

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

LCB File No. R088-24

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

AUTHORITY: §§ 1, 2 and 6-20, NRS 483.908 and 483.912; §§ 3 and 4, NRS 481.051, 483.495 and 483.908; § 5, NRS 483.908 and 483.924; § 21, NRS 481.051, 483.220 and 483.495; § 22, NRS 483.220, 483.495 and 483.908; §§ 23-33, NRS 483.908.

A REGULATION relating to motor vehicles; providing for the downgrade by removal and reinstatement of the privilege to operate a commercial motor vehicle of the holder of a commercial driver's license or commercial learner's permit under certain circumstances; providing for the permanent revocation or suspension of the commercial driver's license or commercial learner's permit of a person convicted of certain criminal offenses; revising provisions governing the registration, operation and monitoring of third-party certifiers, third-party companies and third-party schools that provide commercial motor vehicle skills testing; revising provisions governing persons who act or request to act as the responsible party for a third-party company or third-party school; authorizing the waiver of certain tests when reinstating the privilege to operate a commercial motor vehicle; revising certain requirements for applicants for and holders of commercial driver's licenses and commercial learner's permits; revising certain requirements relating to medical examinations required for applicants and holders of commercial driver's licenses and commercial learner's permits; revising requirements for a medical examination required for an application for a waiver of certain physical requirements to operate a commercial motor vehicle; revising provisions governing certain persons to whom the Department of Motor Vehicles will not issue a commercial driver's license or commercial learner's permit; making conforming changes; removing certain obsolete references; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires the Department of Motor Vehicles to adopt regulations relating to commercial driver's licenses; and (2) authorizes the Department to authorize any person to administer any driving skills test required to obtain a commercial driver's license if certain requirements are satisfied. (NRS 483.908, 483.912) Existing regulations authorize the Department to accept, in lieu of a skills test conducted by the Department, a certification of the driving ability of a person submitted by certain persons who are registered as third-party

certifiers, including, without limitation, “third-party companies” and “third-party schools.” (NAC 483.12175, 483.1218, 483.1222)

Sections 2 and 7 of this regulation authorize a third-party certifier who is employed by a governmental entity that is a third-party company to apply to the Department for authorization to certify the driving ability of any eligible employee of any other governmental entity in this State.

Section 3 of this regulation defines the term “downgrade by removal” to mean prohibiting the operation of a commercial motor vehicle by withdrawing the privilege to operate a commercial motor vehicle from the holder of a commercial driver’s license or commercial learner’s permit until that privilege is reinstated.

Section 4 of this regulation provides that the Department will initiate the downgrade by removal of the privilege to operate a commercial motor vehicle from the holder of a commercial driver’s license or commercial learner’s permit not later than 60 days after receiving notification from the Federal Motor Carrier Safety Administration of the United States Department of Transportation that the holder’s license or permit has been placed in a prohibited status for a violation of a drug or alcohol program that has been reported to the Drug and Alcohol Clearinghouse of the Federal Motor Carrier Safety Administration. **Section 4** also provides that the Department will reinstate the privilege to operate a commercial motor vehicle to the holder of a commercial driver’s license or commercial learner’s permit if the Department receives notification from the Federal Motor Carrier Safety Administration that: (1) the holder is no longer in a prohibited status and reinstatement is allowed; or (2) the prior placement of the holder in a prohibited status was erroneous.

Section 5 of this regulation provides for the permanent revocation or suspension of the commercial driver’s license or commercial learner’s permit of a person who has been convicted of certain criminal offenses.

Sections 8 and 9 of this regulation revise the requirements for an application for registration as a third-party school or third-party company to certify the driving ability of a person.

Sections 10, 12 and 15-18 of this regulation revise certain requirements for third-party companies, third-party schools and third-party certifiers and for persons who request to act as responsible parties for third-party companies or third-party schools.

Section 11 of this regulation removes provisions authorizing the Department to conduct, and a third-party company or third-party school to request, a hearing on the refusal of the Department to renew the registration of a third-party company or third-party school. **Sections 11 and 13** of this regulation prohibit the owner of a third-party company or third-party school that has its registration suspended or revoked from applying to register a third-party company or third-party school formed under a different name for the purpose of evading the period of suspension or revocation.

Section 14 of this regulation revises the eligibility requirements for registration as a third-party certifier and revises provisions governing third-party certifiers who are employed by governmental entities.

Section 19 of this regulation revises certain requirements for on-site inspections by the Department of third-party companies, third-party schools and the vehicles which they use to administer skills tests.

Section 20 of this regulation: (1) revises provisions governing the revocation of a registration of a third-party certifier; and (2) removes provisions authorizing the Department to

conduct, and a third-party certifier to request, a hearing on the refusal of the Department to renew the registration of a third-party certifier.

Section 21 of this regulation revises a reference to a certain medical board which is appointed by the Administrator of the Department to assist the Department in determining the physical or mental ability of persons to operate motor vehicles. (NRS 483.205; NAC 483.400)

Existing regulations set forth the conditions under which the Department will waive certain tests of knowledge, driving skills or vision for the purposes of reinstating a driver's license which has been suspended, cancelled or revoked. (NAC 483.471) **Section 22** of this regulation provides that the Department may waive the knowledge and driving skills tests when reinstating the privilege to operate a commercial motor vehicle to the holder of a commercial driver's license or commercial learner's permit which has been downgraded by removal.

Sections 6 and 23 of this regulation make conforming changes to indicate the proper placement of **sections 2-5** in the Nevada Administrative Code.

Sections 24-27 and 30-32 of this regulation eliminate obsolete references to a commercial driver's license instruction permit to conform to terminology in federal regulations governing commercial learner's permits. (49 C.F.R. Part 383)

Existing regulations require every person who applies for or holds a commercial driver's license or commercial learner's permit to provide a current medical examiner's certificate and, if applicable, a document showing that the person was issued: (1) a variance from the requirement to maintain such a certificate; or (2) a waiver of certain physical requirements. (NAC 483.801) In June 2025, the Department began accessing medical examiner's certificates from the National Registry of Certified Medical Examiners of the Federal Motor Carrier Safety Administration, where such certificates are transmitted and stored electronically by certified medical examiners who perform physical qualification examinations for commercial drivers. (49 C.F.R. § 383.73(o)(1)(ii)) Accordingly, **section 24** eliminates the requirement that the applicant or holder of a commercial driver's license or commercial learner's permit provide such a certificate and instead requires the holder to maintain a medical examiner's certificate.

Existing regulations provide that, before a medical examiner's certificate issued to a holder of a commercial driver's license or commercial learner's permit expires, the Department may provide notice to the holder that he or she must: (1) undergo a new medical examination and provide to the Department a copy of the new medical examiner's certificate; (2) change his or her self-certification to a type of commerce that does not require a medical examiner's certificate; or (3) appear in person at an office of the Department and apply for a noncommercial driver's license. Existing regulations also provide that the holder may be subject to the cancellation of his or her commercial driver's license or commercial learner's permit for failing to perform those required actions. (NAC 483.8013) **Section 26**: (1) eliminates the requirement that the holder of the commercial driver's license or commercial learner's permit provide a copy of his or her medical examiner's certificate, as the Department will access the certificate from the National Registry of Certified Medical Examiners; (2) eliminates the requirement that the holder of the license or permit appear in person at an office of the Department and apply for a noncommercial driver's license; and (3) provides that the holder of the license or permit may be subject to the downgrade by removal of his or her privilege to operate a commercial motor vehicle for failing to perform the required acts.

Existing regulations provide that a person is subject to the cancellation of his or her commercial driver's license or commercial learner's permit for failure to comply with certain requirements relating to medical examiner's certificates. To reinstate such a cancelled license or

permit, existing regulations require the person to: (1) pay a reinstatement fee; (2) present a current medical examiner's certificate to the Department; and (3) self-certify as to the type of commerce in which he or she intends to operate a commercial motor vehicle. (NAC 483.8014) **Section 27** provides that a person who fails to comply with the requirements relating to medical examiner's certificates is instead subject to the downgrade by removal of his or her privilege to operate a commercial motor vehicle. Accordingly, **section 27** also eliminates the requirement of the payment of a fee to reinstate a commercial driver's license or commercial learner's permit which has been cancelled. Finally, **section 27** eliminates the requirement that the person present a current medical examiner's certificate to the Department and instead requires that the person obtain the certificate, as the Department will access that certificate from the National Registry of Certified Medical Examiners.

