

LCB File No. R107-08

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

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

AUTHORITY: 49 CFR 384.210, NRS 384.210, 481.051, 483.220, 483.340, 483.347, 483.383, 483.863, and 483.875

Regulations relating to the implementation of a central issuance card production process. Fees are being increased per NRS 483.347 (3)(b), to cover the actual cost of producing a driver's license or identification card in a central issuance environment; fees for expedited card processing and mailing upon implementation of Central Issuance are defined; information regarding renewal by mail is revised to meet Central Issuance processes; NAC is being amended to add language for placing an indicator of a medical condition on the driver's license or identification card; regulations regarding the issuance of a restricted or temporary commercial driver's license are being revised to bring Nevada law into compliance with Federal regulations; clarification is being provided regarding when testing is required upon reinstatement of a driver's license; NAC 483.480 is being revised to allow for changes to a driver's license or identification card record if a law enforcement investigation by the Department's Compliance Enforcement Division reveals action was taken against a licensee inappropriately based on identity theft and/or fraud.

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

Sec. 2 *Indicator of a medical condition on driver's license or identification card; eligibility*

1. Upon application for a driver's license or identification card, the applicant may, if eligible, request an indicator of a medical condition to be imprinted on his driver's license or identification card.

(a) The symbol or other indicator must conform with the International Classification of Diseases, Ninth Revision, Clinical Modification (ICD-9), or the most current revision, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services.

(b) The applicant may request one of the following ICD-9 codes to be imprinted on his driver's license or identification card:

- (1) 995.60 indicating a person with food allergies*
- (2) 250.3 indicating a person with diabetes with coma*
- (3) 995.83 indicating a person with malignant hyperthermia*
- (4) 934.2 indicating a person on Coumadin*
- (5) 345.9 indicating a person with epilepsy*
- (6) 496.0 indicating a person with chronic airway obstruction*
- (7) 398.10 indicating a person with deafness*
- (8) 369.00 indicating a person with blindness*
- (9) 414.0 indicating a person with coronary atherosclerosis*

2. Per NRS 483.349, an applicant may request a designation on his driver's license or identification card that he is a person with a disability which limits or impairs his ability to walk.

3. An applicant may request a designation on his driver's license or identification card that he is hearing impaired.

4. Eligibility requirements for indicator of a medical condition on a driver's license or identification card.

(a) At the time of application for a driver's license or identification card, an applicant may request a medical indicator be placed on his driver's license or identification card for any conditions as found in paragraph (b) of subsection 1. The applicant must meet the following requirements:

(1) The applicant must present, in person and on a form provided by the Department, written documentation by a licensed physician that the applicant has been diagnosed with a condition as prescribed in paragraph (b) of subsection 1.

(2) The form must be signed and dated within 30 days of application.

(3) The form must include all requested information on the form.

(b) Eligibility requirements must be met at each driver's license or identification card renewal for the indicator to remain on the driver's license or identification card.

Sec. 3 NAC 483.081 is hereby amended to read as follows:

483.081 Applicability of provisions. (NRS 481.051) The provisions of NAC 483.080 to ~~[483.087]~~ **483.094**, inclusive, apply to a person who is ~~[residing in this State at the time he applies]~~ **applying** to renew his identification card by mail.

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

483.084 Issuance of ~~[certificate of renewal]~~ renewed identification card; ineligibility. (NRS 481.051)

1. The Department will, by mail, ~~[issue a certificate of renewal to]~~ **renew the identification card for** 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]~~ **He is applying for a second consecutive renewal by mail; or**

(b) The holder is an international instructor, international student, or seasonal resident~~[;]~~ **or**

(c) The holder wishes to change any information, other than his address, which appears on the front of his identification card; or

(d) The holder's identification card has been stolen, lost, or destroyed.

3. The Department may renew the identification card of any applicant who is employed by the Federal Government, is on active military duty, or is the dependent of such an applicant:

(a) Regardless of whether his identification card was previously renewed by mail; and

(b) If his identification card has been expired for more than 1 year but less than 2 years.

~~[3.]~~ 4. As used in this section, "seasonal resident" has the meaning ascribed to it in NAC 481.005.

Sec. 5 NAC 483.085 is hereby amended to read as follows:

483.085 Denial of application and renewal in person. (NRS 481.051) The Department will deny an application for the renewal of an identification card by mail and require the applicant to renew his identification card in person at an office of the Department if:

1. The applicant wishes to change any information, other than his address, which appears on the front of his identification card; or

2. The applicant's identification card has been stolen, lost, or destroyed~~[.]~~*;or*

3. The applicant has not submitted to image and signature capture necessary for the production of a renewed identification card.

