

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

LCB File No. R105-04

June 8, 2004

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

AUTHORITY: §§1 and 9-15, NRS 483.908; §2, NRS 483.235, 483.908 and 483.912; §§3-8, NRS 483.383.

A REGULATION relating to drivers' licenses; providing that a licensee whose commercial driver's license or permit is cancelled by the Department of Motor Vehicles because the licensee knowingly falsified any information or certification on an application may not apply for a new commercial driver's license or permit until at least 60 days after the original commercial driver's license or permit was cancelled; creating a definition for a renewal sticker; prohibiting a person from renewing his driver's license by mail if he is required to leave the United States before the date of expiration of his driver's license; 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:

If the Department cancels a commercial driver's license or permit pursuant to subsection 1 of NRS 483.420 because the licensee knowingly falsified any information or certification on an application filed with the Department, the licensee may not apply for a new commercial driver's license or permit until at least 60 days after the date on which the original commercial driver's license or permit was cancelled.

Sec. 2. NAC 483.110 is hereby amended to read as follows:

483.110 1. The holder of a Class A noncommercial driver's license may drive:

(a) Any combination of vehicles with a gross combination weight rating of 26,001 or more pounds, if the gross vehicle weight rating of the trailing vehicle is more than 10,000 pounds;

(b) Any combination of vehicles not exceeding 70 feet in length with a gross combination weight rating of 26,000 pounds or less so long as the gross combination weight rating of the towed vehicles does not exceed the gross vehicle weight rating of the towing vehicle; or

(c) A vehicle falling within Class B or Class C, but may not drive a motorcycle unless the holder obtains an appropriate endorsement.

2. The holder of a Class B driver's license may drive any single vehicle with a gross vehicle weight rating of 26,001 or more pounds, or any vehicle which is towing another vehicle which does not have a gross vehicle weight rating of more than 10,000 pounds, and all vehicles falling within Class C, but may not drive a motorcycle unless the holder obtains an appropriate endorsement.

3. The holder of a Class C driver's license may drive any single vehicle, or combination of vehicles, that does not meet the definition of a vehicle for which a Class A or Class B driver's license is required, including a moped or a low-speed vehicle, but may not:

(a) Drive a motorcycle, unless the holder obtains an appropriate endorsement;

(b) Tow a vehicle with a gross vehicle weight rating of more than 10,000 pounds, unless the holder obtains a J endorsement;

(c) Drive a combination of vehicles with a gross combination weight rating of less than 10,000 pounds, unless the holder obtains an R endorsement; or

(d) Drive a combination of vehicles exceeding 70 feet in length.

4. The Department may place a restriction 1 on a Class A, Class B or Class C driver's license if the holder of the driver's license does not pass a knowledge test and a driving skills test in a vehicle which is equipped with air brakes.

5. In addition to the tests authorized by chapter 483 of NRS, the holder of a driver's license may be required to pass a driving skills test in an appropriate vehicle to receive an endorsement authorizing the holder to drive a specific type of vehicle.

6. The holder of a driver's license who is exempt from the requirements of NRS 483.900 to 483.940, inclusive, and NAC 483.800 to 483.850, inclusive, *and section 1 of this regulation*, pursuant to the provisions of subsection 1 or 2 of NAC 483.850, may operate a vehicle described in subsection 1 or 2 of NAC 483.850 only if he obtains an F endorsement on his driver's license.

7. The holder of a Class M driver's license may drive a motorcycle, trimobile or moped. The holder of a Class A, Class B or Class C driver's license may drive a motorcycle only if he obtains a Class M endorsement on his driver's license.

8. An applicant who is administered a test of his driving ability on a motorcycle which does not exceed 6 1/2 horsepower or a displacement of 90 cubic centimeters will be issued a Class M driver's license with a U restriction.

9. An applicant who is administered a test of his driving ability on a motorcycle which has three wheels in contact with the ground will be issued a Class M driver's license with an X restriction.

10. An applicant who is administered a test of his driving ability on a moped as defined by NRS 483.088 will be issued a class M driver's license with a Z restriction. A Class M driver's license with a Z restriction does not authorize the operation of any other motor vehicle.

11. An applicant who is administered a test of his driving ability in a low-speed vehicle will be issued a Class C driver's license with an X restriction. The Department will indicate on the back of such a driver's license that the holder may not drive a vehicle on a highway where the posted speed limit is greater than 35 miles per hour, except to cross a highway at an intersection.

12. As used in this section, unless the context otherwise requires:

(a) “Gross combination weight rating” means:

(1) The weight specified by the manufacturer of a vehicle as the combined loaded weight of that vehicle and a trailing vehicle; or

(2) If the manufacturer fails to specify a weight, the sum of the gross vehicle weight rating of the power unit, the weight of the trailing vehicle and the weight of any load thereon.

(b) “Gross vehicle weight rating” means the weight specified by the manufacturer as the loaded weight of a single vehicle.

