

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

LCB File No. R140-12

Effective upon the expiration of any extension of time granted to this State by the Secretary of Homeland Security to comply with the provisions of the Real ID Act of 2005.

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted; matter in **green** are revisions to the Third Edition of the adopted regulations as submitted to the Legislative Commission in May 2010.

AUTHORITY: NRS 481.051; 483.220; 483.250, 483.267, 483.270, 483.290, 483.340; 483.380, 483.383, 483.390, 483.490, 483.840, 483.850, 483.860, 483.870; 483.875; and 483.908

Section 1. Chapter 483 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 40, inclusive, of this regulation.

Sec. 2. *“Full legal name” means a person’s first name, middle names and family name or last name, without the use of initials or nicknames, as evidenced on documentation presented for providing proof of name pursuant to section 20 of this regulation.*

Sec. 3. *“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. 4. *“Identification card” means an identification card issued by the Department pursuant to this chapter and chapter 483 of NRS.*

Sec. 5. *“License” has the meaning ascribed to it in NRS 483.083.*

Sec. 6. *Any information obtained by the Department during the application and issuance process of a driver’s license or identification card must be stored on an electronic system*

maintained by the Department in a manner to prevent unauthorized use of the information and to ensure the security and confidentiality of personally identifiable information.

Sec. 3. As used in sections 8 to 40, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined sections 8 to 12, inclusive, of this regulation have the meanings ascribed to them in those sections.

Sec. 8. “Address of principal residence” means the address of the location where a person has his true, fixed and permanent home and where the person intends to return whenever the person is absent.

Sec. 9. “Lawful status” has the meaning ascribed to it in 6 C.F.R. § 37.3.

Sec. 10. “Limited-term driver’s license” means a driver’s license issued pursuant to paragraph (b) of subsection 7 of NRS 483.290.

Sec. 11. “Limited-term identification card” means an identification card issued pursuant to subsection 4 of NRS 483.875.

Sec. 42. “Seasonal resident” means a person who does not meet the definition of “resident” in NRS 483.141 and who:

- 1. Temporarily resides in this State for a period of at least 31 consecutive days each calendar year;*
- 2. Maintains a temporary residence in this State;*
- 3. Returns to the state or jurisdiction of his principal place of residence at least once during each calendar year;*
- 4. Is registered to vote or pays income tax in another state or jurisdiction; and*

5. Does not engage in a trade, profession or occupation or gainful employment in this State.

Sec. 13. 1. Each driver's license issued by the Department must contain:

(a) The full legal name of the licensee.

(b) The date of birth of the licensee.

(c) The gender of the licensee.

(d) A unique driver's license number assigned to the licensee.

(e) A digital photograph of the full face of the licensee. The digital photograph of the licensee must, in accordance with 6 C.F.R. § 37.17(e)(1), meet the following standards:

(1) Lighting must be equally distributed across the face of the licensee.

(2) The face of the licensee must be clearly visible and free of shadows from the crown to the base of the chin and from one ear to the other.

(3) Any veils, scarves or headdress worn by the licensee must not obscure any facial feature and must not generate any shadow.

(4) Any eyewear worn by the licensee must not obstruct the iris or pupil of the eye. The iris and pupil of the eye must be clearly visible.

(f) Except as otherwise provided in section 15 of this regulation, the address of principal residence of the licensee.

(g) A physical description of the licensee, including the height, weight, hair color and eye color of the licensee.

(h) The usual signature of the licensee.

(i) The date the driver's license is issued.

(j) The expiration date of the driver's license.

(k) A reference to this State as the state in which the driver's license is issued.

(l) If the driver's license is issued in accordance 6 C.F.R. Part 37, Subparts A to E, inclusive, a security marking approved by the United States Department of Homeland Security in accordance with 6 C.F.R. § 37.17.

2. driver's license is not valid if it does not contain the licensee's signature or if a hole is punched through any part of the driver's license.

3. The Department will not place in any driver's license a radio frequency identification chip, geospatial technology or any other related technology.

Sec. 14. 1. Each identification card issued by the Department must contain:

(a) The full legal name of the holder of the identification card.

(b) The date of birth of the holder of the identification card.

(c) The gender of the holder of the identification card.

(d) A unique identification card number assigned to the holder of the identification card.