Section 28 of this regulation updates the address of the Department to which a person may submit an application for a waiver of certain physical qualifications to operate a commercial motor vehicle. (NAC 483.803)

Section 29 of this regulation eliminates certain information and certifications by a physician or optometrist which must be included in a medical evaluation that a person must submit to the Department with his or her application for a waiver of certain physical requirements to operate a commercial motor vehicle. **Section 29** also provides that a person who has diabetes mellitus treated with insulin is not required to obtain such a waiver or undergo a medical examination unless the person self-certifies that he or she intends to drive in nonexcepted interstate or nonexcepted intrastate commerce.

Existing regulations set forth certain persons to whom the Department will not issue a commercial driver's license or commercial learner's permit. (NAC 483.825) **Section 33** of this regulation provides that the Department will not issue a commercial driver's license or commercial learner's permit to a person who: (1) must use a bioptic telescopic lens to operate a noncommercial vehicle; or (2) has been placed in a prohibited status as determined by the Department in response to a query of the Drug and Alcohol Clearinghouse of the Federal Motor Carrier Safety Administration.

Section 1. Chapter 483 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. 1. *A third-party certifier who is employed by a governmental entity that is a third-party company may apply to the Department, in such form as the Department may prescribe, for authorization to certify the driving ability of any eligible employee of any other governmental entity in this State.*

2. *A governmental entity that is a third-party company shall maintain a record pursuant to NAC 483.12232 of each employee who is certified pursuant to this section by a third-party*

certifier of the governmental entity in the same manner as if the employee was an employee of the governmental entity.

Sec. 3. *“Downgrade by removal” means prohibiting the operation of a commercial motor vehicle by withdrawing the privilege to operate a commercial motor vehicle from the holder of a commercial driver’s license or commercial learner’s permit until that privilege is reinstated.*

Sec. 4. 1. *If the Department receives notification from the Federal Motor Carrier Safety Administration of the United States Department of Transportation that the holder of a commercial driver’s license or commercial learner’s permit has been placed in a prohibited status for a violation of a drug or alcohol program that has been reported to the Drug and Alcohol Clearinghouse of the Federal Motor Carrier Safety Administration, the Department will, not later than 60 days after receipt of such notification, initiate the downgrade by removal of the privilege of the holder to operate a commercial motor vehicle.*

2. *If the Department receives from the Federal Motor Carrier Safety Administration notification that:*

(a) The holder of a commercial driver’s license or commercial learner’s permit is no longer in a prohibited status from operating a commercial motor vehicle and the reinstatement of the privilege to operate a commercial motor vehicle is allowed; or

(b) The prior placement of the holder of a commercial driver’s license or commercial learner’s permit in a prohibited status was erroneous, and the status of the holder is restored to the status as it existed before the erroneous placement,

↳ the Department will reinstate the privilege of the holder to operate a commercial motor vehicle.

Sec. 5. *If the Department receives notice that a person who holds a commercial driver's license or commercial learner's permit has been convicted of any offense for which a person is disqualified for life from operating a commercial motor vehicle pursuant to 49 C.F.R. § 383.51, the Department will suspend or revoke, as applicable, the commercial driver's license or commercial learner's permit of the person. The Department will not reinstate a commercial driver's license or commercial learner's permit that has been suspended or revoked pursuant to this section. A person whose commercial driver's license or commercial learner's permit has been suspended or revoked pursuant to this section is not eligible for a commercial driver's license or commercial learner's permit for the remainder of his or her life.*

Sec. 6. NAC 483.121 is hereby amended to read as follows:

483.121 As used in NAC 483.121 to 483.1236, inclusive, *and section 2 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 483.1213 to 483.1219, inclusive, have the meanings ascribed to them in those sections.

Sec. 7. NAC 483.1222 is hereby amended to read as follows:

483.1222 The Department may, in lieu of the skills test conducted by the Department, accept certification of the driving ability of a person if the certification is submitted electronically to the Department through a system approved by the Department by a third-party certifier who is:

1. Registered pursuant to NAC 483.1224;
2. Employed by the school for training drivers at which the person whose driving ability is being certified is a student, the employer of the person whose driving ability is being certified , ~~for~~ employed by the same employer as the person whose driving ability is being certified ~~or~~ **or**

authorized by the Department pursuant to section 2 of this regulation to certify the driving ability of the person whose driving ability is being certified; and

3. Not responsible for the instruction of the person whose driving ability is being certified relating to the operation of the commercial motor vehicle.

Sec. 8. NAC 483.1223 is hereby amended to read as follows:

483.1223 1. A school for training drivers may apply to the Department for registration as a third-party school.

2. A business that assigns its employees to operate a commercial motor vehicle for which a Class A, Class B or Class C commercial driver's license is required may apply to the Department for registration as a third-party company.

3. A third-party company or third-party school must:

(a) Own or lease operational commercial motor vehicles in the following combinations:

(1) If the company or school certifies holders of a Class A commercial learner's permit, at least:

(I) Three trucks or truck tractors; and

(II) Three trailers.

(2) If the company or school certifies holders of a Class B or Class C commercial learner's permit, at least three vehicles that are within Class B or Class C.

(3) If the company or school certifies holders of Class A and Class B or Class C commercial learners' permits, at least:

(I) Three trucks or truck tractors;

(II) Three trailers; and

(III) One vehicle that is within Class B or Class C, as applicable.

(b) Have adequate area to conduct vehicle inspections and exercises in the skills of backing control.

(c) Have access to public highways to perform road test maneuvers.

(d) Use designated road test routes that have been approved by the Department for conducting road tests.

(e) *Use designated locations that have been approved by the Department for conducting skills tests.*

(f) Have access to the Internet for submitting and posting:

(1) Schedules for skills tests;

(2) Routes for road tests; and

(3) Scores received by students on skills tests.

~~(f)~~ (g) Submit to the Department appointments for skills tests within a period set forth by the Department, but not later than 2 days before each skills test.

~~(g)~~ (h) Have the vehicles that it uses for conducting skills tests inspected at least once each year.

4. A person requesting to be a responsible party for a third-party company or third-party school must have a background check completed pursuant to NAC 483.12267.

5. *Each responsible party shall enter into an agreement with the Department that includes, without limitation, a provision:*

(a) Requiring the responsible party to have access to the Internet for submitting and posting schedules for skills tests.

(b) Prohibiting the responsible party from entering any results from a skills test into the system for submitting certifications of driving ability electronically that has been approved by the Department pursuant to NAC 483.1222.

6. Each responsible party shall be subject to any disqualification period set forth in the agreement with the Department entered into pursuant to subsection 5.

7. As used in this section:

(a) “Responsible party” means an employee of a third-party company or third-party school who is designated by the company or school, as applicable, to act on behalf of the company or school.

(b) “Truck” has the meaning ascribed to it in 49 C.F.R. § 390.5.

(c) “Truck tractor” has the meaning ascribed to it in 49 C.F.R. § 390.5.

Sec. 9. NAC 483.12231 is hereby amended to read as follows:

483.12231 1. A business or school for training drivers that is applying for registration as a third-party company or third-party school, as applicable, pursuant to NAC 483.1223 must complete an application on a form provided by the Department which includes, without limitation:

(a) The name of the business or school.

(b) The address of the business or school.

(c) The name and title of the person applying on behalf of the business or school.

(d) For a school for training drivers, information concerning the ownership of the school.

(e) A list of vehicles that the business or school will use to administer skills tests. The list must include, without limitation, the following information for each vehicle:

(1) The class of the vehicle.