Sec. 6 NAC 483.086 is hereby amended to read as follows:

483.086 Failure to receive ~~[certificate of renewal]~~ renewed-by-mail identification card from Department. (NRS 481.051)

1. If, not less than ~~[2]~~ 4 weeks after the Department mails *an identification card that has been renewed by mail* ~~[certificate of renewal]~~ to an applicant ~~[for the renewal of his~~

~~identification card by mail~~], the applicant notifies the Department that he has not received his ~~[certificate of renewal]~~ *renewed-by-mail identification card* and the Department determines that the current mailing address of the applicant is the mailing address that the applicant listed on his application, the Department will *request [mail]* a duplicate ~~[certificate of renewal]~~ *identification card be mailed* to the applicant free of charge.

2. If the applicant notifies the Department pursuant to subsection 1 that he has not received his ~~[certificate of renewal]~~ *renewed-by-mail identification card* and the Department determines that the mailing address of the applicant listed on the application is not the current mailing address of the applicant, the applicant must apply *in person at an office of [to]* the Department *for a change of address by completing the required application and presenting necessary documentation.* ~~[in-person-for-the-renewal-of-his-identification-card.]~~

Sec. 7 NAC 483.087 is hereby amended to read as follows:

483.087 Period of validity of identification card renewed by mail; loss, theft, or destruction of ~~[certificate of renewal]~~ *renewed identification card; fees.* (NRS 481.051)

1. An identification card for which a ~~[certificate of renewal has been issued]~~ *renewed identification card has been produced* is valid until:

- (a) The identification card expires; or
- (b) The ~~[certificate of renewal]~~ *actual card* is lost, stolen, or destroyed.

2. If a ~~[certificate of renewal]~~ *renewed identification card* is lost, stolen, or destroyed, the holder of the identification card ~~[for which the certificate of renewal is issued]~~ must apply in person to the Department for a new identification card. The new identification card *will* expire~~[s]~~ on the *same* date the *renewed* identification card ~~[for which the certificate of renewal was issued]~~ would have expired ~~[if the certificate of renewal had not been lost, stolen, or destroyed]~~.

3. The Department will charge and collect the fee prescribed for a duplicate identification card set forth in NRS 483.820 for an identification card that is issued pursuant to subsection 2.

4. A customer applying for a renewal by mail of his identification card shall pay card production fees as prescribed in NAC 483.900.

Sec. 8 NAC 483.091 is hereby amended to read as follows:

483.091 Application ~~for letter of request~~ for renewal *of identification card by mail*; action by Department. (NRS 481.051)

1. A person specified in ~~NAC 483.090~~ *NAC 483.081* may apply for the renewal of his identification card by mail by submitting to the Department~~:~~

~~— (a) An~~ *an* application provided by the Department. *The application must include the following: ~~for~~*

~~— (b) A letter of request which must include the applicant's:~~

~~— (1) Full legal name.~~

~~— (2) Date of birth.~~

~~— (3) Social security number.~~

~~— (4)~~ *(a)* Except as otherwise provided in this subparagraph, mailing address and the address of his residence in this State. If the applicant is an employee of the Federal Government or on active military duty or a dependent of such an applicant, he is not required to comply with this subparagraph, but he must submit an employment or military record which indicates that this State is the state of his residence.

~~— (5)~~ *(b)* Mailing address outside the State.

~~— (6)~~ *(c)* Physical description, including, without limitation, his height, ~~and~~ weight, and the color of his hair and eyes.

~~[(7)]~~ (d) Mother's maiden name.

~~[(8)]~~ (e) Signature.

2. Each application ~~[or letter of request]~~ must be accompanied by the fee required by NRS 483.820 *and card production fees as outlined in NAC 483.900.*

~~[3. If the information set forth in the application or letter of request includes information indicating a change in the:~~

~~—(a) Legal name;~~

~~—(b) Date of birth;~~

~~—(c) Social security number; or~~

~~—(d) Sex;~~

~~Of the applicant, it must be accompanied by proof of the correct information.~~

~~—4.]~~ 3. Each application ~~[or letter of request]~~ must be mailed or otherwise delivered to the Department of Motor Vehicles, 555 Wright Way, Carson City, Nevada 89711-0450, Attention: Central Services and Records Division, Renewal by Mail Section.

~~[(5)]~~ 4. Each applicant may register to vote or correct any information relating to the applicant set forth in the registrar of voters' register.

~~[(6)]~~ 5. The Department will, within 10 business days after receiving the application: ~~[or letter of request]~~

(a) Mail a new identification card to the applicant;

(b) Request additional information from the applicant; or

(c) Deny the application ~~[or request]~~.

