

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

**LCB File No. R009-09**

July 23, 2009

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

AUTHORITY: §§1, 4 and 6, NRS 481.051; §§2 and 3, NRS 481.051 and 483.420; §5, NRS 481.051 and 483.220; §7, NRS 481.051, 483.220, 483.383 and 483.420; §8, NRS 481.051, 483.220, 483.420, 483.495 and 483.908.

A REGULATION relating to motor vehicles; providing that the Department of Motor Vehicles may require a holder of a driver's license, motorcycle driver's license or identification card to provide proof of identity under certain circumstances; providing that the Department may cancel a driver's license, motorcycle driver's license or identification card under certain circumstances; providing a hearing procedure whereby a person may contest an action if the person's driver's license, motorcycle driver's license or identification card is subject to cancellation by the Department for failing to provide proof of identity under certain circumstances; 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.** *If, based on information received from a law enforcement agency or a report filed with the Department, the Department has good cause to believe that the holder of a driver's license, motorcycle driver's license or identification card is not the person identified on the license or identification card, the Department may request that the holder of the license or identification card provide the Department with proof of identity satisfying the requirements of NRS 483.290, 483.860, 486.081 or NAC 483.050, as applicable. If the holder of the license or identification card does not provide the Department with proof of identity, the Department*

*may, subject to the provisions of section 3 of this regulation, cancel the license or identification card.*

**Sec. 3. 1.** *Before the Department may cancel a driver's license, motorcycle driver's license or identification card pursuant to this subsection, the Department must send written notice of its intent to the holder of the license or identification card by certified mail, return receipt requested, to the holder's mailing address on file with the Department. Such written notice must include, without limitation, an explanation of why the Department has good cause to believe that the holder of the license or identification card is not the person identified on the license or identification card.*

*2. Upon receipt of the notice described in subsection 1, the holder of a license or identification card may petition the Department in writing for a hearing conducted by a hearing officer of the Department in the county in which the holder resides. If the Department does not receive a request for a hearing within 20 days after the mailing of the notice, the Department may, without hearing, cancel the license or identification card.*

*3. If the holder of a license or identification card files a petition with the Department as described in subsection 2, a date for the hearing must be fixed no later than 60 days after the receipt of the request for hearing or as soon thereafter as practicable. The hearing officer may issue subpoenas for the attendance of witnesses and the production of evidence.*

*4. The hearing must be conducted pursuant to the provisions of chapter 233B of NRS, and judicial review must be available as provided therein. Within 30 days after the hearing, the hearing officer shall make a final determination in writing.*

*5. The Department may, without a hearing, reinstate a cancelled license or identification card if the holder of the license or identification card provides the Department with proof of*

*identity that satisfies the requirements of NRS 483.290, 483.860, 486.081 or NAC 483.050, as applicable.*

**Sec. 4.** NAC 483.010 is hereby amended to read as follows:

483.010 1. As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 483.030 to 483.190, inclusive, and subsections 2, ~~and~~ 3 *and 4* of this section have the meanings ascribed to them in those sections.

2. “Department” means the Department of Motor Vehicles.

3. *“Director” means the Director of the Department.*

4. “Good cause to believe” means there are facts sufficient to warrant the belief by a reasonable person that the matter in question is true.

**Sec. 5.** NAC 483.075 is hereby amended to read as follows:

483.075 If a person requests that the Department change the information on his *or her* driver’s license, motorcycle driver’s license or identification card pursuant to NAC 483.050 to 483.070, inclusive, *and sections 2 and 3 of this regulation*, the Department shall:

1. Require the person requesting the change to surrender his *or her* current driver’s license, motorcycle driver’s license or identification card;

2. Charge and collect the appropriate fee as set forth in NRS 483.410 or 483.820; and

3. Issue a new driver’s license, motorcycle driver’s license or identification card to the person.

**Sec. 6.** NAC 483.084 is hereby amended to read as follows:

483.084 1. The Department will, by mail, renew the identification card of each qualified applicant.

