

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

LCB File No. R107-08

July 10, 2008

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

AUTHORITY: §1, NRS 481.051, 483.3485, 483.349, 483.863 and 483.865; §§2-7, NRS 481.051 and 483.875; §8, NRS 483.220 and 483.490; §§9-18, NRS 483.220 and 483.383; §19, NRS 483.220, 483.495 and 483.908; §20, NRS 483.220 and 483.495; §21, NRS 481.051; §§22 and 23, NRS 483.908; §24, NRS 483.347; §§25 and 26, NRS 481.051.

A REGULATION relating to the Department of Motor Vehicles; authorizing the placement of an indicator of a medical condition on a driver's license or identification card; revising the provisions for renewing a driver's license or identification card by mail; requiring the production of a renewed driver's license or identification card in lieu of a certificate of renewal or renewal sticker; requiring the submission of a digital image and signature to renew an identification card or driver's license by mail; deleting provisions that allow a person to apply to renew a driver's license by mail by using a letter of intent; requiring the termination of an action to rescind or withdraw a driver's license from a victim of identity theft in certain circumstances; deleting provisions that authorize the issuance of a temporary commercial driver's license; increasing certain fees for a driver's license or identification card; repealing certain provisions relating to the renewal of identification cards and drivers' licenses; and providing other matters properly relating thereto.

Section 1. Chapter 483 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Upon application for a driver's license or identification card, an applicant may, if eligible, request that an indicator of a medical condition listed in subsection 2 be imprinted on his driver's license or identification card.

2. The indicator of a medical condition in subsection 1 must conform with the International Classification of Diseases, Ninth Revision, Clinical Modification (ICD-9), or the

most recent revision, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services. The following ICD-9 codes may be used on a driver's license or identification card:

- (a) Code 250.3, indicating a person with diabetes with other coma;*
- (b) Code 345.9, indicating a person with epilepsy;*
- (c) Code 369.00, indicating a person with blindness and low vision;*
- (d) Code 389.10, indicating a person with deafness;*
- (e) Code 414.0, indicating a person with coronary atherosclerosis;*
- (f) Code 496.0, indicating a person with chronic airway obstruction;*
- (g) Code E934.2, indicating a person on anticoagulents;*
- (h) Code 995.60, indicating a person with a food allergy; or*
- (i) Code 995.86, indicating a person with malignant hyperthermia.*

3. To be eligible to have a medical indicator listed in subsection 2 placed on his driver's license or identification card, an applicant, at the time of submitting his application for a driver's license or identification card and at the time for each renewal of the driver's license or identification card, must present, in person and on a form provided by the Department, written documentation prepared by a licensed physician indicating that the applicant has been diagnosed with a condition listed in subsection 2. The form must be signed and dated within the immediately preceding 30 days, and include all requested information.

4. In addition to the conditions listed in subsection 2, an applicant may request a designation on his driver's license or identification card that he is a person with a disability which limits or impairs his ability to walk.

Sec. 2. NAC 483.081 is hereby amended to read as follows:

483.081 The provisions of NAC ~~[483.080 to 483.087,]~~ *483.081 to 483.094*, inclusive, apply to a person who is ~~[residing in this State at the time he applies]~~ *applying* to renew his identification card by mail.

Sec. 3. NAC 483.084 is hereby amended to read as follows:

483.084 1. The Department will, by mail, ~~[issue a certificate of renewal to]~~ *renew the identification card of* each qualified applicant . ~~[for the renewal of his identification card.]~~

2. The holder of an identification card is not eligible to apply for the renewal of the identification card by mail if:

(a) The ~~[identification card expires 4 years after the date of expiration stated thereon because a certificate of renewal has been issued for the identification card; or]~~ *holder is applying to renew by mail for the second consecutive time;*

(b) The holder is an international instructor, international student or seasonal resident ~~[.];~~

(c) *The holder wishes to change any information other than his address which appears on the front of his identification card; or*

(d) *The identification card of the holder has been stolen, lost or destroyed.*

3. *The Department may renew the identification card of any applicant who is employed by the Federal Government, is on active military duty or is the dependent of such a person:*

(a) *Regardless of whether he previously renewed his identification card by mail; or*

(b) *If his identification card has been expired for more than 1 year, but less than 2 years.*

4. As used in this section:

(a) “International instructor” has the meaning ascribed to it in NRS 483.081.