~~[(7)]~~ 6. *If a digital image and signature of the applicant have been captured, a photo and signature will be on* ~~[(E)]~~ each identification card mailed pursuant to this section.

7. ~~[Each identification card mailed pursuant to this section]~~ *If no image has been captured, the mailed identification card* must have the words “valid without photo” in the place where the photograph of the holder of the identification card would *normally* appear ~~[if he had obtained his identification card in person]~~.

Sec. 9 NAC 483.254 is hereby amended to read as follows:

483.254 Persons ineligible to receive license. (NRS 483.220, 483.490) The Department will not: ~~[issue a restricted license to a person who:]~~

1. *Issue a restricted license to a person who* ~~[H]~~*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. *Issue a restricted license to a person who* ~~[H]~~*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~~[H]~~ *; or*

3. *Issue a restricted commercial driver’s license permitting the operation of a commercial motor vehicle.*

Sec. 10 NAC 483.430 is hereby amended to read as follows:

483.430 Ineligibility. (NRS 483.220, 483.383)

1. The holder of a driver’s license is not eligible to apply for the renewal of the license by mail if:

(a) ~~[(The license expires 4 years after the date of expiration stated thereon because a renewal sticker has been issued for the license;]~~ *The holder is applying for a second consecutive renewal of the license by mail; or*

(b) The license is a commercial driver's license; or

(c) At the time the Department mails to the applicant the expiration notice required pursuant to NRS 483.382, an examination of the applicant's driving record in this State, any other state, the District of Columbia, any territory or possession of the United States or any country indicates that his driver's license or privilege to drive in that jurisdiction is suspended, revoked or cancelled, or that his application for a driver's license in that jurisdiction has been denied; *or*

(d) The license is subject to Restriction M, N, O or S, or any combination thereof, as those restrictions are described in NAC 483.350, 483.360 and 483.365; *or*

~~[(e) He is less than 25 years of age;~~

~~—(f)]~~ (e) He is 71 years of age or older, unless he submits:

(1) A statement from a licensed physician providing that it is the opinion of the physician that the person is physically able to operate a motor vehicle safely; and

(2) A report from a licensed ophthalmologist, optometrist, or physician regarding the vision of the person, including, without limitation, the visual acuity of the person in each eye, with corrective lenses, if applicable; or

~~[(g)]~~ (f) He has been convicted of three or more traffic violations within the 4 years immediately preceding the date of expiration of the license; or

~~[(h)]~~ (g) The license is a restricted driver's license issued pursuant to NRS 483.490; or

~~[(i)]~~ (h) His name is listed in the records of the Department as a person who must renew his driver's license in person because the Department believes that the information contained on his

driver's license may be incorrect or that his license may have been issued as a result of fraud or mistake; or

~~[(i)]~~ (i) He is an international instructor or an international student; ~~for~~

~~—(k)]~~ (j) He is required to leave the United States on or before the date of expiration of the license; *or* ~~[(k)]~~

(k) The applicant wishes to change any information other than his address which appears on the front of his driver's license.

2. A statement or report submitted pursuant to paragraph ~~[(e)]~~ (e) of subsection 1 must be:

(a) Completed on a form acceptable to the Department; and

(b) Dated not more than 90 days before the date of its submission to the Department.

3. As used in this section:

(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) "Traffic violation" has the meaning ascribed to it in NRS 483.473.

Sec. 11 NAC 483.435 is hereby amended to read as follows:

483.435 Application for renewal. (NRS 483.220, 483.383)

1. Each application for the renewal of a driver's license by mail must:

(a) Be made upon a form furnished by the Department;

(b) Be mailed or otherwise delivered to the Department of Motor Vehicles, Renewal of Drivers' Licenses By Mail, 555 Wright Way, Carson City, Nevada 89711-0450;

(c) Be accompanied by the fees required pursuant to NRS 483.383, *along with card production fees as set forth in NAC 483.900*;

(d) Include the full legal name, date of birth, driver's license number, mailing address and residential address of the applicant; and

(e) Include such other information as the Department may require.

2. At the time he applies for the renewal of his driver's license by mail, an applicant may change his mailing or residential address as it appears on his driver's license.

3. The Department will include on the application for the renewal of a driver's license by mail the opportunity for the applicant to indicate on his ~~[renewal-sticker]~~ *renewed driver's license* that he wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, or that he refuses to make an anatomical gift of his body or part of his body.

