

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

LCB File No. R049-15

January 22, 2016

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

AUTHORITY: §1, NRS 426.441; §§2 and 77, NRS 481.051; §§3-20, 63-72 and 74, NRS 483.908; §§ 21-40 and 47-58, NRS 483.908 and 483.912; §41, NRS 481.051 and 483.220; §42, NRS 481.051, 483.220, 483.290, 483.860 and 486.081; §§43 and 44, NRS 481.051, 483.220 and 483.291; §45, NRS 481.051, 483.220 and 483.908; §46, NRS 481.051, 482A.100, 483.220, 483.235 and 483.908; §59, NRS 483.220 and 483.490; §60, NRS 481.051, 483.220, 483.360 and 483.908; §61, NRS 481.051 and 483.760; §62, NRS 481.051 and 483.740; §73, NRS 483.908 and 408.924; §§75 and 76, NRS 481.051, 483.908 and 483.912.

A REGULATION relating to motor vehicles; increasing certain fees charged by the Department of Motor Vehicles for the provision of expedited service permits; providing for the issuance of commercial learners' permits; revising provisions relating to the training of drivers of commercial motor vehicles; consolidating and reorganizing provisions allowing third parties to certify the driving ability of certain drivers; revising the conditions under which the Department will not issue a restricted driver's license to a person who has had his or her license suspended or revoked; allowing a firefighter, and certain other persons, to obtain an endorsement to operate certain commercial motor vehicles in the course of his or her official duties without a Class A or Class B driver's license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Commercial Driver's License Testing and Commercial Learner's Permit Standards amended the knowledge and skills testing standards for commercial drivers' licenses and established new minimum federal standards for states to issue commercial learners' permits. (76 Fed. Reg. 26, 853-97 (May 9, 2011)) Under existing federal regulations, a commercial learner's permit is a permit issued to a natural person by a state or other jurisdiction of domicile, in accordance with the standards contained in 49 C.F.R. Part 383, which, when carried with a valid driver's license issued by the same state or jurisdiction, authorizes the person to operate a class of commercial motor vehicle when accompanied by a holder of a valid commercial driver's license for purposes of receiving behind-the-wheel training. (49 C.F.R. § 383.5) Federal regulations establish minimum standards for the issuance and use of commercial drivers' licenses and commercial learners' permits. (49 C.F.R. §§ 383.23, 383.25) Existing regulations of this State set forth standards for the issuance and use of a commercial driver's license instruction

permit. (NAC 483.805-483.815) **Sections 3-20, 41, 60 and 64-72** of this regulation, in order to match the terminology used in, and the standards and requirements imposed by, federal regulations: (1) revise the concept of a commercial driver's license instruction permit and a commercial learner's permit; (2) set forth the manner in which a person may apply for, acquire and use a commercial learner's permit; (3) impose certain restrictions upon the holder of a commercial learner's permit; (4) limit the period of validity of a commercial learner's permit; and (5) set forth the elements of the skills test that the holder of a commercial learner's permit must complete successfully to acquire a commercial driver's license, and the order in which those elements must be completed.

Existing federal regulations allow a state to authorize a third party to administer a skills test to an applicant for a commercial driver's license and to certify the driving ability of the applicant. (49 C.F.R. § 383.75) Under existing state regulations, there are three different types of third-party certification of applicants for a driver's license: (1) third-party certification of an applicant for a commercial driver's license at a school for training drivers; (2) third-party certification of an applicant for a commercial driver's license at a person's place of employment; and (3) third-party certification of an applicant for a noncommercial driver's license. (NAC 483.121-483.1236, 483.124-483.183, 483.185-483.197) **Sections 21-40, 45, 49-58, 61, 75 and 76** of this regulation: (1) eliminate third-party certification with respect to noncommercial drivers' licenses; (2) consolidate the provisions relating to third-party certification of students by schools and third-party certification of employees by the companies which employ them; and (3) consolidate the provisions relating to the qualification and permissible actions of the individual third-party certifiers, who are the natural persons who actually administer skills tests to applicants on behalf of a third-party company or third-party school.

Existing regulations of this State set forth the conditions under which the Department of Motor Vehicles will not issue a restricted driver's license to a person who has had his or her driver's license suspended or revoked. Under those regulations, the Department will not issue a restricted license to a person who has committed three or more enumerated offenses within the past 5 years. (NAC 483.220) **Section 59** of this regulation, only for drivers who have been convicted two or more times of operating a motor vehicle while under the influence of intoxicants or drugs, or who have refused to submit to an evidentiary test as requested by a police officer, states that the Department will not issue a restricted license to such a person if he or she has committed two or more separate, enumerated offenses within the past 5 years. Under existing regulations, a firefighter and certain other persons are not required to obtain a commercial driver's license to drive a commercial motor vehicle, including, without limitation, a fire truck, hook and ladder truck or water transport truck; however, the firefighter or other person is required to obtain a Class A or Class B noncommercial driver's license to operate vehicles of that type. (NAC 483.110, 483.850) **Sections 46 and 74** of this regulation eliminate the requirement that the firefighter or other person obtain a Class A or Class B noncommercial driver's license to operate a commercial motor vehicle in the performance of his or her official duties, provided that he or she obtains an F endorsement on his or her regular driver's license.

Existing regulations state that the Department will charge certain fees for the issuance of different types of expedited service permits. (NAC 426.630) **Section 1** of this regulation increases each of those fees by \$1.

Section 1. NAC 426.630 is hereby amended to read as follows:

426.630 1. Except as otherwise provided in subsection 2, the Department will charge the following fees for the issuance of an expedited service permit:

(a) For the issuance of a permit, a duplicate permit or the renewal of a permit to a person who is at least 65 years of age, a fee of ~~1\$6.25.1~~ **\$7.25.**

(b) For the issuance of a permit, a duplicate permit or the renewal of a permit to a person who is less than 18 years of age, a fee of ~~1\$5.25.1~~ **\$6.25.**

(c) For the issuance of a permit, a duplicate permit or the renewal of a permit to any other person, a fee of ~~1\$11.25.1~~ **\$12.25.**

2. For the issuance of a duplicate permit to any person for the purpose of having a different photograph affixed to the permit or changing the address on the permit, or both, the Department will charge a fee of ~~1\$6.25.1~~ **\$7.25.**

Sec. 2. Chapter 483 of NAC is hereby amended by adding thereto the provisions set forth as sections 3 to 40, inclusive, of this regulation.

Sec. 3. *“Commercial driver’s license” has the meaning ascribed to it in NRS 483.904.*

Sec. 4. *“Commercial learner’s permit” or “permit” means a permit to operate a commercial motor vehicle issued under or granted by the laws of this State, including:*

1. A permit obtained in accordance with NRS 483.290, but excluding the application of the provisions of paragraph (b) of subsection 2 of that section; and

2. The future privilege to drive a commercial motor vehicle by a person who does not hold a commercial driver’s license or commercial learner’s permit.

Sec. 5. *“Foreign” means of, by or relating to a territory, governmental instrumentality or jurisdiction other than the United States and the District of Columbia.*

Sec. 6. *“Hazardous materials” means:*

- 1. Material that has been designated as hazardous pursuant to 49 U.S.C. § 5103 and is required to be placarded pursuant to 49 C.F.R. Part 172, Subpart F; or*
- 2. Any quantity of material listed as a select agent or toxin in 42 C.F.R. Part 73.*

Sec. 7. *“Skills test” has the meaning ascribed to it in NAC 483.1212.*

Sec. 8. *1. A person who is at least 18 years of age and has a valid Nevada driver’s license or commercial driver’s license may apply to the Department for a commercial learner’s permit.*

2. The holder of a commercial learner’s permit must have taken and passed a knowledge test that meets the federal standards contained in 49 C.F.R. Part 383, Subparts F, G and H, for the class of commercial motor vehicle that the holder operates or expects to operate.

3. A commercial learner’s permit entitles the holder, while having the commercial learner’s permit and underlying Nevada driver’s license or commercial driver’s license in his or her immediate possession, to drive a designated class of commercial vehicle upon the highways.

4. A commercial learner’s permit allows the holder of the permit to operate a commercial motor vehicle when accompanied by the holder of a valid commercial driver’s license who:

- (a) Is at least 25 years of age;*
- (b) Has been issued a commercial driver’s license for the proper class and with the endorsements necessary for the type of vehicle being operated;*
- (c) Has had at least 1 year of licensed commercial driving experience in the class and with the endorsements necessary for the type of vehicle for which the commercial learner’s permit was issued; and*

(d) Must at all times be physically present in the front seat of the vehicle next to the holder of the permit or, in the case of a passenger vehicle, directly behind or in the first row behind the holder of the permit and must have the holder of the permit under observation and direct supervision.

5. The issuance of a commercial learner's permit is a precondition to:

(a) The initial issuance of a commercial driver's license.

(b) The issuance of a commercial driver's license if the commercial driving privileges of the applicant for the commercial driver's license have been invalid for more than 4 years.

(c) The upgrade of a commercial driver's license if the upgrade requires a skills test.

6. The holder of a commercial learner's permit is not eligible to take a skills test until 14 days after the date of the initial issuance of the commercial learner's permit.

7. The holder of a commercial learner's permit upon which is placed a tank vehicle endorsement (N), as that endorsement is described in 49 C.F.R. § 383.93, may operate a tank vehicle only if the vehicle is empty and shall not operate any tank vehicle that previously contained hazardous materials, if the vehicle has not been purged of any residue.

Sec. 9. The holder of a commercial learner's permit is subject to the same disqualifications that apply to a holder of a commercial driver's license.

Sec. 10. 1. Each original or renewed commercial learner's permit expires 180 days from the date on which it was issued or renewed.

2. An applicant for the second renewal of a commercial learner's permit, and every other renewal occurring after the second renewal, must take all applicable commercial knowledge tests specified by the Department.

3. *If a person's commercial learner's permit has been expired for 30 days or more, the person must take all applicable commercial tests specified by the Department to acquire a new, valid permit.*

4. *A licensee must renew his or her commercial learner's permit in person at an office of the Department.*

Sec. 11. 1. *An applicant for a commercial driver's license or commercial learner's permit must present to the Department at least one of the following documents as proof of the applicant's full legal name and age as required by 49 C.F.R. § 383.71(b)(9):*

- (a) A valid, unexpired United States passport or United States passport card;*
- (b) 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 or territory of the United States, or the District of Columbia, in which the applicant was born;*
- (c) A Consular Report of Birth Abroad issued by the United States Department of State;*
- (d) A Certificate of Naturalization issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;*
- (e) A Certificate of Citizenship issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;*
- (f) A valid, unexpired Permanent Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security; or*
- (g) A driver's license, motorcycle 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 marking approved by the United States Department of Homeland Security in accordance with 6 C.F.R. § 37.17.*

2. *An applicant for a limited-term commercial driver's license or limited-term commercial learner's permit must present at least one of the following documents as proof of the applicant's full legal name and age as required pursuant to 49 C.F.R. § 383.71(f)(2)(i):*

(a) An unexpired employment authorization document issued by the United States Citizenship and Immigration Services of the Department of Homeland Security; or

(b) An unexpired foreign passport with a valid, unexpired United States visa which has affixed to it an unexpired arrival and departure record using Form I-94.

3. *The forms of identification that are unacceptable to the Department as proof of the full legal name and age of an applicant for a commercial driver's license or commercial learner's permit 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 Bureau of Consular Affairs of the United States Department of State; and

(d) A driver's license, motorcycle 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. 12. 1. *The Department may issue a nondomiciled commercial learner's permit or nondomiciled commercial driver's license in accordance with 49 C.F.R. § 383.71(f)(1)(i) to an applicant who is domiciled in a foreign jurisdiction as described in 49 C.F.R. § 383.5.*

2. *The Department will not issue a nondomiciled commercial learner's permit or nondomiciled commercial driver's license in accordance with 49 C.F.R. § 383.71(f)(1)(ii) to an*

applicant whose state of domicile is prohibited from issuing a commercial driver's license or commercial learner's permit pursuant to 49 C.F.R. § 384.405.

3. The Department reserves the right to issue a commercial learner's permit or commercial driver's license marked as "limited term," pursuant to NAC 483.015, in lieu of issuing one marked as "nondomiciled," as described in subsection 1.

4. As used in this section:

(a) "Nondomiciled commercial driver's license" and "nondomiciled commercial learner's permit" mean, respectively, a commercial driver's license or commercial learner's permit issued by a state or other jurisdiction:

(1) To a natural person who is domiciled in a foreign jurisdiction and who meets the requirements of 49 C.F.R. § 383.23(b)(1); or

(2) To a natural person who is domiciled in another state that meets the requirements of 49 C.F.R. § 383.23(b)(2).

↪ The term includes, without limitation, a limited-term driver's license as defined in NAC 483.015.

(b) "State of domicile" means the state in which a person has his or her true, fixed and permanent home and principal residence and to which he or she has the intention of returning whenever he or she is absent.