(b) “International student” has the meaning ascribed to it in NRS 483.082.

(c) “Seasonal resident” has the meaning ascribed to it in NAC 481.005.

Sec. 4. NAC 483.085 is hereby amended to read as follows:

483.085 The Department will deny an application for the renewal of an identification card by mail and require the applicant to renew his identification card in person at an office of the Department if:

1. The applicant wishes to change any information other than his address which appears on the front of his identification card; ~~or~~
2. The applicant's identification card has been stolen, lost or destroyed ~~or~~; *or*
3. *Except as otherwise provided in NAC 483.091, the Department has not obtained the applicant's digital image and signature required for the production of a renewed identification card.*

Sec. 5. NAC 483.086 is hereby amended to read as follows:

483.086 1. If, not less than ~~2~~ 4 weeks after the Department mails ~~a certificate of renewal~~ *an identification card that has been renewed by mail* to an applicant, ~~for the renewal of his identification card by mail,~~ the applicant notifies the Department that he has not received his ~~certificate of renewal~~ *renewed identification card* and the Department determines that the current mailing address of the applicant is the mailing address that the applicant listed on his application, the Department will mail a duplicate ~~certificate of renewal~~ *identification card* to the applicant free of charge.

2. If the applicant notifies the Department pursuant to subsection 1 that he has not received his ~~certificate of renewal~~ *renewed identification card* and the Department determines that the mailing address of the applicant listed on the application is not the current mailing address of the applicant, the applicant must apply to the Department in person for ~~the renewal of his~~

~~identification card.] a change of address by completing the required application and submitting any necessary documentation to the Department.~~

Sec. 6. NAC 483.087 is hereby amended to read as follows:

483.087 1. An identification card for which a ~~[certificate of renewal]~~ *renewed identification card* has been ~~[issued]~~ *produced* is valid until:

- (a) The identification card expires; or
- (b) The ~~[certificate of renewal]~~ *renewed identification card* is lost, stolen or destroyed.

2. If a ~~[certificate of renewal]~~ *renewed identification card* is lost, stolen or destroyed, the holder of the *renewed* identification card ~~[for which the certificate of renewal is issued]~~ must apply in person to the Department for a new identification card. The new identification card expires on the *same* date *as* the *renewed* identification card . ~~[for which the certificate of renewal was issued would have expired if the certificate of renewal had not been lost, stolen or destroyed.]~~

3. The Department will charge and collect the fee prescribed for a duplicate identification card set forth in NRS 483.820 for an identification card that is issued pursuant to subsection 2.

4. A person who applies for a renewal of his identification card by mail and who requests express delivery service of the identification card must pay to the Department the actual costs of that service.

Sec. 7. NAC 483.091 is hereby amended to read as follows:

483.091 1. A person specified in NAC ~~[483.090]~~ *483.081* may apply for the renewal of his identification card by mail by submitting to the Department ~~[~~

~~—(a)—An] an~~ application provided by the Department . ~~[; or~~

~~—(b)—A letter of request which]~~ *The application* must include the applicant's:

~~[(1) Full legal name.~~

~~—(2) Date of birth.~~

~~—(3) Social security number.~~

~~—(4)]~~

(a) Except as otherwise provided in this ~~[subparagraph,]~~ *paragraph*, mailing address and the address of his residence in this State. If the applicant is an employee of the Federal Government or on active military duty or a dependent of such an applicant, he is not required to comply with this ~~[subparagraph,]~~ *paragraph*, but he must submit an employment or military record which indicates that this State is the state of his residence.

~~[(5)]~~ (b) Mailing address outside the State.

~~[(6)]~~ (c) Physical description, including, without limitation, his height and weight and the color of his hair and eyes.

~~[(7)]~~ (d) Mother's maiden name.

~~[(8)]~~ (e) Signature.

2. Each application ~~[or letter of request]~~ must be accompanied by the ~~[fee]~~ *fees* required by NRS 483.820 ~~[.]~~ *and NAC 483.900.*

3. ~~[If the information set forth in the application or letter of request includes information indicating a change in the:~~

~~—(a) Legal name;~~

~~—(b) Date of birth;~~

~~—(c) Social security number; or~~

~~—(d) Sex;~~

~~→ of the applicant, it must be accompanied by proof of the correct information.~~

~~—4.]~~ Each application ~~[or letter of request]~~ must be mailed or otherwise delivered to the Department of Motor Vehicles, 555 Wright Way, Carson City, Nevada 89711-0450, Attention: Central Services and Records Division, Renewal by Mail Section.