Sec. 12 NAC 483.440 is hereby amended to read as follows:

483.440 Denial of application *for renewal of driver's license by mail*; ~~[and]~~ renewal in person; exemption from certain examinations. (NRS 483.220, 483.383)

1. The Department will deny an application for the renewal of a driver's license by mail and require the applicant to renew his license in person at an office of the Department if:

(a) The applicant indicates on his application that he suffers from a physical or mental condition which may interfere with his ability to operate a motor vehicle safely; *or*

(b) The applicant wishes to change the information which appears on the front of his driver's license other than his address; *or*

(c) The applicant wishes to add an endorsement to or change the classification of his driver's license; *or*

(d) The applicant's driver's license has been stolen, lost, or destroyed; *or*

(e) The applicant is not eligible to apply for the renewal of his driver's license by mail pursuant to NAC 483.430; *or*

(f) The applicant submits his application for the renewal of his driver's license by mail 30 days or more after the expiration of his driver's license~~[-];~~ *or*

(g) The applicant has not submitted to image and signature capture necessary for the production of a renewed driver's license.

2. Except as otherwise provided in paragraph (f) of subsection 1 of NAC 483.430, to renew his driver's license by mail, a qualified applicant is not required to complete an examination of his vision, a written examination, or a driving examination.

Sec. 13 NAC 483.445 is hereby amended to read as follows:

483.445 *Driver's License* ~~[R]~~renewal ~~[sticker]~~: Issuance; use; expiration of license; fees.
(NRS 483.220, 483.383)

1. The Department will ~~[issue-a]~~ renew~~[at]~~ *by mail* ~~[sticker]~~ *the driver's license for* ~~[to]~~ each qualified applicant ~~[for the renewal of his driver's license by mail]~~.

2. A person to whom a renewal ~~[sticker is issued shall affix the renewal sticker to the back of his driver's license and have his driver's license in his possession when he operates a motor vehicle]~~ *by mail is processed will receive a new driver's license, with a photo and signature, via first class mail.*

3. A driver's license for which a renewal ~~[sticker has been issued]~~ *by mail is processed* expires 4 years *from the birth date nearest the date of renewal.*~~[after the date of expiration stated on the driver's license for which the renewal sticker is issued.]~~

4. A customer applying for a renewal by mail of his driver's license shall pay card production fees as prescribed in NAC 483.900.

Sec. 14 NAC 483.451 is hereby amended to read as follows:

483.451 Renewed~~[al-sticker]~~ driver's license: Failure to receive *actual card* ~~[from Department]~~. (NRS 483.220, 483.383)

1. If, not less than ~~[2]~~**4** weeks after *a driver's license is renewed and mailed*, ~~[the Department mails a renewal sticker to an applicant for the renewal of his driver's license by mail,]~~ the applicant notifies the Department that he has not received his ~~[renewal-sticker]~~ *actual card*, and the Department determines that the current mailing address of the applicant is the mailing address that the applicant listed on his application, the Department will *request* ~~[mail]~~ a duplicate ~~[renewal-sticker]~~ *driver's license be mailed* to the applicant at no charge.

2. If the applicant notifies the Department pursuant to subsection 1 that he has not received his ~~[renewal-sticker]~~ *actual card* and the Department determines that the mailing address of the applicant listed on the application is not the current mailing address of the applicant, the applicant must apply to the Department in person for the renewal of his driver's license.

Sec. 15 NAC 483.455 is hereby amended to read as follows:

483.455 Period of validity of license renewed by mail; loss, theft, or destruction of ~~[renewal sticker]~~ license renewed by mail. (NRS 483.220, 483.383)

1. A driver's license *renewed by mail* ~~[for which a renewal sticker]~~ is valid until:
 - (a) The license expires pursuant to NAC 483.445; or
 - (b) ~~[The renewal sticker]~~ *It* is lost, stolen, or destroyed.
2. If ~~[a renewal sticker]~~ *a license renewed by mail* is lost, stolen, or destroyed, the licensee must apply in person to the Department for a new driver's license. The new driver's license *will* expire~~[s]~~ on the *same* date *as* the driver's license *renewed by mail* ~~[for which the renewal sticker was issued would have expired if the renewal sticker had not been lost, stolen or destroyed]~~.

3. The Department will charge and collect the fee prescribed for a duplicate license in NRS 483.410 for a driver's license issued pursuant to subsection 2.

