NRS 392.148  Administrative sanctions against habitual truant after investigation and hearing; suspension or delay in issuance of driver’s license; appeal by parent or guardian.

      1.  Upon receipt of a report pursuant to [NRS 392.144](https://www.leg.state.nv.us/nrs/NRS-392.html#NRS392Sec144) or [392.147](https://www.leg.state.nv.us/nrs/NRS-392.html#NRS392Sec147), a school police officer or a person designated pursuant to subsection 6 shall conduct an investigation, set a date for a hearing and provide a written notice of the hearing to the parent or legal guardian of the pupil. If it appears after investigation and a hearing that a pupil is a habitual truant, a school police officer or a person designated pursuant to subsection 6 may issue an order imposing the following administrative sanctions against a pupil:

      (a) If it is the first time that administrative sanctions have been issued pursuant to this section because the pupil is a habitual truant, and the pupil is 14 years of age or older, order the suspension of the driver’s license of the pupil for at least 30 days but not more than 6 months. If the pupil does not possess a driver’s license, the order must provide that the pupil is prohibited from applying for a driver’s license for 30 days:

             (1) Immediately following the date of the order if the pupil is eligible to apply for a driver’s license; or

             (2) After the date the pupil becomes eligible to apply for a driver’s license if the pupil is not eligible to apply for a driver’s license.

      (b) If it is the second time or any subsequent time that administrative sanctions have been issued pursuant to this section because the pupil is a habitual truant, and the pupil is 14 years of age or older, order the suspension of the driver’s license of the pupil for at least 60 days but not more than 1 year. If the pupil does not possess a driver’s license, the order must provide that the pupil is prohibited from applying for a driver’s license for 60 days immediately following:

             (1) The date of the order if the pupil is eligible to apply for a driver’s license; or

             (2) The date the pupil becomes eligible to apply for a driver’s license if the pupil is not eligible to apply for a driver’s license.

      2.  If a pupil applies for a driver’s license, the Department of Motor Vehicles shall:

      (a) Notify the pupil of the provisions of this section that authorize the suspension of the driver’s license of the pupil; and

      (b) Require the pupil to sign an affidavit acknowledging that the pupil is aware that his or her driver’s license may be suspended pursuant to this section.

      3.  If an order is issued pursuant to this section delaying the ability of the pupil to receive a driver’s license, a copy of the order must be forwarded to the Department of Motor Vehicles not later than 5 days after the order is issued.

      4.  If an order is issued pursuant to this section suspending the driver’s license of a pupil:

      (a) The pupil shall surrender his or her driver’s license to the school police officer or the person designated pursuant to subsection 6.

      (b) Not later than 5 days after issuing the order, the school police officer or the designated person shall forward to the Department of Motor Vehicles a copy of the order and the driver’s license of the pupil.

      (c) The Department of Motor Vehicles:

             (1) Shall report the suspension of the driver’s license of the pupil to an insurance company or its agent inquiring about the pupil’s driving record, but such a suspension must not be considered for the purpose of rating or underwriting.

             (2) Shall not treat the suspension in the manner statutorily required for moving traffic violations.

             (3) Shall not require the pupil to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of [NRS 483.495](https://www.leg.state.nv.us/NRS/NRS-483.html#NRS483Sec495) as a condition of reinstatement or reissuance after the suspension of a driver’s license.

      5.  The parent or legal guardian of a pupil may request a hearing before a person designated by the board of trustees of the school district in which the pupil is enrolled to appeal the imposition of any administrative sanctions pursuant to this section. The person designated by the board of trustees shall, not later than 30 days after receipt of the request, hold a hearing to review the reason for the imposition of any administrative sanctions. Not later than 30 days after the hearing, the person designated by the board of trustees shall issue a written decision affirming, denying or modifying the decision to impose administrative sanctions and mail a copy of the decision to the parent or legal guardian of the pupil.

      6.  If a public school does not have a school police officer assigned to it, the principal of the school may designate a qualified person to carry out the requirements of this section.

      (Added to NRS by [2013, 2458](https://www.leg.state.nv.us/Statutes/77th2013/Stats201315.html#Stats201315page2458))