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

(a) The holder is applying to renew by mail for the second consecutive time;

(b) *The Department has requested that the holder provide proof of identity pursuant to section 2 of this regulation;*

(c) The holder is an international instructor, international student or seasonal resident;

~~{(e)}~~ (d) The holder wishes to change any information other than ~~{his}~~ *the* address *of the holder* which appears on the front of ~~{his}~~ *the* identification card; or

~~{(d)}~~ (e) The identification card of the holder has been lost, stolen 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 a person:

(a) Regardless of whether ~~{he}~~ *the person* previously renewed his *or her* identification card by mail; or

(b) If ~~{his}~~ *the person's* identification card has been expired for more than 1 year, but less than 2 years.

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

**Sec. 7.** NAC 483.430 is hereby amended to read as follows:

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

(a) The holder is applying for a second consecutive renewal of the license by mail;

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

(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~~ *the holder's* driver's license or privilege to drive in that jurisdiction is suspended, revoked or cancelled or that ~~His~~ *the holder's* application for a driver's license in that jurisdiction has been denied;

(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;

(e) ~~He~~ *The holder* is 71 years of age or older, unless he *or she* 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;

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

(g) The license is a restricted driver's license issued pursuant to NRS 483.490;

(h) ~~His~~ *The holder's* name is listed in the records of the Department as a person who must renew his *or her* driver's license in person because the Department believes that the information contained on his *or her* driver's license may be incorrect or that his *or her* license may have been issued as a result of fraud or mistake;

(i) ~~[He]~~ *The Department has requested that the holder provide proof of identity pursuant to section 2 of this regulation;*

(j) *The holder* is an international instructor or an international student;

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

~~[(k) He]~~ (l) *The holder* wishes to change any information other than his *or her* address which appears on the front of his *or her* driver's license.

2. A statement or report submitted pursuant to paragraph (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. 8.** NAC 483.471 is hereby amended to read as follows:

483.471 1. The Department will waive the knowledge, driving skills and vision tests when reinstating a driver's license if:

(a) The license was suspended for:

(1) Any violation of law governing financial responsibility;

(2) The failure to make a report of an accident;

(3) The violation of a written promise to appear in court pursuant to a citation;

(4) The violation of a license restriction, other than a restriction that requires an annual vision test, a driving skills test or the submission of a medical letter from a physician;

- (5) The use, possession, sale or distribution by a minor of a controlled substance, or the purchase, consumption or possession by a minor of an alcoholic beverage;
- (6) A first offense for driving at a time when the license was suspended; or
- (7) Pursuant to NRS 483.443, the failure to:
  - (I) Comply with a subpoena or warrant relating to a proceeding to establish paternity or to establish or enforce an obligation for the support of a child; or
  - (II) Satisfy an arrearage in the payment for the support of one or more children.

(b) The license was cancelled ~~{for:}~~ :

- (1) ~~{Insufficient}~~ *For insufficient* identification at the time of application;
- (2) ~~{The}~~ *For the* issuance of a check to the Department with insufficient money or credit to pay the check;
- (3) ~~{The}~~ *For the* withdrawal of the license of the driver in another state;
- (4) ~~{The}~~ *For the* failure to pay all fees;
- (5) ~~{The}~~ *For the* failure to pay a civil penalty relating to the operation of a motor vehicle;

~~{or}~~

(6) ~~{Incorrect}~~ *For incorrect* information appearing on the driver's license, except for a missing or an incorrect license endorsement ~~{:}~~ ; *or*

*(7) Pursuant to the provisions of sections 2 and 3 of this regulation.*

2. An applicant who successfully completes a knowledge test for a commercial driver's license may not be required to complete a knowledge test for a noncommercial driver's license.

3. The Department will waive the driving skills test when reinstating a driver's license if:

(a) The license has been revoked for less than 1 year:

- (1) For a conviction for driving under the influence of alcohol or a controlled substance;

(2) For failing to submit to a test of alcohol concentration or the presence of a controlled substance in the system of the driver; or

(3) Pursuant to the provisions of NRS 484.385.

(b) The driver has successfully completed a driving skills test in a commercial vehicle. An additional driving skills test in a noncommercial vehicle will not be required.

(c) The license was cancelled because of an error made by the Department.

(d) The driver is reinstating his *or her* license by mail for the purpose of obtaining a license in another state.

4. The Department will waive the vision test when reinstating a driver's license if:

(a) The expiration date on the reinstated license will not change from the expiration date on the withdrawn license;

(b) The reinstatement is completed by mail to obtain a clearance letter or a license from another state; or

(c) The applicant provides a report from an ophthalmologist, optician or optometrist in lieu of a vision test administered by the Department.