

LCB File No. R107-08

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

Notice of Public Workshop to Solicit Comments on Proposed Regulation

The Department of Motor Vehicles (555 Wright Way, Carson City, Nevada 89711, (775) 684-4368) is proposing the adoption of amended regulations pertaining to Chapter 483 of Nevada Administrative Code. A Public Workshop has been set to be held at the time and place below:

**PUBLIC WORKSHOP
CARSON CITY & LAS VEGAS
Video Conference Access**

Date: Thursday, August 28, 2008

Time: 10:00 a.m. – 12 noon

Carson City Location:

Legislative Counsel Bureau, Room 3143
401 South Carson Street
Carson City, NV 89701

Las Vegas Location:

Grant Sawyer State Office Building
555 East Washington Avenue, Room 4412E
Las Vegas, NV 89101

The purpose of the Public Workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

Proposed Regulation of the Department of Motor Vehicles, LCB File No. R107-08

A regulation relating to the Department of Motor Vehicles; authorizing the placement of an indicator of a medical condition on a driver's license or identification card; revising the provisions for renewing a driver's license or identification card by mail; requiring the production of a renewed driver's license or identification card in lieu of a certificate of renewal or renewal sticker; requiring the submission of a digital image and signature to renew an identification card or driver's license by mail; deleting provisions that allow a person to apply to renew a driver's license by mail by using a letter of intent; requiring the termination of an action to rescind or withdraw a driver's license from a victim of identity theft in certain circumstances; deleting provisions that authorize the issuance of a temporary commercial driver's license; increasing certain fees for a driver's license or identification card; repealing certain provisions relating to the renewal of identification cards and drivers' licenses; and providing other matters properly relating thereto.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting:

Jude Hurin, Driver Programs Manager

Department of Motor Vehicles
Research and Development Division
555 Wright Way, Carson City, NV 89711
(775) 684-4719

A reasonable fee for copying may be charged. The text of the proposed regulation is also available on the Legislative Counsel Bureau's Internet at <http://leg.state.NV.us/Register/>.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations (as attached).

Date: July 25, 2008

THIS NOTICE HAS BEEN POSTED AT THE FOLLOWING LOCATIONS:

DEPARTMENT OF MOTOR VEHICLES' BRANCH OFFICES

Office of the Director
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

LIBRARIES

Goldfield Public Library
Fourth & Crook St.
Goldfield, NV 89013

Pershing County Library
1125 Central Ave.
Lovelock, NV 89419

Lincoln County Library
93 Main St.
Pioche, NV 89043

Storey County Library
95 South R St.
Virginia City, NV 89440

Eureka Branch Library
10190 Monroe St.
Eureka, NV 89316

Mineral County Library
1125 Central Ave.
Hawthorn NV 89419

Battle Mountain Branch
625 Broad St.
Battle Mountain, NV 89820

Nevada State Library
100 North Stewart St.
Carson City, NV 89701

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Public Hearing for the Adoption of Proposed New and Amended Regulations of the Department of Motor Vehicles

The Department of Motor Vehicles will hold a Public Hearing at the following location on the date and time specified:

PUBLIC HEARING CARSON CITY & LAS VEGAS Video Conference Access

Date: Wednesday, September 03, 2008

Time: 10:00 a.m. – 12 noon

Carson City Location:

Legislative Counsel Bureau, Room 3143
401 South Carson Street
Carson City, NV 89701

Las Vegas Location:

Grant Sawyer State Office Building
555 East Washington Avenue, Room 4412E
Las Vegas, NV 89101

The purpose of the hearing is to receive comments from all interested persons regarding the adoption of proposed new and amended regulations (LCB File No. R107-08) that pertain to Chapter 483 of the Nevada Administrative Code.

Proposed Regulation of the Department of Motor Vehicles, LCB File No. R107-08

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment.

