

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS
AS REQUIRED BY NRS 233B.066
LCB FILE NO. R088-24**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 483.

1. A clear and concise explanation of the need for the adopted regulation.

Senate Bill 66 was passed during the 2023 Legislative Session and related to establishing certain criteria for disqualification of commercial driving privileges in certain circumstances. The bill further authorizes DMV to adopt regulations relating to these provisions and the draft language here is the result of that. Section 2 of the proposed language relates to utilization of the federal Drug and Alcohol Clearinghouse (DACH) when reviewing a person's CDL or learner's permit when considering downgrading of a person's credentials based on clearinghouse results. Additional sections perform the following: revises provisions regarding waiver of knowledge and skills tests for CDL's under certain circumstances; make changes to medical examiner's certificates and their issuance in certain circumstances; includes new language regarding a definition for 'downgrade by removal'; makes a minor change to the physical location address of the DMV office in Reno, and; revises certain language related to self-certification of certain physical conditions.

Additionally, the proposed regulations clarify further provisions that have been developed by staff intended to revise and clean up text in chapter 483 of the NAC regarding issuance and revocation of commercial driver's licenses, activities of certifiers for skills testing and provisions regarding certain physical requirements for operating commercial motor vehicles. Overall, by implementing these elements, the Department and State will be working to enhance highway safety, allow employers to gain increased operational efficiencies and work to promote driver accountability.

2. A description of how public comment was solicited, a summary of the public response, and an explanation of how other interested persons may obtain a copy of the summary.

Comments were solicited using electronic mail and postings for both the Workshop and the Hearing, and during the public meetings themselves. During the process of posting during the workshop and hearing phases, especially during the hearing phase, the Department did interact and receive feedback from industry participants on the draft language that was developed; comments were received and responded to by staff and during the hearing meeting itself. Language was also

made available on the Department of Motor Vehicles website at www.dmvnv.com/publicmeetings.htm. Persons who would like a copy of the proceedings and comments for this process may contact the Research and Project Management Division of the Department of Motor Vehicles, 555 Wright Way, Carson City, NV 89711; email mhefner@dmv.nv.gov.

3. The number of persons who:
(a) Attended each hearing (remote meetings held via Webex and GoToMeeting, no physical location was held for these):

1. Workshop - ___1___

2. Hearing ___0___

(b) Testified at the hearing- 0

(c) Submitted to the agency written statements- 0

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity of organization represented, for each person identified above in #3, as provided to the agency, is attached as Exhibit A.

See attached Exhibit A

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comment from interested participants was obtained through the workshops and hearings held on the topic, and during notification periods when the public meetings were posted. Other persons wishing to obtain a summary of the regulations adoption proceedings may contact:

Department of Motor Vehicles
Attn: Research and Project Management Division
555 Wright Way
Carson City, NV 89711
Southern NV- (702) 486-4368
Northern NV- (775) 684-4368
Email: mhefner@dmv.nv.gov

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The Department solicited public comment on the proposed regulation language at both the workshop and hearing and ultimately adopted the language without any requested changes.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Business:

i. Both adverse and beneficial effects; and

ii. Both immediate and long-term effects.

These regulations are anticipated to have an overall beneficial impact to the commercial motor vehicle (CMV) business community in the following areas: (1) Streamlining pre-employment screening: Employers can quickly and easily access a prospective driver's full drug and alcohol violation history via a single database query; (2) Ensuring compliance: The Clearinghouse makes it easier for employers to meet their federal testing, investigation, and reporting obligations, which helps them avoid legal penalties and fines for non-compliance; (3) Aids in effective monitoring: Employers can conduct mandatory annual queries to continuously monitor the compliance status of their current drivers and receive real-time notifications of any new violations, and; (4) Protecting company reputation and liability: By consistently verifying driver eligibility, companies safeguard their reputation and mitigate liability associated with hiring drivers with substance abuse issues.

Immediate: provides easily accessible database access for drivers and users to view and access records and provide necessary consent to current or prospective employers. It will also work to clear a path to reinstatement for those drivers that have had drug or alcohol abuse issues on their record, allows for a downgrade in credentials without losing driving privileges altogether, and allows for access to a structured procedure to regain their commercial driving privileges once they've met the requirements.

Long-term: overall, adherence to the more stringent rules and provisions will act as a deterrent and encourage drivers to maintain a drug-and alcohol-free status to protect their well-paying careers and standing among the professional driver community.

- (b) **Public:**
- i. **Both adverse and beneficial effects; and**
 - ii. **Both immediate and long-term effects.**

No adverse impact to the general public is estimated; Nevada overall will benefit from having drug-free and qualified CMV drivers operating their vehicles and make Nevada roads safer by preventing recurrences of this type of poor behavior.

Through adoption of these provisions, the immediate and long-term effects to the general public would be to: work to eliminate previous problems with drivers concealing violations by changing employers or moving to a different state/jurisdiction, records can now follow their CDL information nationwide; provide real-time information to law enforcement and roadside inspectors to verify eligibility and compliance. Longer term, these regulations will work to: keep unsafe drivers off of the road by preventing drivers with unresolved drug/alcohol violations from operating CMV's in the state, and; reducing accidents by ensuring only qualified, unimpaired drivers are on the road.

8. **The estimated cost to the agency for enforcement of the adopted regulation.**
The Department incurs a standard amount of costs (\$342.00) for the general development of regulations. There is no anticipated additional cost to the Department for the enforcement of the adopted regulations.
9. **A description of any regulations of other state or government agencies that the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

Adoption of these regulations will bring Nevada into conjunction with the efforts of the Federal Motor Carrier Safety Administration (FMSCA) and other state jurisdictions' usage of the Drug and Alcohol Clearinghouse, and do not overlap or exceed federal rulemaking.

10. **If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

Not applicable

11. **If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

No additional fees or revenue are expected to be received due to the adoption of these regulations.

