

LCB File No. R218-03

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

**NOTICE OF HEARING TO SOLICIT COMMENTS ON
PROPOSED REGULATION**

Brief description of action: Clarify NAC with regard to time served on a driver's license suspension or revocation, and change all references to NRS 62 in NAC Chapter 483 to "Title 5 of NRS".

Authority citation other than 233B: NRS 481.051, 483.220, 483.495 and Senate Bill 197 of the 2003 legislative session

Notice Date: 11-20-2003

Hearing Date: 1-7-2004

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

Proposed Effective Date: Upon Filing with Secretary of State

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

AUTHORITY: NRS 481.051, 483.220, 483.495 and Senate Bill 197

Section 1. NAC 483.480 is hereby amended to read as follows:

483.480 Termination or rescission of action to withdraw license; credit against period of revocation. (NRS 483.495)

1. The Department will terminate or rescind an action to withdraw a driver's license, *or will apply credit for any suspension or revocation time served*, 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;

(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; or

(e) A statement from the court that the judge confiscated the individual's driver's license at the time of conviction and ordered the individual not to operate a motor vehicle.

~~{2. A person who is under the mistaken belief that his license has been revoked before the Department has issued an order of revocation must receive credit against the period of revocation for any time during which he did not drive if the Department receives a notarized affidavit, acceptable to it, which specifies the period during which he did not drive.}~~

Sec. 2. NAC 483.245 is hereby amended to read as follows:

483.245 Prerequisites to issuance of license after revocation or suspension of driver's license. Except as otherwise provided in ~~[paragraph (h) of subsection 1 of NRS 62.211 and subsection 2 of NRS 62.2263]~~ *Title 5 of NRS*, if the department has revoked or suspended a driver's license pursuant to *Title 5 of NRS or* chapter ~~[62]~~, 483, 484 or 485 of NRS, before the issuance of a restricted license, the applicant must, in addition to satisfying other conditions for the issuance of a restricted license required by law, satisfy the conditions for reinstatement of a driver's license.

Sec. 3. NAC 483.254 is hereby amended to read as follows:

483.254 Persons ineligible to receive license. (NRS 483.220, 483.490) The department will not issue a restricted license to a person who:

1. 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) ~~[NRS 62.226]~~ *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) ~~[NRS 62.226]~~ *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 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.

Sec. 4. NAC 483.270 is hereby amended to read as follows:

483.270 Denial of license: Grounds. (NRS 483.220, 483.267, 483.270) The department will deny an application for a restricted license issued pursuant to NRS 483.267 or 483.270 if:

1. The applicant is prohibited from applying for a driver's license by a court order issued pursuant to:

(a) ~~[NRS 62.226]~~ *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) ~~[NRS 62.226]~~ *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. A member of the applicant's household is a licensed driver who is able to provide transportation for the applicant or the member of the household who has a medical condition that renders that member unable to operate a motor vehicle.

Sec. 5. NAC 483.478 is hereby amended to read as follows:

483.478 Reinstatement: Requirements. (NRS 483.495, 483.908)

1. Except as otherwise provided in ~~[paragraph (h) of subsection 1 of NRS 62.211 and subsection 2 of NRS 62.2263]~~ *Title 5 of NRS*, if the department has revoked or suspended a driver's license pursuant to *Title 5 of NRS or* chapter ~~[62]~~, 483, 484 or 485 of NRS, before the reinstatement of the license, the applicant must, in addition to complying with any other conditions required by law:

(a) Comply with the requirements for the reinstatement of a driver's license set forth in NAC 483.471 and 483.475;

(b) Provide any additional information requested by the department for the evaluation of the applicant's fitness to operate a motor vehicle safely and any other information that the department deems relevant; and

(c) Pay the required fees.

2. If the department has withdrawn the privilege to operate both a commercial motor vehicle and a noncommercial motor vehicle, before the reinstatement of the privilege to operate a commercial motor vehicle, in addition to complying with the conditions set forth in subsection 1, an applicant must comply with the requirements for the reinstatement of the privilege to operate a noncommercial motor vehicle before complying with the requirements for reinstatement of the privilege to operate a commercial motor vehicle.

3. If the department has withdrawn a commercial driver's license, but an applicant reinstates only a noncommercial driver's license, his commercial driver's license remains withdrawn until the applicant satisfies the applicable requirements for reinstatement of his commercial driver's license.