Sec. 13. *1. An applicant for a commercial learner's permit that requires two or more skills tests may only be issued one commercial learner's permit, and the permit must set forth all class requirements and endorsements for the skills tests the applicant intends to take.*

2. The commercial learner's permit is valid for the performance of the skills tests for each class and endorsement indicated pursuant to subsection 1 if the permit has not:

- (a) Expired; or*
- (b) Been converted to a commercial driver's license.*

Sec. 14. *1. Each skills test must be administered and successfully completed in the following order of segments:*

- (a) Vehicle inspection test;*
- (b) Basic vehicle control test; and*
- (c) On-road test.*

2. If an applicant fails a segment of the skills test:

- (a) The applicant is disqualified from continuing to the next segment of the test; and*
- (b) The scores for the passed segments of the skills test are only valid during the period in which the applicant's commercial learner's permit is valid. If the applicant has his or her commercial learner's permit renewed, all three segments of the skills test must be retaken.*

Sec. 15. *In accordance with the provisions of 49 C.F.R. § 383.79(b), the Department will accept the results of a skills test that is:*

- 1. Administered by another state to a resident of this State;*
- 2. In fulfillment of the applicant's testing requirements set forth in 49 C.F.R. § 383.71;*
and
- 3. In fulfillment of the test-administration requirements set forth in 49 C.F.R. § 383.73.*

Sec. 16. *1. An applicant for a commercial learner's permit shall not use an interpreter for a knowledge test for a commercial driver's license pursuant to 49 C.F.R. § 383.133(b)(3).*

2. Pursuant to 49 C.F.R. § 383.133(c)(5), an interpreter must not be used during the administration of a skills test. An applicant for a commercial driver's license must be able to understand and respond to verbal commands and instructions from a skills test examiner in

the English language. The applicant and the examiner shall not communicate in a language other than the English language during the skills test.

Sec. 17. 1. *In completing a required skills test, an applicant for a commercial driver's license must perform the skills tests in a representative vehicle to ensure that the applicant possesses the skills required by 49 C.F.R. § 383.113.*

2. To determine if a vehicle is a representative vehicle for the purpose of performing a required skills test, and for the class or endorsement of commercial driver's license for which the applicant is applying, the gross vehicle weight rating or gross combination weight rating of the vehicle must be used. The actual gross vehicle weight or gross combination weight of the vehicle must not be used.

3. As used in this section:

(a) "Gross combination weight rating" means:

(1) The weight specified by the manufacturer of a vehicle as the combined loaded weight of that vehicle and a trailing vehicle; or

(2) If the manufacturer fails to specify a weight, the sum of the gross vehicle weight rating of the power unit, the weight of the trailing vehicle and the weight of any load thereon.

(b) "Gross vehicle weight rating" means the weight specified by the manufacturer as the loaded weight of a single vehicle.

Sec. 18. 1. *The Department will:*

(a) At least once every 2 years, conduct covert and overt monitoring of examinations performed by examiners.

(b) Establish and maintain a database to track the passage and failure rates of applicants tested by each examiner, to focus covert and overt monitoring on examiners who have unusually high passage or failure rates.

(c) Establish and maintain a database of all examiners. The database must track, without limitation, the dates and results of monitoring activities by the Department, and the name and identification number of each examiner.

(d) Establish and maintain a database that tracks the skills tests administered by each examiner, organized by the name and identification number of each examiner.

2. As used in this section, “examiner” means a person employed by the Department who administers a skills test to an applicant for a commercial driver’s license.

Sec. 19. *1. An examiner who administers a knowledge test must complete a refresher training course once every 4 years to maintain his or her certification as an examiner.*

2. An examiner who administers a skills test must complete a refresher training course once every 4 years to maintain his or her certification as an examiner.

3. A refresher training course specified in subsection 1 or 2 must:

(a) Consist of at least 40 hours of instruction.

(b) Address at least the following material:

(1) For an examiner who administers a knowledge test, the 3 units of instruction described in 49 C.F.R. § 384.228(c);

(2) For an examiner who administers a skills test, the 5 units of instruction described in 49 C.F.R. § 384.228(d);

(3) Any state-specific material and information that is related to administering a knowledge test or skills test;

- (4) Any new federal regulations applicable to commercial driver's licenses;*
- (5) Revisions concerning the manner in which knowledge tests and skills tests must be administered; and*
- (6) Requirements concerning new safety-related equipment that is required for commercial motor vehicles.*

4. As used in this section, "examiner" means a person employed by the Department who administers a knowledge test or skills test to an applicant for a commercial learner's permit or commercial driver's license.

Sec. 20. 1. An applicant to whom the Department has issued a valid commercial learner's permit who wishes to receive a new permit with a new class or endorsement or who wishes to remove a restriction that requires a skills test must:

(a) Pay the appropriate fee for the original issuance of a commercial learner's permit, as set forth in NRS 483.910; and

(b) Take and complete successfully the applicable tests.

2. If an applicant complies with the provisions of subsection 1 and any other applicable requirements, the Department will issue to the applicant a new commercial learner's permit with the requested class or endorsement or removal of the restriction.

Sec. 21. "Commercial driver's license" has the meaning ascribed to it in NRS 483.904.

Sec. 22. "Commercial motor vehicle" has the meaning ascribed to it in NAC 483.7992.

Sec. 23. "Employer" means any business that owns or leases a commercial motor vehicle or assigns its employees to operate such a vehicle.

Sec. 24. 1. "Third-party certifier" or "certifier" means a person registered with the Department pursuant to NAC 483.1224 to certify the driving ability of:

(a) A student enrolled in a school for training drivers; or

(b) An employee of any employer.

2. The term includes, without limitation, a third-party examiner or skills test examiner, as those terms are used in 49 C.F.R. § 383.75.

Sec. 25. 1. “Third-party company” or “company” means an employer registered with the Department pursuant to section 27 of this regulation to certify the driving ability of its employees who are assigned to operate a commercial motor vehicle.

2. The term includes, without limitation, a third-party tester, as that term is used in 49 C.F.R. § 383.75.

Sec. 26. “Trailer” has the meaning ascribed to it in 49 C.F.R. § 390.5.

Sec. 27. 1. A school for training drivers may apply to the Department for registration as a third-party school.

2. A business that assigns its employees to operate a commercial motor vehicle for which a Class A, Class B or Class C commercial driver’s license is required may apply to the Department for registration as a third-party company.

3. A third-party company or third-party school must:

(a) Own or lease operational commercial motor vehicles in the following combinations:

(1) If the company or school certifies holders of a Class A commercial learner’s permit, at least:

(I) Three trucks or truck tractors; and

(II) Three trailers.

(2) If the company or school certifies holders of a Class B or Class C commercial learner’s permit, at least three vehicles that are within Class B or Class C.

(3) If the company or school certifies holders of Class A and Class B or Class C commercial learners' permits, at least:

(I) Three trucks or truck tractors;

(II) Three trailers; and

(III) One vehicle that is within Class B or Class C, as applicable.

(b) Have adequate area to conduct vehicle inspections and exercises in the skills of backing control.

(c) Have access to public highways to perform road test maneuvers.

(d) Use designated road test routes that have been approved by the Department for conducting road tests.

(e) Have access to the Internet for submitting and posting:

(1) Schedules for skills tests;

(2) Routes for road tests; and

(3) Scores received by students on skills tests.

(f) Submit to the Department appointments for skills tests within a period set forth by the Department, but not later than 2 days before each skills test.

(g) Have the vehicles that it uses for conducting skills tests inspected at least once each year.

4. A person requesting to be a responsible party for a third-party company or third-party school must have a background check completed pursuant to section 39 of this regulation.

5. As used in this section:

(a) “Responsible party” means an employee of a third-party company or third-party school who is designated by the company or school, as applicable, to act on behalf of the company or school.

(b) “Truck” has the meaning ascribed to it in 49 C.F.R. § 390.5.

(c) “Truck tractor” has the meaning ascribed to it in 49 C.F.R. § 390.5.

Sec. 28. 1. *A business or school for training drivers that is applying for registration as a third-party company or third-party school, as applicable, pursuant to section 27 of this regulation must complete an application on a form provided by the Department which includes, without limitation:*

(a) The name of the business or school.

(b) The address of the business or school.

(c) The name and title of the person applying on behalf of the business or school.

(d) For a school for training drivers, information concerning the ownership of the school.

(e) A list of vehicles that the business or school will use to administer skills tests. The list must include, without limitation, the following information for each vehicle:

(1) The class of the vehicle.

(2) Any endorsements applicable to the vehicle.

(3) Whether the vehicle is equipped with air brakes.

(4) The type of transmission with which the vehicle is equipped.

(5) The types of trailer connections with which the vehicle is equipped.

(6) The make, model and vehicle identification number of the vehicle.

(7) The location at which the vehicle will be used to administer skills tests.

(f) The number of employees or students that the business or school expects to test annually.

(g) A statement that the applicant has read and will comply with the regulations and requirements for registration adopted by the Department.

2. An applicant shall inform the Department of each location of the business or school for training drivers at which a third-party certifier will be certifying the driving ability of employees or students, as applicable.

3. In evaluating the eligibility of an applicant for registration as a third-party company or third-party school, the Department may consider any additional information that the Department deems necessary for eligibility.

4. The evaluation by the Department of an application for registration as a third-party company will include an inspection of the site of the place of business of the applicant. The inspection must include, without limitation, visual inspections that are substantially similar to the visual inspections described in subsection 5.

5. The evaluation by the Department of an application for registration as a third-party school will include an inspection of each branch location of the school at which drivers are trained. The inspection must include, without limitation, a visual inspection of:

- (a) The vehicles to be used by the school for training.*
- (b) Copies of training programs to be used by the school.*
- (c) Areas within which the school will administer skills tests.*
- (d) The manner in which the school conducts tests of laws and regulations.*
- (e) The qualifications of instructors who provide instruction at the school.*

6. *If the Department approves a third-party company or third-party school to administer skills tests, the Department will issue to the company or school, as applicable, a certificate of registration indicating the types and classes of vehicles and endorsements that the company or school may certify.*

7. *After the initial issuance of a certificate of registration pursuant to subsection 6, the Department may waive any part of the inspection otherwise required pursuant to subsection 4 or 5, as applicable, if the business or school for training drivers currently has on its staff other employees or instructors who are registered as third-party certifiers.*

8. *The Department will assign a unique number to each business or school for training drivers registered as a third-party company or third-party school, as applicable. The number must not be transferred to or used by any other business or school for training drivers.*

9. *If the Department denies an application for registration as a third-party company or third-party school, the Department will notify the applicant by mail of its decision. Except as otherwise provided in section 30 of this regulation, the applicant may reapply at any time on a new application form. The applicant must state in the new application the measures that the applicant has taken to correct each deficiency set forth in the notice received from the Department which caused the denial of the original application.*

Sec. 29. 1. *A third-party company shall maintain a record of each employee of the company who is certified by a third-party certifier of the third-party company. The record must be available for inspection by a representative of the Department during normal business hours and must include:*

(a) A description of the training of the employee.

(b) The identity of the person who performed the training.

(c) A description of each test administered to the employee.

2. A third-party school shall maintain a record of each student to whom a third-party certifier employed by the school administers any part of a skills test. The record must be available for inspection by a representative of the Department during normal business hours and include:

(a) The full legal name and address of the student.

(b) A record of each skills test administered to the student.

(c) The number of any learner's permit or driver's license issued to the student.

(d) The full legal name and registration number of each third-party certifier who administered any part of a skills test to the student.

(e) A description of each type of test given to the student and the amount of time devoted to each type of test.

(f) The date on which each type of test was given.

(g) The total number of hours of instruction given to the student.

(h) Sufficient information to demonstrate to the satisfaction of the Department that the third-party certifier who administered a skills test to the student did not also provide instruction to the student.

3. A third-party company or third-party school shall maintain a separate annual inspection record for each vehicle that it uses to administer skills tests to employees or students, as applicable.

Sec. 30. *1. The Department will take prompt and appropriate remedial action against a third-party company or third-party school that fails to comply with state or federal standards for the program for testing persons to receive a commercial driver's license, or fails to comply*

with any other terms of an agreement between the Department and the third-party company or third-party school.

2. The Department may suspend the registration of a third-party company or third-party school that refuses to allow an authorized representative of the Department access, during regular business hours, to inspect the records maintained by a third-party certifier who works for the company or school, if those records relate to any employee or student whose driving abilities were certified by the third-party certifier.

3. The Department may suspend the registration of a third-party company or third-party school if any of the following fail to cooperate fully with an authorized representative of the Department during an inspection:

(a) A third-party certifier who works for the company or school;

(b) An agent of the company or school; or

(c) An officer or employee of the company or school.

4. Except as otherwise provided in subsection 8, the Director or his or her designee may temporarily suspend for not more than 30 days or refuse to renew the registration of a third-party company or third-party school if the Director or his or her designee finds that the temporary suspension or refusal to renew is in the public interest. The Department or a designee from the Department may conduct a hearing and issue a final decision on the matter within 30 days after the date on which the notice of temporary suspension or refusal to renew a registration is sent to the third-party company or third-party school.

5. The Department may suspend the registration of a third-party company or third-party school that allows an unauthorized person to administer any part of a skills test to an employee or student, as applicable.

6. Any third-party company or third-party school whose registration is revoked pursuant to this section may not reapply for registration until 2 years after the date of revocation.

7. A third-party company or third-party school may, within 30 days after the temporary suspension or revocation of, or refusal to renew, its registration pursuant to this section, request a hearing on the question of whether the third-party company or third-party school, or a third-party certifier of the company or school, committed one or more acts constituting grounds for the suspension, revocation or refusal to renew the registration. The hearing must be conducted in accordance with the provisions of chapter 233B of NRS, and judicial review must be available as provided in that chapter.

8. The Department may suspend or revoke the registration of a third-party company or third-party school for good cause or any other reason if such disqualification is in the best interest of the public and approved by the Director or a designee of the Director.

Sec. 31. *1. Except as otherwise provided in this section, a third-party company or third-party school shall maintain a bond to pay for retesting drivers in the event that the company or school, or one or more of its third-party certifiers, is involved in fraudulent activity related to the administration of skills tests of applicants for a commercial driver's license. In addition to the amount required pursuant to NRS 483.710, the amount of the bond must be as follows:*

(a) Not less than \$35,000 if the company or school administers skills tests for not more than 100 applicants per year.