(e) A digital photograph of the full face of the holder of the identification card. The digital photograph of the holder of the identification card must, in accordance with 6 C.F.R. § 37.17(e)(1), meet the following standards:

(1) Lighting must be equally distributed across the face of the holder of the identification card.

(2) The face of the holder of the identification card must be clearly visible and free of shadows from the crown to the base of the chin and from one ear to the other.

(3) Any veils, scarves or headdress worn by the holder of the identification card must not obscure any facial feature and must not generate any shadow.

(4) Any eyewear worn by the holder of the identification card must not obstruct the iris or pupil of the eye. The iris and pupil of the eye must be clearly visible.

(f) Except as otherwise provided in section 16 of this regulation, the address of principal residence of the holder of the identification card.

(g) A physical description of the holder of the identification card, including the height, weight, hair color and eye color of the holder.

(h) The usual signature of the holder of the identification card.

(i) The date the identification card is issued.

(j) The expiration date of the identification card.

(k) A reference to this State as the state in which the identification card is issued.

(l) If the identification card is issued in accordance 6 C.F.R. Part 37, Subparts A to E, inclusive, a security marking approved by the United States Department of Homeland Security in accordance with 6 C.F.R. § 37.17.

2. An identification card is not valid if it does not contain the signature of the holder of the identification card or if a hole is punched through any part of the identification card.

3. The Department will not place in any identification card a radio frequency identification chip, geospatial technology or any other related technology.

Sec. 5. Instead of placing a licensee's address of principal residence on his driver's license, the Department will place an alternative address located in the State of Nevada on the face of the driver's license if the licensee makes such a request on a form provided by the Department and the Department determines that the licensee:

1. Has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, or 293.5002;

2. Is entitled to have his address suppressed pursuant to a court order, federal law or the laws of this State; or

3. Is protected from disclosure of information pursuant to section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104-208.

Sec. 16. Instead of placing a person's address of principal residence on his identification card, the Department will place an alternative address located in the State of Nevada on the face of the identification card if the person makes such a request on a form provided by the Department and the Department determines that the person:

1. Has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, or 293.5002;

2. Is entitled to have his address suppressed pursuant to a court order, federal law or the laws of this State; or

3. Is protected from disclosure of information pursuant to section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Public Law 104-208.

Sec. 17. 1. Except as otherwise provided in NRS 483.283 or except for a limited-term driver's license, each driver's license expires on the fourth anniversary of the licensee's birthday, measured in the case of an original issuance, a renewal of a license or a renewal of an expired license from the birthday of the licensee nearest the date of issuance or renewal.

2. For the purposes of this section and sections 8 to 40, inclusive, of this regulation, any applicant or licensee whose date of birth was on February 29 in a leap year is considered to have the anniversary of his birth on February 28.

Sec. 18. A person who wishes to apply for a driver's license or identification card or to change the address on an existing driver's license or identification card must submit proof

satisfactory to the Department that the person is a resident of this State. The proof of residency must include any two of the following documents indicating the person's name and that the person's address of principal residence is located in this State:

- 1. Certification of residency in this State on a form provided by the Department.*
- 2. A record of property taxes assessed or paid in this State.*
- 3. A utility bill from a utility provider based in this State.*
- 4. A deed or documentation of a mortgage.*
- 5. A receipt for rent of real property located in this State.*
- 6. A lease or rental agreement for real property located in this State.*
- 7. Enrollment records from an educational institution in this State.*
- 8. Receipts from a motel, hotel, campground or recreational vehicle park showing 30 consecutive days of residency in this State.*
- 9. A statement from a relief agency or shelter located in this State on a form provided by the Department.*
- 10. Bank records indicating a personal account which has been open for at least 30 days and indicating a residential address located in this State.*
- 11. Documentation of receipt of public assistance from this State.*
- 12. A notarized statement from the owner of property located in this State indicating that the person physically resides at that property without a lease or rental agreement.*
- 13. Documentation indicating that the person has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, or 293.5002.*

14. An approved application for an alternative address on a form provided by the Department if the person is qualified to have an alternative address placed on a driver's license or identification card pursuant to section 15 or 16 of this regulation, as applicable.