- (2) Any endorsements applicable to the vehicle.
- (3) Whether the vehicle is equipped with air brakes.
- (4) The type of transmission with which the vehicle is equipped.
- (5) The types of trailer connections with which the vehicle is equipped.
- (6) The make, model and vehicle identification number of the vehicle.
- (7) The location at which the vehicle will be used to administer skills tests.

(8) Verification that the gross vehicle weight rating for the vehicle, as specified by the manufacturer on the certification label, as described in 49 C.F.R. Part 567, is appropriate for the types and classes of vehicles and endorsements for which the business or school will be administering skills tests.

(f) The number of employees or students that the business or school expects to test annually.

(g) A statement that the applicant has read and will comply with the regulations and requirements for registration adopted by the Department.

2. An applicant shall inform the Department of each location of the business or school for training drivers at which a third-party certifier will be certifying the driving ability of employees or students, as applicable.

3. In evaluating the eligibility of an applicant for registration as a third-party company or third-party school, the Department may consider any additional information that the Department deems necessary for eligibility.

4. The evaluation by the Department of an application for registration as a third-party company will include an inspection of the site of the place of business of the applicant. The inspection must include, without limitation, visual inspections that are substantially similar to the visual inspections described in subsection 5.

5. The evaluation by the Department of an application for registration as a third-party school will include an inspection of each branch location of the school at which drivers are trained. The inspection must include, without limitation, a visual inspection of:

- (a) The vehicles to be used by the school for ~~training~~ testing.
- (b) ~~Copies of training programs to be used by the school.~~
- ~~(c) Areas within which the school will administer skills tests.~~
- ~~(d) The manner in which the school conducts tests of laws and regulations.~~
- ~~(e) The qualifications of instructors who provide instruction at the school.~~

6. If the Department approves a third-party company or third-party school to administer skills tests, the Department will issue to the company or school, as applicable, a certificate of registration indicating the types and classes of vehicles and endorsements that the company or school may certify.

7. After the initial issuance of a certificate of registration pursuant to subsection 6, the Department may waive any part of the inspection otherwise required pursuant to subsection 4 or 5, as applicable, if the business or school for training drivers currently has on its staff other employees or instructors who are registered as third-party certifiers.

8. The Department will assign a unique number to each business or school for training drivers registered as a third-party company or third-party school, as applicable. The number must not be transferred to or used by any other business or school for training drivers.

9. If the Department denies an application for registration as a third-party company or third-party school, the Department will notify the applicant by mail of its decision. Except as otherwise provided in NAC 483.12233, the applicant may reapply at any time on a new application form. The applicant must state in the new application the measures that the applicant

has taken to correct each deficiency set forth in the notice received from the Department which caused the denial of the original application.

Sec. 10. NAC 483.12232 is hereby amended to read as follows:

483.12232 1. A third-party company shall maintain a record of each employee of the company who is certified by a third-party certifier of the third-party company. The record must be available for inspection by a representative of the Department during normal business hours and ~~except as otherwise provided in subsection 4,~~ must include:

(a) ~~A description of the training of the employee.~~ *Proof of employment.*
(b) ~~The identity of the person who performed the training.~~ *A copy of the scoring sheet for each skills test administered to the employee.*

(c) A ~~description of each test administered to the employee.~~ *copy of the employee's commercial learner's permit and:*

(1) Noncommercial driver's license; or

(2) Commercial driver's license.

(d) Sufficient information to demonstrate to the satisfaction of the Department that the third-party certifier who administered a skills test to the employee did not provide instruction to the employee. The information required by this paragraph must include, without limitation:

(1) The full legal name of each instructor who provided any skills training to the employee.

(2) A description of each type of training provided to the employee.

(3) The date on which each type of training was provided.

2. ~~Except as otherwise provided in subsection 4, a~~ A third-party school shall maintain a record of each student to whom a third-party certifier employed by the school administers any

part of a skills test. The record must be available for inspection by a representative of the Department during normal business hours and include:

- (a) ~~{The full legal name and address of the student.}~~ *Proof of enrollment in the school.*
- (b) A ~~{record}~~ *copy of the scoring sheet for* each skills test administered to the student.
- (c) ~~{The number of any learner's permit or driver's license issued to the student.}~~ *A copy of the student's commercial learner's permit and:*

- (1) Noncommercial driver's license; or*

- (2) Commercial driver's license.*

- (d) ~~{The full legal name and registration number of each third party certifier who administered any part of a skills test to the student.}~~

- ~~—(e) A description of each type of test given to the student and the amount of time devoted to each type of test.~~

- ~~—(f) The date on which each type of test was given.~~

- ~~—(g) The total number of hours of instruction given to the student.~~

- ~~—(h)}~~ Sufficient information to demonstrate to the satisfaction of the Department that the third-party certifier who administered a skills test to the student did not also provide instruction to the student. *The information required by this paragraph must include, without limitation:*

- (1) The full legal name of each instructor who provided any skills training to the student.*

- (2) A description of each type of training provided to the student.*

- (3) The date on which each type of training was provided.*

3. ~~Except as otherwise provided in subsection 4, a~~ **A** third-party company or third-party school shall maintain a separate annual inspection record for each vehicle that it uses to administer skills tests to employees or students, as applicable.

4. A third-party company or third-party school ~~[that is a governmental entity is not required to:~~

~~—(a) Include in the record required to be maintained pursuant to subsection 1, the items set forth in paragraphs (a) and (b) of subsection 1;~~

~~—(b) Maintain the records required by subsection 2 with respect to a student who is an employee of the governmental entity; or~~

~~—(c) Maintain the records required by subsection 3 with respect to any vehicle used to administer skills tests exclusively to employees of the governmental entity.]~~ **shall maintain copies of the following records at its principal place of business or another central location:**

(a) The certificate of registration issued by the Department pursuant to NAC 483.12231.

(b) For each third-party certifier who works for the company or school, the certificate of registration issued by the Department pursuant to NAC 483.1224.

(c) The most recent version of the agreement entered into between the Department and the company or school pursuant to NAC 483.12235.

(d) The scoring sheet for each skills test that has been administered under the authority of the company or school for the current year and the 2 most recent calendar years.

(e) Maps of any routes for road tests approved by the Department for use by the company or school.

(f) The training record of each third-party certifier who works for the company or school if required by the agreement entered into between the Department and the company or school pursuant to NAC 483.12235.

Sec. 11. NAC 483.12233 is hereby amended to read as follows:

483.12233 1. The Department will take prompt and appropriate remedial action against a third-party company or third-party school that fails to comply with state or federal standards for the program for testing persons to receive a commercial driver's license ~~+~~ or fails to comply with any other terms of an agreement between the Department and the third-party company or third-party school.

2. The Department may suspend the registration of a third-party company or third-party school that refuses to allow an authorized representative of the Department access, during regular business hours, to inspect the records maintained by a third-party certifier ~~{who works for}~~ *on behalf of* the company or school, if those records relate to any employee or student whose driving abilities were certified by the third-party certifier.

3. The Department may suspend the registration of a third-party company or third-party school if any of the following fail to cooperate fully with an authorized representative of the Department during an inspection:

- (a) A third-party certifier who works for the company or school;
- (b) An agent of the company or school; or
- (c) An officer or employee of the company or school.

4. Except as otherwise provided in subsection 8, the Director or his or her designee may temporarily suspend for not more than 30 days or refuse to renew the registration of a third-party company or third-party school if the Director or his or her designee finds that the temporary

suspension or refusal to renew is in the public interest. ~~{The}~~ *If the Director or his or her designee temporarily suspends the registration of a third-party company or third-party school,* ~~the~~ Department or a designee from the Department may conduct a hearing and issue a final decision on the matter within 30 days after the date on which the notice of temporary suspension ~~{or refusal to renew a registration}~~ is sent to the third-party company or third-party school.

5. The Department may suspend the registration of a third-party company or third-party school that allows an unauthorized person to administer any part of a skills test to an employee or student, as applicable.

6. Any third-party company or third-party school whose registration is revoked pursuant to this section may not reapply for registration until 2 years after the date of revocation.