(b) Not less than \$70,000 if the company or school administers skills tests for more than 100 but not more than 200 applicants per year.

(c) Not less than \$100,000 if the company or school administers skills tests for more than 200 but not more than 300 applicants per year.

(d) Not less than \$175,000 if the company or school administers skills tests for more than 300 applicants per year.

2. A third-party company or third-party school is subject to liability for any fraudulent activity related to the administration of a skills test to an applicant for a commercial driver's license if the fraudulent activity:

(a) Is not covered by its bond; or

(b) Exceeds the amount of its bond.

3. A third-party company or third-party school that is a governmental entity is not required to maintain a bond pursuant to this section.

Sec. 32. *Each third-party company or third-party school shall enter into an agreement with the Department that includes, without limitation:*

1. A provision allowing the Federal Motor Carrier Safety Administration of the United States Department of Transportation, or its representative, and the Department to conduct random examinations, inspections and audits of the records, facilities and operations of the company or school without notice.

2. A requirement that each third-party certifier who works for the company or school and administers skills tests meets the qualifications and training standards set forth in 49 C.F.R. § 384.228.

3. A provision allowing the Department to:

(a) Have employees of the Department covertly take the skills tests administered by a third-party certifier as if the employees were test applicants.

(b) Have employees of the Department, together with and at the same time as a third-party certifier, score skills tests to compare results of passage and failure.

(c) Retest a sample of drivers who were examined by a third-party certifier.

4. A provision reserving to the Department the right to take prompt and appropriate remedial action against a third-party company, third-party school or third-party certifier if the company, school or certifier, as applicable, fails to comply with any state or federal standards for the program to test drivers for a commercial driver's license, or if a third-party company or third-party school fails to comply with any other terms of a contract with a third-party certifier.

5. A requirement that a third-party company or third-party school initiate and maintain a bond pursuant to section 31 of this regulation.

6. A requirement that a third-party company or third-party school use the services only of a third-party certifier who:

(a) Has completed successfully a formal training course for examiners who administer skills tests as prescribed by the Department; and

(b) Is registered with and certified by the Department as a third-party certifier who is qualified to administer skills tests.

7. A requirement that a third-party company, third-party school and third-party certifier conduct testing on road test routes that have been designated and approved by the Department.

8. A requirement that a third-party company, third-party school or third-party certifier submit to the Department a schedule of appointments for skills tests administered by the company, school or certifier, as applicable, within a period set forth by the Department, but not less than 2 days before each skills test.

9. A requirement that a third-party company or third-party school maintain copies of the following records at its principal place of business or another central location:

(a) The certificate of registration issued by the Department pursuant to section 27 of this regulation.

(b) For each third-party certifier who works for the company or school, the certificate of registration issued by the Department pursuant to NAC 483.1224.

(c) The most recent version of the agreement specified in this section.

(d) The scoring sheet for each skills test that has been administered under the authority of the company or school for the current year and the immediately preceding 2 calendar years.

(e) Maps of any routes for road tests approved by the Department for use by the company or school.

(f) The training record of each third-party certifier who works for the company or school.

10. A requirement that all vehicles and equipment used by the third-party company or third-party school to administer a skills test are maintained adequately and safe to operate. Except as otherwise provided in NAC 483.1224, any incidents that are a result of unsafe vehicles or equipment are the responsibility of the company or school which owns or operates the vehicles or equipment.

Sec. 33. 1. Except as otherwise provided in section 36 of this regulation, the Department will revoke the registration of a third-party company or third-party school if:

(a) The company or school employs only one third-party certifier; and

(b) The third-party certifier does not meet the requirement set forth in section 35 of this regulation or is not granted an exception in accordance with that section.

2. A third-party company or third-party school whose registration is revoked pursuant to subsection 1 must wait at least 1 year before reapplying to the Department for registration as a third-party company or third-party school.

Sec. 34. 1. An annual inspection of vehicles that are used to administer skills tests to drivers and are operated on a highway must be performed by a registered garage, a licensed body shop or an inspector meeting the qualifications of 49 C.F.R. § 396.19, and the inspection must be reported to the Department on a form provided by the Department.

2. If a third-party company or third-party school purchases or leases a vehicle for administering skills tests to drivers, the company or school shall ensure that the vehicle is inspected by a registered garage, a licensed body shop or an inspector meeting the qualifications of 49 C.F.R. § 396.19 not later than 30 days after the purchase or lease of the vehicle and before providing any training or administering any skills test in the vehicle.

3. Each vehicle which is a commercial motor vehicle and is used by a third-party company or third-party school for administering skills tests to drivers must meet all the requirements of the Federal Motor Carrier Safety Regulations as set forth in 49 C.F.R. Part 396.

4. As used in this section:

(a) “Licensed body shop” means a body shop licensed by the Department pursuant to NRS 487.630.

(b) “Registered garage” means a garage registered with the Department pursuant to NRS 487.560.

Sec. 35. 1. Except as otherwise provided in this section, a third-party certifier must administer skills tests for at least 10 different applicants for a commercial driver’s license each calendar year.

2. Except as otherwise provided in this subsection, the Department will revoke the registration of a third-party certifier to administer skills tests if the third-party certifier does

not administer skills tests for at least 10 different applicants each calendar year. Except as otherwise provided in subsection 4, in the discretion of the Department, a third-party certifier who does not administer skills tests for at least 10 different applicants in a calendar year may be allowed to take a recertification course for administering skills tests or, during the administration of at least one skills test, have a state examiner ride along to observe the third-party certifier successfully administer the skills test in lieu of meeting the 10-test requirement for that calendar year.

3. A third-party certifier who is granted an exception pursuant to subsection 2 must complete a recertification course provided by the Department or, during the administration of at least one skills test, have a state examiner ride along to observe the third-party certifier successfully administer the skills test. The recertification course must consist of at least 40 hours of instruction.

4. A third-party certifier who is granted an exception pursuant to subsection 2, and who attends a recertification course provided by the Department or has a state examiner ride along to observe the third-party certifier successfully administer at least one skills test pursuant to subsection 3, may only do so one time.

5. If a third-party certifier was granted an exception pursuant to subsection 2 and fails for a second time to meet the requirement set forth in subsection 1, the Department will revoke the registration of the third-party certifier.

6. If a third-party certifier is granted an exception pursuant to subsection 2 and attends a recertification course meeting the requirements of subsection 3 or has a state examiner ride along to observe the third-party certifier successfully administer at least one skills test

pursuant to that subsection, the Department will issue to the third-party certifier a new certificate of registration pursuant to NAC 483.1224.

7. The provisions of this section do not apply to a third-party certifier employed by a governmental entity.

Sec. 36. *1. Except as otherwise provided in subsection 2, a third-party certifier employed by a governmental entity must administer skills tests for at least 10 different applicants for a commercial driver's license each calendar year.*

2. A third-party certifier who does not administer skills tests for at least 10 different applicants in a calendar year must complete a refresher training course specified in 49 C.F.R. § 384.228 or, during the administration of at least one skills test, have a state examiner from the Department ride along to observe the third-party certifier successfully administer the skills test.

3. If a third-party certifier, after completing a refresher training course or having a state examiner from the Department ride along to observe the third-party certifier successfully administer at least one skills test pursuant to subsection 2 for not more than 2 consecutive calendar years, fails to comply with the provisions of subsection 1 for 3 consecutive calendar years, the Department will revoke the registration of the third-party certifier to administer skills tests.

4. A governmental entity that is a third-party company or third-party school shall, based upon the number of skills tests administered during the immediately preceding calendar year, employ a sufficient number of third-party certifiers to ensure that each of those third-party certifiers is able to comply with the provisions of subsection 1.

Sec. 37. 1. *If a third-party certifier does not maintain a valid commercial driver's license of the type and class for which the third-party certifier is authorized to provide certification, he or she shall immediately notify the Department of that fact.*

2. *A third-party certifier shall renew his or her registration every 4 years on a form furnished by the Department. If the third-party certifier fails to renew the registration within 90 days after the date of expiration, the registration as a third-party certifier expires and he or she must reapply for registration as a third-party certifier in the manner set forth in NAC 483.1226.*

3. *A third-party certifier must complete a refresher training course provided by the Department once every 4 years. The refresher training course must consist of at least 40 hours of instruction.*

4. *The refresher training course must include:*

(a) *The five units of instruction described in 49 C.F.R. § 384.228(d);*

(b) *Any state-specific material and information that is related to administering knowledge tests or skills tests; and*

(c) *All of the following information:*

(1) *Any new federal regulations applicable to commercial drivers' licenses;*

(2) *Revisions concerning the manner in which knowledge tests and skills tests must be administered; and*

(3) *Requirements concerning new safety-related equipment that is required for commercial motor vehicles.*

Sec. 38. 1. Except as otherwise provided in subsection 2, the Department will at least once every 2 years covertly and overtly monitor the performance of a third-party certifier who is registered pursuant to NAC 483.1224. Such monitoring may include, without limitation:

(a) Having employees of the Department covertly take the skills tests administered by the third-party certifier as if the employees were applicants for commercial drivers' licenses.

(b) Having employees of the Department, together with and at the same time as the third-party certifier, score skills tests to compare results of passage and failure.

(c) Having the Department retest a sample of drivers who were examined by the third-party certifier.

2. Third-party certifiers who are also skills tests instructors will be covertly and overtly monitored on a yearly basis.

3. An examiner from the Department may conduct random reexaminations of any employee of a third-party company or student of a third-party school to whom a third-party certifier has administered a skills test.

4. Within 30 days after an inspection to monitor the performance of a third-party certifier, the Department will provide a written report to the third-party certifier and to the third-party company or third-party school that employs the third-party certifier. The written report must:

(a) Indicate compliance; or

(b) Describe each deficiency and provide notice to the third-party certifier and to the third-party company or third-party school that each such deficiency must be corrected within 30 days after the date on which the notice is received. If each deficiency is not corrected in a timely manner, the Department may suspend or revoke the registration issued to the third-

party certifier or take appropriate action against the third-party company or third-party school, as applicable.

5. The Department reserves the right to cancel the privileges of a person to drive a commercial motor vehicle to whom a third-party certifier administered a skills test if the Department finds that the skills test was not administered properly.

Sec. 39. 1. An applicant who applies to the Department for registration as a third-party certifier must consent to fingerprinting and pass a nationwide criminal background check of the following:

(a) Any felony conviction within the immediately preceding 10 years; and

(b) Any conviction involving fraudulent activities.

2. If the registration of a third-party certifier is expired, suspended or revoked for more than 90 days, the third-party certifier must submit to a new background check as a prerequisite to reinstating his or her registration.

3. A third-party certifier may not use the results of a previous background check if the third-party certifier is no longer employed by the third-party company or third-party school for which he or she worked and he or she wishes to become a third-party certifier for another third-party company or third-party school.

4. A third-party certifier may continue to use the results of a previous background check if he or she transfers from one department or division to another within the same third-party company.

5. A person who requests to act as a responsible party on behalf of a third-party company or third-party school must submit to a background check as specified by the Department.

Sec. 40. *1. A third-party certifier may be employed by not more than two third-party companies or third-party schools at the same time.*

2. A new background check is not required to be completed for a third-party certifier to be employed by a second third-party company or third-party school if the status of the third-party certifier remains valid and the third-party certifier continues to be employed as such by another third-party company or third-party school.

Sec. 41. NAC 483.030 is hereby amended to read as follows:

483.030 The Department will place a designation that the person is a veteran on the person's instruction permit, driver's license, driver authorization card , *commercial learner's permit* or commercial driver's license if, pursuant to NRS 483.2925, the person:

1. Applies for such a designation; and
2. Satisfies the requirements of subsection 3 of NRS 483.292.

Sec. 42. NAC 483.050 is hereby amended to read as follows:

483.050 1. Except as otherwise provided in subsections 2 and 3, an applicant for a *noncommercial* driver's license, motorcycle driver's license or identification card must 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, 483.860 or 486.081:

- (a) A valid, unexpired United States passport or United States passport card;
- (b) 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;
- (c) A Consular Report of Birth Abroad issued by the United States Department of State;

(d) An unexpired Permanent Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;

(e) A Certificate of Naturalization issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;

(f) A Certificate of Citizenship issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;

(g) An unexpired employment authorization document issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;

~~(h) An unexpired Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;~~

~~—(i)~~ An *unexpired Permanent Resident Card or* Alien Registration Receipt Card , ~~that is issued using~~ Form I-551 , *issued* by the United States Citizenship and Immigration Services of the Department of Homeland Security;

~~{(j)} A Permit to Reenter the United States issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;~~

~~—(k) A Refugee Travel Document issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;~~

~~—(l)~~ *(i)* An unexpired foreign passport with a valid, unexpired United States visa which has affixed to it an unexpired arrival and departure record using Form I-94; or

~~{(m)}~~ *(j)* A driver's license, motorcycle 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.

2. An applicant for a *noncommercial* driver's license or identification card may, pursuant to NRS 483.290 or 483.860, furnish a photo identification card issued by the Department of Corrections as proof of his or her full legal name and age if the applicant also presents to the Department of Motor Vehicles the documentation that the Department of Corrections used to prove the applicant's name and age for the purpose of issuing the photo identification card.

3. An applicant for a *noncommercial* driver's license, motorcycle driver's license or identification card may request permission from the Department to prove his or her full legal name and age using alternative documents. The Department may grant such permission if the applicant proves that, for reasons beyond the applicant's control, the applicant is unable to present the documents required pursuant to subsection 1. The Department will make reasonable efforts to establish the authenticity of the alternative documents provided by the applicant and, if permission is granted to the applicant, indicate in the applicant's record that such permission was granted.