Sec. 19. 1. Except as otherwise provided in subsection 2, an applicant for a driver's license or identification card must:

(a) Present at least one of the following documents as proof of the applicant's full legal name and age as required pursuant to NRS 483.290 or 483.860:

- (1) A valid, unexpired United States passport or United States passport card;*
- (2) A certified copy of a birth certificate issued by a state or local office of public health, vital records or vital statistics or an equivalent office in the state of the United States, the District of Columbia or the territory of the United States in which the applicant was born;*
- (3) A Consular Report of Birth Abroad issued by the United States Department of State;*
- (4) An unexpired Permanent Resident Card issued by the United States Department of Homeland Security or its predecessor agency;*
- (5) A Certificate of Naturalization issued by the United States Department of Homeland Security or its predecessor agency;*
- (6) A Certificate of Citizenship issued by the United States Department of Homeland Security or its predecessor agency;*
- (7) An unexpired employment authorization document issued by the United States Department of Homeland Security or its predecessor agency;*
- (8) An unexpired foreign passport with a valid, unexpired United States visa and an unexpired arrival and departure record using Form I-94 affixed; or*

(9) A driver's license or identification card from another state which is issued pursuant to the standards established by 6 C.F.R. Part 37, Subparts A to E, inclusive, and which contains a security mark approved by the United States Department of Homeland Security in accordance with 6 C.F.R. § 37.17; and

(b) Present as proof of the applicant's lawful status:

(1) A document listed in subparagraphs (1) to (6), inclusive, of paragraph (a); or

(2) A document listed in subparagraph (7), (8) or (9) of paragraph (a) and:

(I) A document listed in subparagraphs (1) to (6), inclusive, of paragraph (a); or

(II) A document issued by the United States Department of Homeland Security or another federal agency demonstrating the applicant's lawful status as determined by the United States Citizenship and Immigration Services in the Department of Homeland Security.

2. An applicant may apply to the Department for a waiver of the requirements of paragraph (a) of subsection 1 to prove his full legal name and age using alternative documents. The Department may grant the waiver if the applicant proves that, for reasons beyond the applicant's control, the applicant is unable to present the documents required pursuant to paragraph (a) of subsection 1. The Department will make reasonable efforts to establish the authenticity of the alternative documents provided by the applicant and indicate in the applicant's record that a waiver was granted to the applicant.

3. The forms of identification that are unacceptable to the Department as proof of the full legal name, age or lawful status of an applicant for a driver's license or identification card in this State include, without limitation:

(a) An identification card issued by a consulate of a foreign government;

(b) A birth certificate issued by a hospital or foreign government;

(c) A Border Crossing Card issued by the United States Citizenship and Immigration Services in the Department of Homeland Security; and

(d) A driver's license or identification card issued by another state, the District of Columbia or any territory of the United States that does not comply with the requirements of 6 C.F.R. Part 37, Subparts A to E, inclusive.

Sec. 60. 1. *A person who wishes or is required pursuant to NRS 483.390 or 483.870 to change the full legal name indicated on his driver's license or identification card must submit proof satisfactory to the Department that his full legal name was legally changed. The proof may include, without limitation, one of the following documents if that document reflects the change of the person's full legal name and indicates that it has been filed with a court of competent jurisdiction, recorded by the county recorder or filed with or certified by another appropriate agency:*

(a) A certificate of marriage;

(b) A certificate of domestic partnership issued by the Secretary of State of this State or any authorized agency of another state;

(c) An order of a court changing the full legal name of the person;

(d) A decree of adoption;

(e) A divorce decree; or

(f) Any other document that the Department for good cause determines is acceptable as proof of the change of full legal name.

2. *Except as otherwise provided in subsection 3, the Department will indicate the full legal name of the person requesting the change of full legal name on a new driver's license or*

identification card in a manner that is identical to the manner in which the full legal name appears on the document submitted by the person as proof of the change of full legal name.

3. Upon request, the Department will indicate the full legal name of the person requesting the change of full legal name on a driver's license or identification card in a manner that combines the maiden name and the married name of the person as a hyphenated last name.

4. The maiden name of a person may not be used as a middle name on a driver's license or identification card unless documented by an original or certified copy of any document of proof of the change of full legal name listed in subsection 1.

Sec. 7. 1. A person who wishes to correct the social security number provided on the application for his driver's license or identification card must submit proof satisfactory to the Department that the social security number is incorrect. The proof may include, without limitation, any of the documents listed in subsection 2 or 3, as applicable.

2. Except as otherwise provided in subsection 3, an applicant for a driver's license or identification card must present at least one of the following documents as proof of the applicant's social security number as required pursuant to NRS 483.290 or 483.860:

(a) A Social Security Administration account number card;

(b) A Form W-2;

(c) A Social Security Form SSA-1099 benefits statement;

(d) A Form 1099; or

(e) A pay stub that contains the name and social security number of the applicant.

