

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

LCB File No. R122-14

June 13, 2016

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

AUTHORITY: §1, NRS 483.340 and 483.840.

A REGULATION relating to motor vehicles; expanding the types of professionals who are authorized to prepare proof relating to a change of the gender of a person indicated on his or her driver's license, motorcycle driver's license or identification card; and providing other matters properly relating thereto.


Legislative Counsel's Digest:

Under existing law, the Department of Motor Vehicles is required to adopt regulations prescribing the information that must be contained on a driver's license, motorcycle driver's license and identification card. (483.340, 483.840, 486.081) Such information includes the gender of the licensee or holder of the identification card. (NAC 483.040) Under existing regulations, a person who wishes to change the gender indicated on his or her driver's license, motorcycle driver's license or identification card must submit to the Department of Motor Vehicles proof satisfactory to the Department that the person is living full-time as a person of the identified gender and undergoing treatment to continue to live as a person of that gender. Such proof must be prepared by a physician or an osteopathic physician. (NAC 483.070) This regulation expands the types of professionals who may prepare such proof to include: (1) physician assistants; (2) psychologists; (3) marriage and family therapists; (4) clinical professional counselors; and (5) clinical social workers.

Section 1. NAC 483.070 is hereby amended to read as follows:

483.070 1. A person who wishes to change the gender indicated on his or her driver's license, motorcycle driver's license or identification card must submit proof satisfactory to the Department that the person is living full-time as a person of the identified gender and undergoing treatment to continue to live as a person of that gender. The proof must be prepared by ~~the~~ :

(a) A physician ~~or an~~ ;

- (b) *An osteopathic physician ;*
- (c) *A physician assistant;*
- (d) *A psychologist;*
- (e) *A marriage and family therapist;*
- (f) *A clinical professional counselor; or*
- (g) *A clinical social worker,*

↳ on a form provided by the Department, indicating that the person is living full-time as a person of the identified gender and undergoing treatment to continue to live as a person of that gender.

2. If a person requests that the Department change the full legal name and the gender indicated on his or her driver's license, motorcycle driver's license or identification card, the person must submit proof that his or her full legal name was legally changed as prescribed in NAC 483.055 in addition to the documentation set forth in subsection 1.

3. As used in this section:

(a) *“Clinical professional counselor” means a person who is licensed to practice clinical professional counseling pursuant to chapter 641A of NRS or the laws of another state or jurisdiction.*

(b) *“Clinical social worker” means a person who is licensed to engage in social work as a clinical social worker pursuant to chapter 641B of NRS or the laws of another state or jurisdiction.*

(c) *“Marriage and family therapist” means a person who is licensed to practice marriage and family therapy pursuant to chapter 641A of NRS or the laws of another state or jurisdiction.*

(d) “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)~~ (e) “Physician” means a person who is licensed to practice medicine pursuant to chapter 630 of NRS or the laws of another state or jurisdiction.

(f) “Physician assistant” means a person who is licensed to practice as a physician assistant pursuant to chapter 630 or 633 of NRS or the laws of another state or jurisdiction.

(g) “Psychologist” means a person who is licensed to practice psychology pursuant to chapter 641 of NRS or the laws of another state or jurisdiction.