4. The forms of identification that are unacceptable to the Department as proof of the full legal name and age of an applicant for a *noncommercial* driver's license, motorcycle 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 *Bureau of Consular Affairs of the* United States ~~[Citizenship and Immigration Services of the]~~ Department of ~~[Homeland Security;]~~ *State*; and
- (d) A driver's license, motorcycle 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. 43. NAC 483.0785 is hereby amended to read as follows:

483.0785 1. Except as otherwise provided in subsections 2 and 3, an applicant for an *identification card*, instruction permit, *driver's license* or for a driver authorization card pursuant to NRS 483.291 must prove the applicant's residence in this State by displaying an original or certified copy of any two of the following documents:

- (a) A receipt from the rent or lease of a residence located in this State;
- (b) A lease of a residence located in this State on which the applicant appears as the lessee during a lease term which includes the previous 60 days;
- (c) A record from a public utility for a service address located in this State which is dated within the previous 60 days;
- (d) A bank or credit card statement indicating a residential address located in this State which is dated within the previous 60 days;
- (e) A stub from an employment check indicating a residential address located in this State;
- (f) A document from a state or federal court indicating a residential address located in this State which is dated within the previous 60 days;
- (g) A document issued by an insurance company or its agent, including, without limitation, an insurance card, binder or bill, indicating a residential address located in this State;
- (h) A record, receipt or bill from a medical provider indicating a residential address located in this State;
- (i) Tax records for the most recent tax year, other than the records described in paragraph (k), indicating a residential address located in this State;
- (j) A statement or bill requesting payment, other than a bill from a medical provider, indicating a residential address located in this State which is dated within the previous 60 days;

- (k) A record of property taxes assessed or paid for the most recent tax year for a residence located in this State;
- (l) A deed of trust or other documentation of a current mortgage for a residence located in this State;
- (m) A record from an educational institution in this State which establishes that the applicant is currently enrolled in the educational institution or an identification card issued by the educational institution which is dated within the previous 60 days;
- (n) A receipt from a hotel, motel, recreational vehicle park or campground located in this State indicating not fewer than 30 days of consecutive residency in this State which is dated within the previous 60 days;
- (o) A voter registration card issued to the applicant pursuant to NRS 293.517 within the previous 60 days;
- (p) Documentation of receipt of benefits from this State under any state program of public assistance which is dated within the previous 60 days;
- (q) A Leave and Earnings Statement, or an equivalent or successor form, indicating residency in this State, of an applicant who is a member of the military and who is deployed outside of this State while serving on active duty which is dated within the previous 60 days;
- (r) A notarized statement from the owner of a residence located in this State indicating that the applicant physically resides at the residence which is dated within the previous 60 days;
- (s) Documentation indicating that the applicant is a person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive; or
- (t) A form approved by the Department as proof of the applicant's residence in this State.

2. If an applicant is under the age of 18 years, the applicant's parent or legal guardian may prove the applicant's residence in this State by:

(a) Displaying an original or certified copy of any two of the documents listed in subsection 1 or authorized pursuant to subsection 3 which prove the parent or legal guardian's residence in this State; and

(b) Signing a form approved by the Department verifying that the applicant resides at the same residence as the parent or legal guardian.

3. An applicant may request permission from the Department to prove his or her residence in this State using alternative documents. The Department may grant such permission if the applicant proves that, for reasons beyond the applicant's control, the applicant is unable to present the documents required pursuant to subsection 1. The Department will make reasonable efforts to establish the authenticity of the alternative documents provided by the applicant and, if permission is granted to the applicant, indicate in the applicant's record that such permission was granted.

4. As used in this section, "military" means the Armed Forces of the United States, a reserve component thereof or the National Guard.

Sec. 44. NAC 483.0787 is hereby amended to read as follows:

483.0787 1. Except as otherwise provided in subsections 2 and 3, an applicant for an instruction permit or for a driver authorization card pursuant to NRS 483.291, must present as proof of the applicant's name and age, an original or certified copy of:

(a) Any one of the following documents:

(1) A birth certificate issued by a state, a political subdivision of a state, the District of Columbia or any territory of the United States;

(2) A driver's license, motorcycle driver's license or identification card issued by another state, the District of Columbia or any territory of the United States 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;

(3) A passport or passport card issued by the United States Government;

(4) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States;

(5) For persons who served in any branch of the Armed Forces of the United States, a report of separation;

(6) A Certificate of Degree of Indian Blood issued by the United States Government;

(7) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card, Temporary Resident Card, Permit to Reenter the United States, Refugee Travel Document or an employment authorization document issued by the United States Citizenship and Immigration Services of the Department of Homeland Security;

(8) A Consular Report of Birth Abroad issued by the Department of State; or

(9) An *unexpired Permanent Resident Card or* Alien Registration Receipt Card , ~~that is issued using~~ Form I-551 , *issued* by the United States Citizenship and Immigration Services of the Department of Homeland Security; or

(b) Any two of the following documents:

(1) A driver's license, motorcycle driver's license or identification card issued by another state, the District of Columbia or any territory of the United States other than such a driver's

license, motorcycle driver's license or identification card described in subparagraph (2) of paragraph (a);

(2) A passport issued by a foreign government;

(3) A birth certificate issued by a foreign government; ~~for~~

(4) A consular identification card issued by the Government of Mexico or a document issued by another government that the Department determines is substantially similar ~~to~~; *or*

(5) A Mexico voter registration card issued by the National Electoral Institute, or its successor.

2. Any document presented pursuant to subsection 1 must be valid and unexpired.

3. An applicant may request permission from the Department to prove his or her name and age using alternative documents. The Department may grant such permission if the applicant proves that, for reasons beyond the applicant's control, the applicant is unable to present the documents required pursuant to subsection 1. The Department will make reasonable efforts to establish the authenticity of the alternative documents provided by the applicant and, if permission is granted to the applicant, indicate in the applicant's record that such permission was granted.

4. The forms of identification that are unacceptable to the Department as proof of the name and age of an applicant for an instruction permit or a driver authorization card pursuant to this section include, without limitation:

(a) A birth certificate issued by a hospital; and

(b) A Border Crossing Card issued by the *Bureau of Consular Affairs of the* United States ~~{Citizenship and Immigration Services of the}~~ Department of ~~{Homeland Security.}~~ *State.*

Sec. 45. NAC 483.100 is hereby amended to read as follows:

483.100 As used in NAC 483.100 to ~~483.197,~~ *483.1236*, inclusive, *and sections 21 to 40, inclusive, of this regulation*, unless the context otherwise requires, “highway” has the meaning ascribed to it in NRS 486.031.

Sec. 46. NAC 483.110 is hereby amended to read as follows:

483.110 1. The holder of a Class A noncommercial driver’s license may drive:

(a) Any combination of vehicles with:

(1) A gross combination weight rating of 26,001 pounds or more, which includes one or more towed vehicles with:

(I) A gross vehicle weight rating of more than 10,000 pounds; or

(II) A gross vehicle weight of more than 10,000 pounds; or

(2) A gross combination weight of 26,001 pounds or more, which includes one or more towed vehicles with:

(I) A gross vehicle weight rating of more than 10,000 pounds; or

(II) A gross vehicle weight of more than 10,000 pounds;

(b) Any combination of vehicles not exceeding 70 feet in length with a gross combination weight rating of 26,000 pounds or less so long as the gross combination weight rating of the towed vehicles does not exceed the gross vehicle weight rating of the towing vehicle; or

(c) A vehicle falling within Class B or Class C, but may not drive a motorcycle or an autonomous vehicle in autonomous mode unless the holder obtains an appropriate endorsement.

2. The holder of a Class B noncommercial driver’s license may drive any single vehicle with a gross vehicle weight rating or gross vehicle weight, whichever is greater, of 26,001 pounds or more, or any such vehicle which is towing another vehicle which does not have a gross vehicle weight rating of more than 10,000 pounds, and all vehicles falling within Class C,

but may not drive a motorcycle or an autonomous vehicle in autonomous mode unless the holder obtains an appropriate endorsement.

3. The holder of a Class C noncommercial driver's license may drive any single vehicle, or combination of vehicles, that does not meet the definition of a vehicle for which a Class A or Class B driver's license is required, including, without limitation, a moped or a low-speed vehicle, but the holder of a Class C driver's license may not:

- (a) Drive a motorcycle, unless the holder obtains an appropriate endorsement;
- (b) Tow a vehicle or a combination of vehicles with a gross vehicle weight rating or gross combination weight rating, as appropriate, of more than 10,000 pounds, unless the holder obtains a J endorsement;
- (c) Drive a combination of vehicles exceeding 70 feet in length; or
- (d) Drive an autonomous vehicle in autonomous mode unless the holder obtains a G endorsement.

4. The Department may place a restriction on a Class A, Class B or Class C driver's license if the holder of the driver's license does not pass a knowledge test and a driving skills test in a vehicle which is equipped with air brakes.

5. In addition to the tests authorized by chapter 483 of NRS, the holder of a driver's license may be required to pass a driving skills test in an appropriate vehicle to receive an endorsement authorizing the holder to drive a specific type of vehicle.

6. The holder of a driver's license who is exempt from the requirements of NRS 483.900 to 483.940, inclusive, and NAC 483.799 to 483.850, inclusive, *and sections 3 to 20, inclusive, of this regulation*, pursuant to the provisions of subsection 1 or 2 of NAC 483.850, may operate a vehicle described in subsection 1 or 2 of NAC 483.850 only if the holder obtains an F

endorsement on his or her driver's license. *An applicant who applies for an F endorsement who is exempt from the requirements of subsection 2 of NAC 483.850 must submit to the Department an application on a form approved by the Department that is signed and approved by:*

- (a) A firefighting battalion chief or other designated chief officer of a firefighting agency;*
- (b) The chief of a law enforcement agency;*
- (c) The sheriff of a county; or*
- (d) Any other person associated with an agency who is exempt from the requirements of subsection 2 of NAC 483.850.*

7. The holder of a Class M driver's license may drive a motorcycle, trimobile or moped. The holder of a Class A, Class B or Class C driver's license may drive a motorcycle only if the holder obtains a Class M endorsement on his or her driver's license.

8. An applicant who is administered a test of driving ability on a motorcycle which does not exceed 6 1/2 horsepower or a displacement of 90 cubic centimeters will be issued a Class M driver's license with a restriction indicating that the license does not authorize the operation of a motorcycle which exceeds a displacement of 90 cubic centimeters.

9. An applicant who is administered a test of driving ability on a motorcycle which has three wheels in contact with the ground will be issued a Class M driver's license with a restriction.

10. An applicant who is administered a test of driving ability on a moped will be issued a Class M driver's license with a moped restriction. A Class M driver's license with a moped restriction does not authorize the operation of any other motor vehicle.

11. An applicant who is administered a test of driving ability in a low-speed vehicle will be issued a Class C driver's license with a restriction. The Department will indicate on the back of

such a driver's license that the holder may not drive a vehicle on a highway where the posted speed limit is greater than 35 miles per hour, except to cross a highway at an intersection.

12. The holder of a Class A, Class B or Class C driver's license may operate an autonomous vehicle in autonomous mode only if the holder obtains a G endorsement on his or her driver's license as required pursuant to NAC 482A.040.

13. *A person operating a vehicle specified in subsection 2 of NAC 483.850 must have a valid driver's license with an F endorsement and is exempt from the requirement to hold a Class A or Class B noncommercial driver's license.*

14. As used in this section, unless the context otherwise requires:

(a) "Autonomous vehicle" has the meaning ascribed to it in NRS 482A.030.

(b) "Gross combination weight rating" means:

(1) The weight specified by the manufacturer of a vehicle as the combined loaded weight of that vehicle and a trailing vehicle; or

(2) If the manufacturer fails to specify a weight, the sum of the gross vehicle weight rating of the power unit, the weight of the trailing vehicle and the weight of any load thereon.

(c) "Gross vehicle weight rating" means the weight specified by the manufacturer as the loaded weight of a single vehicle.

(d) "Low-speed vehicle" has the meaning ascribed to it in NRS 484B.637.

(e) "Moped" has the meaning ascribed to it in NRS 486.038.

(f) "Motorcycle" has the meaning ascribed to it in NRS 486.041.

(g) "Trimobile" has the meaning ascribed to it in NRS 486.057.

Sec. 47. NAC 483.1212 is hereby amended to read as follows:

483.1212 ~~{“Driving skills”}~~ *“Skills test”* means a ~~{driving skills}~~ test for a commercial driver’s license which includes, without limitation, a ~~{pretrip}~~ *vehicle inspection* test, basic ~~{skills}~~ *vehicle control* test and ~~{road}~~ *on-road* test.

Sec. 48. NAC 483.1214 is hereby amended to read as follows:

483.1214 “School for training drivers” means a school for the training of drivers which is licensed to operate in this State and provides instruction in the operation of vehicles for which a Class A, Class B or Class C *commercial* driver’s license is required.

Sec. 49. NAC 483.1218 is hereby amended to read as follows:

483.1218 1. “Third-party ~~{certifier”}~~ *school” or “school”* means a ~~{person}~~ *school for training drivers that is* registered with the Department pursuant to ~~{NAC 483.1224}~~ *section 28 of this regulation* to certify the driving ability of a student enrolled in ~~{a}~~ *the* school for ~~{training drivers licensed to operate in this State which provides}~~ instruction in the operation of vehicles for which a Class A, Class B or Class C *commercial* driver’s license is required.