(c) “Low-speed vehicle” has the meaning ascribed to it in NRS 484.527.

(d) “Moped” has the meaning ascribed to it in NRS 486.038.

(e) “Motorcycle” has the meaning ascribed to it in NRS 486.041.

(f) “Trimobile” has the meaning ascribed to it in NRS 486.057.

Sec. 3. NAC 483.420 is hereby amended to read as follows:

483.420 As used in NAC 483.420 to 483.455, inclusive, ~~["certificate of renewal"]~~ *“renewal sticker”* means a ~~[certificate]~~ *sticker* issued by the Department *to a person who renews his driver’s license by mail* pursuant to NAC 483.445 . ~~[to a person who renews his driver’s license by mail.]~~

Sec. 4. 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 ~~[certificate of]~~ *renewal sticker* has been issued for the license;

(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,]~~ *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 ~~[cancelleLed]~~ *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) He has been convicted of three or more traffic violations within the 4 years immediately preceding the date of expiration of the license;

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

(i) 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; ~~[or]~~

(j) He is an international instructor or an international student ~~[+]~~; *or*

(k) He is required to leave the United States on or before the date of expiration of the license.

2. A statement or report submitted pursuant to paragraph (f) 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. 5. 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 89701-5224 ; ~~[-, Attention: Supervisor of the Program for the Renewal of Drivers’ Licenses By Mail;]~~

- (c) Be accompanied by the fees required pursuant to NRS 483.383;
- (d) Include the full 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 ~~[certificate of]~~ renewal *sticker* that he

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.

Sec. 6. NAC 483.445 is hereby amended to read as follows:

483.445 1. The Department will issue *a renewal sticker* to each qualified applicant for the renewal of his driver's license by mail . ~~{a certificate of renewal.}~~

2. A person to whom a ~~{certificate of}~~ renewal *sticker* is issued shall *affix the renewal sticker to the back of his driver's license and* have ~~{the certificate and}~~ his driver's license in his possession when he operates a motor vehicle.

3. A driver's license for which a ~~{certificate of}~~ renewal *sticker* has been issued expires 4 years after the date of expiration stated on the driver's license for which the ~~{certificate}~~ *renewal sticker* is issued.

Sec. 7. NAC 483.451 is hereby amended to read as follows:

483.451 1. If, not less than 2 weeks after the Department mails a ~~{certificate of}~~ renewal *sticker* to an applicant for the renewal of his driver's license by mail, the applicant notifies the Department that he has not received his ~~{certificate of}~~ renewal *sticker* 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 *sticker* to the applicant at no charge.

2. If the applicant notifies the Department pursuant to subsection 1 that he has not received his ~~{certificate of}~~ renewal *sticker* 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. 8. NAC 483.455 is hereby amended to read as follows:

483.455 1. A driver's license for which a ~~certificate of~~ renewal *sticker* has been issued is valid until:

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

2. If a ~~certificate of~~ renewal *sticker* 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 date the driver's license for which the ~~certificate of~~ renewal *sticker* was issued would have expired if the ~~certificate of~~ renewal *sticker* had not been lost, stolen or destroyed.

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. 9. NAC 483.800 is hereby amended to read as follows:

483.800 1. Except as otherwise provided in NAC 483.802, the Department hereby adopts by reference the provisions of 49 C.F.R. Part 383 as they existed on October 1, 2001, and any subsequent amendments. Each amendment shall be deemed approved by the Department unless it disapproves the amendment within 60 days after the United States Department of Transportation has adopted such an amendment, with the following exceptions:

- (a) Paragraphs 1, 2 and 3 of subsection (a) of 49 C.F.R. § 383.91 are deleted; and
- (b) The vehicle classification groups found in figure 1 of 49 C.F.R. § 383.91 are ~~deleted~~ *disapproved* and replaced with the vehicle classifications listed in NAC 483.110.

2. A copy of the volume containing the provisions described in this section and NAC 483.802 is available at a cost of ~~[\$60]~~ *\$64* from the Superintendent of Documents, United States Government Printing Office, ~~[Washington, D.C. 20402.]~~ *P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954.*

3. A licensee shall comply with the requirements of the provisions adopted by reference in subsection 1.

Sec. 10. NAC 483.802 is hereby amended to read as follows:

483.802 1. The Department hereby adopts by reference the regulations contained in 49 C.F.R. § 383.51, as provided in NAC 483.800 with the following modifications:

(a) As used in 49 C.F.R. § 383.51:

(1) “Disqualification” means the suspension, revocation or cancellation of a person’s privileges to drive a commercial motor vehicle and applies only to the administration of NRS 483.900 to 483.940, inclusive, as those sections relate to commercial drivers’ licenses or permits.