Sec. 16 NAC 483.4565 is hereby amended to read as follows:

483.4565 Application ~~for letter of request~~ for renewal; action by Department. (NRS 483.220, 483.383)

1. A person may apply for a driver's license by mail by submitting to the Department~~:~~
 - ~~—(a) A] an application provided by the Department.]; or~~
 - ~~—(b) A letter of request which must include the following:~~
 - ~~——(1) His full name.~~
 - ~~——(2) His date of birth.~~
 - ~~——(3) His social security number.~~
 - ~~——(4) Except as otherwise provided in this subparagraph, his mailing address and the address of his residence in this State. If the applicant is an employee of the Federal Government, on active military duty or a dependent of such a person, he is not required to comply with this subparagraph, but he must submit an employment or military record which indicates that this State is the state of his residence.~~
 - ~~——(5) His mailing address outside the State.~~
 - ~~——(6) His physical description, including, without limitation, his height and weight and the color of his hair and eyes.~~
 - ~~——(7) His mother's maiden name.~~
 - ~~——(8) His signature.]~~
2. Each application ~~for letter of request~~ must be accompanied by the required fees.

3. If the application ~~for letter of request~~ is for a renewal of a driver's license, it must be accompanied by:

(a) A report regarding the vision of the applicant from a licensed ophthalmologist, optometrist or physician, or an agency which issues driver's licenses in another state. The report must:

(1) Be signed by the ophthalmologist, optometrist or physician, or a representative of the agency;

(2) Include the applicant's name, address, *and* driver's license number; ~~and social security number;~~

(3) Be dated not earlier than 90 days before its submission to the Department;

(4) Include visual acuity readings acceptable to the Department; and

(5) Indicate whether the test was administered with corrective lenses.

(b) If the applicant is 71 years of age or older, a statement from a licensed physician providing that it is the opinion of the physician that the person is physically able to operate a motor vehicle safely. The statement must be:

(1) Completed on a form acceptable to the Department.

(2) Dated not earlier than 90 days before its submission to the Department.

(c) If the applicant is an employee of the Federal Government, on active military duty or a dependent of such a person, proof that he is:

(1) On active military duty or a dependent of such a person; or

(2) Employed by the Federal Government or a dependent of such a person.

~~[4. If the application or letter of request is to change the:~~

~~—(a) Name;~~

~~—(b) Date of birth;~~

~~—(c) Social security number; or~~

~~—(d) Sex;~~

~~—of the applicant, it must be accompanied by proof of the correct information.~~

~~—5.]~~ 4. Each application ~~[or letter of request]~~ must be submitted to a driver's license office of this State.

~~[6.]~~ 5. Each applicant will be given the opportunity to register to vote or to correct information in the registrar of voters' register.

~~[7.]~~ 6. The Department will, within 10 business days after receiving the application ~~[or letter of request]~~:

- (a) Mail a driver's license to the applicant;
- (b) Request additional information from the applicant; or
- (c) Deny the application ~~[or request]~~.

~~—8.]~~ 7. *If a digital image and signature of the applicant have been captured, a photo and signature will be on* ~~[E]~~each driver's license mailed pursuant to this section ~~[must have the words "valid without photo" in the place where the photograph of the licensee would appear if the licensee had obtained his driver's license in person]~~.

~~[9.]~~ 8. *If no image has been captured, the mailed driver's license must have the words "valid without photo" in the place where the photograph of the licensee would normally appear.*

Sec. 17 NAC 483.475 is hereby amended to read as follows:

483.475 Reinstatement: Administration of certain tests. (NRS 483.220, 483.495, 483.908)

1. The Department will administer an applicable driving skills test to an applicant for reinstatement of his driver's license in, but not limited to, the following instances:

(a) He has been convicted of six or more moving violations while operating a noncommercial motor vehicle during the 4-year period immediately preceding the date of reinstatement;

(b) He has been convicted of four or more moving violations while operating a commercial motor vehicle during the 4-year period immediately preceding the date of reinstatement;

(c) He has been involved in more than one accident in which he was at fault during the 1-year period immediately preceding the date of reinstatement;

(d) He is applying for an upgrade in the type or classification of his license;

(e) He is applying for an additional endorsement not on the license which was withdrawn that requires a driving skills test;

(f) The license has expired *for 1 year or more*, ~~for~~ has been withdrawn for 1 year or more; or

(g) The license was withdrawn because of the failure of the applicant to complete a driving skills test.

2. The Department will administer an applicable knowledge test, or a test more specific to a particular classification or endorsement, to an applicant for reinstatement of his driver's license in, but not limited to, the following instances:

(a) He has been convicted of three or more moving violations while operating a noncommercial motor vehicle during the 4-year period immediately preceding the date of reinstatement;

(b) He has been convicted of two or more moving violations while operating a commercial motor vehicle during the 4-year period immediately preceding the date of reinstatement;

(c) He is applying for an upgrade in the type or classification of his license;

(d) He is applying for an additional endorsement on his license which was withdrawn that requires a knowledge test;

- (e) The license has expired *for 1 year or more*, ~~for~~ has been withdrawn for 1 year or more; or
- (f) The license was withdrawn because of the failure of the applicant to complete a knowledge test.