7. A third-party company or third-party school may, within 30 days after the temporary suspension or revocation of ~~{, or refusal to renew,}~~ its registration pursuant to this section, request a hearing on the question of whether the third-party company or third-party school, or a third-party certifier of the company or school, committed one or more acts constituting grounds for the suspension ~~{,}~~ *or* revocation ~~{or refusal to renew}~~ *of* the registration. The hearing must be conducted in accordance with the provisions of chapter 233B of NRS, and judicial review must be available as provided in that chapter.

8. The Department may suspend or revoke the registration of a third-party company or third-party school for good cause or any other reason if such disqualification is in the best interest of the public and approved by the Director or a designee of the Director.

9. The owner of a third-party company or third-party school that has its registration suspended or revoked by the Department pursuant to this section shall not apply for the registration of a third-party company or third-party school formed under a different name for

the purpose of evading any period of suspension or revocation imposed pursuant to this section. The Department will reject any application for registration as a third-party company or third-party school found to be in violation of this subsection.

Sec. 12. NAC 483.12235 is hereby amended to read as follows:

483.12235 Each third-party company or third-party school shall enter into an agreement with the Department that includes, without limitation:

1. A provision allowing the Federal Motor Carrier Safety Administration of the United States Department of Transportation, or its representative, and the Department to conduct random examinations, inspections and audits of the records, facilities and operations of the company or school without notice.

2. A requirement that each third-party certifier who works for the company or school and administers skills tests meets the qualifications and training standards set forth in 49 C.F.R. § 384.228.

3. A provision allowing the Department to:

(a) Have employees of the Department covertly take the skills tests administered by a third-party certifier as if the employees were test applicants.

(b) Have employees of the Department, together with and at the same time as a third-party certifier, score skills tests to compare results of passage and failure.

(c) Retest a sample of drivers who were examined by a third-party certifier.

4. A provision reserving to the Department the right to take prompt and appropriate remedial action against a third-party company, third-party school or third-party certifier if the company, school or certifier, as applicable, fails to comply with any state or federal standards for the program to test drivers for a commercial driver's license, or if a third-party company or third-

party school fails to comply with any other terms of a contract *or agreement* with a third-party certifier.

5. A requirement that a third-party company or third-party school initiate and maintain a bond pursuant to NAC 483.12234.

6. A requirement that a third-party company or third-party school use the services only of a third-party certifier who:

(a) Has completed successfully a formal training course for examiners who administer skills tests as prescribed by the Department; and

(b) Is registered with and certified by the Department as a third-party certifier who is qualified to administer skills tests.

7. A requirement that a third-party company, third-party school and third-party certifier conduct testing , *including, without limitation, vehicle inspection tests and basic vehicle control tests, at locations and* on road test routes that have been designated and approved by the Department.

8. A requirement that a third-party company, third-party school or third-party certifier submit to the Department a schedule of appointments for skills tests administered by the company, school or certifier, as applicable, within a period set forth by the Department, but not less than 2 days before each skills test.

9. A requirement that a third-party company or third-party school maintain copies of the ~~following~~ records *described in subsection 4 of NAC 483.12232* at its principal place of business or another central location . †

~~—(a) The certificate of registration issued by the Department pursuant to NAC 483.12231.~~

- ~~—(b) For each third-party certifier who works for the company or school, the certificate of registration issued by the Department pursuant to NAC 483.1224.~~
- ~~—(c) The most recent version of the agreement specified in this section.~~
- ~~—(d) The scoring sheet for each skills test that has been administered under the authority of the company or school for the current year and the immediately preceding 2 calendar years.~~
- ~~—(e) Maps of any routes for road tests approved by the Department for use by the company or school.~~
- ~~—(f) The training record of each third-party certifier who works for the company or school.~~

10. A requirement that all vehicles and equipment used by the third-party company or third-party school to administer a skills test are maintained adequately and safe to operate. Except as otherwise provided in NAC 483.1224, any incidents that are a result of unsafe vehicles or equipment are the responsibility of the company or school which owns or operates the vehicles or equipment.

11. A provision establishing the periods of disqualification to which the third-party company or third-party school may be subject.

Sec. 13. NAC 483.12236 is hereby amended to read as follows:

483.12236 1. The Department will revoke the registration of a third-party company or third-party school if:

- (a) The company or school employs only one third-party certifier; and
- (b) The third-party certifier does not meet the requirement set forth in NAC 483.12261 or is not granted an exception in accordance with that section.

2. A third-party company or third-party school whose registration is revoked pursuant to subsection 1 must wait at least 1 year before reapplying to the Department for registration as a third-party company or third-party school.

3. The owner of a third-party company or third-party school that has its registration revoked by the Department pursuant to this section shall not apply for the registration of a third-party company or third-party school formed under a different name for the purpose of evading the period of revocation imposed pursuant to subsection 2. The Department will reject any application for registration as a third-party company or third-party school found to be in violation of this subsection.

Sec. 14. NAC 483.1224 is hereby amended to read as follows:

483.1224 1. An instructor or authorized employee at a school for training drivers may apply to the Department for registration as a third-party certifier. Except as otherwise provided in subsection 4, an instructor or authorized employee who is registered as a third-party certifier may certify the driving ability of any student enrolled at the school for training drivers who wishes to obtain a Class A, Class B or Class C commercial driver's license and must electronically submit to the Department certification to that effect. The instructor or authorized employee may not electronically submit to the Department certification with respect to the instructor's or employee's own driving ability.

2. Any person doing business in this State, or the authorized employee of such a person, may apply to the Department for registration as a third-party certifier. Except as otherwise provided in subsection 5, a third-party certifier who is registered pursuant to this section may certify the driving ability of an employee of an employer who wishes to obtain a Class A, Class B or Class C commercial driver's license and must electronically submit to the Department

certification to that effect. The third-party certifier may not electronically submit to the Department certification with respect to the third-party certifier's own driving ability.

3. An applicant to become a third-party certifier must ~~have~~ :

(a) Have, within the 4 years immediately preceding the date on which the applicant submitted his or her application, at least 2 years of experience operating a commercial motor vehicle for the type, class and endorsements of commercial drivers' licenses that he or she will certify.

(b) Not have had his or her driver's license or driving privileges suspended or revoked within the 3 years immediately preceding the date on which the applicant submitted his or her application.

4. A third-party certifier employed by a third-party school shall not:

(a) Certify the driving ability of a student unless the third-party certifier has at his or her disposal at least one vehicle requiring the same type and class of driver's license as the type and class of driver's license for which the student's driving ability is being certified;

(b) Attest to the certification for the operation of a vehicle for which a particular type or class of driver's license is required unless the third-party certifier has at his or her disposal at least one vehicle requiring the same type and class of driver's license as that required for the vehicle the operation of which is to be certified; or

(c) Certify the driving ability of any employee of the school . ~~unless the school is a governmental entity.~~

5. A third-party certifier employed by a third-party company shall not:

(a) Certify the driving ability of an employee of the company unless the third-party certifier has at his or her disposal at least one vehicle requiring the same type and class of driver's license

as the type and class of driver's license for which the employee's driving ability is being certified; or

(b) Attest to the certification for the operation of a vehicle for which a particular type and class of driver's license is required unless the third-party certifier has at his or her disposal at least one vehicle requiring the same type and class of driver's license as the type and class of driver's license as that required for the vehicle the operation of which is to be certified.

6. A third-party certifier must:

(a) Successfully complete a 40-hour course provided by the Department for administering skills tests;

(b) Hold a valid commercial driver's license of the same type and class for which the third-party certifier is certifying the driving ability of a student or employee; and

(c) Administer the skills test in a vehicle representing the same type and class of vehicle the operation of which requires a driver's license of the same type and class as the type and class of driver's license for which the driving ability of the student or employee is being certified.

7. A third-party certifier who is also an instructor, whether as part of a school, training program or otherwise, shall not administer a skills test to a person who received training in skills from the third-party certifier.