3. If the applicant verifies his identity by presenting an unexpired foreign passport with a valid, unexpired United States visa and an unexpired arrival and departure record using Form I-94 affixed, the applicant must present a social security number evidenced by a document

listed in subsection 2 or demonstrate authorized nonwork status by presenting evidence of a Form SSA-L676 issued by the United States Social Security Administration.

Sec. 22. A person who wishes to correct the date of birth indicated on his driver's license or identification card must submit proof satisfactory to the Department that the date of birth indicated on his driver's license or identification card is incorrect. The proof may include, without limitation, any document listed in section 19 of this regulation as acceptable proof of the full legal name and age of an applicant for an driver's license or identification card.

Sec. 83. 1. A person who wishes to change the gender indicated on his driver's license or identification card must submit proof satisfactory to the Department that his gender was changed. The proof must include documentation prepared by a physician or an osteopathic physician indicating that the gender of the person has been changed.

2. A statement by a physician who practices in the area of psychiatry that the gender of the person will be changed or is in the process of being changed is not sufficient documentation for the purposes of subsection 1.

3. If a person requests that the Department change the full legal name and the gender indicated on his driver's license or identification card, the person must submit proof that his name was legally changed as prescribed in section 20 of this regulation in addition to the documentation set forth in subsection 1.

4. As used in this section:

(a) "Osteopathic physician" means a person who is licensed to practice osteopathic medicine pursuant to chapter 633 of NRS or the laws of another state or jurisdiction.

(b) "Physician" means a person who is licensed to practice medicine pursuant to chapter 630 of NRS or the laws of another state or jurisdiction.

Sec. 24. If a person requests that the Department change the information on his driver's license or identification card pursuant to sections 18 to 23, inclusive, of this regulation, the Department will:

1. Require the person requesting the change to surrender his current driver's license or identification card;

2. Charge and collect the appropriate fee as set forth in NRS 483.410, 483.820 or 483.910; and

3. Issue a new driver's license or identification card to the person.

Sec. 25. 1. Except as otherwise provided in NRS 483.861 or except for a limited-term identification card, every identification card expires on the fourth anniversary of the birthday of the holder of the identification card, measured in the case of an original issuance, a renewal of an identification card or a renewal of an expired identification card from the birthday of the holder nearest the date of issuance or renewal.

2. For the purposes of this section and sections / to /, inclusive, of this regulation, any applicant or holder of an identification card whose date of birth was on February 29 in a leap year is considered to have the anniversary of his birth on February 28.

3. Not less than 30 days before the expiration of an identification card, the Department will, if the holder of the identification card has not renewed his identification card, mail a notice of expiration to the holder of the identification card.

4. The Department will include with each notice of expiration mailed pursuant to subsection 3:

(a) A notice stating that the holder of the identification card may apply for the renewal of his identification card by mail; and

(b) An application for the renewal of his identification card by mail that includes the date on which the Department mailed the notice and application to the holder of the identification card.

Sec. 26. 1. *The Department will, by mail, issue a renewed identification card to each qualified applicant upon 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) Except as otherwise provided in this section, the identification card was renewed by mail the immediately preceding time it was renewed;

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

(c) The holder requests a change to his full legal name, gender, social security number or lawful status or a correction to his date of birth;

(d) The holder has a limited-term identification card; or

(e) The identification card of the holder has been stolen, lost or destroyed.

3. The Department may renew, by mail, an 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 the applicant previously renewed the identification card by mail;

(b) If the identification card has been expired for less than 2 years;

(c) If the applicant has not requested a change to his full legal name, gender, social security number or lawful status or a correction to his date of birth as it is recorded in the records of the Department; and

(d) If the applicant has renewed the identification card in person at least once during the 16 years immediately preceding the request for renewal by mail.

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.

Sec. 27. 1. If, not less than 30 days after the Department issues a renewed identification card by mail to an applicant, the applicant notifies the Department that the applicant has not received his renewed 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 mail a duplicate identification card to the applicant free of charge.

2. If the applicant notifies the Department pursuant to subsection 1 that the applicant has not received his renewed 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 to the Department in person for a change of address by completing the required application, submitting any necessary documentation to the Department and paying the required fees pursuant to NRS 483.820.