Sec. 18 NAC 483.480 is hereby amended to read as follows:

483.480 Termination or rescission of action to withdraw license or award of credit against period of revocation. (NRS 483.220, 483.495)

1. The Department will terminate or rescind an action to withdraw a driver's license or award credit against the period of revocation if the action resulted from:

(a) Incorrect information on the driver's license and the information has been corrected by the Department;

(b) A conviction and the Department has received a notice from the court amending the conviction to an offense which is not cause for the withdrawal of the license;

(c) A statement from a law enforcement officer and the Department has received a corrected statement from the officer amending the information that caused the withdrawal action; or

(d) A statement from a law enforcement officer and the Department has received an amended conviction order from the court finding that the license was incorrectly revoked.

2. If the action to withdraw a driver's license resulted from a statement of the court that the court seized a person's driver's license at the time of a conviction and ordered the person not to operate a motor vehicle, the person must receive credit against the period of revocation from the time of the conviction to the time of withdrawal of the driver's license by the Department.

3. If a law enforcement investigation conducted by the Compliance Enforcement Division of the Department reveals a conviction has been recorded on the driving record of a person who is the victim of identity theft, or the subject of a withdrawal is a victim of identity theft and

is not the actual person identified on the report of conviction or by law enforcement at the time of the report, the Department shall remove the conviction and terminate or rescind an action to withdraw a driver's license.

Sec. 19 NAC 483.8485 is hereby amended to read as follows:

483.8485 Test to determine concentration of alcohol: Duties of peace officer; review by Department; contents and mailing of order for suspension of license. (NRS 483.908)

1. A peace officer who has received the results of a test given pursuant to ~~NRS 483.922~~ *NRS 484.379778* which indicate~~s~~ that a person who holds a commercial driver's license or permit to whom the test was given had a concentration of alcohol of 0.04 or more but less than 0.08 in his blood or breath shall prepare a written certificate indicating whether the peace officer:

(a) Had reasonable grounds to believe that the person was driving under the influence of alcohol;

(b) Served an order of suspension on the person pursuant to subsection 2; and

(c) Issued the person a ~~commercial~~ temporary driver's license pursuant to subsection 2.

2. If a person who holds a commercial driver's license or permit to whom a test is given pursuant to ~~NRS 483.922~~ *NRS 484.379778* is present when a peace officer receives the results of the test and the test *results* indicate~~s~~ that the person ~~has~~ *had* a concentration of alcohol of 0.04 or more but less than 0.08 in his blood or breath, the peace officer shall:

(a) Serve an order of suspension of the commercial driver's license, permit or privilege to drive;

(b) Seize any commercial driver's license or permit of the person;

(c) Advise the person of his right to:

(1) Administrative and judicial review of the suspension; and

(2) Obtain a temporary ~~commercial~~ driver's license, if his commercial driver's license is seized pursuant to paragraph (b);

(d) ~~If the person requests a temporary commercial driver's license, and his commercial driver's license is seized pursuant to paragraph (b), issue the person a temporary commercial driver's license on a form approved by the Department which becomes effective 24 hours after he receives the temporary commercial driver's license and expires 168 hours after it becomes effective;~~ *If the person holds a commercial driver's license and his license is seized pursuant to*

paragraph (b), the person is not eligible to receive a temporary commercial driver's license pursuant to 49 CFR 384.210.

(e) If the person requests a temporary driver's license, issue the person a temporary non-commercial driver's license pursuant to NRS 484.385 on a form approved by the Department; and

~~(e)~~ (f) Transmit to the Department:

(1) Any commercial driver's license or permit seized pursuant to paragraph (b) *of subsection 2*; and

(2) The written certificate that the peace officer is required to prepare pursuant to subsection 1.

3. If a person who holds a commercial driver's license or permit to whom a test is given pursuant to ~~[NRS 483.922]~~ *NRS 484.379778* is not present when a peace officer receives the results of the test and the test *results* indicate~~s~~ that the person ~~has~~ *had* a concentration of alcohol of 0.04 or more but less than 0.08 in his blood or breath, the peace officer shall transmit

to the Department a copy of the results of the test and the written certificate that the peace officer is required to prepare pursuant to subsection 1.

4. The Department, upon receiving a copy of the results of the test and the written certificate transmitted by the peace officer pursuant to subsection 3, will:

(a) Review the results of the test and the written certificate; and

(b) If the Department determines that it is appropriate, issue an order to suspend the commercial driver's license, permit or privilege to drive of the person by mailing the order to the person at his last known address.