~~[5.]~~ 4. Each applicant may register to vote or correct any information relating to the applicant set forth in the registrar of voters' register.

~~[6.]~~ 5. The Department will, within 10 business days after receiving the application : ~~[or letter of request:]~~

- (a) Mail a new identification card to the applicant;
- (b) Request additional information from the applicant; or
- (c) Deny the application . ~~[or request.]~~

~~—7.—Each]~~ 6. *If the Department has obtained a digital image and signature of the applicant, the digital image and signature will be included on the identification card mailed to the applicant pursuant to this section.*

7. *If the Department has not obtained a digital image of the applicant, the* identification card mailed pursuant to this section must have the words “valid without photo” in the place where the photograph of the holder of the identification card would *otherwise* appear . ~~[if he had obtained his identification card in person.]~~

Sec. 8. NAC 483.254 is hereby amended to read as follows:

483.254 The Department will not issue ~~[a restricted license to a person who:~~

~~—1.—Is]~~ :

1. *A restricted license to a person who is* under 18 years of age and has been prohibited from applying for a driver's license pursuant to a court order issued pursuant to:

(a) Title 5 of NRS for placing graffiti on or otherwise defacing the public or private property, real or personal, of another person, in violation of NRS 206.125 or 206.330; or

(b) Title 5 of NRS for handling or possessing a firearm or having a firearm under his control in violation of NRS 202.300; ~~[or]~~

2. ~~[Is]~~ *A restricted license to a person who is* 18 years of age or older and has been prohibited from applying for a driver's license pursuant to a court order for placing graffiti on or otherwise defacing the public or private property, real or personal, of another person in violation of NRS 206.330 ~~[]~~; *or*

3. *A restricted commercial driver's license which permits the operation of a commercial motor vehicle.*

Sec. 9. NAC 483.423 is hereby amended to read as follows:

483.423 The provisions of NAC ~~[483.420]~~ **483.423** to 483.455, inclusive, apply to a person who is residing in this State at the time he applies to renew his driver's license by mail.

Sec. 10. NAC 483.430 is hereby amended to read as follows:

483.430 1. The holder of a driver's license is not eligible to apply for the renewal of the license by mail if:

(a) The ~~[license expires 4 years after the date of expiration stated thereon because a renewal sticker has been issued for the license;]~~ *holder is applying for a second consecutive renewal of the license by mail;*

(b) The license is a commercial driver's license;

(c) At the time the Department mails to the applicant the expiration notice required pursuant to NRS 483.382, an examination of the applicant's driving record in this State, any other state, the District of Columbia, any territory or possession of the United States or any country indicates

that his driver's license or privilege to drive in that jurisdiction is suspended, revoked or cancelled or that his application for a driver's license in that jurisdiction has been denied;

(d) The license is subject to Restriction M, N, O or S, or any combination thereof, as those restrictions are described in NAC 483.350, 483.360 and 483.365;

(e) He is ~~less than 25 years of age;~~

~~(f) He is~~ 71 years of age or older, unless he submits:

(1) A statement from a licensed physician providing that it is the opinion of the physician that the person is physically able to operate a motor vehicle safely; and

(2) A report from a licensed ophthalmologist, optometrist or physician regarding the vision of the person, including, without limitation, the visual acuity of the person in each eye, with corrective lenses, if applicable;

~~(g)~~ (f) He has been convicted of three or more traffic violations within the 4 years immediately preceding the date of expiration of the license;

~~(h)~~ (g) The license is a restricted driver's license issued pursuant to NRS 483.490;

~~(i)~~ (h) His name is listed in the records of the Department as a person who must renew his driver's license in person because the Department believes that the information contained on his driver's license may be incorrect or that his license may have been issued as a result of fraud or mistake; ~~for~~

~~(j)~~ (i) He is an international instructor or an international student; ~~for~~

~~(k)~~ (j) He is required to leave the United States on or before the date of expiration of the license ~~for~~; *or*

(k) *He wishes to change any information other than his address which appears on the front of his driver's license.*

2. A statement or report submitted pursuant to paragraph ~~[(f)]~~ (e) of subsection 1 must be:

- (a) Completed on a form acceptable to the Department; and
- (b) Dated not more than 90 days before the date of its submission to the Department.

