

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

LCB File No. R028-13

NOTICE OF INTENT TO ACT UPON A REGULATION

**Notice of Public Hearing for the
Amendment of Regulations of the
Department of Motor Vehicles
(R028-13)**

The Department of Motor Vehicles will hold public hearings at the following locations on October 9, 2013, at 9:00 a.m.:

**PUBLIC HEARING
CARSON CITY**

Legislative Building
401 S. Carson Street, Room 3138
Carson City, NV 89701

**PUBLIC HEARING
LAS VEGAS**

Grant Sawyer Building
555 E. Washington Ave., Room 4401
Las Vegas, NV 89101

**PUBLIC HEARING
ELKO**

Great Basin College
1500 College Parkway, Room Lecture Hall GTA 130
Elko, NV 89801

Video conferencing will be provided to all location sites.

The purpose of the hearing is to receive comments from all interested persons regarding the adoption of proposed amendments to regulations (LCB File No. R028-13), that pertains to Chapter 483 of the Nevada Administrative Code.

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.

With the passage of Senate Bills 303, 503, 423, and 244 from the 2013 Legislative Session, the Department is introducing language to create the necessary administrative rules to carry out the provisions for each adopted bill. In addition, the Department is requesting a \$0.25 per card increase due to vendor card production costs.

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 Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved.

The proposed regulations will address:

SB303 - Driver Authorization Card:

- (a) Translation requirements;
- (b) Additional acceptable proof of residency documents;
- (c) Additional acceptable documents to prove name and date of birth.

The main issue for the driver authorization card sections centered on the requirements for translating a document that is not in English. During the public workshop, certain individuals, businesses and agencies supported the position of allowing anyone to translate a document, while others provided their support and reasons why an approved translator is the best approach.

The Department is taking the position to mirror the program of the State of Utah, which requires a person to have an approved translator convert the document into English. The Department would provide a list of persons who have been certified by a company, school, religious organization, or government agency as an approved translator. Only those approved translators would be authorized to translate a document to English for the purposes of applying for any card within the Department (i.e., driver's license, identification card, motorcycle license, or driver's authorization card).

The Department would not regulate the fees the authorized translators may charge to an individual for the service. Representatives from the Nevada Interpreters and Translators Association (NITA) and others testified at the public workshop that many provide translation services free of charge in certain situations.

SB503 – 8-Year Card

- (a) Transitory language to convert the majority of Nevada driver's licenses, identification cards, and commercial driver's licenses to a card that will expire every 8 years.

SB244 - Veterans Designation:

- (a) Clarifying language that all non-commercial, identification card, and commercial drivers may request a "veteran" designation be placed on his/her card.

SB423 – Nevada Department of Corrections (NDOC) ID Card:

- (a) Requiring supporting documentation for proof of name and date-of-birth be presented to the DMV when an NDOC card is used to obtain a driver's license or identification card.

Card Cost Increase:

- (a) Increase the card production fee from \$3.00 to \$3.25 to cover the vendor card production costs.

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
- (b) Both immediate and long-term effects.

SB303 - Driver Authorization Card:

(a) Translation requirements;

- I. **Adverse effect:** Individuals may be charged a fee for an approved translator to translate documents into English. The fee would be determined between the translator and the individual needing the service. The fees would not be regulated by the Department.
- II. **Beneficial effect:**
 - 1. The Department would be receiving accurate and complete documents that are translated by an individual who is able to understand the complexity of language translations.
 - 2. It was testified at the public hearing that many people who are trained in translation do charge a varied fee, but some also offer their services, at times, free to their communities. The individual would be required to research the approved list to determine who would be willing to provide this service free of charge if it is a personal financial burden for them to pay.
 - 3. If charging a fee, businesses and individuals will have the opportunity to earn additional revenue for providing translation services.
 - 4. Based on consumer demand, there could be opportunities for new businesses.
- III. **Immediate effects:** Customers applying for any card type would be required to have their documents translated by an approved person provided within the Department's website.
- IV. **Long-term effects:** Foreign documents translated to English will be consistent, complete, and accurate. Translation errors will be minimal.

(b) Additional acceptable residency documents;

- I. **Adverse effect:** None
- II. **Beneficial effect:** The Department has provided individuals with additional documents to prove their residency in Nevada.
- III. **Immediate effects:** Provides for an expanded list of residency documents the applicant can submit to the Department.
- IV. **Long-term effects:** None.

(c) Additional acceptable documents to prove name and date of birth

- I. **Adverse effect:** The Department will not be able to verify the authenticity of the new documents under Section 5(1)(b) of the regulations, which are the same documents listed in SB303, Section 5(2)(b). This will provide more opportunities for fraud when an applicant submits two of these documents as proof of name and date-of-birth.