Sec. 28. 1. An identification card which was renewed by mail is valid until the identification card expires pursuant to section 20 of this regulation.

2. If a renewed identification card is lost, stolen or destroyed, the holder of the renewed identification card must apply in person to the Department for a new identification card. The new identification card expires on the date indicated on the renewed identification card.

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 person who applies for a renewal of his identification card by mail and who requests express delivery service of the identification card must pay to the Department the actual costs of that service.*

Sec. 29. 1. *A person specified in NAC 483.081 may apply for the renewal of his identification card by mail by submitting to the Department an application provided by the Department. The application must include the applicant's:*

(a) Except as otherwise provided in this paragraph, mailing address and address of principal 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 paragraph, but he must submit an employment or military record which indicates that this State is the state of his residence.

(b) Mailing address outside the State.

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

(d) Mother's maiden name.

(e) Signature.

2. *Each application must be accompanied by the fees required by NRS 483.820 and NAC 483.900.*

3. *Each application 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.*

4. *Each applicant may register to vote or correct any information relating to the applicant set forth in the registrar of voters' register.*

5. *Except as otherwise provided in subsection 6, the Department will, within 10 business days after receiving the application:*

- (a) Mail a new identification card to the applicant;*
- (b) Request additional information from the applicant; or*
- (c) Deny the application.*

6. *If an application to renew an identification card by mail contains a request to change the full legal name, gender, social security number or lawful status of the applicant or to correct the date of birth of the applicant as it appears on the identification card, the renewal will not be completed by mail.*

Sec. 90. 1. *Before the Department will issue a restricted driver's license to an applicant, the applicant must:*

(a) Comply with the requirements for reinstatement of his driver's license set forth in NAC 483.478, except that a person who is exempt from the requirements for a commercial driver's license pursuant to federal regulations and who is applying for a restricted Class A or Class B driver's license may submit an affidavit of driving ability in lieu of passing a driving skills test.

(b) Sign an affidavit acknowledging that the restricted driver's license will be cancelled by the Department if:

(1) The applicant is convicted of a traffic violation which has been assigned four or more demerit points;

(2) The applicant's privilege to drive is suspended, revoked or cancelled for any reason other than the reason for which his driver's license was suspended, revoked or cancelled when he applied for the restricted driver's license;

(3) The applicant fails to maintain proof of financial responsibility as required by chapter 485 of NRS; or

(4) The applicant fails to notify the Department in writing of any change of his address or his employment, or any other information included in the application for the restricted driver's license within 10 days after the change occurs. The notification required by this subparagraph must be submitted to the Division of Field Services of the Department to which the applicant submitted the application.

(c) Provide any additional information which may be required for the assessment of eligibility.

2. Before the Department will issue a restricted driver's license to an applicant whose driver's license has been suspended pursuant to NRS 483.475, the applicant must, in addition to complying with the requirements set forth in subsection 1, submit to the Department:

(a) Proof that the applicant has completed an approved course in traffic safety within the 6 months immediately preceding the submission of the application; or

(b) A notice of the applicant's enrollment in an approved course in traffic safety which includes the dates on which the course will begin and end. The date on which the approved course will end must be not later than the date on which the suspension of the applicant's driver's license will end.

3. *Before the Department will issue a restricted driver's license to an applicant whose driver's license has been revoked, the applicant must, in addition to complying with the requirements set forth in subsection 1, furnish to the Department proof of financial responsibility in the manner prescribed in subsection 1 of NRS 485.307.*

4. *All restricted driver's licenses must contain the information set forth in section 18 of this regulation and must also contain:*

(a) *Detailed driving restrictions on the restricted driver's license, which will include:*

(1) *The conditions under which the licensee may drive;*

(2) *The type of driving privilege authorized; and*

(3) *The days and hours the licensee is permitted to drive; and*

(b) *Other applicable instructions.*

5. *A restricted driver's license is not transferrable and may be used only for the purpose stated on the restricted driver's license.*

Sec. 10. 1. *A restricted driver's license issued pursuant to this section and NRS 483.267 or 483.270 must contain the information set forth in section 18 of this regulation and must also contain:*

(a) *Driving restrictions on the restricted driver's license, which will include:*

(1) *The conditions under which the licensee may drive;*

(2) *The type of driving privilege authorized;*

(3) *The days and hours the licensee is permitted to drive; and*

(4) *The route along which the licensee is permitted to drive; and*

(b) *Any other applicable instructions.*

2. Unless the Department establishes an earlier date of expiration, a restricted driver's license issued pursuant to NRS 483.267 or 483.270 expires on the licensee's 18th birthday.