2. The term includes, without limitation ~~{, a third party examiner and a}~~ :

(a) A school for training drivers; and

(b) A third-party tester, as ~~{those terms are}~~ that term is used in 49 C.F.R. § 383.75.

Sec. 50. NAC 483.122 is hereby amended to read as follows:

483.122 The provisions of NAC 483.121 to 483.1236, inclusive, *and sections 21 to 40, inclusive, of this regulation* apply only with respect to:

1. Commercial drivers’ licenses and commercial *motor* vehicles . ~~{, and}~~
2. An instructor at a school for training drivers who is or wishes to be registered as a third-party certifier and to a school for training drivers which has such an instructor on its staff.

3. *An employee at a school for training drivers who is or wishes to be registered as a third-party certifier and to a school for training drivers which has such an employee on its staff.*

4. *An employer and any authorized employee of the employer who is or wishes to be registered as a third-party certifier.*

Sec. 51. NAC 483.1222 is hereby amended to read as follows:

483.1222 The Department may, in lieu of the ~~{driving}~~ skills test conducted by the Department, accept ~~{an affidavit of}~~ certification of the driving ability of a person if the ~~{affidavit of}~~ certification is ~~{~~

~~—1.—Completed in its entirety}~~ *submitted electronically to the Department through a system approved by the Department* by a third-party certifier who is:

~~{(a)}~~ 1. Registered pursuant to NAC 483.1224;

~~{(b)}~~ 2. Employed by the school for training drivers at which the person whose driving ability is being certified is a student ~~{and~~

~~—(c)}~~ *, the employer of the person whose driving ability is being certified or employed by the same employer as the person whose driving ability is being certified; and*

3. Not responsible for the instruction of the person whose driving ability is being certified relating to the operation of the commercial *motor* vehicle . ~~{and~~

~~—2.—On a form provided by the Department.}~~

Sec. 52. NAC 483.1224 is hereby amended to read as follows:

483.1224 1. An instructor *or authorized employee* at a school for training drivers ~~{which owns or leases 10 or more vehicles for which a Class A, Class B or Class C driver's license is required}~~ may apply to the Department for registration as a third-party certifier. Except as

otherwise provided in subsection ~~[2,]~~ 4, an instructor *or authorized employee* who is registered as a third-party certifier may certify the driving ability of any student enrolled at the school for training drivers who wishes to obtain a Class A, Class B or Class C *commercial* driver's license and ~~[may sign an affidavit of]~~ *must electronically submit to the Department* certification to that effect. The instructor *or authorized employee* may not ~~[sign such an affidavit]~~ *electronically submit to the Department certification* with respect to the instructor's *or employee's* own driving ability.

2. ~~[An instructor who is registered as a]~~ *Any person doing business in this State, or the authorized employee of such a person, may apply to the Department for registration as a third-party certifier. Except as otherwise provided in subsection 5, a third-party certifier who is registered pursuant to this section may certify the driving ability of an employee of an employer who wishes to obtain a Class A, Class B or Class C commercial driver's license and must electronically submit to the Department certification to that effect. The third-party certifier may not electronically submit to the Department certification with respect to the third-party certifier's own driving ability.*

3. *An applicant to become a third-party certifier must have at least 2 years of experience operating a commercial motor vehicle for the type, class and endorsements of commercial drivers' licenses that he or she will certify.*

4. *A* third-party certifier *employed by a third-party school* shall not:

(a) Certify the driving ability of a student unless the ~~[instructor]~~ *third-party certifier* has at his or her disposal at least one vehicle requiring the same *type and* class of driver's license as the *type and* class of driver's license for which the student's driving ability is being certified; ~~[or]~~

(b) ~~{Sign an affidavit of}~~ *Attest to the* certification for the operation of a vehicle for which a particular *type or* class of driver's license is required unless the ~~{instructor}~~ *third-party certifier* has at his or her disposal at least one vehicle requiring the same *type and* class of driver's license as that required for the vehicle the operation of which is to be certified ~~{by affidavit}~~.

~~—3. An instructor who is registered as a~~ ; or

(c) *Certify the driving ability of any employee of the school.*

5. *A third-party certifier employed by a third-party company shall not:*

(a) *Certify the driving ability of an employee of the company unless the third-party certifier has at his or her disposal at least one vehicle requiring the same type and class of driver's license as the type and class of driver's license for which the employee's driving ability is being certified; or*

(b) *Attest to the certification for the operation of a vehicle for which a particular type and class of driver's license is required unless the third-party certifier has at his or her disposal at least one vehicle requiring the same type and class of driver's license as the type and class of driver's license as that required for the vehicle the operation of which is to be certified.*

6. *A third-party certifier must:*

(a) Successfully complete a 40-hour course provided by the Department for administering ~~{a driving}~~ skills ~~{test;}~~ *tests;*

(b) Hold a valid *commercial* driver's license of the *same type and* class ~~{and type}~~ for which the ~~{instructor}~~ *third-party certifier* is certifying the driving ability of a student ~~{and signing an affidavit of certification;}~~ *or employee;* and

(c) Administer the ~~{driving}~~ skills test in a ~~{class of}~~ vehicle ~~{requiring}~~ *representing* the same *type and* class ~~{and type}~~ of *vehicle the operation of which requires a* driver's license of

the same type and class as the *type and* class ~~{and type}~~ of driver's license for which the ~~{student's}~~ driving ability *of the student or employee* is being certified.

~~{4. The Department will assign a number to each instructor whom the Department registers as a third-party certifier. This number must be used when completing an affidavit of certification. The number assigned by the Department to a third-party certifier pursuant to this subsection is personal to the instructor to whom it has been assigned and must not be transferred to or used by any other person.~~

~~—5. An instructor}~~

7. A third-party certifier who is also an instructor, whether as part of a school, training program or otherwise, shall not administer a skills test to a person who received training in skills from the third-party certifier.

8. If a third-party certifier successfully completes training to administer skills tests, the Department will issue to the third-party certifier a certificate of registration which:

(a) Is valid for 4 years; and

(b) Indicates the type and class of vehicle and endorsements for which the third-party certifier is allowed to provide certification.

9. A person who is registered as a third-party certifier *for a third-party school* may certify the driving ability of only those students who are enrolled at the branch locations of the school ~~{for training drivers}~~ for which the ~~{instructor}~~ *person* is registered as a third-party certifier.

10. A person who is registered as a third-party certifier for a third-party company may certify the driving ability of only those employees who work within the same department of the company for which the person is registered as a third-party certifier.

11. A third-party certifier shall ensure that all vehicles and equipment used to perform skills tests are maintained adequately and safe to operate. Except as otherwise provided in section 32 of this regulation, any incidents that are a result of unsafe vehicles or equipment are the responsibility of the third-party certifier.

Sec. 53. NAC 483.1226 is hereby amended to read as follows:

483.1226 1. ~~{An instructor}~~ *A person* who is applying for registration as a third-party certifier *pursuant to NAC 483.1224* must complete an application on a form provided by the Department which includes, without limitation:

- (a) An authorization for an investigation of the background of the applicant;
- (b) ~~{An authorization for an investigation of the credit of the applicant;~~
- ~~—(c) The personal history of the applicant;~~
- ~~—(d)}~~ The driving history of the applicant; and
- ~~{(e)}~~ *(c)* A statement that the applicant has read and will comply with the regulations and requirements for certification adopted by the Department.

2. An applicant applying for registration as a third-party certifier must consent to a background check as described in section 39 of this regulation.

3. Any training with respect to how to administer skills tests that is given by the Department to an applicant for registration as a third-party certifier will be the same training that would otherwise be given by the Department to persons who administer skills tests.

*4. An applicant applying to become a third-party certifier for a third-party company or third-party school must indicate on his or her application all ~~{the branch}~~ locations ~~{of the school for training drivers}~~ at which ~~{the applicant}~~ *he or she* will be certifying the driving ability of employees employed by the company or students enrolled at the school.*

~~{3-}~~ 5. In evaluating the eligibility of an applicant for registration as a third-party certifier, the Department may consider the class of the applicant's driver's license, his or her driving history and any additional information which the Department deems pertinent to his or her eligibility.

~~{4- The evaluation of an application for registration as a third-party certifier will include an inspection of each branch location of the school for training drivers at which the applicant will be certifying the driving ability of students. The inspection will include, without limitation, a visual inspection of:~~

~~—(a) The vehicles to be used for training;~~

~~—(b) Copies of training programs;~~

~~—(c) Skill tests;~~

~~—(d) Driving tests;~~

~~—(e) Tests of laws and regulations; and~~

~~—(f) Qualifications of instructors.~~

~~—5- The Department may waive any part of the inspection otherwise required pursuant to subsection 4 if the school for training drivers currently has on its staff other instructors who are registered as third-party certifiers.]~~

6. *If the Department approves an application for registration as a third-party certifier, the Department will assign a unique number to the person registered by the Department. Any number assigned pursuant to this subsection must not be transferred to or used by any other person.*

7. If the Department denies an application for registration as a third-party certifier, the Department will notify the applicant by ~~{certified}~~ mail of its decision. Except as otherwise

provided in NAC 483.1236, the applicant may reapply at any time on a new application form. The applicant must state in the new application the measures that were taken to correct the deficiency that caused the denial of the original application.

Sec. 54. NAC 483.1228 is hereby amended to read as follows:

483.1228 1. If, at any time, the number of vehicles owned or leased by a *third-party company or third-party* school ~~{for training drivers which has on its staff a third-party certifier}~~ falls below the minimum requirement ~~{of 10}~~ *for* vehicles ~~{}~~ *set forth in subsection 3 of section 27 of this regulation*, the ~~{operator of the}~~ *third-party company or third-party* school ~~{for training drivers}~~ shall forthwith notify the Department. The Department may suspend, revoke or refuse to renew the registration of each third-party certifier ~~{employed}~~ at the *third-party company or third-party* school ~~{for training drivers}~~ during the time that the *third-party company or third-party* school ~~{for training drivers}~~ does not have the required minimum number of vehicles.

2. If the *third-party company or third-party* school ~~{for training drivers}~~ purchases or leases a vehicle that will be used by a third-party certifier in administering a ~~{driving}~~ skills test, the ~~{operator of the}~~ *third-party company or third-party* school ~~{for training drivers}~~ shall notify the Department within 10 days after the date on which the vehicle is purchased or leased. An authorized representative of the Department:

(a) Shall inspect the vehicle within 30 days after ~~{being notified by the school;}~~ *receiving the notice*; and

(b) May inspect the vehicle during any inspection conducted by the Department pursuant to NAC ~~{483.1226 or}~~ 483.123 ~~{}~~ *or section 28 of this regulation*.

3. ~~If a third-party certifier does not maintain a valid driver's license of the class for which the third-party certifier is authorized to certify, he or she shall immediately notify the Department.~~

~~—4.—~~ A third-party ~~{certifier}~~ *company or third-party school* shall notify the Department within 10 days after a change in *any* address ~~†~~.

~~—5.—~~ ~~A third-party certifier who complies with the requirements of subsection 6 may renew his or her annual registration on a form furnished by the Department. If the third-party certifier fails to renew the registration within 30 days after the date of expiration, his or her registration as a third-party certifier expires and he or she must reapply for registration as a third-party certifier in the manner set forth in NAC 483.1226.~~

~~—6.—~~ ~~A third-party certifier must annually complete a recertification course provided by the Department. The recertification course must consist of at least 24 hours of instruction.† or location at which the company or school conducts business or conducts skills tests.~~

4. A third-party company or third-party school may renew its annual registration on a form furnished by the Department. If the third-party company or third-party school fails to renew the registration within 30 days after the date of expiration, its registration as a third-party company or third-party school expires and it must reapply for registration as a third-party company or third-party school in the manner set forth in section 28 of this regulation.

5. A third-party company or third-party school shall pay the annual fee prescribed in subsection 2 of NRS 483.910 to renew its registration.

Sec. 55. NAC 483.123 is hereby amended to read as follows:

483.123 1. The Department ~~{may, annually or as often as it determines necessary,}~~ *will, at least once every 2 years,* monitor the performance of a third-party ~~{certifier-who}~~ *company or*

third-party school that is registered pursuant to ~~[NAC 483.1224, including,]~~ section 28 of this regulation. The monitoring required by this subsection must include, without limitation, ~~[the]~~ one announced and one unannounced on-site examination of:

- (a) The instruction given ~~[, teaching]~~ ;*
- (b) Teaching skills demonstrated ~~[and testing]~~ ;*
- (c) Unusual test results, including, without limitation, unusually high rates of passage or failure;*
- (d) Testing performed by ~~[the]~~ any third-party certifier ~~[,]~~ who is employed by the third-party company or third-party school;*
- (e) A comparison of the results achieved on skills tests with the scoring sheets for skills tests that are maintained in the files of the third-party company or third-party school; and*
- (f) Records of the inspection of vehicles.*

2. An examiner from the Department may conduct random reexaminations of any student *or employee* to whom a third-party certifier *who is employed by the third-party company or third-party school* has ~~[given]~~ *administered* a ~~[driving]~~ skills test.