5. An order for suspension issued by the Department pursuant to subsection 4 must:

(a) Explain the grounds for the suspension;

(b) Indicate the period of the suspension;

(c) Require the person to transmit to the Department any commercial driver's license or permit held by the person; and

(d) Explain that the person has a right to administrative and judicial review of the suspension.

6. An order for suspension issued by the Department pursuant to subsection 4 is presumed to have been received by the person 5 days after the order is deposited by the Department, postage prepaid, in the United States mail. The date of mailing of the order may be shown by a certificate that is prepared by an officer or employee of the Department specifying the date of mailing.

Sec. 20 NAC 483.555 is hereby amended to read as follows:

483.555 Adoption by reference of certain provisions of Code of Federal Regulations; report of certain offenses to National Driver Register. (NRS 481.051)

1. The Department hereby adopts by reference the provisions of 23 C.F.R. Part 1327.5 and Appendix A to Part 1327, "Abridged Listing of the American Association of Motor Vehicle

Administrators Violations Exchange Code, Used by the NDR for Recording Driver License Denials and Withdrawals, *and convictions of motor vehicle-related offenses*” as those provisions existed on ~~[November 8, 1991]~~ *April 1, 2007, or any subsequent revisions*. A copy of the provisions of 23 C.F.R. Part 1327.5 and Appendix A to Part 1327 may be obtained from the ~~[Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, for the price of \$26]~~ *United States Government Printing Office, 732 N. Capitol Street, NW, Washington, DC, 20401 for the price of \$45.*

~~[2. In addition to the offenses listed in Appendix A to Part 1327, the Department will report to the National Driver Register the following offenses if any of those offenses occurred during the operation of a commercial motor vehicle:~~

~~—(a) Exceeding the speed limit by not less than 15 miles per hour.~~

~~—(b) Following a motor vehicle too closely.~~

~~—(c) Changing lanes improperly.]~~

~~2.[3.]~~ As used in 23 C.F.R. Part 1327.5 (a), “for cause” means an adverse action taken by a state against a person which is based on a violation set forth in Appendix A to Part 1327. ~~[for any violation set forth in subsection 2.]~~

Sec. 21 NAC 483.849 is hereby amended to read as follows:

483.849 Suspension of license as result of certain concentration of alcohol: Hearing; temporary license; judicial review. (NRS 483.908)

1. At any time during which the commercial driver’s license, permit or privilege to drive is suspended pursuant to NAC 483.8485, the person may request in writing an administrative hearing by the Department to review the order of suspension. A person is entitled to only one administrative hearing pursuant to this section.

2. Unless the parties agree otherwise, the hearing must be conducted within 15 days after receipt of the request, or as soon thereafter as is practicable, in the county in which the requester resides.

3. The Director of the Department or his agent may:

(a) Issue subpoenas for:

(1) The attendance of witnesses at the hearing; and

(2) The production of relevant books and papers; and

(b) Require a reexamination of the requester.

4. The scope of the hearing must be limited to the issues of whether the person, at the time of the test:

(a) Held a commercial driver's license or permit; and

(b) Had a concentration of alcohol of 0.04 or more but less than 0.08 in his blood or breath.

5. The Department will issue the person a temporary *non*-commercial driver's license, if he holds a commercial driver's license, for a period that is sufficient to complete the administrative hearing.

6. Upon an affirmative finding on the issues listed in subsection 4, the Department will affirm the order of suspension. Otherwise, the order of suspension must be rescinded.

7. If the order of suspension is affirmed by the Department, the person is entitled to judicial review of the issues listed in subsection 4 in the manner provided in chapter 233B of NRS.

8. Upon receiving a notice from a court of competent jurisdiction that the court has issued a stay, the Department will issue an additional temporary *non*-commercial driver's license if he holds a commercial driver's license for a period that is sufficient to complete the judicial review.

9. Upon receiving a notice from:

(a) A hearing officer that he has granted a continuance of the administrative hearing; or

(b) A court of competent jurisdiction that the court has granted a continuance after issuing a stay of the suspension, the Department will cancel any temporary ~~commercial~~ driver's license granted pursuant to this section and notify the holder by mailing an order of cancellation to the last known address of the holder.

10. If the person holds a commercial driver's license and his license is seized, the person is not eligible to receive a temporary commercial driver's license pursuant to 49 CFR 384.210.

Sec. 22 NAC 483.900 is hereby amended to read as follows:

483.900 Additional fees to cover cost of production *and mailing* of ~~photographs for~~ drivers' licenses and identification cards. (NRS 483.347)

1. To cover the actual cost of production ~~of photographs~~ for drivers' licenses and identification cards, the Department will charge and collect, in addition to the fees charged pursuant to NRS 483.410, 483.820 and 483.910, ~~[\$2.25]~~ *\$3.00* for ~~each photograph taken for~~ the issuance of an original, *renewed*, duplicate, or changed ~~noncommercial~~ driver's license~~, commercial driver's license~~ or identification card.