3. As used in this section:

- (a) “International instructor” has the meaning ascribed to it in NRS 483.081.
- (b) “International student” has the meaning ascribed to it in NRS 483.082.
- (c) “Traffic violation” has the meaning ascribed to it in NRS 483.473.

Sec. 11. NAC 483.435 is hereby amended to read as follows:

483.435 1. Each application for the renewal of a driver’s license by mail must:

- (a) Be made upon a form furnished by the Department;
- (b) Be mailed or otherwise delivered to the Department of Motor Vehicles, Renewal of Drivers’ Licenses By Mail, 555 Wright Way, Carson City, Nevada 89711-0450;
- (c) Be accompanied by the fees required pursuant to NRS ~~[483.383;]~~ **483.410 and NAC 483.900;**
- (d) Include the full legal name, date of birth, driver’s license number, mailing address and residential address of the applicant; and
- (e) Include such other information as the Department may require.

2. At the time he applies for the renewal of his driver’s license by mail, an applicant may change his mailing or residential address as it appears on his driver’s license.

3. The Department will include on the application for the renewal of a driver’s license by mail the opportunity for the applicant to indicate on his ~~[renewal sticker]~~ **renewed driver’s license** that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to

~~[451.590,]~~ 451.598, inclusive, or that he refuses to make an anatomical gift of his body or part of his body.

Sec. 12. NAC 483.440 is hereby amended to read as follows:

483.440 1. The Department will deny an application for the renewal of a driver's license by mail and require the applicant to renew his license in person at an office of the Department if:

(a) The applicant indicates on his application that he suffers from a physical or mental condition which may interfere with his ability to operate a motor vehicle safely;

(b) The applicant wishes to change the information which appears on the front of his driver's license other than his address;

(c) The applicant wishes to add an endorsement to or change the classification of his driver's license;

(d) The applicant's driver's license has been stolen, lost or destroyed;

(e) The applicant is not eligible to apply for the renewal of his driver's license by mail pursuant to NAC 483.430; ~~[or]~~

(f) The applicant submits his application for the renewal of his driver's license by mail 30 days or more after the expiration of his driver's license ~~[H]~~; *or*

(g) Except as otherwise provided in NAC 483.4565, the Department has not obtained the applicant's digital image and signature required for the production of a renewed driver's license.

2. Except as otherwise provided in paragraph ~~[(e)]~~ (e) of subsection 1 of NAC 483.430, to renew his driver's license by mail, a qualified applicant is not required to complete an examination of his vision, a written examination or a driving examination.

Sec. 13. NAC 483.445 is hereby amended to read as follows:

483.445 1. The Department will issue a ~~[renewal sticker]~~ *renewed driver's license, by mail*, to each qualified applicant. ~~[for the renewal of his driver's license by mail.]~~

2. A person ~~[to]~~ *for* whom a renewal ~~[sticker is issued shall affix the renewal sticker to the back of his driver's license and have his driver's license in his possession when he operates a motor vehicle.]~~ *is authorized will receive a new driver's license, which includes a photograph and signature, by first-class mail.*

3. A driver's license ~~[for which a renewal sticker has been issued]~~ *which is renewed by mail* expires 4 years after the ~~[date of expiration stated on the driver's license for which the renewal sticker is issued.]~~ *birthday of the applicant nearest the date of renewal.*

4. *An applicant who applies to renew his driver's license by mail and who requests express delivery service of the driver's license must pay to the Department the actual costs of that service.*

Sec. 14. NAC 483.451 is hereby amended to read as follows:

483.451 1. If, not less than ~~[2]~~ **4** weeks after the Department mails a ~~[renewal sticker to an applicant for the renewal of his driver's license by mail,]~~ *driver's license that has been renewed by mail*, the applicant notifies the Department that he has not received his ~~[renewal sticker]~~ *renewed driver's license* and the Department determines that the current mailing address of the applicant is the mailing address that the applicant listed on his application, the Department will mail a duplicate ~~[renewal sticker]~~ *driver's license* to the applicant at no charge.