(2) “Serious traffic violation” means a conviction, when operating a commercial motor vehicle, of:

(I) Excessive speeding, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit;

(II) Reckless driving, as defined by state or local law or regulation, including offenses of driving a commercial motor vehicle in willful or wanton disregard for the safety of persons or property;

(III) Improper or erratic lane changes;

(IV) Following the vehicle ahead too closely; or

(V) A violation of a state or local law relating to the control of motor vehicle traffic that arises in connection with a fatal accident.

↪ The term does not include a violation regarding the weight of a commercial motor vehicle, the manner in which it is parked or a mechanical defect in the vehicle.

(b) A person who operates a commercial motor vehicle while his driver's license or permit is suspended, revoked or cancelled, or while he is otherwise disqualified from operating a commercial motor vehicle, is subject to the provisions and penalties specified in NRS 483.560.

(c) A person who knowingly falsifies any information or certification on an application filed with the Department for a commercial driver's license or permit is subject to the provisions specified in NRS 483.420.

(d) A person who is disqualified from driving a commercial motor vehicle under this section shall surrender his commercial driver's license or permit to the Department.

(e) To reinstate a commercial driver's license or permit after disqualification, a person must, in addition to any other conditions required by law:

- (1) Complete an application;
- (2) Pass a vision test, knowledge tests and, if applicable, driving skills tests;
- (3) Provide any additional information requested by the Department to determine his fitness to operate a commercial motor vehicle safely; and
- (4) Pay the reinstatement fees established in NRS 483.910.

2. The volume containing 49 C.F.R. Parts 200 to 399 is available from the Superintendent of Documents, U.S. Government Printing Office, ~~Washington, D.C. 20402,~~ *P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954*, at the price of ~~[\$60.]~~ *\$64.*

3. As used in this section, "commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- (a) Has a gross combination weight rating of 26,001 or more pounds which includes a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(b) Has a gross vehicle weight rating of 26,001 or more pounds;

(c) Is designed to transport 16 or more passengers, including the driver; or

(d) Regardless of size, is used in the transportation of materials which are considered to be “hazardous” for the purposes of the federal Hazardous Materials Transportation Act and for which the display of identifying placards is required pursuant to the Hazardous Materials Regulations (49 C.F.R. Part 172, Subpart F).

Sec. 11. NAC 483.803 is hereby amended to read as follows:

483.803 1. A person who is not physically qualified to operate a commercial motor vehicle pursuant to paragraph (b)(1), (b)(2), (b)(3) or (b)(8) of 49 C.F.R. § 391.41, but who is otherwise qualified to operate a commercial motor vehicle, may apply to the Department for a waiver of the physical requirements with which he does not comply.

2. An applicant for a waiver of one or more of the physical requirements described in subsection 1 must submit to the Department an application on a form prescribed by the Department. The application must include:

- (a) The applicant’s name, date of birth, address, telephone number and social security number or driver’s license number;
- (b) The type of vehicle the applicant will operate;
- (c) The type of commodities or cargo the applicant will transport;
- (d) The type of transmission, braking system and steering system of the vehicle which the applicant will operate;
- (e) Whether the applicant is self-employed, employed by a motor carrier or unemployed as a commercial driver;

(f) Information relating to the driving history of the applicant, including, without limitation, the number of years he has been licensed to drive a motor vehicle and the number of years he has operated the type of vehicle for the operation of which he is requesting a license;

(g) If the applicant is or will be employed by a motor carrier, the name and address of the motor carrier;

(h) A description of any modifications made to the vehicle for the driver; and

(i) Any additional information which the Department deems necessary to determine the applicant's ability to operate a commercial motor vehicle safely.

3. The application must be submitted to the Department of Motor Vehicles, ~~[1450 Hulda Way,]~~ *810 East Greg Street*, Sparks, Nevada 89431.

Sec. 12. NAC 483.810 is hereby amended to read as follows:

483.810 In addition to complying with the requirements of NRS 483.290, an application for a commercial driver's instruction permit or a commercial driver's license must comply with the requirements of 49 C.F.R. § ~~[383.71.]~~ *383.23*.

Sec. 13. 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 ~~[]~~ *except that 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 suspended the holder's privilege to operate a commercial motor vehicle pursuant to NRS 483.443.

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]~~ *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 subsection 2 of NAC 483.825, the Department will not issue a restricted commercial driver's license.

~~[6.]~~ 5. 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. 14. 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 ~~[,]~~ *, and section 1 of this regulation:*

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 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. 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 for military purposes.

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

Sec. 15. NAC 483.840 and 483.845 are hereby repealed.

TEXT OF REPEALED SECTIONS

483.840 Expiration of license. (NRS 483.908) A commercial driver's license expires as provided in subsection 1 of NRS 483.380.

483.845 Requirements upon change of address or name. (NRS 483.908) If a person, after applying for or receiving a commercial driver's license, moves from the address named in the application or in the license issued to him or changes his name, he shall comply with the requirements of NRS 483.390.