2. *To cover the cost of postage and handling for a driver's license or identification card that, at the request of the applicant, is express mailed to the applicant, the Department will charge and collect, in addition to the fees charged pursuant to subsection 1, NRS 483.410, 483.820, and 483.910, \$30.00 for each request processed.*

~~[2.]~~ 3. The money collected pursuant to subsections 1 *and 2* must be deposited in the State Treasury for credit to the Motor Vehicle Fund and must be allocated to the Department to defray the increased costs of producing drivers' licenses and identification cards pursuant to NRS 483.347.

~~[3. As used in this section, “photograph” has the meaning ascribed to it in NRS 483.125.]~~

Sec. 23 Chapter 483 of NAC is hereby amended by repealing the following:

NAC 483.080 “Certificate of renewal” defined

NAC 483.083 Application for renewal

NAC 483.090 Applicability of provisions

NAC 483.093 Determination of eligibility

NAC 483.094 Failure to receive identification card from Department; application for duplicate identification card

NAC 483.420 “Renewal sticker” defined.

Sec. 24. 1. Sections 9 and 17 through 21 of this regulation become effective upon filing with the Secretary of State.

2. Sections 1 through 8, 10 through 16, 22 and 23 of this regulation become effective on upon implementation of the Driver’s License and Identification Card Central Issuance process.

<p>TEXT OF REPEALED SECTIONS</p>

NAC 483.080 “Certificate of renewal” defined. (NRS 481.051) As used in NAC 483.080 to 483.087, inclusive, “certificate of renewal” means a certificate issued by the Department pursuant to NAC 483.084 to a person who renews his identification card by mail.

NAC 483.083 Application for renewal. (NRS 481.051)

1. Each application for the renewal of an identification card by mail must:

(a) Be made upon a form provided by the Department;

(b) Be mailed or otherwise delivered to the Department of Motor Vehicles, 555 Wright Way, Carson City, Nevada 89711-0450, Attention: Central Services and Records Division, Renewal by Mail Section;

(c) Be accompanied by the applicable fee required by NRS 483.820;

(d) Include the full legal name, date of birth, identification card number, mailing address and residential address of the applicant; and

(e) Include such other information as the Department may require.

2. At the time he applies for the renewal of his identification card by mail, an applicant may change his mailing or residential address as it appears on his identification card.

3. The Department will include on the application for the renewal of an identification card by mail the opportunity for the applicant to indicate on his certificate of renewal that he:

(a) Wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.590, inclusive, or that he refuses to make an anatomical gift of his body or part of his body; or

(b) Wishes to register to vote or correct any information relating to the applicant set forth in the registrar of voters' register.

NAC 483.090 Applicability of provisions. (NRS 481.051) The provisions of NAC 483.090 to 483.094, inclusive, apply to a person who is temporarily residing outside of this State at the time he applies for an identification card by mail.

NAC 483.093 Determination of eligibility. (NRS 481.051)

1. Any person who is a resident of this State, holds an identification card from this State and is temporarily residing outside this State is eligible to renew his identification card by mail unless, except as otherwise provided in subsection 2, he is applying for a second consecutive renewal by mail.

2. The Department may renew the identification card of any applicant who is employed by the Federal Government or on active military duty or the dependent of such an applicant:

(a) Regardless of whether his identification card was previously renewed by mail; and

(b) If his identification card has been expired for more than 1 year but less than 2 years.

NAC 483.094 Failure to receive identification card from Department; application for duplicate identification card. (NRS 481.051)

1. If a person who applies for the renewal of his identification card by mail notifies the Department that he has not received the identification card within 30 days after the identification card was mailed and the Department determines that:

(a) The applicant did not change his mailing address, the Department will issue and mail another identification card to the applicant free of charge.

(b) The applicant has changed his mailing address, the applicant must apply for a duplicate identification card and pay the applicable fee for the duplicate identification card set forth in NRS 483.820.

2. If an applicant has lost, mutilated or destroyed his identification card, he must apply for a duplicate identification card and pay the applicable fee for the duplicate identification card set forth in NRS 483.820.

NAC 483.420 “Renewal sticker” defined. (NRS 483.220, 483.383) As used in NAC 483.420 to 483.455, inclusive, “renewal sticker” means a sticker issued by the Department to a person who renews his driver’s license by mail pursuant to NAC 483.445.