~~[2.]~~ 3. The Department ~~[may, annually or as often as it determines necessary,]~~ *will, at least once every 2 years,* conduct an inspection of each vehicle ~~[used by a third-party certifier in administering a driving skills test.~~
~~—3.]~~ *listed pursuant to section 28 of this regulation. The vehicles must be accessible to the Department, operational and located at the principal place of business of, or one central location used by, the third-party company or third-party school.*

4. Within 30 days after an inspection, the Department will provide a written report to the third-party ~~[certifier and the]~~ *company or third-party* school ~~[for training drivers]~~ which:

(a) Indicates compliance; or

(b) Describes each deficiency and notifies the third-party ~~{certifier and the}~~ *company or third-party* school ~~{for training drivers}~~ that each such deficiency must be corrected within 30 days after the date on which the notice is received. If each deficiency is not corrected in a timely manner, the Department may, pursuant to NAC 483.1236 ~~{,}~~ *or subsection 8 of section 30 of this regulation*, suspend or revoke the registration issued to the third-party ~~{certifier}~~ *company or third-party school* or take appropriate action against the *third-party* school ~~{for training drivers}~~ pursuant to NAC 483.708 to 483.795, inclusive, or both.

~~{4.}~~ **5.** If, pursuant to NAC 483.708 to 483.795, inclusive:

(a) Any action is taken against ~~{the instructor's license issued to the}~~ *a* third-party ~~{certifier,}~~ *school in its capacity as a school for training drivers*, the Department may revoke, suspend or refuse to renew, as appropriate, ~~{his or her}~~ *its* registration as a third-party ~~{certifier,}~~ *school*.

(b) The license issued to the operator of the school for training drivers is:

(1) Suspended, or if the Department refuses to renew the license issued to the school for training drivers, the Department will, except as otherwise provided in this paragraph, suspend the registration of *the third-party school and* each third-party certifier employed ~~{as an instructor}~~ by the school until the license of the school has been restored. If the license issued to the operator of the school is not restored, the Department will revoke the registration of *the third-party school and* each ~~{such}~~ third-party certifier. This paragraph does not prevent the Department from taking separate disciplinary action against a third-party certifier if the circumstances that resulted in the suspension of, or the refusal to renew, the license of the school for training drivers involved an act or omission by the third-party certifier.

(2) Revoked, the Department will revoke the registration of *the third-party school and* each third-party certifier employed ~~as an instructor~~ by the school.

Sec. 56. NAC 483.1232 is hereby amended to read as follows:

483.1232 1. ~~{An instructor who is registered as a}~~ *A* third-party certifier:

(a) Shall not instruct a student *or employee* in the driving or operation of a vehicle for which a Class A, Class B or Class C *commercial* driver's license is required by allowing the vehicle to be driven on a public highway, unless the student *or employee* has obtained ~~{an instruction}~~ *a commercial learner's* permit, *as defined in section 4 of this regulation*, for the *type and* class of vehicle he or she is learning to drive; and

(b) Shall ensure that the student *or employee* adheres to the requirements pertaining to ~~{the instruction}~~ *that commercial learner's* permit.

2. Before certifying the ability of a student *or employee* to drive a vehicle for which a Class A, Class B or Class C *commercial* driver's license is required, the third-party certifier must determine that the student is able to operate safely and control fully that vehicle.

3. While administering any part of the ~~{driving}~~ skills test, a third-party certifier shall, at all times during the test, remain alert and be in a physical and mental state that renders him or her capable of taking physical control of the vehicle if necessary.

4. The third-party certifier shall state on a form approved by the Department the means by which he or she determined the qualifications of the student *or employee* to operate the vehicles for which a Class A, Class B or Class C *commercial* driver's license is required.

~~{5. A third-party certifier shall maintain a record for each student who is certified by the third-party certifier. The record must include a description of the training and tests given to the~~

~~student. The record must be available for inspection by a representative of the Department during normal business hours.~~

~~—6. A school for training drivers shall keep a record for each student to whom an instructor who is a third-party certifier administers any part of the driving skills test. The record must include:~~

~~—(a) The full legal name and address of the student;~~

~~—(b) The record of the driving skills test administered to the student;~~

~~—(c) The number of the instruction permit or driver's license issued to the student;~~

~~—(d) The full legal name and registration number of each third-party certifier who administered any part of the test to the student;~~

~~—(e) A description of the type of testing given to the student and the amount of time devoted to each type of test;~~

~~—(f) The date on which each type of test was given;~~

~~—(g) The total number of hours of instruction given to the student; and~~

~~—(h) Sufficient information that will demonstrate to the satisfaction of the Department that the third-party certifier who administered a specific test to the student did not also provide instruction to the student relating to that test.]~~

Sec. 57. NAC 483.1234 is hereby amended to read as follows:

483.1234 A third-party certifier ~~{and}~~ *or* a *third-party* school ~~{for training drivers}~~ shall not make a guarantee in any form to a student that the student will be issued a commercial driver's license because the third-party certifier is administering any part of the ~~{driving}~~ skills test to a student.

Sec. 58. NAC 483.1236 is hereby amended to read as follows:

483.1236 1. The Department may revoke the registration of a third-party certifier who is registered pursuant to NAC 483.1224 if:

(a) The third-party certifier has been convicted of:

(1) Driving under the influence of an intoxicating liquor or a controlled substance within the past 7 years;

(2) A gross misdemeanor or felony relating to the management of money or a business;

(3) Fraud;

(4) Embezzlement; or

(5) Possessing more than one valid driver's license issued to the third-party certifier under a full legal name other than his or her own, or issued to him or her by more than one state, or both;

(b) The Department determines that the third-party certifier falsified an application or any other information to obtain or maintain registration as a third-party certifier;

(c) The *third-party* school ~~for training drivers~~ *that employs the third-party certifier* fails to maintain an active license or ceases to maintain an established place of business in this State ~~;~~

~~—(d) The third-party certifier allows an unauthorized person to administer any part of the driving skills test to a student;~~

~~—(e) Any~~ *as required by NAC 483.708 to 483.795, inclusive;*

(d) Pursuant to NAC 483.708 to 483.795, inclusive, any action is taken against the instructor's license issued to the third-party certifier by the Department ~~;~~

~~—(f)~~ *; or*

(e) The third-party certifier administers any part of the ~~{driving}~~ skills test to a ~~{student}~~ *natural person* to whom the third-party certifier has provided instruction for ~~{that part of the test;~~
~~or~~

~~—(g) The third-party certifier refuses to allow an authorized representative of the Department access, during regular business hours, to inspect the records maintained by the third-party certifier relating to the students whose driving abilities were certified by the third-party certifier.}~~
the skills test.

2. *The Department, for good cause shown, may suspend or revoke the registration of a third-party certifier for any other reason if such disqualification is in the best interest of the public and approved by the Director or a designee of the Director.*

3. The Department may suspend the registration of a third-party certifier if the third-party certifier *or the third-party company or third-party school that employs the third-party certifier,* or ~~{his or her}~~ *an* agent, officer or employee *of the certifier, company or school,* fails to cooperate fully with an authorized representative of the Department during an inspection of the third-party certifier ~~†~~

~~—3.†~~ *or third-party company or third-party school that employs the third-party certifier.*

4. The Director may temporarily suspend for not more than 30 days or refuse to renew the registration of a third-party certifier if the Director finds that such a temporary suspension or refusal to renew is in the public interest. The Department may conduct a hearing and issue a final decision on the matter within 30 days after the date on which the notice of temporary suspension or refusal to renew a registration is sent to the third-party certifier.

~~{4.}~~ 5. Any third-party certifier whose registration is revoked pursuant to this section:

(a) May not reapply for registration until 2 years after the date of revocation; and

(b) Must attend a training program approved by the Department for the certification of a driver at the time he or she reapplies for registration as a third-party certifier.

~~5.5~~ **6.** A third-party certifier may, within 30 days after the temporary suspension or revocation of, or refusal to renew, his or her registration pursuant to this section, request a hearing on the question of whether the third-party certifier committed one or more acts constituting grounds for the suspension, revocation or refusal to renew the registration. The hearing must be conducted pursuant to the provisions of chapter 233B of NRS, and judicial review must be available as provided therein.

Sec. 59. NAC 483.220 is hereby amended to read as follows:

483.220 A resident of Nevada who has had his or her driver's license suspended or revoked will not be issued a restricted license pursuant to subsection 1 or 2 of NRS 483.490 if:

1. The resident lives within 2 miles of his or her place of employment unless the resident meets all other requirements for granting the license and presents satisfactory evidence that he or she is physically unable to walk the distance.

2. The resident has been convicted of:

(a) Six or more traffic violations which have been assigned four or more demerit points each within a period of 5 years; or

(b) Any of the following offenses during the previous 12 months:

(1) A felony committed with the use of a motor vehicle, including, but not limited to, voluntary manslaughter or causing the death of or substantial bodily harm to a person in violation of subsection 2 of NRS 484B.653.

(2) Willfully failing or refusing to bring a vehicle to a stop, or otherwise fleeing or attempting to elude a peace officer in violation of NRS 484B.550.

(3) Failing to stop at the scene of ~~{an accident}~~ *a crash* in violation of NRS 484E.010 or 484E.020.

(4) Failing to render assistance in the event of a ~~{motor vehicle accident}~~ *crash* which resulted in the death of or injury to another person in violation of NRS 484E.030.

(5) Violating a condition of a restricted license.

3. ~~{The resident has been convicted of any combination of the following offenses three or more times in}~~ *In the past 5 years ~~{.}~~, the resident has been convicted of one of the following combinations of offenses:*

(a) ~~{Driving}~~ *For drivers who have been convicted of a second or subsequent offense of driving* or operating a motor vehicle while under the influence of intoxicants or drugs ~~{.}~~, *or who have refused to submit to an evidentiary test as requested by a police officer pursuant to NRS 484C.160, a combination of any two or more offenses set forth in this paragraph or paragraph (b); or*

(b) *For all other drivers, a combination of three or more of the following offenses:*

(1) Driving a motor vehicle while his or her license, permit or privilege to drive was revoked or suspended.

~~{(e)}~~ *(2)* Leaving the scene of ~~{an accident}~~ *a crash* which resulted in injury or death.

~~{(d)}~~ *(3)* Reckless driving.

4. The resident's license has been suspended pursuant to NRS 483.465 or chapter 485 of NRS.

5. The resident gives false information when applying for a restricted license.

6. The resident's driving privilege is currently suspended, revoked or cancelled in another state.

7. The resident is 18 years of age or older and his or her driver's license has been suspended pursuant to a court order for placing graffiti on or otherwise defacing the public or private property, real or personal, of another person in violation of NRS 206.330.

Sec. 60. NAC 483.360 is hereby amended to read as follows:

483.360 1. The restrictions and compulsory requirements described in subsection 2 may be imposed when licensing persons to drive.

2. Restriction and Description (and text placed on an affected license)	Criteria for Restriction
Restriction A - Automatic transmission. (Restriction A - Auto Trans)	This restriction is placed on the driver's license of a person who is physically unable to operate a motor vehicle that is equipped with a manual transmission.
Restriction E - Automatic transmission for noncommercial or commercial driver's license. (Restriction E - Auto Trans CMV Wgt Only)	This restriction is placed on the driver's license of a person who is physically unable to operate a motor vehicle that is equipped with a manual transmission, who completed the driving skills test for his or her commercial driver's license in a <i>commercial</i> motor vehicle that is equipped with an automatic transmission or who

completed the driving skills test for his or her Class A or Class B noncommercial driver's license in a motor vehicle that is equipped with an automatic transmission.

Restriction JA - Must carry detail form.
(Restriction JA - Must Carry Detail Form)

This restriction is placed on the driver's license of a person who requires a restriction that is not described in this section or NAC 483.350 or whose driver's license requires more restrictions than can be shown on the license. The person must carry the detail form with his or her driver's license at all times.

Restriction JD - Authorization to operate an emergency vehicle falling within Class A.
(Restriction JD - Drive Fire Equip NCMV A)

This restriction is placed on the driver's license of a person who holds a Class B or Class C commercial driver's license and is authorized to operate an emergency vehicle falling within Class A.

Restriction JE - Authorization to operate an emergency vehicle falling within Class B.
(Restriction JE - Drive Fire Equip NCMV B)

This restriction is placed on the driver's license of a person who holds a Class C commercial driver's license and is

authorized to operate an emergency vehicle falling within Class B.

Restriction JG - Motorcycle with sidecar.
(Restriction JG - Motorcycle w-Sidecar)

This restriction is placed on the driver's license of a person who has demonstrated proficiency in operating a motorcycle equipped with a sidecar.

Restriction JH - Medical hardship.
(Restriction JH - Trnsprt Handicapped Only)

This restriction is placed on a restricted driver's license issued pursuant to NRS 483.267 permitting a person to transport a member of his or her household who has a medical condition that renders the member of the household unable to drive.

Restriction JI - Authorization to operate a recreational vehicle falling within Class A.
(Restriction JI - Drive NCMV A Rec Veh)

This restriction is placed on the driver's license of a person who holds a Class B or Class C commercial driver's license and has demonstrated proficiency in operating a noncommercial recreational vehicle falling within Class A.

Restriction JJ - Authorization to operate a

This restriction is placed on the driver's

recreational vehicle falling within Class B.
(Restriction JJ - Drive NCMV B Rec Veh)

license of a person who holds a Class C commercial driver's license and has demonstrated proficiency in operating a noncommercial recreational vehicle falling within Class B.

Restriction JL - Trimobile.
(Restriction JL - Trimobile)

This restriction is placed on the driver's license of a person who holds a Class C noncommercial driver's license and who has demonstrated proficiency in operating a trimobile.

Restriction JM - Authorization to operate only motor vehicles falling within Class A that are tow cars.
(Restriction JM - Class A Tow Car Only)

This restriction is placed on the driver's license of a person who holds a Class A commercial driver's license if he or she completes the ~~driving~~ skills test in a tow car.

Restriction JN - Instruction permit ~~or~~ *commercial learner's permit*.
(Restriction JN - Instruction *or Learner's* Permit)

This restriction is placed on each instruction permit *or commercial learner's permit* issued by the Department.

