

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

LCB File No. R124-07

October 18, 2007

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

AUTHORITY: §§1 and 9, NRS 481.051; §2, NRS 483.450; §3, NRS 209.517, 213.12185 and 483.460; §§4 and 5, NRS 483.220; §6, NRS 483.473; §7, NRS 483.908; §8, 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 demerit points; 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 pursuant to NRS 483.450 may be submitted to the Department in written or electronic form by the court in which the person is convicted. The record must contain, in a form prescribed by the Department, at least the following:*

- 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, address and social security number 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 of each vehicle that is registered to or owned by the person.*

Sec. 3. 1. *The notice required pursuant to 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 may be submitted in written or electronic form and must contain, in a form prescribed by the Department, at least the following:*

- (a) The name and contact information of the agency submitting the notice;*
- (b) The name, address and social security number of the person convicted;*
- (c) The driver's license number of the person convicted;*
- (d) The date of birth of the person convicted;*
- (e) 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;*
- (f) The number of the case;*
- (g) The number of the citation;*
- (h) The date and time the citation was issued or the arrest was made;*

(i) The name and address of the court in which the person was convicted; and

(j) A copy of the record of conviction.

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 483.500 is hereby amended to read as follows:

483.500 1. *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 driver’s license issued by the Department.*

2. The Department will not assign demerit points to a person for violation of a traffic law for which suspension or revocation of license is required by statute.

~~[2.]~~ 3. The Department will accumulate demerits for the 12-month period preceding a person’s latest ~~[conviction.]~~ *citation*. When 12 months have elapsed from the date of a ~~[conviction.]~~ *citation*, the demerits for that violation must be deleted from the total demerits accumulated by that person. The ~~[date of conviction rather than the date of the offense is the date on which accumulated demerits will be assessed.]~~ *Department will enter the date of the citation as the date on which accumulated demerits will be assessed upon receipt of a notice of conviction.*

Sec. 7. 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. 8. NAC 483.198, 483.1982, 483.1984 and 483.1986 are hereby repealed.

Sec. 9. 1. This section and sections 1, 2 and 4 to 8, 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.