provide the requester with the requested
40 information if the requester officially reports that the motor vehicle
41 bearing that license plate was used in a violation of NRS 205.240,
42 205.345, 205.380 or 205.445.

43 4. If a person is authorized to obtain such information pursuant
44 to a contract entered into with the Department and if such
45 information is requested for the purpose of an advisory notice



1 relating to a motor vehicle or the recall of a motor vehicle or for the
2 purpose of providing information concerning the history of a
3 vehicle, the Director may release:

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

6 (b) The name, address, telephone number or any other
7 personally identifiable information if the information is requested by
8 the presentation of a license plate number.

9 5. Except as otherwise provided in subsections 2, 4 and 6 and
10 NRS **483.291**, 483.294, 483.855 and 483.937, **and section 2 of this**
11 **act**, the Director shall not release any personal information from a
12 file or record relating to a driver's license, identification card, or
13 title or registration of a vehicle.

14 6. Except as otherwise provided in paragraph (a) and
15 subsection 7, if a person or governmental entity provides a
16 description of the information requested and its proposed use and
17 signs an affidavit to that effect, the Director may release any
18 personal information, except a photograph, from a file or record
19 relating to a driver's license, identification card, or title or
20 registration of a vehicle for use:

21 (a) By any governmental entity, including, but not limited to,
22 any court or law enforcement agency, in carrying out its functions,
23 or any person acting on behalf of a federal, state or local
24 governmental agency in carrying out its functions. The personal
25 information may include a photograph from a file or record relating
26 to a driver's license, identification card, or title or registration of a
27 vehicle.

28 (b) In connection with any civil, criminal, administrative or
29 arbitration proceeding before any federal or state court, regulatory
30 body, board, commission or agency, including, but not limited to,
31 use for service of process, investigation in anticipation of litigation,
32 and execution or enforcement of judgments and orders, or pursuant
33 to an order of a federal or state court.

34 (c) In connection with matters relating to:

- 35 (1) The safety of drivers of motor vehicles;
36 (2) Safety and thefts of motor vehicles;
37 (3) Emissions from motor vehicles;
38 (4) Alterations of products related to motor vehicles;
39 (5) An advisory notice relating to a motor vehicle or the
40 recall of a motor vehicle;
41 (6) Monitoring the performance of motor vehicles;
42 (7) Parts or accessories of motor vehicles;
43 (8) Dealers of motor vehicles; or
44 (9) Removal of nonowner records from the original records
45 of motor vehicle manufacturers.



1 (d) By any insurer, self-insurer or organization that provides
2 assistance or support to an insurer or self-insurer or its agents,
3 employees or contractors, in connection with activities relating to
4 the rating, underwriting or investigation of claims or the prevention
5 of fraud.

6 (e) In providing notice to the owners of vehicles that have been
7 towed, repossessed or impounded.

8 (f) By an employer or its agent or insurer to obtain or verify
9 information relating to a holder of a commercial driver's license
10 who is employed by or has applied for employment with the
11 employer.

12 (g) By a private investigator, private patrol officer or security
13 consultant who is licensed pursuant to chapter 648 of NRS, for any
14 use permitted pursuant to this section.

15 (h) By a reporter or editorial employee who is employed by or
16 affiliated with any newspaper, press association or commercially
17 operated, federally licensed radio or television station for a
18 journalistic purpose. The Department may not make any inquiries
19 regarding the use of or reason for the information requested other
20 than whether the information will be used for a journalistic purpose.

21 (i) In connection with an investigation conducted pursuant to
22 NRS 253.0415 or 253.220.

23 (j) In activities relating to research and the production of
24 statistical reports, if the personal information will not be published
25 or otherwise redisclosed, or used to contact any person.

26 7. Except as otherwise provided in paragraph (j) of subsection
27 6, the Director shall not provide personal information to individuals
28 or companies for the purpose of marketing extended vehicle
29 warranties, and a person who requests and receives personal
30 information may sell or disclose that information only for a use
31 permitted pursuant to subsection 6. Such a person shall keep and
32 maintain for 5 years a record of:

33 (a) Each person to whom the information is provided; and

34 (b) The purpose for which that person will use the information.

35 ➔ The record must be made available for examination by the
36 Department at all reasonable times upon request.

37 8. Except as otherwise provided in subsection 2, the Director
38 may deny any use of the files and records if the Director reasonably
39 believes that the information taken may be used for an unwarranted
40 invasion of a particular person's privacy.

41 9. Except as otherwise provided in NRS 485.316, the Director
42 shall not allow any person to make use of information retrieved
43 from the system created pursuant to NRS 485.313 for a private
44 purpose and shall not in any other way release any information
45 retrieved from that system.



1 10. The Director shall not release any information relating to
2 legal presence or any other information relating to or describing
3 immigration status, nationality or citizenship from a file or record
4 relating to a request for or the issuance of a license, identification
5 card or title or registration of a vehicle to any person or to any
6 federal, state or local governmental entity for any purpose relating to
7 the enforcement of immigration laws.

8 11. The Director shall adopt such regulations as the Director
9 deems necessary to carry out the purposes of this section. In
10 addition, the Director shall, by regulation, establish a procedure
11 whereby a person who is requesting personal information may
12 establish an account with the Department to facilitate the person's
13 ability to request information electronically or by written request if
14 the person has submitted to the Department proof of employment or
15 licensure, as applicable, and a signed and notarized affidavit
16 acknowledging that the person:

17 (a) Has read and fully understands the current laws and
18 regulations regarding the manner in which information from the
19 Department's files and records may be obtained and the limited uses
20 which are permitted;

21 (b) Understands that any sale or disclosure of information so
22 obtained must be in accordance with the provisions of this section;

23 (c) Understands that a record will be maintained by the
24 Department of any information he or she requests; and

25 (d) Understands that a violation of the provisions of this section
26 is a criminal offense.

27 12. It is unlawful for any person to:

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

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

33 13. As used in this section:

34 (a) "Information relating to legal presence" means information
35 that may reveal whether a person is legally present in the United
36 States, including, without limitation, whether the driver's license
37 that a person possesses is a driver authorization card, whether the
38 person applied for a driver's license pursuant to NRS 483.290 or
39 483.291 and the documentation used to prove name, age and
40 residence that was provided by the person with his or her application
41 for a driver's license.

42 (b) "Personal information" means information that reveals the
43 identity of a person, including, without limitation, his or her
44 photograph, social security number, individual taxpayer
45 identification number, driver's license number, identification card



1 number, name, address, telephone number or information regarding
2 a medical condition or disability. The term does not include the zip
3 code of a person when separate from his or her full address,
4 information regarding vehicular accidents or driving violations in
5 which he or she has been involved or other information otherwise
6 affecting his or her status as a driver.
7 (c) "Vehicle" includes, without limitation, an off-highway
8 vehicle as defined in NRS 490.060.

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