2. If the applicant notifies the Department pursuant to subsection 1 that he has not received his ~~[renewal sticker]~~ *renewed driver's license* and the Department determines that the mailing address of the applicant listed on the application is not the current mailing address of the

applicant, the applicant must apply to the Department in person for the renewal of his driver's license.

Sec. 15. NAC 483.455 is hereby amended to read as follows:

483.455 1. A driver's license ~~[for which a renewal sticker has been issued]~~ *which is renewed by mail* is valid until:

- (a) The license expires pursuant to NAC 483.445; or
- (b) The ~~[renewal sticker]~~ *license* is lost, stolen or destroyed.

2. If a ~~[renewal sticker]~~ *driver's license which was renewed by mail* is lost, stolen or destroyed, the licensee must apply in person to the Department for a new driver's license. The new driver's license expires on the *same* date *as* the driver's license ~~[for which the renewal sticker was issued would have expired if the renewal sticker had not been lost, stolen or destroyed.]~~ *which was renewed by mail.*

3. The Department will charge and collect the fee prescribed for a duplicate license in NRS 483.410 for a driver's license issued pursuant to subsection 2.

Sec. 16. NAC 483.4565 is hereby amended to read as follows:

483.4565 1. A person may apply for a driver's license by mail by submitting to the Department ~~[-~~

~~—(a) An] an~~ application provided by the Department . ~~[-; or~~

~~—(b) A letter of request which must include the following:~~

~~—(1) His full name.~~

~~—(2) His date of birth.~~

~~—(3) His social security number.~~

~~— (4) Except as otherwise provided in this subparagraph, his mailing address and the address of his residence in this State. If the applicant is an employee of the Federal Government, on active military duty or a dependent of such a person, he is not required to comply with this subparagraph, but he must submit an employment or military record which indicates that this State is the state of his residence.~~

~~— (5) His mailing address outside the State.~~

~~— (6) His physical description, including, without limitation, his height and weight and the color of his hair and eyes.~~

~~— (7) His mother's maiden name.~~

~~— (8) His signature.]~~

2. Each application ~~[or letter of request]~~ must be accompanied by the required ~~[fee.]~~ *fees*.

3. If the application ~~[or letter of request]~~ is for a renewal of a driver's license, it must be accompanied by:

(a) A report regarding the vision of the applicant from a licensed ophthalmologist, optometrist or physician, or an agency which issues driver's licenses in another state. The report must:

(1) Be signed by the ophthalmologist, optometrist or physician, or a representative of the agency;

(2) Include the applicant's name, address ~~;~~ *and* driver's license number ; ~~and social security number;]~~

(3) Be dated not earlier than 90 days before its submission to the Department;

(4) Include visual acuity readings acceptable to the Department; and

(5) Indicate whether the test was administered with corrective lenses.

(b) If the applicant is 71 years of age or older, a statement from a licensed physician providing that it is the opinion of the physician that the person is physically able to operate a motor vehicle safely. The statement must be:

- (1) Completed on a form acceptable to the Department.
- (2) Dated not earlier than 90 days before its submission to the Department.

(c) If the applicant is an employee of the Federal Government, on active military duty or a dependent of such a person, proof that he is:

- (1) On active military duty or a dependent of such a person; or
- (2) Employed by the Federal Government or a dependent of such a person.

4. ~~If the application or letter of request is to change the:~~

~~—(a) Name;~~

~~—(b) Date of birth;~~

~~—(c) Social security number; or~~

~~—(d) Sex;~~

~~→ of the applicant, it must be accompanied by proof of the correct information.~~

~~—5.]~~ Each application ~~[or letter of request]~~ must be submitted to a driver's license office of this State.

~~[6.]~~ 5. Each applicant will be given the opportunity to register to vote or to correct information in the registrar of voters' register.

~~[7.]~~ 6. The Department will, within 10 business days after receiving the application : ~~[or letter of request:]~~

- (a) Mail a driver's license to the applicant;
- (b) Request additional information from the applicant; or

(c) Deny the application . ~~[or request.]~~

~~—8.—~~ ~~Each]~~ 7. *If the Department has obtained a digital image and signature of the applicant, the digital image and signature will be included on each driver’s license mailed pursuant to this section .*

8. *If the Department has not obtained a digital image of the applicant, the mailed driver’s license must have the words “valid without photo” in the place where the photograph of the licensee would otherwise appear .* ~~[if the licensee had obtained his driver’s license in person.]~~

Sec. 17. NAC 483.4585 is hereby amended to read as follows:

483.4585 The Department will collect a late fee in addition to the required renewal fee to renew any driver’s license by mail that has been expired for 30 days or more, unless:

1. The application ~~[or letter of request]~~ was postmarked before the license had been expired for 30 days;
2. The application ~~[or letter of request]~~ was postmarked before the license had been expired for 30 days and the Department requested additional information from the applicant; or
3. The applicant is on active military duty.