Sec. 112. 1. *The holder of a driver's license is not eligible to apply for the renewal of the driver's license by mail if:*

(a) Except as otherwise provided in subsection 3 of section 38 of this regulation, the holder renewed the driver's license by mail the immediately preceding time it was renewed;

(b) The driver's 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 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;

(d) The license is subject to any restriction requiring a yearly vision test, medical examination or drive test, or any combination thereof, as those restrictions are described in NAC 483.350, 483.360 and 483.365;

(e) The applicant is 71 years of age or older, unless the applicant 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) The applicant has been convicted of three or more traffic violations within the 4 years immediately preceding the date of expiration of the driver's license;

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

(h) The applicant's 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 the driver's license may have been issued as a result of fraud or mistake;

(i) The license is a limited-term driver's license; or

(j) The applicant is requesting a change to his full legal name, gender, social security number or lawful status or a correction to his date of birth as it appears on the 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, "traffic violation" has the meaning ascribed to it in NRS 483.473.

Sec. 33. 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, Central Services and Records Division, Renewal By Mail Section, 555 Wright Way, Carson City, Nevada 89711-0450;

(c) Be accompanied by the fees required pursuant to NRS 483.410 and 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:

(a) Mailing address as it appears on the driver's license; and

(b) Address of principal residence as it appears on the driver's license, if the applicant submits copies of any two of the documents prescribed in section 23 of this regulation.

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 renewed driver's license that the applicant wishes to be a donor of all or part of his body pursuant to NRS 451.500 to 451.598, inclusive, or that the applicant refuses to make an anatomical gift of his body or part of his body.

Sec. 34. 1. *The Department will issue a renewed driver's license, by mail, to each qualified applicant upon the renewal of the driver's license.*

2. An applicant who applies to renew his driver's license by mail and who requests express delivery service of the driver's license must pay to the Department the actual costs of that service.

Sec. 35. 1. *If, not less than 30 days after the Department issues a renewed driver's license by mail, the applicant notifies the Department that the applicant has not received his renewed driver's license 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 mail a duplicate driver's license to the applicant at no charge.*

2. If the applicant notifies the Department pursuant to subsection 1 that the applicant has not received his renewed driver's license 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. 36. *1. A driver's license which is renewed by mail is valid until the driver's license expires pursuant to section 12 of this regulation.*

2. If a renewed driver's license 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 expires on the date indicated on the renewed driver's license.

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

Sec. 37. *1. A person may apply for a driver's license by mail by submitting to the Department an application provided by the Department.*

2. Each application must be accompanied by the required fees.

3. If the application 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;

(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 the applicant 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. Each application must be submitted to a driver's license office of this State.

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

6. Except as otherwise provided in subsection 7, the Department will, within 10 business days after receiving the application:

(a) Mail a driver's license to the applicant;

(b) Request additional information from the applicant; or

(c) Deny the application.

7. If an application to renew a driver's license by mail contains a request to change the full legal name, gender, social security number or lawful status of the applicant or to correct the date of birth of the applicant as it appears on the driver's license, the renewal will not be completed by mail.

Sec. 38. 1. *Any person who is a resident of this State, holds a driver's license from this State and is temporarily residing outside this State is eligible to obtain his driver's license by mail unless:*

(a) The person's driver's license or driving privilege is suspended, revoked, cancelled or denied;

(b) The person holds a commercial driver's license;

(c) Except as otherwise provided in subsection 3, the person's driver's license has been expired for over 1 year;

(d) Except as otherwise provided in subsection 3, the person has renewed the driver's license by mail the immediately preceding time it was renewed;

(e) Except as otherwise provided in subsection 2 or 3, the person is required to take a driving test;

(f) The person is requesting a change to his full legal name, gender, social security number or lawful status or a correction to his date of birth as it appears on the driver's license; or

(g) The license is a limited-term driver's license.

