

**ADOPTED REGULATION OF THE DIRECTOR OF THE
DEPARTMENT OF MOTOR VEHICLES AND PUBLIC SAFETY**

LCB File No. R063-00

Effective August 14, 2000

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

AUTHORITY: §§1-7, NRS 481.051 and 483.220.

Section 1. Chapter 483 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this regulation.

Sec. 2. 1. *In addition to the documents listed in subsection 2 of NRS 483.290, the documentation that the department must accept as proof of the name and age of an applicant for a driver's license, motorcycle driver's license or identification card as required pursuant to NRS 483.290, 483.860 and 486.081, respectively, includes, without limitation:*

(a) A military identification card issued by the United States Government, including a military identification card issued to a dependent of military personnel;

(b) An original or a certified copy of one of the following documents issued by the Immigration and Naturalization Service of the United States Department of Justice:

(1) A Temporary Resident Card;

(2) A Permit to Reenter the United States;

(3) A Refugee Travel Document; or

(4) If it is accompanied by the passport of the bearer of that document, an Arrival-Departure Record; and

(c) An identification card issued by another state or the District of Columbia if an applicant for such an identification card is required to furnish proof of his date of birth to obtain the identification card and the department determines that the documentation required by the other state or the District of Columbia is substantially similar to the documentation that an applicant is required to furnish to prove his date of birth pursuant to NRS 483.860 and this section.

2. The headquarters office of the department which is located in Carson City shall maintain a list of the identification cards of other states or the District of Columbia that the department has determined are unacceptable as proof of the name and age of an applicant for a driver's license, motorcycle driver's license or identification card in this state. The headquarters office of the department shall provide a copy of the list to:

- (a) Each branch office of the department that provides a full range of services; and*
- (b) A member of the general public upon request.*

Sec. 3. *1. A person who wishes or is required pursuant to NRS 483.390 or 483.870 to change the name indicated on his driver's license, motorcycle driver's license or identification card must submit proof satisfactory to the department that his name was legally changed. The proof may include, without limitation:*

(a) An original or a certified copy of any document listed in subsection 2 of NRS 483.290 that reflects the change of name;

(b) One of the following documents if that document reflects the change of name and indicates that it has been filed with a court of competent jurisdiction, recorded by the county recorder or filed with or certified by another appropriate agency:

- (1) A certificate of marriage;*

- (2) An abstract of a recorded certificate of marriage;*
- (3) An order of a court changing the name of the person;*
- (4) A decree of adoption;*
- (5) A divorce decree; or*
- (6) Any other document that the department determines is acceptable as proof of the change of name; and*

(c) If the person is requesting that the department change the name indicated on his driver's license, motorcycle driver's license or identification card to a former name, a record of the department relating to a driver's license, motorcycle driver's license or identification card previously issued to the person that indicates the former name.

2. Except as otherwise provided in subsection 3, the department shall indicate the name of the person requesting the change of name on a new driver's license, motorcycle driver's license or identification card in a manner that is identical to the manner in which the name appears on the document submitted by the person as proof of the change of name.

3. Upon request, the department shall indicate the name of the person requesting the change of name on a driver's license, motorcycle driver's license or identification card in a manner that combines the maiden name and the married name of the person.

Sec. 4. *A person who wishes to change the social security number indicated on his driver's license, motorcycle driver's license or identification card must submit proof satisfactory to the department that the social security number indicated on his driver's license, motorcycle driver's license or identification card is incorrect. The proof may include, without limitation, any of the following documents if the document indicates the social security number of the person:*

- 1. Any document listed in subsection 4 of NRS 483.290;*
- 2. A military identification card issued by the United States Government, including a military identification card issued to a dependent of military personnel;*
- 3. Discharge papers issued by a branch of the military or naval service of the United States;*
- 4. A driver's license issued by another state or the District of Columbia; or*
- 5. An identification card issued by another state or the District of Columbia.*

Sec. 5. A person who wishes to change the date of birth indicated on his driver's license, motorcycle driver's license or identification card must submit proof satisfactory to the department that the date of birth indicated on his driver's license, motorcycle driver's license or identification card is incorrect. The proof may include, without limitation:

- 1. Any document listed in section 2 of this regulation as acceptable proof of the name and age of an applicant for a driver's license, motorcycle driver's license or identification card;*
- 2. Discharge papers issued by a branch of the military or naval service of the United States;*
- 3. A decree of adoption that has been filed with a court of competent jurisdiction; or*
- 4. Any other documentation acceptable to the department.*

Sec. 6. 1. A person who wishes to change the gender indicated on his driver's license, motorcycle driver's license or identification card must submit proof satisfactory to the department that his gender was changed. The proof must include documentation prepared by a physician or an osteopathic physician indicating that the gender of the person has been changed.

