

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

LCB File No. R082-03

August 5, 2003

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

AUTHORITY: §§1-3, NRS 483.908.

Section 1. NAC 483.825 is hereby amended to read as follows:

483.825 1. Except as otherwise provided in ~~subsections 2 and 3,~~ *subsection 2*, the Department will not issue a license pursuant to NRS 483.900 to 483.940, inclusive, to a person:

- (a) Who is under 21 years of age;
- (b) Who does not meet the requirements of 49 C.F.R. §§ 391.41 to 391.49, inclusive, for operating a commercial motor vehicle;
- (c) Whose driver's license is revoked, suspended or subject to disqualification;
- (d) Who has not passed the required examinations; or
- (e) 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.

2. The Department may issue a restricted commercial driver's license permitting the operation of a commercial vehicle within this state to a person who is under 21 years of age, but who is not less than 18 years of age, if the person:

- (a) Holds a driver's license;
- (b) Meets the minimum physical requirements of the Department for driving a commercial vehicle within this state; and

(c) Does not intend to operate in interstate transportation, transport passengers for hire or transport hazardous material of a type or quantity for which the vehicle must be placarded pursuant to 49 C.F.R. Part 172.

~~[3.—The Department may issue a restricted commercial driver’s license permitting the holder to operate a commercial motor vehicle to and from work or in the course of his work, or both, if the Department revoked or suspended the holder’s privilege to operate a commercial motor vehicle for an offense which he committed while operating a noncommercial motor vehicle.]~~

Sec. 2. NAC 483.847 is hereby amended to read as follows:

483.847 In accordance with the regulatory authority vested with the Department in NRS 483.908, the provisions of NRS 483.420 to 483.670, inclusive, apply in an analogous manner to commercial drivers’ licenses and commercial vehicles with these modifications:

1. If, pursuant to NRS 483.420, the Department cancels a commercial driver’s license held by a nonresident, the Department will forward a copy of the record of that action to the motor vehicle administrator in the state where the driver resides.

2. The provisions of NRS 483.445 and 483.490 do not apply to the cancellation, suspension or revocation of a commercial driver’s license.

3. The Department will apply the uniform system of demerit points, established pursuant to NRS 483.473 and codified as NAC 483.500, 483.510 and 483.530, to traffic violations occurring within this state affecting the holder of a commercial driver’s license issued by the Department.

4. A driver holding a commercial driver’s license is eligible, pursuant to NRS 483.475, for a restricted license during the suspension if less than 12 of the demerit points earned by the driver resulted from convictions for traffic violations which he committed while operating a commercial motor vehicle.

5. Except as otherwise provided in ~~subsections 2 and 3~~ *subsection 2* of NAC 483.825, the Department will not issue a restricted commercial driver's license.

6. The provisions of NRS 483.500 which require the Department to return a license which has been suspended if the driver completes the examination required by NRS 483.480 do not apply to the suspension of a commercial driver's license.

Sec. 3. NAC 483.850 is hereby amended to read as follows:

483.850 The following persons are exempt from the requirements of NRS 483.900 to 483.940, inclusive, and NAC 483.800 to 483.850, inclusive:

1. An operator of a farm vehicle that is:

(a) Controlled and operated by a farmer as a private motor carrier of property;

(b) Being used to transport either:

(1) Agricultural products; or

(2) Farm machinery or farm supplies, or both,

↳to or from a farm;

(c) Not being used in the operation of a motor carrier for hire;

(d) Being used within 150 miles of the operator's farm; and

(e) Not carrying a hazardous material of a type or quantity which would require the ~~vehicles~~ *vehicle* to be placarded in accordance with 49 C.F.R. § 177.823.

2. Firefighters and operators of emergency equipment, necessary to the preservation of life or property or the execution of emergency governmental functions, who are not subject to normal traffic regulation.

3. ~~Military personnel while driving~~ *A person who:*

(a) Is exempt from the provisions of 49 C.F.R. Part 383 pursuant to subsection (c) of 49 C.F.R. §383.3; and

(b) Is operating a commercial motor vehicle ~~[in the service of the Armed Forces.]~~ for military purposes.

4. A person who is driving a recreational vehicle that is being used solely for recreational purposes.