

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

LCB File No. R124-07

§§1, 2 and 4 to 8 inclusive, effective January 30, 2008
§3 effective March 1, 2008

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

AUTHORITY: §§1 and 8, NRS 481.051; §2, NRS 483.450; §3, NRS 209.517, 213.12185 and 483.460; §§4 and 5, NRS 483.220; §6, NRS 483.908; §7, NRS 483.220.

A REGULATION relating to the Department of Motor Vehicles; establishing provisions relating to certain records of conviction; requiring the submission of certain notices to the Department concerning a driver's imprisonment, parole or residential confinement; revising provisions relating to a commercial driver's license; repealing the provisions governing licenses for international students and instructors; and providing other matters properly relating thereto.

Section 1. Chapter 483 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *A record of conviction required by NRS 483.450 must be submitted to the Department in written or electronic format by the court in which the person is convicted. The record must contain, in a form prescribed by the Department, at least the following information unless it is not available:*

- 1. The name and address of the court;*
- 2. The number of the case;*
- 3. The number of the citation;*
- 4. The date and time the citation was issued or the arrest was made;*
- 5. The name and last known address of the person convicted;*

6. *The driver's license number of the person convicted;*
7. *The date of the conviction;*
8. *A description of the violation and a reference to the statute under which the person is convicted;*
9. *Whether or not the person was the holder of a commercial driver's license at the time of the issuance of the citation;*
10. *Whether or not the person was operating a commercial motor vehicle or transporting hazardous materials at the time of the issuance of the citation; and*
11. *If the conviction is for a violation of a vehicle registration requirement, the license plate number or vehicle identification number of the vehicle that is registered to or owned by the person which is in violation of the vehicle registration requirement.*

Sec. 3. 1. *The notice required by NRS 209.517 and 213.12185 must be submitted to the Department within 10 days after the driver's release from imprisonment or the date on which he is placed on parole or residential confinement. The notice must be submitted in written or electronic format and must contain, in a form prescribed by the Department, at least the following information:*

- (a) The name and contact information of the agency submitting the notice;*
- (b) The name and address of the person convicted;*
- (c) The date of birth of the person convicted;*
- (d) The date of the driver's completion of a sentence of imprisonment or the date on which he is placed on parole or residential confinement;*
- (e) The number of the case;*
- (f) The date the citation was issued or the arrest was made; and*

(g) The name and address of the court in which the person was convicted.

2. The period of revocation during which a driver is not eligible for a license, permit or privilege to drive pursuant to NRS 483.460 resumes upon the receipt by the Department of the notice described in subsection 1.

3. Upon receipt of a notice informing the Department that a driver has had his parole revoked or a term of residential confinement rescinded, the Department will set aside the period of revocation during which the driver is not eligible for a license, permit or privilege to drive. The notice must contain the date of incarceration and comply with the requirements of subsection 1.

Sec. 4. NAC 483.084 is hereby amended to read as follows:

483.084 1. The Department will, by mail, issue a certificate of renewal to each qualified applicant for the renewal of his identification card.

2. The holder of an identification card is not eligible to apply for the renewal of the identification card by mail if:

(a) The identification card expires 4 years after the date of expiration stated thereon because a certificate of renewal has been issued for the identification card; or

(b) The holder is an international instructor, international student or seasonal resident.

3. As used in this section ~~[, “seasonal”]~~:

(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) “Seasonal resident” has the meaning ascribed to it in NAC 481.005.

Sec. 5. NAC 483.461 is hereby amended to read as follows:

483.461 As used in NAC 483.461 to 483.495, inclusive, *and sections 2 and 3 of this regulation*, unless the context otherwise requires, “withdrawn” means a formal action taken by the Department to remove the driving privileges of a person.

Sec. 6. 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.

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.]~~ *assign demerit points to the holder of a commercial driver’s license or any other person operating a commercial vehicle for every conviction of a traffic violation committed on a single occasion without regard to the point value. Multiple instances of the same traffic violation committed on a single occasion will be assessed as a single conviction.*

4. 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. 7. NAC 483.198, 483.1982, 483.1984 and 483.1986 are hereby repealed.

Sec. 8. 1. This section and sections 1, 2 and 4 to 7, inclusive, of this regulation become effective upon filing with the Secretary of State.

2. Section 3 of this regulation becomes effective on March 1, 2008.

TEXT OF REPEALED SECTIONS

483.198 Definitions. (NRS 483.220, 483.247) As used in NAC 483.198 to 483.1986, inclusive, unless the context otherwise requires:

1. “International instructor” has the meaning ascribed to it in NRS 483.081.
2. “International student” has the meaning ascribed to it in NRS 483.082.

483.1982 Application. (NRS 483.220, 483.247) An international instructor or international student who applies for an original driver’s license or instruction permit or for the renewal or extension of a driver’s license or instruction permit must provide with his application:

1. If he is an international instructor, a letter, signed by the administrator of the educational institution located in this State at which he is an instructor, dated not earlier than 30 days before receipt of the application by the Department, as proof that he is an international instructor. The letter must include, without limitation:

- (a) The date of his employment;
- (b) A statement that indicates that the applicant is an instructor at the educational institution;

and

- (c) A statement that indicates that his employment with the educational institution is indefinite.

2. If he is an international student, a letter, signed by the administrator of the educational institution located in this State at which he is a student, dated not earlier than 30 days before receipt of the application by the Department, as proof that he is an international student. The letter must include, without limitation:

- (a) The date of his enrollment;
- (b) A statement that indicates that the applicant is a student at the educational institution; and
- (c) A statement that indicates that his enrollment at the educational institution is indefinite.