2. *A statement by a physician who practices in the area of psychiatry that the gender of the person will be changed or is in the process of being changed is not sufficient documentation for the purposes of subsection 1.*

3. *If a person requests that the department change the name and the gender indicated on his driver's license, motorcycle driver's license or identification card, he must submit proof that his name was legally changed as prescribed in section 3 of this regulation in addition to the documentation set forth in subsection 1.*

4. *As used in this section:*

(a) *“Osteopathic physician” means a person who is licensed to practice osteopathic medicine pursuant to chapter 633 of NRS or the laws of another state or jurisdiction.*

(b) *“Physician” means a person who is licensed to practice medicine pursuant to chapter 630 of NRS or the laws of another state or jurisdiction.*

Sec. 7. *If a person requests that the department change the information on his driver's license, motorcycle driver's license or identification card pursuant to sections 2 to 6, inclusive, of this regulation, the department shall:*

1. *Require the person requesting the change to surrender his current driver's license, motorcycle driver's license or identification card;*

2. *Charge and collect the appropriate fee as set forth in NRS 483.410 or 483.820; and*

3. *Issue a new driver's license, motorcycle driver's license or identification card to the person.*

NOTICE OF ADOPTION OF REGULATION

DEPARTMENT OF MOTOR VEHICLES AND PUBLIC SAFETY MOTOR VEHICLES BRANCH

July 10, 2000

Lorne J. Malkiewich
Legislative Counsel Bureau
401 S. Carson Street
Carson City, Nevada 89710

RE: LCB FILE NUMBER R062-00

Dear Mr. Malkiewich:

We are returning the enclosed regulations for adoption. The Informational Statement is also enclosed.

We would like to adopt the proposed regulations as drafted by the Legislative Counsel Bureau with the additional changes:

Section 2, subsection 3. An identification card issued by another state or the district of Columbia if an applicant for such an identification card is required to furnish proof of his date of birth to obtain the identification card and the department determines that the documentation required by the other state or the District of Columbia is substantially similar to the documentation that an applicant is required to furnish to prove his date of birth pursuant to NRS 483.860 and this section. The headquarters office of the DMVPS shall provide each full service branch office with a list of those states whose identification cards have been deemed as unacceptable as proof of name or date of birth for the purpose of obtaining a Nevada driver's license or identification card. This list shall be made available to the public upon request.

If you need further clarification or information, please contact Dana Mathiesen, Administrator, Central Services, at (775) 684-4490.

I appreciate your assistance in this matter.

Sincerely,

Dana Mathiesen, Administrator
Central Services

Enclosures

LCB File No. R063-00

INFORMATIONAL STATEMENT

Regulations under NAC Chapter 483

Subject: IDENTIFICATION DOCUMENTS

1. Public Comment was solicited through:

Department of Motor Vehicles & Public Safety
555 Wright Way
Carson City, Nevada 89711

Department of Motor Vehicles & Public Safety
973 W. Williams St.
Fallon, NV 89406

Department of Motor Vehicles & Public Safety
305 Galletti Way
Reno, NV 89502

Department of Motor Vehicles & Public Safety
8250 W. Flamingo
Las Vegas, NV 89117

Department of Motor Vehicles & Public Safety
3920 Idaho Street
Elko, NV 89801

Department of Motor Vehicles & Public Safety
178 Avenue F
Ely, NV 89301

Department of Motor Vehicles & Public Safety
4021 W. Carey
North Las Vegas, NV 89030

Department of Motor Vehicles & Public Safety
300 Ridgeway Dr.
Tonopah, NV 89049

Department of Motor Vehicles & Public Safety
3505 Construction Way
Winnemucca, NV 89445

Department of Motor Vehicles & Public Safety
215 West Bridge St.
Yerington, NV 89447

Department of Motor Vehicles & Public Safety
1694 County Road
Minden, NV 89423

Goldfield Public Library
P.O. Box 430
Goldfield, NV 89013
(Fourth & Crook Street)

Eureka Branch Library
P.O. Box 293
Eureka, NV 89316
(10190 Monroe Street)

Battle Mountain Branch Library
625 Broad Street
Battle Mountain, NV 89820

Lincoln County Library
P.O. Box 330
Pioche, NV 89043
(93 Main Street)

