

**ADOPTED REGULATION OF THE DIRECTOR OF THE
DEPARTMENT OF MOTOR VEHICLES**

LCB File No. R012-05

Effective November 17, 2005

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

AUTHORITY: §1, NRS 483.220 and 483.490; §2, NRS 483.908; §3, NRS 483.908.

A REGULATION relating to restricted commercial drivers' licenses; repealing the issuance of restricted commercial drivers' licenses; and providing other matters properly relating thereto.

Section 1. NAC 483.220 is hereby amended to read as follows:

483.220 ~~(1)~~ A resident of Nevada who has had his driver's license suspended or revoked will not be issued a restricted license pursuant to subsection 1 or 2 of NRS 483.490 if:

~~(a)~~ *1.* He lives within 2 miles of his place of employment unless he meets all other requirements for granting the license and presents satisfactory evidence that he is physically unable to walk the distance.

~~(b)~~ *2.* He has been convicted of:

~~(1)~~ *(a)* Six or more traffic violations which have been assigned four or more demerit points each within a period of 5 years; or

~~(2)~~ *(b)* Any of the following offenses during the previous 12 months:

~~(1)~~ *(1)* A felony committed with the use of a motor vehicle, including, but not limited to, voluntary manslaughter or causing the death of or substantial bodily harm to a person in violation of subsection 2 of NRS 484.377.

~~[(H)]~~ (2) Willfully failing or refusing to bring a vehicle to a stop, or otherwise fleeing or attempting to elude a peace officer in violation of NRS 484.348.

~~[(H)]~~ (3) Failing to stop at the scene of an accident in violation of NRS 484.219 or 484.221.

~~[(IV)]~~ (4) Failing to render assistance in the event of a motor vehicle accident which resulted in the death of or injury to another person in violation of NRS 484.223.

~~[(V)]~~ (5) Violating a condition of a restricted license.

~~[(e)]~~ 3. He has been convicted of any combination of the following offenses three or more times in the past 5 years:

~~[(1)]~~ (a) Driving or operating a motor vehicle while under the influence of intoxicants or drugs.

~~[(2)]~~ (b) Driving a motor vehicle while his license, permit or privilege to drive was revoked or suspended.

~~[(3)]~~ (c) Leaving the scene of an accident which resulted in injury or death.

~~[(4)]~~ (d) Reckless driving.

~~[(d)]~~ 4. His license has been suspended pursuant to NRS 483.465 or chapter 485 of NRS.

~~[(e)]~~ 5. He gives false information when applying for a restricted license.

~~[(f)]~~ 6. His driving privilege is currently suspended, revoked or cancelled in another state.

~~[(g)]~~ 7. He is 18 years of age or older and his driver's license has been suspended 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.

~~[(2.— Except as otherwise provided in NAC 483.847, the Department will not issue a restricted commercial driver's license.)]~~

Sec. 2. NAC 483.825 is hereby amended to read as follows:

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

- ~~[(a)]~~ 1. Who is under 21 years of age;
- ~~[(b)]~~ 2. Who does not meet the requirements of 49 C.F.R. §§ 391.41 to 391.49, inclusive, for operating a commercial motor vehicle;
- ~~[(c)]~~ 3. Whose driver's license is revoked, suspended or subject to disqualification;
- ~~[(d)]~~ 4. Who has not passed the required examinations; or
- ~~[(e)]~~ 5. 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:~~

- ~~—(a) For an offense which he committed while operating a noncommercial motor vehicle; or~~
~~—(b) Pursuant to NRS 483.443.]~~

Sec. 3. 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, to traffic violations occurring within this State affecting the holder of a commercial driver's license issued by the Department.

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

~~—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.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R012-05**

The Director of the Department of Motor Vehicles adopted regulations assigned LCB File No. R012-05 which pertain to chapter 483 of the Nevada Administrative Code on November 10, 2005.

Notice date: 10/6/2005
Hearing date: 11/10/2005

Date of adoption by agency: 11/10/2005
Filing date: 11/17/2005

INFORMATIONAL STATEMENT

The Department of Motor Vehicles noticed and held a public workshop and public hearing on November 10, 2005, in Carson City, to solicit comments and opinion on proposed regulations to revise language pertaining to the issuance of a restricted driver's license for commercial driver's license holders. Copies of the proposed regulations were available by contacting the Department at (775) 684-4778 or through the mail, 555 Wright Way, Carson City, Nevada 89711.

The notice of the public workshop and hearing and complete copies of the proposed temporary regulations were posted on or before October 6, 2005, at the Nevada State Library and Archives and each office of the Department of Motor Vehicles. In each county where the Department does not maintain an office, the notice was posted at the main office of the public library.

A public workshop and hearing was held at 9:00 a.m. on November 10, 2005 in Carson City. No one was in attendance and no testimony concerning the proposed regulation was taken. No written comments were received.

The Department will adopt the amended proposed temporary regulation with no additional changes made.

There are no adverse economic effects of this regulation to the Department, local authorities or the public.

There are no other state or government regulations that the proposed regulations duplicate.