3. Any other information or documentation requested by the Department, which may include, without limitation:

- (a) An identification card issued by the educational institution, including, without limitation:
 - (1) An identification card for members of the staff or faculty; and
 - (2) An identification card for students;
- (b) His school transcript; and
- (c) His enrollment records.

483.1984 Fee for extension. (NRS 483.220, 483.247) The Department will charge and collect a fee of \$6 for the extension of a driver's license issued to an international instructor or international student.

483.1986 Restriction. (NRS 483.220, 483.247) Each driver's license or instruction permit issued to an international instructor or international student must contain a restriction X, which must be defined on the back of the license or permit as meaning that the holder thereof declares himself to be a resident of this State for the limited purpose of obtaining a driver's license or instruction permit.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R124-07**

The Department of Motor Vehicles adopted regulations assigned LCB File No. R124-07 which pertain to chapter 483 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop, and notices of intent to act upon the regulation were sent by email to persons who were known to have an interest in the subject of the establishment of provisions relating to: certain records of conviction; the submission of certain notices to the Department concerning a driver’s imprisonment, parole, or residential confinement; the assignment of demerit points to the holder of a commercial driver’s license or any other person operating a commercial vehicle; and the repeal of the text relating to the issuance of a driver’s license or identification card to international students and instructors; as well as to any persons who had specifically requested such notice. These documents were also made available at the website of the Nevada Department of Motor Vehicles (DMV), www.dmvnv.com, emailed with posting instructions to all county libraries in Nevada, and posted at the following locations:

Nevada Department of Motor Vehicles Branch Offices:

Office of the Director (Carson City DMV – Customer Lobby) 555 Wright Way Carson City, NV 89711	1085 Highway 95 Hawthorne, NV 89415
8250 West Flamingo Rd. Las Vegas, NV 89147	3030 S. Needles Highway, Ste. 900 Laughlin, NV 89028
3920 E. Idaho St. Elko, NV 89801	1780 E. Basin Ave. Pahrump, NV 89060
178 No. Avenue F Ely, NV 89301	330 N. Sandhill Rd., Ste. H Mesquite, NV 89027
973 W. Williams Ave. Fallon, NV 89406	7170 N. Decatur Blvd. Las Vegas, NV 89131
4110 Donovan Way N. Las Vegas, NV 89030	1137 S. Main St., #C-8 Tonopah, NV 89049
3505 Construction Way Winnemucca, NV 89445	215 West Bridge St. No. 9 Yerington, NV 89447
1694 County Rd. Minden, NV 89423	305 Galletti Way Reno, NV 89512
1399 American Pacific Dr. Henderson, NV 89014	2701 E. Sahara Ave. Las Vegas, NV 89104

A workshop was held on November 26, 2007, regarding the proposed amendments; a recording of that meeting was made and is on file at the Nevada Department of Motor Vehicles, Research and Development Division, 555 Wright Way, Carson City, Nevada 89711. On or about November 7, 2007, the Director of the Department of Motor Vehicles issued a Notice of Intent to Act Upon a Regulation with a Notice of Public Hearing to be held December 19, 2007, at 9 a.m., at the Nevada Department of Education, Board Room, 700 East 5th Street, Carson City, Nevada 89701. Copies of the workshop recording or hearing minutes may be obtained by contacting Debbie Wilson by telephone (775) 684-4778 or email, dwilson@dmv.nv.gov.

2. The number of persons who:

(a) Attended each hearing: December 19, 2007 – 3 (all from DMV)

(b) Testified at each hearing: December 19, 2007 – None

(c) Submitted to the agency written statements: – None

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

There is no estimated adverse or beneficial economic effect on businesses. However, public comment was solicited as explained in response to question #1.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change. The statement should also explain the reasons for making any changes to the regulation as proposed;

The permanent regulation was adopted on December 26, 2007, and included the changes suggested at the workshop held on November 26, 2007. However two wording revisions are required (and noted on page 2 of LCB Draft of Revised Proposed Regulation File No. 124-07) as follows:

Under Section 2, subsection 11, the word “*each*” must be changed to the word “*the*,” as this sentence only applies to **the** vehicle that is being driven at the time of citation.

11. If the conviction is for a violation of a vehicle registration requirement, the license plate number or vehicle identification number of ~~each~~ the vehicle that is registered to or owned by the person which is in violation of the vehicle registration requirement.

Further, under Section 3, subsection 1, the words “*unless it is not available*” should be deleted from the second sentence. Instead of including this wording (“*unless it is not available*” in Section 3, subsection 1), the Department chose to modify the list of required information that must be contained in the notice. Rather, some requested information, such as *driver’s license number*, will be listed on the notice form as *optional*.

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- 5. The estimated economic effect of the adopted regulation on the businesses that it is to regulate and on the public. These must be stated separately, and each case must include:**
 - (a) Both adverse and beneficial effects; and**
 - (b) Both immediate and long-term effects.**

There is no estimated adverse or beneficial economic effect on businesses.
- 6. The estimated cost to the agency for enforcement of the adopted regulation.**

There should be no extra cost to enforce this regulation.
- 7. A description of any regulations of other state or government agencies that the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or government agency regulations that the proposed amendments duplicate.
- 8. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

N/A.
- 9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

N/A.
- 10. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?**

The Director has determined that the proposed regulation does not impose a direct and significant economic burden upon a small business or restrict the formation, operation, or expansion of a small business. In making this determination, the Director considered the fact that the proposed amendment only applies to activity by local and state government officials and imposes no direct requirements on any private businesses.