Restriction JO - Instruction permit for driver's education only.

(Restriction JO - Driver Educ Only)

This restriction is placed on an instruction permit granted pursuant to subsection 3 of NRS 483.280 that is valid for a school year or a more restricted period and authorizes the permittee to drive a motor vehicle only on a designated highway or within a designated area and only when an approved instructor is occupying a seat beside the permittee.

Restriction JP - Authorization to tow a vehicle with a gross vehicle weight rating of more than 10,000 pounds only when operating a noncommercial vehicle falling within Class C.

(Restriction JP - Tow >10000 lb Class C Only)

This restriction is placed on the driver's license of a person who holds a Class B commercial driver's license that contains a J endorsement.

Restriction JR - Authorization to operate a three-wheeled motorcycle with a single power driven rear wheel.

(Restriction JR - 3 Wheel MC w/1 Rear Pwr Wheel)

This restriction is placed on the driver's license of a person who has demonstrated proficiency in operating a three-wheeled motorcycle with a single power driven rear wheel.

Restriction JS - Low-speed vehicles only.

This restriction is placed on the driver's

(Restriction JS - Low-Speed Vehicles Only)

license of a person who completes the driving skills test in a low-speed vehicle and restricts the person to driving only on specially designated roadways at a speed of 35 miles per hour or less.

Restriction JU - Physical examination required.

(Restriction JU - Phys Exam)

This restriction is placed on the driver's license of a person who is obtaining a commercial driver's license.

Restriction JW - Direct visual supervision by a person 21 years of age or older.

(Restriction JW - Dir Visual Sup 21+ Yrs)

This restriction is placed on a Class M driver's instruction permit and requires the holder of the permit, while operating a motorcycle, to be under the direct visual supervision of a person who is licensed to operate a motorcycle and is at least 21 years of age.

Restriction JX - Not authorized to use air brakes in a noncommercial motor vehicle.

(Restriction JX - No Air Brakes - NCDL)

This restriction is placed on the driver's license of a person who does not pass a knowledge test or a driving skills test in a noncommercial motor vehicle that is equipped with air brakes.

Restriction JY - Must carry a valid noncommercial or commercial driver's license issued by the State of Nevada.
(Restriction JY - Must Carry Valid NV NCDL/CDL)

This restriction is placed on a commercial learner's permit to indicate that the permit is invalid unless accompanied by the underlying noncommercial or commercial driver's license issued by the State of Nevada.

Restriction K - Intrastate operation of a commercial motor vehicle only.
(Restriction K - CMV Intrastate Only)

This restriction is placed on the commercial driver's license of a person who does not meet the requirements set forth in 49 C.F.R. §§ 391.41 to 391.49, inclusive, or who is less than 21 years of age.

Restriction L - No air brakes ~~H~~, *commercial motor vehicle weight only.*
(Restriction L - No Air Brakes ~~H~~, *Commercial Motor Vehicle Weight Only*)

This restriction is placed on the *commercial* driver's license *or commercial learner's permit* of a person who does not pass a knowledge test ~~and~~ *or* a ~~driving~~ skills test in a *commercial* motor vehicle ~~which~~ *that* is equipped with air brakes.

Restriction M - Authorization to transport passengers in motor vehicles falling within

This restriction is placed on ~~the driver's license of a person who holds~~ a Class A *or*

Class B or Class C only.

(Restriction M - No Class A Psngr Veh)

Class B commercial driver's license ~~and~~
~~who completes the skills test for a passenger~~
~~endorsement in a motor~~ *or commercial*
learner's permit, or both, to allow
operation of a passenger vehicle falling
within Class B ~~H~~ *or Class C.*

Restriction N - Authorization to transport
passengers in motor vehicles falling within
Class C only.

(Restriction N - No Class A/B Psngr Veh)

This restriction is placed on ~~the driver's~~
~~license of a person who holds a Class A or~~
~~Class B~~ *a* commercial driver's license ~~and~~
~~who completes the skills test for a passenger~~
~~endorsement in a motor~~ *or commercial*
learner's permit, or both, to allow
operation of a passenger vehicle falling
within Class C.

Restriction O - No tractor-trailer combination
connected by a fifth wheel.

(Restriction O - No Tractor Trailer CMV Wgt
Only)

This restriction is placed on the driver's
license of a person who holds a Class A
commercial driver's license and who
completes the skills test in a combination
vehicle for a Class A commercial driver's
license with the power unit and towed unit
connected by a connection other than a fifth

wheel, such as a pintle hook.

Restriction P - No passengers in a commercial motor vehicle.

(Restriction P - No Psngr in CMV Bus)

This restriction is placed on a commercial ~~driver's license instruction~~ *learner's* permit with a P endorsement and indicates that the holder of the permit is prohibited from operating a commercial motor vehicle carrying passengers other than federal or state auditors and inspectors, test examiners, other trainees and the holder of a commercial driver's license accompanying the *holder of the* permit ~~holder~~ as prescribed by 49 C.F.R. § 383.25.

Restriction Q - Moped.

(Restriction Q - Moped)

This restriction is placed on the driver's license of a person who performs the skills portion of the test on a moped. The driver may only operate a moped as defined in NRS 483.088.

Restriction R - No hazardous materials or passengers.

(Restriction R - No Plac HazMat or Psngers)

This restriction is placed on the commercial driver's license of a person who is less than 21 years of age.

Restriction S - No passengers on a motorcycle.

(Restriction S - No Psngrs)

This restriction is placed on a Class M driver's instruction permit and prohibits the holder of the permit from carrying passengers on a motorcycle.

Restriction T - To and from school only.

(Restriction T - To/From School Only)

This restriction is placed on the driver's license of a person between 14 and 18 years of age who is granted a restricted driver's license to drive to and from school.

Restriction U - Motorcycle not to exceed 90 cubic centimeters.

(Restriction U - MC Not To Exceed 90cc)

This restriction is placed on the driver's license of a driver who performs the skill portion of the test on a motorcycle which has 90 cubic centimeters or less. The driver may only operate a motorcycle having 90 cubic centimeters or less.

Restriction W - Farm waiver.

(Restriction W - Farm Waiver)

This restriction is placed on the driver's license of a farmer or an employee or family member of a farmer and allows the person to operate a farm vehicle to transport agricultural products, farm machinery or

farm supplies to or from a farm within Nevada and within 150 miles of the person's farm. The person shall not operate a motor vehicle in the operation of a common or contract motor carrier with a Class A or Class B noncommercial driver's license.

Restriction X - Operation of tank vehicle only if empty.

(Restriction X - No Cargo in CMV Tank Veh)

This restriction is placed on a commercial ~~driver's license instruction~~ *learner's* permit with an N endorsement and indicates that the holder of the permit may only operate an empty tank vehicle and is prohibited from operating any tank vehicle which previously contained hazardous materials that has not been purged of any residue.

Restriction Y - Ignition Interlock Device.

(Restriction Y - Ignition Interlock)

This restriction is placed on the driver's license of a person if the Department receives a copy of an order of a court of competent jurisdiction that requires that person to install a device in a motor vehicle

which he or she owns or operates pursuant to the provisions of NRS 484C.460 or if the person is required to install such a device pursuant to the provisions of the laws of another state, the District of Columbia, any territory or possession of the United States or any other country.

Restriction Z - No full air brakes.

(Restriction Z - No Full Air Brake Equip CMV)

This restriction is placed on the commercial driver's license of a driver who performs the skills test in a motor vehicle equipped with air over hydraulic brakes.

Restriction 3 - No freeway driving.

(Restriction 3 - No Fwy Driving)

This restriction is placed on a motorcycle instruction permit.

3. As used in this section:

(a) "Commercial motor vehicle" has the meaning ascribed to it in NRS 484C.120.

(b) "Low-speed vehicle" has the meaning ascribed to it in NRS 484B.637.

(c) "Trimobile" has the meaning ascribed to it in NRS 486.057.

(d) "Tow car" has the meaning ascribed to it in NRS 484A.280.

Sec. 61. NAC 483.7631 is hereby amended to read as follows:

483.7631 1. The Department may suspend, revoke or refuse to renew:

(a) Any license issued pursuant to NRS 483.700 to 483.780, inclusive, if, in addition to the grounds set forth in NRS 483.760:

(1) The licensee is convicted of a:

(I) Felony in this State or any other jurisdiction;

(II) Gross misdemeanor;

(III) Misdemeanor for violating any of the provisions of NAC 483.708 to 483.795, inclusive;

(IV) Crime involving fraud, dishonesty or moral turpitude;

(V) Sexual offense as defined in NRS 179D.097; or

(VI) Crime that the Department determines is related to the license in question.

(2) The licensee willfully fails to comply with any:

(I) Statute of this State governing motor vehicles, including, without limitation, NRS 483.700 to 483.780, inclusive, and any regulations adopted pursuant thereto; or

(II) Directive issued by the Director.

(3) The licensee fails or refuses to pay or otherwise discharge any final judgment entered against the licensee arising out of any misrepresentation or fraud committed by the licensee in connection with the license.

(4) The Director determines that:

(I) The licensee knowingly made a false or misleading statement or concealed a material fact in connection with his or her application for the license;

(II) The licensee is unfit to hold the license;

(III) The licensee no longer satisfies the requirements for the issuance of the license; or

(IV) The suspension or revocation of the license, or the refusal to renew the license, is in the best interest of the public.

(b) A license to operate a school for drivers if the licensee:

(1) Makes any change in the curriculum, schedule of classes or physical or mailing address of the school without having first applied for and obtained the approval of the Department for the change as required by NAC 483.768;

(2) Fails to provide the Department with a current schedule of classes and instructors at least once a month;

(3) Fails to satisfy the Department that the licensee:

(I) Holds a license as an instructor; or

(II) Employs or contracts with a licensed instructor to operate the school;

(4) Permits a class to be taught by:

(I) An unlicensed person; or

(II) An instructor trainee without an instructor being present in the classroom; or

(5) Ceases to maintain an established place of business in this State.

(c) A license to operate a school for training drivers if the licensee fails to maintain the surety bond required by NRS 483.710 or any other bond or license required by any political subdivision of this State.

(d) A license to operate a school for drivers if the licensee has on its staff an instructor *or employee* who is registered as a third-party certifier pursuant to NAC 483.1224 if:

(1) Such an instructor *or employee* executes an affidavit certifying the driving ability of a student enrolled at the school and:

(I) The instructor *or employee* did not administer the ~~driving~~ skills test to the student;
or

(II) The instructor *or employee* also conducted the instruction to the student relating to the test given.

(2) A person other than such an instructor *or employee* executes an affidavit certifying the driving ability of a student enrolled at the school.

(3) The operator of the school refuses to allow an agent of the Department to inspect, during normal business hours, all books, records and files of the school that relate to such instructors at the school and to the students enrolled at the school whose driving abilities are being certified by those instructors ~~+~~ *or employees*.

(e) A license as an instructor *or the registration of an employee* who is registered as a third-party certifier pursuant to NAC 483.1224, if the licensee *or employee* violates any provision of NAC 483.121 to 483.1236, inclusive ~~+~~, *and sections 21 to 40, inclusive, of this regulation*.

(f) A license as an instructor or instructor trainee if the licensee is convicted of any traffic offense involving alcohol or a controlled substance.

2. If the Department revokes the license of an instructor upon the revocation of the driver's license or driving privilege of the instructor following the instructor's conviction of any traffic offense involving alcohol or a controlled substance, the Department will not:

(a) Issue to that person a new license as an instructor until 1 year after the date of the reinstatement of his or her driver's license or driving privilege; or

(b) Approve that person to provide behind-the-wheel training until 3 years after the date of the reinstatement of his or her driver's license or driving privilege.

3. For the purposes of this section, the failure of a licensee to comply with a directive of the Director shall be deemed to be willful if the licensee fails to comply with the directive within 10 days after the licensee's receipt of the directive.

Sec. 62. NAC 483.768 is hereby amended to read as follows:

483.768 1. An operator of a school for drivers must apply, on a form provided by the Department, for approval of any proposed change in the curriculum, schedule of classes or physical or mailing address of the school, or any branch thereof, at least 30 days before the day on which the proposed change is to become effective.

2. If an operator of a school for drivers is applying for approval of a change in the curriculum, he or she must describe the reason for the change and estimate its effect on the students.

3. An operator of a school for drivers shall notify the Department in writing within 10 days after:

- (a) Any change in the ownership or corporate structure of the school;
- (b) Any change of the location of the school's principal place of business or branch office;
- (c) Any addition or deletion of a branch office of the school;
- (d) Any change of the residential address of the operator;
- (e) If the school is approved to provide behind-the-wheel training, any change in the list of motor vehicles used by the school to provide such training; or
- (f) If the school has any instructors on its staff who are registered as third-party certifiers pursuant to NAC 483.1224, any change in any course used to administer the ~~driving~~ skills test.

4. An operator of a school for drivers shall submit to the Department a written schedule of each course which is offered at the school at least 1 week before the course begins. The schedule must include the date, time and location of the course.

5. An operator of a school for drivers shall notify the Department of any cancellation of a course at least 24 hours before the cancelled course is scheduled to begin.

6. Before an operator of a school for training drivers that is approved to provide behind-the-wheel training may use a motor vehicle for training, he or she must:

- (a) Submit a copy of the certificate of insurance for the vehicle; and
- (b) Obtain the approval of the Department.

7. The Department may require each person licensed pursuant to the provisions of NRS 483.700 to 483.780, inclusive, to provide any additional information that the Department considers necessary for it to carry out the provisions of NRS 483.700 to 483.780, inclusive, and NAC 483.708 to 483.795, inclusive.