- II. **Beneficial effect:** The Department provides two additional documents, not listed in Senate Bill 303, Section 5(2)(a) that could be used to prove the applicants name and date-of-birth. The two documents are the Employment Authorization document and the Alien Registration Receipt Card; both are issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.
- III. **Immediate effects:** It provides the applicant with more acceptable documents to use as proof of name and date-of-birth.
- IV. **Long-term effects:** None.

SB503 – 8-Year Card

- (a) Transitory language to convert the majority of Nevada driver’s license, identification card, and commercial driver’s license holders to a card that will expire every 8 years.
 - I. **Adverse effect:** No adverse effect.
 - II. **Beneficial effect:** Once the 4-year transition process is completed, the majority of Nevada citizens will possess an 8-year card. Drivers will save \$3.25 each renewal cycle and will be required to come into the DMV every 8 years and will no longer have to renew every 4 years. Only those drivers that lose their card, have a name change, or have other revisions to their license prior to a renewal will still have to visit the Department. License holders that are 65 or older will not be given an 8-year card as they must comply with the medical requirements.
 - III. **Long-term effects:** A Nevada license will be valid for eight years and will eliminate four year renewals.
 - IV. **Immediate effects:** Individuals born during an odd-numbered year will receive a 4-year license upon renewal prior to January 1, 2018. Individuals born during an even-numbered year will receive an 8-year license upon their next renewal. All new licenses will be issued with an 8-year expiration date. Those who are age 65 or older will receive a 4-year card.

SB244 - Veterans Designation:

- (a) Clarifying language that all driver’s license, identification cards, motorcycle licenses, and commercial drivers may request a “veteran” designation be placed on his/her card.
 - I. **Adverse effect:** None.
 - II. **Beneficial effect:** Ensuring that specific language is included within the regulations that clearly allow this designation to be placed on all licenses and identification cards.
 - III. **Immediate effects:** Drivers who are veterans will be able to provide a copy of their U.S. Armed Forces honorable discharge papers (DD214 form) to the DMV and have the “veteran” designation placed on their physical card. Veterans will be able to show their card as proof of their veteran status rather than using their DD214.
 - IV. **Long-term effects:** None.

SB423 – Nevada Dept. of Corrections (NDOC) ID Card:

Requiring supporting documentation for proof of name and date-of-birth be presented to the DMV when an NDOC card is provided to obtain a driver's license or identification card.

- I. **Adverse effect:** In addition to the identification card, the Department of Corrections would be required to provide the supporting documents to the released inmate.
- II. **Beneficial effect:** The Department of Motor Vehicles will have additional documentation that may further verify the applicant's name and date-of-birth.
- III. **Immediate effects:** It would require a change in the internal procedures for the Department of Corrections when an inmate is released.
- IV. **Long-term effects:** It would provide a better name and date-of-birth verification process for the Department of Motor Vehicles.

Card Cost Increase:

(a) Increase the card production fee from \$3.00 to \$3.25 to cover the vendor card production costs.

- I. **Adverse effect:** \$0.25 increase to each customer.
- II. **Beneficial effect:** The minimal increase will provide the Department's vendor with the funds needed to cover the increase in card production costs.
- III. **Immediate effects:** \$0.25 card production increase effective January 1, 2014.
- IV. **Long-term effects:** None.

4. The estimated cost to the agency for enforcement of the proposed regulation.

There are no known additional enforcement costs to the Department.

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.

The primary sponsor of Senate Bill 303, Senator Mo Denis, used the State of Utah's driver privilege card program as the model for Nevada. The intent of Senate Bill 303 and these regulations are to duplicate the practice of Utah in card design branding, renewals, translation, residency requirements, and other processes. Please refer to Utah's Department of Public Safety links below for more information.

<http://publicsafety.utah.gov/dld/dpc.html>

http://publicsafety.utah.gov/dld/documents/DLD3353-3013_001.pdf

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

Not required by federal law.

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

Not applicable.

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

Section 21 of the proposed regulations requests a \$0.25 increase for the driver's license, identification card, and commercial driver's licenses. This increase will provide for the vendor's card production cost increase.

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

Lynn Libby, Management Analyst III

llibby@dmv.nv.gov

Department of Motor Vehicles

Management Services and Programs Division

555 Wright Way, Carson City, NV 89711

Written comments, data, views, or arguments must be received by the Department of Motor Vehicles by **1 p.m. on October 10, 2013**, in order to be considered.

Dated: September 3, 2013

THIS NOTICE HAS BEEN POSTED AT THE FOLLOWING LOCATIONS:

DEPARTMENT OF MOTOR VEHICLE 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

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

Lincoln County Library
93 Main St.
Pioche, NV. 89043

Eureka Branch Library
10190 Monroe St.
Eureka, NV. 89316

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

Pershing County Library
1125 Central Ave.
Lovelock, NV. 89419

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

Mineral County Library
110 1st Street
Hawthorne, NV. 89415

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