

**REVISED PROPOSED REGULATION OF THE
DEPARTMENT OF MOTOR VEHICLES**

LCB File No. R216-08

(This regulation consists of §§19-21 of LCB File No. R107-08;
these sections have been split out from that regulation for separate consideration)

November 14, 2008

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

AUTHORITY: §1, NRS 483.220, 483.495 and 483.908; §2, NRS 483.220 and 483.495; §3, NRS 481.051.

A REGULATION relating to the Department of Motor Vehicles; revising various provisions relating to driver's license; and providing other matters properly relating thereto.

Section 1. NAC 483.475 is hereby amended to read as follows:

483.475 1. The Department will administer an applicable driving skills test to an applicant for reinstatement of his driver's license in, but not limited to, the following instances:

(a) He has been convicted of six or more moving violations while operating a noncommercial motor vehicle during the 4-year period immediately preceding the date of reinstatement;

(b) He has been convicted of four or more moving violations while operating a commercial motor vehicle during the 4-year period immediately preceding the date of reinstatement;

(c) He has been involved in more than one accident in which he was at fault during the 1-year period immediately preceding the date of reinstatement;

(d) He is applying for an upgrade in the type or classification of his license;

(e) He is applying for an additional endorsement not on the license which was withdrawn that requires a driving skills test;

(f) The license has *been* expired *for 1 year* or *more*;

(g) *The license* has been withdrawn for 1 year or more; or

~~(g)~~ (h) The license was withdrawn because of the failure of the applicant to complete a driving skills test.

2. The Department will administer an applicable knowledge test, or a test more specific to a particular classification or endorsement, to an applicant for reinstatement of his driver's license in, but not limited to, the following instances:

(a) He has been convicted of three or more moving violations while operating a noncommercial motor vehicle during the 4-year period immediately preceding the date of reinstatement;

(b) He has been convicted of two or more moving violations while operating a commercial motor vehicle during the 4-year period immediately preceding the date of reinstatement;

(c) He is applying for an upgrade in the type or classification of his license;

(d) He is applying for an additional endorsement on his license which was withdrawn that requires a knowledge test;

(e) The license has *been* expired *for 1 year* or *more*;

(f) *The license* has been withdrawn for 1 year or more; or

~~(f)~~ (g) The license was withdrawn because of the failure of the applicant to complete a knowledge test.

Sec. 2. NAC 483.480 is hereby amended to read as follows:

483.480 1. The Department will terminate or rescind an action to withdraw a driver's license or award credit against the period of revocation if the action resulted from:

- (a) Incorrect information on the driver's license and the information has been corrected by the Department;
- (b) A conviction and the Department has received a notice from the court amending the conviction to an offense which is not cause for the withdrawal of the license;
- (c) A statement from a law enforcement officer and the Department has received a corrected statement from the officer amending the information that caused the withdrawal action; or
- (d) A statement from a law enforcement officer and the Department has received an amended conviction order from the court finding that the license was incorrectly revoked.

2. If the action to withdraw a driver's license resulted from a statement of the court that the court seized a person's driver's license at the time of a conviction and ordered the person not to operate a motor vehicle, the person must receive credit against the period of revocation from the time of the conviction to the time of withdrawal of the driver's license by the Department.

3. If an investigation conducted by the Compliance Enforcement Division of the Department indicates that a conviction has been recorded on the driving record of a person who is the victim of identity theft, or the subject of an action to withdraw a driver's license is a victim of identity theft, and is not the actual person identified on the report of conviction or by a law enforcement agency at the time of the report, the Department will remove the conviction and terminate or rescind the action to withdraw a driver's license.

Sec. 3. NAC 483.555 is hereby amended to read as follows:

483.555 1. The Department hereby adopts by reference the provisions of 23 C.F.R. Part 1327.5 and Appendix A to Part 1327, "Abridged Listing of the American Association of Motor Vehicle Administrators Violations Exchange Code, Used by the NDR for Recording Driver License Denials , ~~and~~ Withdrawals ~~and~~ , *and Convictions of Motor Vehicle-Related Offenses,*"

as those provisions existed on ~~[November 8, 1991.]~~ *April 1, 2007, and any subsequent amendments to those provisions.* A copy of the provisions of 23 C.F.R. Part 1327.5 and Appendix A to Part 1327 may be obtained from the Superintendent of Documents, ~~[P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, for the price of \$26.]~~ *United States Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by telephone at (866) 512-1800, for the price of \$45.*

2. ~~[In addition to the offenses listed in Appendix A to Part 1327, the Department will report to the National Driver Register the following offenses if any of those offenses occurred during the operation of a commercial motor vehicle:~~

~~—(a) Exceeding the speed limit by not less than 15 miles per hour.~~

~~—(b) Following a motor vehicle too closely.~~

~~—(c) Changing lanes improperly.~~

~~—3.]~~ As used in 23 C.F.R. Part 1327.5 (a), “for cause” means an adverse action taken by a state against a person which is based on a violation set forth in Appendix A to Part 1327 . ~~[for any violation set forth in subsection 2.]~~