

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

LCB File No. R142-12

AUTHORITY: (NRS 483.908, 483.924)

A REGULATION relating to the Department of Motor Vehicles; providing the requirement for all commercial driver license holders to provide a medical examiner's certificate and maintain a current medical examiner's certificate to prevent the driver from losing privileges to drive a commercial motor vehicle; cancellation; reinstatement of the license.

Section 1. Chapter 483 of NAC is hereby amended by adding thereto the provisions set forth in section 2 through 7 of this regulation.

Sec. 2. *1. Prior to January 30, 2014, every person who applies for, or currently holds, a Nevada commercial driver's license or instruction permit must provide a current medical examiner's certificate and self-certify to the type of commerce he or she intends to drive as defined in this section.*

(a) Excepted Interstate means a driver operates or expects to operate in interstate commerce, but engages exclusively in transportation or operation excepted under 49 CFR 390.(f), 391.6, 391.2 or 398.3.

(b) Non-Excepted Interstate means a driver is subject to and meets the qualification requirements under 49 CFR part 391. The driver is not restricted to the cargo being transported, the origination or the destination of the load being transported.

(c) Excepted Intrastate means a driver is restricted to operating a commercial motor vehicle in Nevada only and is not required to meet the State's medical certification requirements. He or she may only transport cargo that originates in and the final destination is in Nevada. While driving commercially, the driver may not cross state or international

borders.

(d) Non-Excepted Intrastate means a driver is restricted to operating a commercial motor vehicle in Nevada only. He or she may only transport cargo that originates in and the final destination is in Nevada. While driving commercially, the driver may not cross state or international borders.

(e) Failure to provide a current medical examiner's certificate and certify with the Department to the type of commerce a person intends to drive on or before January 30, 2014, may result in cancellation of his or her driver's license or instruction permit.

Sec. 3 1. ~~[Prior to January 30, 2014, e]~~ Every person who applies for, or currently holds, a Nevada commercial driver's license or instruction permit *must appear in person and* provide a current medical examiner's certificate and self-certify to the type of commerce he or she intends to drive as defined in this section.

(a) Excepted Interstate means a driver operates or expects to operate in interstate commerce, but engages exclusively in transportation or operation excepted under 49 CFR 390.(f), 391.68, 391.2 or 398.3.

(b) Non-Excepted Interstate means a driver is subject to and meets the qualification requirements under 49 CFR part 391. The driver is not restricted to the cargo being transported, the origination or the destination of the load being transported.

(c) Excepted Intrastate means a driver is restricted to operating a commercial motor vehicle in Nevada only and is not required to meet the State's medical certification requirements. He or she may only transport cargo that originates in and the final destination is in Nevada. While driving commercially, the driver may not cross state or international borders.

(d) Non-Excepted Intrastate means a driver is restricted to operating a commercial motor

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vehicle in Nevada only. He or she may only transport cargo that originates in and the final destination is in Nevada. While driving commercially, the driver may not cross state or international borders.

Sec. 4. *Every commercial driver is required to obtain a medical examination that meets the requirements of 49 CFR 391.41. If the driver is unable to obtain a medical examiner's certificate as required by 49 CFR 391.45, he or she may:*

(a) Apply to the Federal Motor Carrier Safety Administration for a medical variance. If the person has been approved for and issued a medical variance from the Federal Motor Carrier Safety Administration, he or she must provide that information to the Department upon approval.

(b) If unable to obtain a medical variance from the Federal Motor Carrier Safety Administration, the driver may, if operating on an intrastate basis only, apply to the Department for a Nevada medical waiver pursuant to NAC 483.8031, unless he or she holds an endorsement for passengers, hazardous materials, or school bus driver.

(c) If a person is operating on a non-excepted or excepted intrastate basis and holds an endorsement for passengers, hazardous materials, or school bus driver, he/she must meet the requirements in subsection 2, or remove the endorsement and apply for a Nevada medical waiver pursuant to NAC 483.8031.

2. Upon notification from the Federal Motor Carrier Safety Administration that a federal medical variance has been removed or rescinded, the driver's commercial privileges are subject to cancellation. To prevent cancellation, the driver must:

(1) Provide an updated medical examiner's certificate indicating that no medical waiver or variance is required for the operation of a commercial motor vehicle;

(2) Appear in person and self-certify as non-excepted intrastate and apply for a Nevada medical waiver; or

(3) Request a downgrade to his or her license from a commercial driver's license to a non-commercial driver's license.

3. In addition to the penalties provided in those provisions adopted by reference in NAC 483.800, a person who holds a Nevada commercial driver's license or instruction permit with an expired medical examiner's certificate is subject to cancellation of his or her commercial driver's license or instruction permit.

Sec. 5 *Prior to the expiration of a person's medical examiner's certificate, the Department may provide the person a notice which informs the person that:*

(a) His or her medical examiner's certificate is due to expire;

(b) That he or she must obtain a new physical evaluation and provide the Department a copy of the medical examiner's certificate prepared by a medical examiner as defined in 49 C.F.R. § 390.5;

(c) He or she may appear in person and request a downgrade of his or her license, removing the commercial driving privilege; and

(d) May be subject to cancellation of his or her commercial driver's license or instruction permit for failing to comply with the physical requirement or request a downgrade.

Sec. 6 *To prevent cancellation of his or her commercial driving privileges, a driver must:*

(a) Self-certify to the type of commerce he or she intends to drive on or before January 30, 2014;

(b) Provide to the Department an updated medical examiner's certificate and any variance or state medical waiver documents if one was issued; or

(c) Appear in person to request a downgrade of his or her driver's license from a commercial driver's license to a non-commercial driver's license or surrender his or her instruction permit.

7. A person who is disqualified from driving a commercial motor vehicle under this section shall surrender his or her commercial driver's license or instruction permit or permit to the Department.

8. To reinstate a commercial driver's license or permit after cancellation, a person must:

(a) Present a current medical examiner's certificate to the Department and pay reinstatement fees pursuant to NRS 483.910; or

(b) Request a downgrade to his or her driver's license.

9. As used in this section, "commercial motor vehicle" means a motor vehicle or combination of motor vehicles as defined in NAC 483.110, used in commerce, to transport passengers or property, or hazardous materials which are considered to be "hazardous" for the purposes of the federal Hazardous Materials Transportation Act and for which the display of identifying placards is required pursuant to the Hazardous Materials Regulations, 49 C.F.R. Part 172, Subpart F.

Sec. 7 To prevent cancellation of his or her commercial driving privileges, a driver must:

~~[(a) Self-certify to the type of commerce he or she intends to drive on or before January 30, 2014;]~~

(b) Provide to the Department an updated medical examiner's certificate and any variance or state medical waiver documents if one was issued; or

(c) Appear in person to request a downgrade of his or her driver's license from a commercial driver's license to a non-commercial driver's license or surrender his or her instruction permit.

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7. A person who is disqualified from driving a commercial motor vehicle under this section shall surrender his or her commercial driver's license or instruction permit or permit to the Department.

8. To reinstate a commercial driver's license or permit after cancellation, a person must:

(a) Present a current medical examiner's certificate to the Department and pay reinstatement fees pursuant to NRS 483.910; or

(b) Request a downgrade to his or her driver's license.

Sec. 8. 1. Sections 2, 4, 5, and 6 become effective upon passage and approval.

2. Sections 3 and 7 of this regulation become effective on January 30, 2014.