Mineral County Library
P.O. Box 1390
Hawthorne, NV 89415
(First & A Street)

Pershing County Library
P.O. Box 781
Lovelock, NV 89419
(1125 Central Avenue)

Storey County Library
P.O. Box 14
Virginia City, NV 89440
(95 South R Street)

Nevada State Library
401 North Carson
Carson City, NV 89710

Summary of Public Response:

1. The department received a letter from representatives of the Nevada Professional Driving School Association, dated March 22, 2000. The letter questioned the department's authority to refuse certain identification documents that are generally accepted by other state or federal agencies. The letter also indicated that they believed there is an economic effect on business created by this regulation, resulting from limiting employability opportunities of Nevada residents who are unable to obtain a license or identification card based on the documents refused by the department. The department responded to this letter on April 3, 2000, and indicated that, in addition to establishing identification, the department was responsible for ensuring residency requirements are met prior to issuing a license or identification card.
2. Comment from effected business was solicited through:

Business comments were solicited through the posting of public notices as noted in Section 1. Additionally, notices were mailed to all Driver Training School Operators.

Summary of business response:

There were no comments at the public hearing held on May 2, 2000 in the Reno Department of Motor Vehicles.

The following individuals testified at the public hearing held in Las Vegas on May 5, 2000:

Delilah De La O - Escuela de Trafico
Harold Giron - Giron Driving School
Dr. Peter Walker - Nevada Small Business Association

Ms. De La O restated the concerns addressed in the letter of March 22, 2000 (see paragraph 1). Administrative Law Judge, John Harney indicated that he had a copy of the letter in his file and would consider its contents when making his final ruling. Ms. De La O also indicated that she felt the department's proposal to adopt this regulation was directed specifically against the Hispanic population. Dana Mathiesen responded that this was not the case. She indicated that when a document is refused by the department, the document itself is refused in all instances and regardless of the race, color or creed of the individual presenting the document.

Mr. Harold Giron stated that he feels this proposed action by the department is discriminatory, that he was insulted by the department's response to the letter of March 22, 2000, and that he feels he is owed an apology. He indicated that he had voiced his concerns during the workshop and that they should have been resolved prior to the hearing. He asked whether the department had conducted

any studies with other states prior to proposing this regulation and whether there was any concern by the department for allowing unlicensed, uninsured motorists on the road because of the department's failure to issue a driver's license. He stated it is the department's responsibility to issue some form of identification to applicants as opposed to refusing them identification when they are operating a motor vehicle. He indicated that the department should prepare themselves for a lawsuit.

Dr. Peter Walker suggested that department employees review documents on an individual basis to determine whether they are counterfeit or fraudulent rather than to address unacceptable documents generically through regulation. Dana Mathiesen responded that it is the current practice of employees to review documents individually, but the intent of the proposed regulations is to allow the department to refuse acceptance of a specific document by all DMV staff when it is determined that issuance of that document is based on criteria dissimilar to Nevada's. Dr. Walker then suggested that the department include a statement in the regulations indicating that a list will be kept on file at each DMV office indicating the specific documents which have been deemed unacceptable for issuance of a Nevada license or identification card. He felt this would prevent staff from arbitrarily denying documents presented for identification. Dana Mathiesen agreed that this was a good idea.

3. There is no economic effect on the public created by these regulations.
4. There is no economic effect on businesses created by these regulations.
5. There is no cost to the agency for enforcement of these regulations.
6. These regulations do not duplicate or overlap any other state or government regulations.
7. These regulations are proposed for adoption with the following changes resulting from information received at the public hearing:

Section 2, subsection 3. An identification card issued by another state or the district of Columbia if an applicant for such an identification card is required to furnish proof of his date of birth to obtain the identification card and the department determines that the documentation required by the other state or the District of Columbia is substantially similar to the documentation that an applicant is required to furnish to prove his date of birth pursuant to NRS 483.860 and this section. The headquarters office of the DMVPS shall provide each full service branch office with a list of those states whose identification cards have been deemed as unacceptable as proof of name or date of birth for the purpose of obtaining a Nevada driver's license or identification card. This list shall be made available to the public upon request.

Interested persons may obtain a copy of the regulations or the summary of public or business responses on the Legislative website at: www.leg.state.nv.us/ or by writing to the Department of Motor Vehicles and Public Safety, Attention: Management Services Division, 555 Wright Way, Carson City, NV 89711.