8. If a third-party certifier successfully completes training to administer skills tests, the Department will issue to the third-party certifier a certificate of registration which:

(a) Is valid for 4 years; and

(b) Indicates the type and class of vehicle and endorsements for which the third-party certifier is allowed to provide certification.

9. A person who is registered as a third-party certifier for a third-party school may certify the driving ability of only those students who are enrolled at the branch locations of the school for which the person is registered as a third-party certifier.

10. A person who is registered as a third-party certifier for a third-party company may certify the driving ability of only those employees who work within the same department of the company for which the person is registered as a third-party certifier, unless the third-party company is a governmental entity. A person who is registered as a third-party certifier for a third-party company that is a governmental entity may certify the driving ability of any eligible employee of the governmental entity, regardless of department or division. ~~†, subject to such limitations as the Department otherwise prescribes by regulation.†~~

11. A third-party certifier shall ensure that all vehicles and equipment used to perform skills tests are maintained adequately and safe to operate. Except as otherwise provided in NAC 483.12235, any incidents that are a result of unsafe vehicles or equipment are the responsibility of the third-party certifier.

Sec. 15. NAC 483.1226 is hereby amended to read as follows:

483.1226 1. A person who is applying for registration as a third-party certifier pursuant to NAC 483.1224 must complete an application on a form provided by the Department which includes, without limitation:

- (a) An authorization for an investigation of the background of the applicant;
- (b) The driving history of the applicant; and
- (c) A statement that the applicant has read and will comply with the regulations and requirements for certification adopted by the Department.

2. An applicant applying for registration as a third-party certifier must consent to a background check as described in NAC 483.12267.
3. Any training with respect to how to administer skills tests that is given by the Department to an applicant for registration as a third-party certifier will be the same training that would otherwise be given by the Department to persons who administer skills tests.
4. An applicant applying to become a third-party certifier for a third-party company or third-party school must indicate on his or her application all locations at which he or she will be certifying the driving ability of employees employed by the company or students enrolled at the school.
5. In evaluating the eligibility of an applicant for registration as a third-party certifier, the Department may consider the class of the applicant's driver's license, his or her driving history and any additional information which the Department deems pertinent to his or her eligibility.
6. If the Department approves an application for registration as a third-party certifier, the Department will assign a unique number to the person registered by the Department. Any number assigned pursuant to this subsection must not be transferred to or used by any other person.
7. If the Department denies an application for registration as a third-party certifier, the Department will notify the applicant by mail of its decision. Except as otherwise provided in NAC 483.1236, the applicant may reapply at any time on a new application form. The applicant must state in the new application the measures that were taken to correct the deficiency that caused the denial of the original application.

8. Each third-party certifier shall enter into an agreement with the Department that includes, without limitation:

(a) A requirement that the third-party certifier maintain a current copy of the certificate of registration issued to the third-party certifier pursuant to NAC 483.1224.

(b) A requirement that the third-party certifier maintain a valid commercial driver's license of the type and class for which he or she is authorized to certify other drivers.

(c) A requirement for the third-party certifier to ensure, before administering a skills test, that each person who is to be tested holds a commercial learner's permit which satisfies all federal and state regulations and requirements.

(d) A list of approved locations for inspecting vehicles used in testing.

(e) A provision setting forth the dimensions that have been approved by the Department for any test pad used to conduct skills tests.

(f) A list of designated routes for road tests that have been approved by the Department.

(g) A provision establishing the periods of disqualification to which the third-party certifier may be subject.

Sec. 16. NAC 483.12267 is hereby amended to read as follows:

483.12267 1. ~~Am~~ *Each* applicant who applies to the Department for registration as a third-party certifier *and each person who requests to act as a responsible party on behalf of a third-party company or third-party school* must consent to fingerprinting and pass a nationwide criminal background check of the following:

(a) Any felony conviction within the immediately preceding 10 years; and

(b) Any conviction involving fraudulent activities.

2. If the registration of a third-party certifier is expired, suspended or revoked for more than 90 days, the third-party certifier must submit to a new background check as a prerequisite to reinstating his or her registration.

3. A third-party certifier may not use the results of a previous background check if the third-party certifier is no longer employed by the third-party company or third-party school for which he or she worked and he or she wishes to be become a third-party certifier for another third-party company or third-party school.

4. A third-party certifier may continue to use the results of a previous background check if he or she transfers from one department or division to another within the same third-party company.

~~{5. A person who requests to act as a responsible party on behalf of a third-party company or third-party school must submit to a background check as specified by the Department.}~~

Sec. 17. NAC 483.1228 is hereby amended to read as follows:

483.1228 1. If, at any time, the number of vehicles owned or leased by a third-party company or third-party school falls below the minimum requirement for vehicles set forth in subsection 3 of NAC 483.1223, the third-party company or third-party school shall forthwith notify the Department. The Department may suspend, revoke or refuse to renew the registration of each third-party certifier at the third-party company or third-party school during the time that the third-party company or third-party school does not have the required minimum number of vehicles.

2. If the third-party company or third-party school purchases or leases a vehicle that will be used by a third-party certifier in administering a skills test, the third-party company or third-party school shall notify the Department ~~{within 10 days after the date on which the vehicle is purchased or leased.}~~ *before administering any skills test in the vehicle.* An authorized representative of the Department:

(a) Shall inspect the vehicle within 30 days after receiving the notice; and

(b) May inspect the vehicle during any inspection conducted by the Department pursuant to NAC ~~483.12231~~ or 483.123 . ~~for 483.12231.~~

3. A third-party company or third-party school shall notify the Department within 10 days after a change in any address or location at which the company or school conducts business . ~~for conducts skills tests.~~

4. A third-party company or third-party school may renew its annual registration on a form furnished by the Department. If the third-party company or third-party school fails to renew the registration within 30 days after the date of expiration, its registration as a third-party company or third-party school expires and it must reapply for registration as a third-party company or third-party school in the manner set forth in NAC 483.12231.

5. A third-party company or third-party school shall pay the annual fee prescribed in subsection 2 of NRS 483.910 to renew its registration.

Sec. 18. NAC 483.1229 is hereby amended to read as follows:

483.1229 1. An annual inspection of vehicles that are used to administer skills tests to drivers and are operated on a highway must be performed by a registered garage, a licensed body shop or an inspector meeting the qualifications of 49 C.F.R. § 396.19, and the inspection must be reported to the Department on a form provided by the Department.

2. If a third-party company or third-party school purchases or leases a vehicle for administering skills tests to drivers, the company or school shall ensure that the vehicle is inspected by a registered garage, a licensed body shop or an inspector meeting the qualifications of 49 C.F.R. § 396.19 ~~not later than 30 days after the purchase or lease of the vehicle and~~ before ~~providing any training or~~ administering any skills test in the vehicle.

3. Each vehicle which is a commercial motor vehicle and is used by a third-party company or third-party school for administering skills tests to drivers must meet all the requirements of the Federal Motor Carrier Safety Regulations as set forth in 49 C.F.R. Part 396.

4. As used in this section:

(a) “Licensed body shop” means a body shop licensed by the Department pursuant to NRS 487.630.

(b) “Registered garage” means a garage registered with the Department pursuant to NRS 487.560.

Sec. 19. NAC 483.123 is hereby amended to read as follows:

483.123 1. The Department will, at least once every 2 years, monitor the performance of a third-party company or third-party school that is registered pursuant to NAC 483.12231. The monitoring required by this subsection must include, without limitation, one announced and one unannounced on-site examination of:

(a) ~~The instruction given;~~

~~—(b) Teaching skills demonstrated;~~

~~—(e) Unusual test results, including, without limitation, unusually high rates of passage or failure;~~

~~—(d) (b) Testing performed by any third-party certifier who is employed by the third-party company or third-party school;~~

~~—(e) (c) A comparison of the results achieved on skills tests with the scoring sheets for skills tests that are maintained in the files of the third-party company or third-party school; and~~

~~—(f) Records of the inspection of vehicles.~~

(d) The records required to be maintained pursuant to NAC 483.12232.