Sec. 18. NAC 483.459 is hereby amended to read as follows:

483.459 1. An application ~~[or letter of request]~~ for a driver’s license by mail will not be processed by the Department and a letter requesting additional information will be sent to the applicant within 10 days after receipt of the application ~~[or letter of request]~~ if:

- (a) Proof of residence is required;
- (b) No fee or an insufficient fee was submitted with the application ; ~~[or letter of request;]~~
- (c) Proof of the applicant’s name change is required;

(d) Proof of the applicant's military status or employment by the Federal Government is required;

(e) Additional information is needed to locate the driving record of the applicant;

(f) There is a discrepancy between the social security number submitted by the applicant and the social security number on the applicant's driving record;

(g) The applicant is licensed to drive in another state;

(h) The report required pursuant to paragraph (a) of subsection 3 of NAC 483.4565 was not submitted to the Department or needs to be corrected; or

(i) The applicant's driver's license issued by another state has been suspended, cancelled, revoked or denied by that state.

2. The Department may request such additional information as it deems necessary to determine whether an applicant is physically or mentally capable of operating a motor vehicle safely.

Sec. 19. NAC 483.475 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 20. NAC 483.480 is hereby amended to read as follows:

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

(a) Incorrect information on the driver's license and the information has been corrected by the Department;

(b) A conviction and the Department has received a notice from the court amending the conviction to an offense which is not cause for the withdrawal of the license;

(c) A statement from a law enforcement officer and the Department has received a corrected statement from the officer amending the information that caused the withdrawal action; or

(d) A statement from a law enforcement officer and the Department has received an amended conviction order from the court finding that the license was incorrectly revoked.

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

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

Sec. 21. NAC 483.555 is hereby amended to read as follows:

483.555 1. The Department hereby adopts by reference the provisions of 23 C.F.R. Part 1327.5 and Appendix A to Part 1327, "Abridged Listing of the American Association of Motor

Vehicle Administrators Violations Exchange Code, Used by the NDR for Recording Driver License Denials and Withdrawals ~~[,],~~ *and Convictions of Motor Vehicle-Related Offenses,*” as those provisions existed on ~~[November 8, 1991.]~~ *April 1, 2007, and any subsequent amendments to those provisions.* A copy of the provisions of 23 C.F.R. Part 1327.5 and Appendix A to Part 1327 may be obtained from the ~~[Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, for the price of \$26.]~~ *United States Government Printing Office, 732 North Capitol Street, N.W., Washington, D.C. 20401, for the price of \$45.*

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

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

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

~~—(c) Changing lanes improperly.~~

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

Sec. 22. NAC 483.8485 is hereby amended to read as follows:

483.8485 1. A peace officer who has received the ~~[result]~~ *results* of a test given pursuant to NRS ~~[484.382 or 484.383]~~ *484.379778* which ~~[indicates]~~ *indicate* that a person who, while in control of a commercial motor vehicle, had a concentration of alcohol of 0.04 or more but less than 0.08 in his blood or breath shall prepare a written certificate indicating whether the peace officer:

- (a) Had reasonable grounds to believe that the person was driving under the influence of alcohol;
- (b) Served an order of suspension on the person pursuant to subsection 2; and
- (c) Issued the person a temporary *noncommercial* driver's license ~~[of the same type and class as the license which was seized]~~ pursuant to subsection 2.