This is a regulation relating to the Department of Motor Vehicles to amend Chapter 483 of NAC, which relates to various revisions affecting the issuance of a driver's license, identification card, and commercial driver's license, entry of medical indicators on the cards, revisions of renewal by mail processes, providing assistance to victims of ID theft by the Department's investigators, removing the ability to issue a temporary CDL, revising the cost of the DL/ID cards, as well as other amendments.

2. Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved.

It authorizes the placement of an indicator of a medical condition on a driver's license or identification card; revising the provisions for renewing a driver's license or

identification card by mail; requiring the production of a renewed driver's license or identification card in lieu of a certificate of renewal or renewal sticker; requiring the submission of a digital image and signature to renew an identification card or driver's license by mail; deleting provisions that allow a person to apply to renew a driver's license by mail by using a letter of intent; requiring the termination of an action to rescind or withdraw a driver's license from a victim of identity theft in certain circumstances; deleting provisions that authorize the issuance of a temporary commercial driver's license; increasing certain fees for a driver's license or identification card; repealing certain provisions relating to the renewal of identification cards and drivers' licenses; and providing other matters properly relating thereto.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:

(a) Both adverse and beneficial effects; and

- **1)** Section 24, NAC 483.900 requests a 75-cent increase to the DL/ID card production cost. The Department amended our existing contract with the vendor in order to transition into a central issuance environment and produce a new card with a large increase in security features. The increased amount of security features, as well as other enhancements to the Department's electronic application, raised the cost of producing the cards. Currently, this charge is \$2.25, but with the new fees the customer will be paying \$3.00.

(b) Both immediate and long-term effects.

- **1)** Section 24, NAC 483.900
 - **Short-term effects:** 75-cent cost increase to the public for a more secure system and DL/ID card.
 - **Long-term effects:** none

4. The estimated cost to the agency for enforcement of the proposed regulation.
None.

5. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.
N/A.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

- **a)** Section 22, NAC 483.8485: The requested change will ensure that a commercial driver would not be able to obtain a temporary commercial license after his/her license has been seized by an officer as a result of an

alcohol offense, a prohibited substance offense, or a controlled substance offense. The Department would only issue a “**non-commercial**” temporary license. This is due to a Federal guideline under 49 CFR 384.210 (see below).

“A State must not knowingly issue a CDL or a commercial special license or permit (including a provisional or temporary license) permitting a person to drive a CMV during a period in which: **(a)** A person is disqualified from operating a CMV, as disqualification is defined by §383.5 of this subchapter, or under the provisions of §383.73(g) or §384.231(b)(2) of this subchapter; **(b)** The CDL holder's noncommercial driving privilege has been revoked, suspended, or canceled; or **(c)** Any type of driver's license held by such person is suspended, revoked, or canceled by the State where the driver is licensed for any State or local law related to motor vehicle traffic control (other than parking violations).”

7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

N/A.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

- **1)** Section 24, NAC 483.900 has changed to request a 75-cent increase to the DL/ID card production cost. The Department amended our existing contract with the vendor in order to transition into a central issuance environment, and produce a new card with a large increase in security features. The increased amount of security features, as well as other enhancements to the Department's electronic application, raised the cost of producing the cards. Currently, this charge is \$2.25 but with the new fees the customer will be paying \$3.00.

Persons wishing to comment upon the proposed action of the Department of Motor Vehicles may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form to:

Mr. Jude Hurin, Driver Programs Manager III
Department of Motor Vehicles
Research and Development Division
555 Wright Way, Carson City, NV 89711

Written submission must be received by the Department of Motor Vehicles on or before **Wednesday, September 10, 2008**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Department of Motor Vehicles may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during

business hours. Additional copies of the notice and regulations to be adopted will be available at each of the Department of Motor Vehicles' offices listed, and at the main public libraries listed, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://leg.state.NV.us/Register/>. Copies of this notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the locations listed on the attached page.

Dated: July 25, 2008

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Pahrump, NV 89060

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Ely, NV 89301

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Pioche, NV 89043

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Virginia City, NV 89440

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Eureka, NV 89316

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Hawthorne, NV 89419

Battle Mountain Branch
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Battle Mountain, NV 89820

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Carson City, NV 89701