2. *The Department may accept proof of the successful completion of a driving test administered by an agency which issues driver's licenses in another state.*

3. *The Department may renew, by mail, a driver's license of any applicant who is employed by the Federal Government, on active military duty or the dependent of such a person:*

(a) Regardless of whether his driver's license was previously renewed by mail;

(b) If his driver's license has been expired for less than 2 years, if the Department receives proof that the applicant has successfully completed a driving test administered by an agency which issues driver's licenses in another state;

(c) If he has not requested a change to his full legal name, gender, social security number or lawful status or a correction to his date of birth as it is recorded in the records of the Department; and

(d) If he has renewed the driver's license in person at least once during the 16 years immediately preceding the request for renewal by mail.

4. A person whose driving privilege has been suspended, cancelled, revoked or denied may obtain his driver's license by mail after his driving privilege has been reinstated.

5. If the person is requesting a change to his address, the person must submit copies of any two of the documents prescribed in section 23 of this regulation.

Sec. 12. 1. *An application for a driver's license by mail will not be processed by the Department and a letter requesting additional information will be sent to the applicant within 10 days after receipt of the application if:*

(a) Proof of residency is required as prescribed in section 23 of this regulation;

(b) No fee or an insufficient fee was submitted with the application;

(c) Proof of the applicant's military status or employment by the Federal Government is required;

(d) Additional information is needed to locate the driving record of the applicant;

(e) There is a discrepancy between the social security number submitted by the applicant and the social security number on the applicant's driving record;

(f) The applicant is licensed to drive in another state;

(g) The report required pursuant to paragraph (a) of subsection 3 of section 37 of this regulation was not submitted to the Department or needs to be corrected; or

(h) The applicant's driver's license issued by another state has been suspended, cancelled, revoked or denied by that state.

2. The Department may request such additional information as it deems necessary to determine whether an applicant is physically or mentally capable of operating a motor vehicle safely.

Sec. 40. *1. The Department will, upon the payment of the required fee, issue to every qualified applicant a commercial driver's license containing the information set forth in section 13 of this regulation and also containing any restriction placed on the licensee by the Department.*

2. A person may attach to his commercial driver's license a document which identifies the person as a donor of all or any part of his body pursuant to NRS 451.500 to 451.590, inclusive.

Sec. 131. 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 of this section]~~ *sections 2 to /, inclusive, of this regulation* have the meanings ascribed to them in those sections.

~~[2.—“Department” means the Department of Motor Vehicles.~~

~~—3.—“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. 42. NAC 483.055 is hereby amended to read as follows:

FIRST
PARALLEL
SECTION

483.055 1. A person who wishes or is required pursuant to NRS 483.390 or 483.870 to change the name indicated on his driver's license, motorcycle driver's license or identification card must submit proof satisfactory to the Department that his name was legally changed. The proof may include, without limitation:

(a) An original or a certified copy of any document listed in subsection 2 of NRS 483.290 that reflects the change of name;

(b) One of the following documents if that document reflects the change of name and indicates that it has been filed with a court of competent jurisdiction, recorded by the county recorder or filed with or certified by another appropriate agency:

(1) A certificate of marriage;

(2) ~~[An abstract of a recorded certificate of marriage;]~~ *A certificate of domestic partnership issued by the Secretary of State of this State or any authorized agency of another state;*

(3) An order of a court changing the name of the person;

(4) A decree of adoption;

(5) A divorce decree; or

(6) Any other document that the Department determines is acceptable as proof of the change of name; and

(c) If the person is requesting that the Department change the name indicated on his driver's license, motorcycle driver's license or identification card to a former name, a record of the Department relating to a driver's license, motorcycle driver's license or identification card previously issued to the person that indicates the former name.

2. Except as otherwise provided in subsection 3, the Department shall indicate the name of the person requesting the change of name on a new driver's license, motorcycle driver's license or identification card in a manner that is identical to the manner in which the name appears on the document submitted by the person as proof of the change of name.

3. Upon request, the Department shall indicate the name of the person requesting the change of name on a driver's license, motorcycle driver's license or identification card in a manner that combines the maiden name and the married name of the person.

Sec. 43. NAC 483.050, 483.055, 483.060, 483.065, 483.070, 483.075, 483.082, 483.0825, 483.084, 483.086, 483.087, 483.240, 483.273, 483.430, 483.435, 483.445, 483.451, 483.455, 483.4565, 483.4575, 483.459 and 483.820 are hereby repealed. (Alternatively, the new provisions could in large part be incorporated by amendment into these sections of NAC.)

Sec. 44. This regulation becomes effective upon the expiration of any extension of time granted to this State by the Secretary of Homeland Security to comply with the provisions of the Real ID Act of 2005.