2. If a person who is in control of a commercial motor vehicle and to whom a test is given pursuant to NRS ~~[483.382 or 484.383]~~ *484.379778* is present when a peace officer receives the ~~[result]~~ *results* of the test and the ~~[test indicates]~~ *results of the test indicate* that the person ~~[has]~~ *had* a concentration of alcohol of 0.04 or more but less than 0.08 in his blood or breath, the peace officer shall:

- (a) Serve an order of suspension of the driver's license, permit or privilege to drive;
- (b) Seize any driver's license or permit of the person;
- (c) Advise the person of his right to:
 - (1) Administrative and judicial review of the suspension; and
 - (2) Obtain a temporary ~~[commercial]~~ *noncommercial* driver's license, if his driver's license is seized pursuant to paragraph (b);
- (d) If the person ~~[requests a temporary driver's license, and his driver's license is seized pursuant to paragraph (b), issue the person a temporary driver's license of the same type and class as the license which was seized on a form approved by the Department which becomes effective 24 hours after he receives the temporary driver's license and expires 168 hours after it becomes effective; and~~
~~—(e)]~~ *holds a commercial driver's license and his license is seized pursuant to paragraph (b), advise the person that he is not eligible to receive a temporary commercial driver's license;*

(e) If the person requests a temporary driver's license, issue the person a temporary noncommercial driver's license pursuant to NRS 484.385 on a form approved by the Department; and

(f) Transmit to the Department:

(1) Any driver's license or permit seized pursuant to paragraph (b); and

(2) The written certificate that the peace officer is required to prepare pursuant to subsection 1.

3. If a person who was in control of a commercial motor vehicle and to whom a test is given pursuant to NRS ~~[484.382 or 484.383]~~ 484.379778 is not present when a peace officer receives the ~~[result]~~ results of the test and the ~~[test indicates]~~ results of the test indicate that the person ~~[has]~~ had a concentration of alcohol of 0.04 or more but less than 0.08 in his blood or breath, the peace officer shall transmit to the Department a copy of the ~~[result]~~ results of the test and the written certificate that the peace officer is required to prepare pursuant to subsection 1.

4. The Department, upon receiving a copy of the ~~[result]~~ results of the test and the written certificate transmitted by the peace officer pursuant to subsection 3, will:

(a) Review the ~~[result]~~ results of the test and the written certificate; and

(b) If the Department determines that it is appropriate, issue an order to suspend the commercial driver's license, permit or privilege to drive of the person by mailing the order to the person at his last known address.

5. An order for suspension issued by the Department pursuant to subsection 4 must:

(a) Explain the grounds for the suspension;

(b) Indicate the period of the suspension;

(c) Require the person to transmit to the Department any commercial driver's license or permit held by the person; and

(d) Explain that the person has a right to administrative and judicial review of the suspension.

6. An order for suspension issued by the Department pursuant to subsection 4 is presumed to have been received by the person 5 days after the order is deposited by the Department, postage prepaid, in the United States mail. The date of mailing of the order may be shown by a certificate specifying the date of mailing that is prepared by an officer or employee of the Department.

Sec. 23. NAC 483.849 is hereby amended to read as follows:

483.849 1. At any time during which the driver's license, permit or privilege to drive is suspended pursuant to NAC 483.8485, the person may request in writing an administrative hearing by the Department to review the order of suspension. A person is entitled to only one administrative hearing pursuant to this section.

2. Unless the parties agree otherwise, the hearing must be conducted within 15 days after receipt of the request, or as soon thereafter as is practicable, in the county in which the requester resides.

3. The Director of the Department or his agent may:

(a) Issue subpoenas for:

(1) The attendance of witnesses at the hearing; and

(2) The production of relevant books and papers; and

(b) Require a reexamination of the requester.

4. The scope of the hearing must be limited to the issues of whether the person, at the time of the test:

- (a) Was in control of a commercial motor vehicle; and
- (b) Had a concentration of alcohol of 0.04 or more but less than 0.08 in his blood or breath.

5. The Department will issue to the person a temporary *noncommercial* driver's license of the same type and class as the license which was seized, if he holds a driver's license for a period that is sufficient to complete the administrative hearing.

6. Upon an affirmative finding on the issues listed in subsection 4, the Department will affirm the order of suspension. Otherwise, the order of suspension must be rescinded.

7. If the order of suspension is affirmed by the Department, the person is entitled to judicial review of the issues listed in subsection 4 in the manner provided in chapter 233B of NRS.

8. Upon receiving a notice from a court of competent jurisdiction that the court has issued a stay, the Department will issue an additional temporary *noncommercial* driver's license if the person holds a driver's license for a period that is sufficient to complete the judicial review.

