

Chapter 483 of NAC

LCB File No. T027-05

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

Filed with the Secretary of State on March 23, 2005

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

AUTHORITY: §§1 and 9-15, NRS 483.908; 49 C.F.R. §384.210

A TEMPORARY REGULATION relating to restricted drivers' licenses for commercial driver license holders.

Section 1. NAC 483.254 is hereby amended to read as follows:

483.254 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) 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) 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.

3. Is the holder of a commercial driver's license.

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

483.825 1. ~~Except as otherwise provided in subsections 2 and 3, t~~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:~~

~~—(a) For an offense which he committed while operating a noncommercial motor vehicle; or~~

~~—(b) Pursuant to NRS 483.443.]~~ *The Department will not issue a commercial restricted license permitting a person to drive a commercial motor vehicle.*

Sec. 3. NAC 483.847 is hereby amended to read as follows:

483.847 Cancellation, suspension and revocation of license. (NRS 483.908) 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 TEMPORARY REGULATION

The Department of Motor Vehicles adopted temporary regulations that pertain to Chapter 483 of the Nevada Administrative Code on March 22, 2005.

Notice Date: 2/16/2005

Hearing Date: 3/22/2005

INFORMATIONAL STATEMENT

The following statement is submitted for adopted temporary amendments to Nevada Administrative Code, Chapter 483.

The Department of Motor Vehicles noticed and held a public workshop and public hearing on March 22, 2005, in Carson City, to solicit comments and opinion on proposed temporary 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 February 16, 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 March 22, 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.