

LCB File No. R108-05

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

Public Hearing scheduled September 9, 2005.

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

AUTHORITY: NRS 483.220 and 483.908

Section 1 NAC 483.050 is hereby amended to read as follows:

NAC 483.050 Documentation required for proof of name and age of applicant; unacceptable documents. (NRS 481.051, 483.220, 483.290, 486.081)

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, identification card or motorcycle driver's license as required pursuant to NRS 483.290, 483.860 and 486.081, respectively, includes, without limitation:

(a) An original or a certified copy of one of the following documents issued by the ~~[Bureau of]~~ *United States* Citizenship and Immigration Services in the Department of Homeland Security:

- (1) An Alien Registration Receipt Card that is issued using Form I-551;
- (2) A Permit to Reenter the United States;
- (3) A Refugee Travel Document;
- (4) If it is accompanied by the passport of the bearer of that document, an Arrival-Departure Record that is issued using Form I-94; or
- (5) A Resident Alien Card; and

(b) An identification card issued by another state, the District of Columbia or any territory of the United States 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, the District of Columbia or territory of the United States is substantially similar to the documentation that an applicant is required to furnish to prove his date of birth pursuant to this section and NRS 483.860.

~~2. [The headquarters office of the Department which is located in Carson City shall maintain a list of the identification cards of other states, the District of Columbia or any territory of the United States 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.~~

~~—3.]~~ The forms of identification that are unacceptable to the Department 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 include, without limitation:

(a) An identification card issued by a consulate of a foreign government;

(b) A birth certificate issued by a foreign government; and

(c) A Border Crossing Card issued by the Bureau of Citizenship and Immigration Services in the Department of Homeland Security.

Sec. 2. 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 *and 49 C.F.R. Part 384* as they existed on October 1, 200~~1~~⁴, 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 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 \$64 from the Superintendent of Documents, United States Government Printing Office, 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. 3. 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.]~~ *any of the following three actions:*

(I) The suspension, revocation, or cancellation of a CDL by the State or jurisdiction of issuance.

(II) Any withdrawal of a person’s privileges to drive a CMV by a State or other jurisdiction as the result of a violation of State or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations).

(III) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle under 49 C.F.R. Part 391.

(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 P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, at the price of \$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).