9. Upon receiving a notice from:

- (a) A hearing officer that he has granted a continuance of the administrative hearing; or
- (b) A court of competent jurisdiction that the court has granted a continuance after issuing a

stay of the suspension,

↳ the Department will cancel any temporary driver's license granted pursuant to this section and notify the holder by mailing an order of cancellation to the last known address of the holder.

10. If the person holds a commercial driver's license and his license is seized, he is not eligible to receive a temporary commercial driver's license.

Sec. 24. NAC 483.900 is hereby amended to read as follows:

483.900 1. To cover the actual cost of production of photographs for drivers' licenses and identification cards, the Department will charge and collect, in addition to the fees charged

pursuant to NRS 483.410, 483.820 and 483.910, ~~[\$2.25 for each photograph taken]~~ \$3 for the issuance of an original, *renewed*, duplicate or changed ~~[noncommercial]~~ driver's license ~~[- commercial driver's license]~~ or identification card.

2. The money collected pursuant to subsection 1 must be deposited in the State Treasury for credit to the Motor Vehicle Fund and must be allocated to the Department to defray the increased costs of producing drivers' licenses and identification cards pursuant to NRS 483.347.

3. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 25. NAC 483.080, 483.083, 483.090, 483.093, 483.094 and 483.420 are hereby repealed.

Sec. 26. 1. This section and sections 8 and 20 to 23, inclusive, of this regulation become effective upon filing with the Secretary of State.

2. Sections 1 to 7, inclusive, 9 to 19, inclusive, 24 and 25 of this regulation become effective:

(a) On October 1, 2008; or

(b) Upon filing with the Secretary of State,

↪ whichever is later.

TEXT OF REPEALED SECTIONS

483.080 “Certificate of renewal” defined. As used in NAC 483.080 to 483.087, inclusive, “certificate of renewal” means a certificate issued by the Department pursuant to NAC 483.084 to a person who renews his identification card by mail.

483.083 Application for renewal.

1. Each application for the renewal of an identification card by mail must:
 - (a) Be made upon a form provided by the Department;
 - (b) Be mailed or otherwise delivered to the Department of Motor Vehicles, 555 Wright Way, Carson City, Nevada 89711-0450, Attention: Central Services and Records Division, Renewal by Mail Section;
 - (c) Be accompanied by the applicable fee required by NRS 483.820;
 - (d) Include the full legal name, date of birth, identification card number, mailing address and residential address of the applicant; and
 - (e) Include such other information as the Department may require.
2. At the time he applies for the renewal of his identification card by mail, an applicant may change his mailing or residential address as it appears on his identification card.
3. The Department will include on the application for the renewal of an identification card by mail the opportunity for the applicant to indicate on his certificate of renewal that he:

(a) Wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, or that he refuses to make an anatomical gift of his body or part of his body; or

(b) Wishes to register to vote or correct any information relating to the applicant set forth in the registrar of voters' register.

483.090 Applicability of provisions. The provisions of NAC 483.090 to 483.094, inclusive, apply to a person who is temporarily residing outside of this State at the time he applies for an identification card by mail.

483.093 Determination of eligibility.

1. Any person who is a resident of this State, holds an identification card from this State and is temporarily residing outside this State is eligible to renew his identification card by mail unless, except as otherwise provided in subsection 2, he is applying for a second consecutive renewal by mail.

2. The Department may renew the identification card of any applicant who is employed by the Federal Government or on active military duty or the dependent of such an applicant:

(a) Regardless of whether his identification card was previously renewed by mail; and

(b) If his identification card has been expired for more than 1 year but less than 2 years.

483.094 Failure to receive identification card from Department; application for duplicate identification card.

1. If a person who applies for the renewal of his identification card by mail notifies the Department that he has not received the identification card within 30 days after the identification card was mailed and the Department determines that:

(a) The applicant did not change his mailing address, the Department will issue and mail another identification card to the applicant free of charge.

(b) The applicant has changed his mailing address, the applicant must apply for a duplicate identification card and pay the applicable fee for the duplicate identification card set forth in NRS 483.820.

2. If an applicant has lost, mutilated or destroyed his identification card, he must apply for a duplicate identification card and pay the applicable fee for the duplicate identification card set forth in NRS 483.820.

483.420 “Renewal sticker” defined. As used in NAC 483.420 to 483.455, inclusive, “renewal sticker” means a sticker issued by the Department to a person who renews his driver’s license by mail pursuant to NAC 483.445.