2. An examiner from the Department may conduct random reexaminations of any student or employee to whom a third-party certifier who is employed by the third-party company or third-party school has administered a skills test.

3. The Department will ~~[- at least once every 2 years.]~~ *periodically* conduct an inspection of each vehicle listed pursuant to NAC 483.12231. The vehicles must be accessible to the Department, operational and located at the principal place of business of, or one central location used by, the third-party company or third-party school.

4. Within 30 days after an inspection, the Department will provide a written report to the third-party company or third-party school which:

(a) Indicates compliance; or

(b) Describes each deficiency and notifies the third-party company or third-party school that each such deficiency must be corrected within 30 days after the date on which the notice is received. If each deficiency is not corrected in a timely manner, the Department may, pursuant to ~~[NAC 483.1236 or]~~ subsection 8 of NAC 483.12233, suspend or revoke the registration issued to the third-party company or third-party school or take appropriate action against the third-party school pursuant to NAC 483.708 to 483.795, inclusive, or both.

5. If, pursuant to NAC 483.708 to 483.795, inclusive:

(a) Any action is taken against a third-party school in its capacity as a school for training drivers, the Department may revoke, suspend or refuse to renew, as appropriate, its registration as a third-party school.

(b) The license issued to the operator of the school for training drivers is:

(1) Suspended, or if the Department refuses to renew the license issued to the school for training drivers, the Department will, except as otherwise provided in this paragraph, suspend the

registration of the third-party school and each third-party certifier employed by the school until the license of the school has been restored. If the license issued to the operator of the school is not restored, the Department will revoke the registration of the third-party school and each third-party certifier. This paragraph does not prevent the Department from taking separate disciplinary action against a third-party certifier if the circumstances that resulted in the suspension of, or the refusal to renew, the license of the school for training drivers involved an act or omission by the third-party certifier.

(2) Revoked, the Department will revoke the registration of the third-party school and each third-party certifier employed by the school.

Sec. 20. NAC 483.1236 is hereby amended to read as follows:

483.1236 1. The Department may revoke the registration of a third-party certifier who is registered pursuant to NAC 483.1224 if:

(a) The third-party certifier has been convicted of:

(1) Driving under the influence of an intoxicating liquor or a controlled substance within the past ~~7~~ 3 years;

(2) A gross misdemeanor or felony relating to the management of money or a business;

(3) Fraud;

(4) Embezzlement; or

(5) Possessing more than one valid driver's license issued to the third-party certifier under a full legal name other than his or her own, or issued to him or her by more than one state, or both;

(b) The Department determines that the third-party certifier falsified an application or any other information to obtain or maintain registration as a third-party certifier;

(c) The third-party school that employs the third-party certifier fails to maintain an active license or ceases to maintain an established place of business in this State as required by NAC 483.708 to 483.795, inclusive;

(d) Pursuant to NAC 483.708 to 483.795, inclusive, any action is taken against the instructor's license issued to the third-party certifier by the Department; or

(e) The third-party certifier administers any part of the skills test to a natural person to whom the third-party certifier has provided instruction for the skills test.

2. The Department, for good cause shown, may suspend or revoke the registration of a third-party certifier for any other reason if such disqualification is in the best interest of the public and approved by the Director or a designee of the Director.

3. The Department may suspend the registration of a third-party certifier if the third-party certifier or the third-party company or third-party school that employs the third-party certifier, or an agent, officer or employee of the certifier, company or school, fails to cooperate fully with an authorized representative of the Department during an inspection of the third-party certifier or third-party company or third-party school that employs the third-party certifier.

4. The Director may temporarily suspend for not more than 30 days or refuse to renew the registration of a third-party certifier if the Director finds that such a temporary suspension or refusal to renew is in the public interest. ~~The~~ *If the Director suspends the registration of a third-party certifier, the* Department may conduct a hearing and issue a final decision on the matter within 30 days after the date on which the notice of temporary suspension ~~for refusal to renew a registration~~ is sent to the third-party certifier.

5. Any third-party certifier whose registration is revoked pursuant to this section:

(a) May not reapply for registration until 2 years after the date of revocation; and

(b) Must attend a training program approved by the Department for the certification of a driver at the time he or she reapplies for registration as a third-party certifier.

6. A third-party certifier may, within 30 days after the temporary suspension or revocation of ~~his or her registration pursuant to this section, request a hearing on the question of whether the third-party certifier committed one or more acts constituting grounds for the suspension~~ ~~or~~ ~~revocation~~ ~~of~~ the registration. The hearing must be conducted pursuant to the provisions of chapter 233B of NRS, and judicial review must be available as provided therein.

Sec. 21. NAC 483.400 is hereby amended to read as follows:

483.400 1. If a person who, for medical or physical reasons or because his or her licensing would be hazardous to public safety, has been denied a license or permit, or has had his or her license suspended, revoked or cancelled subsequently applies for issuance or reinstatement of the license or permit, the person may be required to submit the following information:

(a) A current statement of his or her case history.

(b) A current statement concerning the ailment by any treating physician or psychiatrist, psychologist, certified drug and alcohol counselor or any other competent authority acceptable to the Department. The statement must include the diagnosis, treatment and prospect of recovery from or control of the ailment.

(c) A current report covering the results of any medical examinations pertinent to the ailment in question.

(d) Evidence of ~~the Medical Advisory Board's~~ approval ~~of~~ *by a medical board appointed by the Administrator pursuant to NRS 483.205*, when applicable.

(e) Any other information the Department deems relevant.

↪ The Director or the Director's authorized representative may, in addition, require the applicant or licensee be given a driving test and other examinations which are deemed necessary to effectively evaluate the ability of the applicant or licensee to operate a motor vehicle safely.

2. The Department may require any or all of the information specified in subsection 1, together with any other information deemed relevant in any case in which the issue arises as to whether the driving of a motor vehicle by a person would be hazardous to the public welfare.

Sec. 22. NAC 483.471 is hereby amended to read as follows:

483.471 1. The Department will waive the knowledge, driving skills and vision tests when reinstating a driver's license if:

(a) The license was suspended for:

- (1) Any violation of law governing financial responsibility;
- (2) The failure to make a report of an accident;
- (3) The violation of a written promise to appear in court pursuant to a citation;
- (4) The violation of a license restriction, other than a restriction that requires an annual vision test, a driving skills test or the submission of a medical letter from a physician;
- (5) The use, possession, sale or distribution by a minor of a controlled substance, or the purchase, consumption or possession by a minor of an alcoholic beverage;
- (6) A first offense for driving at a time when the license was suspended; or
- (7) Pursuant to NRS 483.443, the failure to:
 - (I) Comply with a subpoena or warrant relating to a proceeding to establish paternity or to establish or enforce an obligation for the support of a child; or
 - (II) Satisfy an arrearage in the payment for the support of one or more children.

(b) The license was cancelled for:

- (1) Insufficient identification at the time of application;
- (2) The issuance of a check to the Department with insufficient money or credit to pay the check;
- (3) The withdrawal of the license of the driver in another state;
- (4) The failure to pay all fees;
- (5) The failure to pay a civil penalty relating to the operation of a motor vehicle; or
- (6) Incorrect information appearing on the driver's license, except for a missing or an incorrect license endorsement.

2. An applicant who successfully completes a knowledge test for a commercial driver's license may not be required to complete a knowledge test for a noncommercial driver's license.

3. The Department will waive the driving skills test when reinstating a driver's license if:

(a) The license has been revoked for less than 1 year:

(1) For a conviction for driving under the influence of alcohol or a controlled substance;

(2) For failing to submit to a test of alcohol concentration or the presence of a controlled substance in the system of the driver; or

(3) Pursuant to the provisions of NRS 484C.220.

(b) The driver has successfully completed a driving skills test in a commercial vehicle. An additional driving skills test in a noncommercial vehicle will not be required.

(c) The license was cancelled because of an error made by the Department.

(d) The driver is reinstating his or her license by mail for the purpose of obtaining a license in another state.

4. The Department will waive the vision test when reinstating a driver's license if:

(a) The expiration date on the reinstated license will not change from the expiration date on the withdrawn license;

(b) The reinstatement is completed by mail to obtain a clearance letter or a license from another state; or

(c) The applicant provides a report from an ophthalmologist, optician or optometrist in lieu of a vision test administered by the Department.

5. The Department may waive the knowledge and driving skills tests when reinstating the privilege to operate a commercial motor vehicle to the holder of a commercial driver's license or commercial learner's permit which has been downgraded by removal. As used in this subsection, "downgrade by removal" has the meaning ascribed to it in section 3 of this regulation.

Sec. 23. NAC 483.799 is hereby amended to read as follows:

483.799 As used in NAC 483.799 to 483.850, inclusive, *and sections 3, 4 and 5 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC ~~483.7992~~ *483.79915* to ~~483.7997~~ *483.7998*, inclusive, *and section 3 of this regulation* have the meanings ascribed to them in those sections.

Sec. 24. NAC 483.801 is hereby amended to read as follows:

483.801 1. Except as otherwise provided in subsection 2, every person who applies for, or currently holds, a commercial driver's license ~~[- commercial driver's license instruction permit]~~ or commercial learner's permit must:

(a) ~~Provide a]~~ *Maintain:*

(1) A current medical examiner's certificate . ~~and, if~~

(2) *If* applicable, a document showing that the person was issued a variance by the Federal Motor Carrier Safety Administration of the United States Department of Transportation from the requirement to maintain a medical examiner's certificate or a waiver pursuant to NAC 483.8031 .

~~}; and}~~

(b) ~~{On or before January 30, 2014, self-certify}~~ *Self-certify* on a form prescribed by the Department that he or she intends to drive in only one of the following types of commerce:

- (1) Excepted interstate commerce;
- (2) Nonexcepted interstate commerce;
- (3) Excepted intrastate commerce; or
- (4) Nonexcepted intrastate commerce.

2. A person who applies for, or currently holds, a commercial driver's license ~~}; commercial driver's license instruction permit}~~ or commercial learner's permit and who operates a commercial motor vehicle only in excepted interstate commerce or excepted intrastate commerce is not required to comply with the provisions of paragraph (a) of subsection 1.

Sec. 25. NAC 483.8012 is hereby amended to read as follows:

483.8012 1. Except as otherwise provided in subsection 5, every person who applies for, or currently holds, a commercial driver's license ~~}; commercial driver's license instruction permit}~~ or commercial learner's permit shall undergo a medical examination that meets the requirements of 49 C.F.R. § 391.43.

2. If the applicant or holder obtains a medical examiner's certificate that requires a variance or waiver, he or she may apply:

(a) To the Federal Motor Carrier Safety Administration of the United States Department of Transportation for a variance.

(b) To the Department for a waiver pursuant to NAC 483.8031 if the applicant or holder:

(1) Is unable to obtain a variance from the Federal Motor Carrier Safety Administration;

(2) Operates a commercial motor vehicle solely within the borders of this State; and

(3) Does not hold an endorsement obtained pursuant to 49 C.F.R. § 383.93 to operate *double or triple trailers*, a passenger vehicle, *a tank vehicle*, a school bus or a vehicle used to transport hazardous materials.

3. A holder of a commercial driver's license that contains an endorsement to operate a passenger vehicle, a school bus or a vehicle used to transport hazardous materials who is unable to obtain a medical examiner's certificate and operates a commercial motor vehicle solely within the borders of this State must:

(a) Remove the endorsement and apply for a waiver pursuant to NAC 483.8031;

(b) Self-certify pursuant to NAC 483.801 that he or she intends to operate a commercial motor vehicle only in nonexcepted intrastate commerce and apply for a waiver pursuant to NAC 483.8031;

(c) Self-certify pursuant to NAC 483.801 that he or she intends to operate a commercial motor vehicle only in excepted interstate commerce or excepted intrastate commerce; or

(d) Apply to the Department for a noncommercial driver's license pursuant to NRS 483.010 to 483.630, inclusive.

4. A holder of a commercial driver's license whose variance issued by the Federal Motor Carrier Safety Administration has been removed or rescinded must:

(a) If he or she wishes to continue operating a commercial motor vehicle:

(1) Provide a current medical examiner's certificate indicating that the health of the holder is such that he or she does not require, or no longer requires, a waiver or variance to operate a commercial motor vehicle;

(2) Self-certify pursuant to NAC 483.801 that he or she intends to operate a commercial motor vehicle only in nonexcepted intrastate commerce and apply for a waiver pursuant to NAC 483.8031; or

(3) Self-certify pursuant to NAC 483.801 that he or she intends to operate a commercial motor vehicle only in excepted interstate commerce or excepted intrastate commerce; or

(b) If he or she wishes to operate only a noncommercial motor vehicle, apply to the Department for a noncommercial driver's license pursuant to NRS 483.010 to 483.630, inclusive.

5. A person who applies for, or currently holds, a commercial driver's license ~~commercial driver's license instruction permit~~ or commercial learner's permit and who operates a commercial motor vehicle only in excepted interstate commerce or excepted intrastate commerce is not required to comply with the provisions of subsection 1.

6. An applicant who is unable to meet the standards for hearing set forth in 49 C.F.R. § 391.41(b)(11) is not eligible for a waiver issued by the Department, but may apply to the Federal Motor Carrier Safety Administration for a variance.

Sec. 26. NAC 483.8013 is hereby amended to read as follows:

483.8013 Before a medical examiner's certificate issued to a holder of a commercial driver's license ~~commercial driver's license instruction permit~~ or commercial learner's permit expires, the Department may provide to the holder a notice that:

1. His or her medical examiner's certificate is due to expire;
2. He or she must:

- (a) Undergo a new medical examination ~~and provide to the Department a copy of the~~ *to obtain a* new medical examiner's certificate; *or*
- (b) Change his or her self-certification pursuant to NAC 483.801 to a type of commerce that does not require a medical examiner's certificate; ~~or~~
- ~~—(c) Appear in person at an office of the Department and apply for a noncommercial driver's license pursuant to NRS 483.010 to 483.630, inclusive, removing the commercial driving privilege;~~ and
3. He or she may be subject to the ~~cancellation~~ *downgrade by removal* of his or her ~~commercial driver's license, commercial driver's license instruction permit or commercial learner's permit~~ *privilege to operate a commercial motor vehicle* for failing to perform one of the actions described in subsection 2.

Sec. 27. NAC 483.8014 is hereby amended to read as follows:

483.8014 1. A person ~~who fails~~ *is subject to the downgrade by removal of his or her privilege to operate a commercial motor vehicle for failure* to comply with:

(a) The requirements of paragraph (a) of subsection 1 of NAC 483.801 . ~~is subject to a cancellation of his or her commercial driver's license, commercial driver's license instruction permit or commercial learner's permit.~~

(b) The requirements of paragraph (b) of subsection 1 of NAC 483.801 ~~on or before January 30, 2014,~~ or ~~who operates~~ *for operating* a commercial motor vehicle outside of the type of commerce for which the person ~~, on or after January 30, 2014,~~ self-certified pursuant to NAC 483.801 . ~~, is subject to a cancellation of his or her commercial driver's license, commercial driver's license instruction permit or commercial learner's permit.~~

(c) The provisions of subsection 3 or 4 of NAC 483.8012 . ~~is subject to a cancellation of his or her commercial driver's license, commercial driver's license instruction permit or commercial learner's permit.~~

2. In addition to any penalty provided in the provisions adopted by reference in NAC 483.800, a person who holds a commercial driver's license ~~;~~ ~~commercial driver's license instruction permit~~ or commercial learner's permit with an expired medical examiner's certificate is subject to ~~cancellation~~ *the downgrade by removal* of his or her ~~commercial driver's license, commercial driver's license instruction permit or commercial learner's permit.~~ *privilege to operate a commercial motor vehicle.*

3. A person whose ~~commercial driver's license, commercial driver's license instruction permit or commercial learner's permit is cancelled~~ *privilege to operate a commercial motor vehicle is downgraded by removal* pursuant to this section ~~shall~~ *may* surrender his or her commercial driver's license ~~;~~ ~~commercial driver's license instruction permit~~ or commercial learner's permit to the Department ~~;~~ *for a noncommercial driver's license.*

4. To reinstate *the privilege to operate a commercial motor vehicle to* a commercial driver's license ~~;~~ ~~commercial driver's license instruction permit~~ or commercial learner's permit after ~~cancellation,~~ *downgrade by removal*, a person must : ~~pay the reinstatement fees established in NRS 483.910 and;~~

(a) ~~Present~~ *Obtain* a current medical examiner's certificate ; ~~to the Department;~~ or

(b) Self-certify pursuant to NAC 483.801 that he or she intends to operate a commercial motor vehicle only in excepted interstate commerce or excepted intrastate commerce.

Sec. 28. NAC 483.803 is hereby amended to read as follows:

483.803 1. A person who is not physically qualified to operate a commercial motor vehicle pursuant to 49 C.F.R. § 391.41, but who is otherwise qualified to operate a commercial motor vehicle, may apply to the Department for a waiver of the physical requirements with which the person does not comply.

2. An applicant for a waiver of one or more of the physical requirements described in subsection 1 must submit to the Department an application on a form prescribed by the Department. The application must include:

(a) The applicant's full legal name, date of birth, address of principal residence, telephone number, social security number and driver's license number;

(b) The type of vehicle the applicant will operate;

(c) The type of commodities or cargo the applicant will transport;

(d) The type of transmission, braking system and steering system of the vehicle which the applicant will operate;

(e) Whether the applicant is self-employed, employed by a motor carrier or unemployed as a commercial driver;

(f) Information relating to the driving history of the applicant, including, without limitation, the number of years the applicant has been licensed to drive a commercial motor vehicle and the number of years he or she has operated the type of vehicle for the operation of which he or she is requesting a license;

(g) If the applicant is or will be employed by a motor carrier, the name and address of the motor carrier; and

(h) A description of any modifications made to the vehicle for the driver.

3. The application must be submitted to the Department of Motor Vehicles, ~~{810 East Greg Street, Sparks,}~~ *890 Trademark Drive, Reno,* Nevada ~~{89431.}~~ *89521.*

Sec. 29. NAC 483.8031 is hereby amended to read as follows:

483.8031 1. An applicant for a waiver of one or more of the physical requirements described in 49 C.F.R. § 391.41 must submit to the Department with his or her application:

(a) ~~{A copy of a medical examination required pursuant to paragraph (e) of 49 C.F.R. § 391.43;~~

~~—(b)} A copy of a medical certificate required pursuant to 49 C.F.R. § 391.43; and~~

~~{(e) A}~~

(b) If the applicant suffers from a physical impairment, a medical evaluation signed by a physician on a form prescribed by the Department ~~{if the applicant suffers from a physical impairment or by a physician or optometrist if the applicant suffers from a visual impairment. The medical evaluation}~~ *which* must:

- (1) ~~{Identify and describe the visual or physical impairment of the applicant;~~
- ~~—(2) Indicate whether the applicant's condition is stable or progressive;~~
- ~~—(3) Certify that the applicant is able to operate a commercial motor vehicle;~~
- ~~—(4) Certify that the vision of the applicant is at least 20/40, corrected or uncorrected, in at least one eye if the applicant suffers from a visual deficiency;~~
- ~~—(5)} If a limb of the applicant has been amputated or otherwise impaired, assess the physical capabilities of the applicant as they relate to his or her ability to perform the tasks specified in the description of the applicant's job which the applicant must provide to the physician;~~

~~6~~ (2) If the applicant wears a prosthetic or orthotic device, include a description of the manner in which the prosthetic or orthotic device operates; and

~~7~~ (3) If the applicant suffers from epilepsy or any other condition which is likely to cause loss of consciousness or any loss of the ability to control a commercial motor vehicle safely, ~~for if the applicant is diabetic and dependent upon insulin,~~ indicate the date of his or her most recent seizure and whether:

(I) The seizure was an isolated incident;

(II) Additional seizures are likely to occur; and

(III) The prescribed medication will interfere with the person's ability to operate a motor vehicle.

2. An applicant who suffers epilepsy or any other condition which is likely to cause loss of consciousness or any loss of the ability to control a commercial motor vehicle safely ~~or is diabetic and dependent upon insulin,~~ will not be issued a waiver unless:

(a) The applicant has not suffered any fainting or dizzy spells, seizures or other similar disorders for at least 1 year immediately preceding the date the Department receives the application; and

(b) A physician's diagnosis of the applicant's condition and its effect on the person's ability to operate a motor vehicle safely has been submitted to the Department.

3. An applicant for a waiver who wears a prosthetic or orthotic device must demonstrate his or her ability to operate safely the type of motor vehicle the applicant intends to operate. The Department may require any other applicant to demonstrate his or her ability to operate safely the type of motor vehicle the applicant intends to operate if the Department determines that such a demonstration is necessary.

4. Any information that is submitted to the Department pursuant to NAC 483.799 to 483.850, inclusive, *and sections 3, 4 and 5 of this regulation* is privileged and may be released only upon the written consent of the applicant or pursuant to a court order.

5. A person who has diabetes mellitus treated with insulin is not required to obtain a waiver pursuant to this section or undergo a medical examination pursuant to 49 C.F.R. § 391.43 unless he or she self-certifies that he or she intends to drive in nonexcepted interstate commerce or nonexcepted intrastate commerce pursuant to NAC 483.801.

Sec. 30. NAC 483.807 is hereby amended to read as follows:

483.807 1. A person who wishes to apply to the Department for a ~~commercial driver's license instruction permit or~~ commercial learner's permit may apply to the Department for a waiver of the physical requirements described in 49 C.F.R. § 391.41 in the same manner as prescribed for a person who wishes to apply for a commercial driver's license.

2. A waiver issued to a person who wishes to obtain a ~~commercial driver's license instruction permit or~~ commercial learner's permit is subject to the same conditions and restrictions as a waiver issued to an applicant who wishes to obtain a commercial driver's license.

Sec. 31. NAC 483.810 is hereby amended to read as follows:

483.810 In addition to complying with the requirements of NRS 483.290, an application for a ~~commercial driver's instruction permit,~~ commercial learner's permit or a commercial driver's license must comply with the requirements of 49 C.F.R. § 383.23.

Sec. 32. NAC 483.815 is hereby amended to read as follows:

483.815 If an application for a ~~commercial driver's instruction permit,~~ commercial learner's permit or a commercial driver's license is received from a person previously licensed in another state, the application is subject to the requirements of NRS 483.295.

Sec. 33. NAC 483.825 is hereby amended to read as follows:

483.825 The Department will not issue a commercial driver's license or commercial learner's permit pursuant to NRS 483.900 to 483.940, inclusive, to a person:

1. Who is under 21 years of age, unless the following restrictions are applied to the license or permit:
 - (a) A restriction limiting operation to intrastate operation; and
 - (b) A prohibition against the transportation of either hazardous materials or passengers under "Restriction R" as set forth in NAC 483.360;
2. Who does not meet the requirements of 49 C.F.R. §§ 391.41 to 391.49, inclusive, for operating a commercial motor vehicle;
3. Whose driver's license is revoked, suspended or subject to disqualification;
4. Who has not passed the required examinations;
5. Who fails to comply with the requirements of NAC 483.801; ~~or~~
6. Who, in the opinion of the Administrator upon good cause and belief, would not be able to drive safely a commercial motor vehicle on the highways ~~H~~;
7. *Who must use a bioptic telescopic lens to operate a noncommercial vehicle; or*
8. *Who has been placed in a prohibited status as determined by the Department in response to a query of the Drug and Alcohol Clearinghouse of the Federal Motor Carrier Safety Administration of the United States Department of Transportation pursuant to section 4 of this regulation.*