Sec. 63. NAC 483.7992 is hereby amended to read as follows:

483.7992 “Commercial motor vehicle” means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- 1. Has a gross combination weight rating *or gross combination weight* of *11,794 kilograms* (26,001 ~~for more~~ pounds ~~and which includes a~~) *or more, including each* towed unit with a gross vehicle weight rating *or gross vehicle weight* of more than *4,536 kilograms* (10,000 pounds ~~+~~);
- 2. Has a gross vehicle weight rating *or gross vehicle weight* of *11,794 kilograms* (26,001 ~~for more~~ pounds ~~+~~) *or more*;
- 3. Is designed to transport 16 or more passengers, including the driver; or

4. ~~Regardless~~ *Is* of *any* size ~~that~~ *and* is used in the transportation of *hazardous* materials ~~[which are considered to be “hazardous” for the purposes of the federal Hazardous Materials Transportation Act and for which the display of identifying placards is required pursuant to the Hazardous Materials Regulations, 49 C.F.R. Part 172, Subpart F.] , as defined in 49 C.F.R. § 383.5.~~

Sec. 64. NAC 483.801 is hereby amended to read as follows:

483.801 1. Except as otherwise provided in subsection 2, every person who applies for, or currently holds, a commercial driver’s license ~~that~~ , *commercial driver’s license* instruction permit *or commercial learner’s permit* must:

(a) Provide a current medical examiner’s certificate and, if applicable, a document showing that the person was issued a variance by the Federal Motor Carrier Safety Administration of the United States Department of Transportation from the requirement to maintain a medical examiner’s certificate or a waiver pursuant to NAC 483.8031; and

(b) On or before January 30, 2014, self-certify on a form prescribed by the Department that he or she intends to drive in only one of the following types of commerce:

- (1) Excepted interstate commerce;
- (2) Nonexcepted interstate commerce;
- (3) Excepted intrastate commerce; or
- (4) Nonexcepted intrastate commerce.

2. A person who applies for, or currently holds, a commercial driver’s license ~~that~~ , *commercial driver’s license* instruction permit *or commercial learner’s permit* and who operates a commercial motor vehicle only in excepted interstate commerce or excepted intrastate commerce is not required to comply with the provisions of paragraph (a) of subsection 1.

Sec. 65. NAC 483.8012 is hereby amended to read as follows:

483.8012 1. Except as otherwise provided in subsection 5, every person who applies for, or currently holds, a commercial driver's license ~~for~~, *commercial driver's license* instruction permit *or commercial learner's permit* shall undergo a medical examination that meets the requirements of 49 C.F.R. § 391.43.

2. If the applicant or holder obtains a medical examiner's certificate that requires a variance or waiver, he or she may apply:

(a) To the Federal Motor Carrier Safety Administration of the United States Department of Transportation for a variance.

(b) To the Department for a waiver pursuant to NAC 483.8031 if the applicant or holder:

- (1) Is unable to obtain a variance from the Federal Motor Carrier Safety Administration;
- (2) Operates a commercial motor vehicle solely within the borders of this State; and
- (3) Does not hold an endorsement obtained pursuant to 49 C.F.R. § 383.93 to operate a passenger vehicle, a school bus or a vehicle used to transport hazardous materials.

3. A holder of a commercial driver's license that contains an endorsement to operate a passenger vehicle, a school bus or a vehicle used to transport hazardous materials who is unable to obtain a medical examiner's certificate and operates a commercial motor vehicle solely within the borders of this State must:

- (a) Remove the endorsement and apply for a waiver pursuant to NAC 483.8031;
- (b) Self-certify pursuant to NAC 483.801 that he or she intends to operate a commercial motor vehicle only in nonexcepted intrastate commerce and apply for a waiver pursuant to NAC 483.8031;

(c) Self-certify pursuant to NAC 483.801 that he or she intends to operate a commercial motor vehicle only in excepted interstate commerce or excepted intrastate commerce; or

(d) Apply to the Department for a noncommercial driver's license pursuant to NRS 483.010 to 483.630, inclusive.

4. A holder of a commercial driver's license whose variance issued by the Federal Motor Carrier Safety Administration has been removed or rescinded must:

(a) If he or she wishes to continue operating a commercial motor vehicle:

(1) Provide a current medical examiner's certificate indicating that the health of the holder is such that he or she does not require, or no longer requires, a waiver or variance to operate a commercial motor vehicle;

(2) Self-certify pursuant to NAC 483.801 that he or she intends to operate a commercial motor vehicle only in nonexcepted intrastate commerce and apply for a waiver pursuant to NAC 483.8031; or

(3) Self-certify pursuant to NAC 483.801 that he or she intends to operate a commercial motor vehicle only in excepted interstate commerce or excepted intrastate commerce; or

(b) If he or she wishes to operate only a noncommercial motor vehicle, apply to the Department for a noncommercial driver's license pursuant to NRS 483.010 to 483.630, inclusive.

5. A person who applies for, or currently holds, a commercial driver's license ~~for~~, *commercial driver's license* instruction permit *or commercial learner's permit* and who operates a commercial motor vehicle only in excepted interstate commerce or excepted intrastate commerce is not required to comply with the provisions of subsection 1.

6. An applicant who is unable to meet the standards for hearing set forth in 49 C.F.R. § 391.41(b)(11) is not eligible for a waiver issued by the Department, but may apply to the Federal Motor Carrier Safety Administration for a variance.

Sec. 66. NAC 483.8013 is hereby amended to read as follows:

483.8013 Before a medical examiner's certificate issued to a holder of a commercial driver's license ~~for~~, *commercial driver's license* instruction permit *or commercial learner's permit* expires, the Department may provide to the holder a notice that:

1. His or her medical examiner's certificate is due to expire;
2. He or she must:
 - (a) Undergo a new medical examination and provide to the Department a copy of the new medical examiner's certificate;
 - (b) Change his or her self-certification pursuant to NAC 483.801 to a type of commerce that does not require a medical examiner's certificate; or
 - (c) Appear in person at an office of the Department and apply for a noncommercial driver's license pursuant to NRS 483.010 to 483.630, inclusive, removing the commercial driving privilege; and
3. He or she may be subject to the cancellation of his or her commercial driver's license ~~for~~, *commercial driver's license* instruction permit *or commercial learner's permit* for failing to perform one of the actions described in subsection 2.

Sec. 67. NAC 483.8014 is hereby amended to read as follows:

483.8014 1. A person who fails to comply with:

(a) The requirements of paragraph (a) of subsection 1 of NAC 483.801 is subject to a cancellation of his or her commercial driver's license ~~{or}~~, *commercial driver's license* instruction permit ~~{}~~ *or commercial learner's permit*.

(b) The requirements of paragraph (b) of subsection 1 of NAC 483.801 on or before January 30, 2014, or who operates a commercial motor vehicle outside of the type of commerce for which the person, on or after January 30, 2014, self-certified pursuant to NAC 483.801, is subject to a cancellation of his or her commercial driver's license ~~{or}~~, *commercial driver's license* instruction permit ~~{}~~ *or commercial learner's permit*.

(c) The provisions of subsection 3 or 4 of NAC 483.8012 is subject to a cancellation of his or her commercial driver's license ~~{or}~~, *commercial driver's license* instruction permit ~~{}~~ *or commercial learner's permit*.

2. In addition to any penalty provided in the provisions adopted by reference in NAC 483.800, a person who holds a commercial driver's license ~~{or}~~, *commercial driver's license* instruction permit *or commercial learner's permit* with an expired medical examiner's certificate is subject to cancellation of his or her commercial driver's license ~~{or}~~, *commercial driver's license* instruction permit ~~{}~~ *or commercial learner's permit*.

3. A person whose commercial driver's license ~~{or}~~, *commercial driver's license* instruction permit *or commercial learner's permit* is cancelled pursuant to this section shall surrender his or her commercial driver's license ~~{or}~~, *commercial driver's license* instruction permit *or commercial learner's permit* to the Department.

4. To reinstate a commercial driver's license ~~{or}~~, *commercial driver's license* instruction permit *or commercial learner's permit* after cancellation, a person must pay the reinstatement fees established in NRS 483.910 and:

- (a) Present a current medical examiner's certificate to the Department; or
- (b) Self-certify pursuant to NAC 483.801 that he or she intends to operate a commercial motor vehicle only in excepted interstate commerce or excepted intrastate commerce.

Sec. 68. NAC 483.805 is hereby amended to read as follows:

483.805 1. A person who is at least 21 years of age and has a valid Nevada driver's license or who has passed the tests that would qualify the person to be issued a Class C Nevada driver's license may apply to the Department for a commercial driver's license instruction permit ~~or~~ *or commercial learner's permit.*

2. ~~A commercial driver's license~~ instruction permit *or a commercial learner's permit* entitles the applicant, while having the permit in his or her immediate possession, to drive a designated class of commercial vehicle upon the highways. The permit is valid for 1 year and allows the holder of the permit to operate a commercial motor vehicle when accompanied by a licensed driver who:

- (a) Is at least 25 years of age;
- (b) Has been issued a license for the class and type of vehicle being operated;
- (c) Has had at least 1 year of licensed commercial driving experience in the class and type of vehicle for which the instruction permit was issued; and
- (d) Is actually occupying a seat adjacent to the driver.

Sec. 69. NAC 483.807 is hereby amended to read as follows:

483.807 1. A person who wishes to apply to the Department for a commercial driver's license instruction permit *or commercial learner's permit* may apply to the Department for a waiver of the physical requirements described in 49 C.F.R. § 391.41 in the same manner as prescribed for a person who wishes to apply for a commercial driver's license.

2. A waiver issued to a person who wishes to obtain a commercial driver's license instruction permit *or commercial learner's permit* is subject to the same conditions and restrictions as a waiver issued to an applicant who wishes to obtain a commercial driver's license.

Sec. 70. NAC 483.810 is hereby amended to read as follows:

483.810 In addition to complying with the requirements of NRS 483.290, an application for a commercial driver's instruction permit , *commercial learner's permit* or a commercial driver's license must comply with the requirements of 49 C.F.R. § 383.23.

Sec. 71. NAC 483.815 is hereby amended to read as follows:

483.815 If an application for a commercial driver's instruction permit , *commercial learner's permit* or a commercial driver's license is received from a person previously licensed in another state, the application is subject to the requirements of NRS 483.295.

Sec. 72. NAC 483.825 is hereby amended to read as follows:

483.825 The Department will not issue a *commercial driver's* license *or commercial learner's permit* pursuant to NRS 483.900 to 483.940, inclusive, to a person:

1. Who is under 21 years of age ~~†~~ , *unless the following restrictions are applied to the license or permit:*

(a) A restriction limiting operation to intrastate operation; and

(b) A prohibition against the transportation of either hazardous materials or passengers under "Restriction R" as set forth in NAC 483.360;

2. Who does not meet the requirements of 49 C.F.R. §§ 391.41 to 391.49, inclusive, for operating a commercial motor vehicle;

3. Whose driver's license is revoked, suspended or subject to disqualification;

4. Who has not passed the required examinations;
5. Who fails to comply with the requirements of NAC 483.801; or
6. Who, in the opinion of the Administrator upon good cause and belief, would not be able to drive safely a commercial motor vehicle on the highways.

Sec. 73. NAC 483.8495 is hereby amended to read as follows:

483.8495 1. In addition to the penalties provided in those provisions adopted by reference in NAC 483.800, a person who operates a commercial motor vehicle while his or her commercial driver's license is suspended, revoked or cancelled, or while the person is otherwise disqualified from operating a commercial motor vehicle, is subject to the provisions and penalties specified in NRS 483.560.

2. A person who knowingly falsifies any information or certification on an application filed with the Department for a commercial driver's license or permit is subject to the provisions specified in NRS 483.420.

3. A person who holds a commercial driver's license with an expired hazardous materials endorsement is subject to a suspension of his or her commercial driver's license for not less than 30 days.

4. At least 90 days before the expiration of a person's hazardous materials endorsement, the Department will provide the person a notice which informs the person that he or she:

(a) Must apply for a security threat assessment required pursuant to 49 C.F.R. § 383.141 at least 60 days before his or her hazardous materials endorsement expires and must pass the security threat assessment before his or her hazardous materials endorsement may be renewed;

(b) May be subject to suspension of his or her commercial driver's license as described in subsection 3; and

(c) May avoid such suspension of his or her commercial driver's license by:

(1) Complying with the requirements for renewing a hazardous materials endorsement, including, without limitation, passing the security threat assessment required pursuant to 49 C.F.R. § 383.141;

(2) Requesting that the Department remove the hazardous materials endorsement from his or her commercial driver's license; or

(3) Requesting that the Department issue a noncommercial driver's license in place of the commercial driver's license.

5. The Department will require a person to obtain a new driver's license that reflects the renewal of a hazardous materials endorsement, the removal of such an endorsement, or the change to a noncommercial license described in paragraph (c) of subsection 4 in person at an office of the Department.

6. A person who is disqualified from driving a commercial motor vehicle under this section shall surrender his or her commercial driver's license or permit to the Department.

7. To reinstate a commercial driver's license or permit after disqualification, a person must, in addition to any other conditions required by law:

(a) Complete an application;

(b) Pass a vision test, knowledge tests and, if applicable, ~~driving~~ skills tests;

(c) Provide any additional information requested by the Department to determine his or her fitness to operate a commercial motor vehicle safely; and

(d) Pay the reinstatement fees established in NRS 483.910.

Sec. 74. NAC 483.850 is hereby amended to read as follows:

483.850 The following persons are exempt from the requirements of NRS 483.900 to 483.940, inclusive, and NAC 483.799 to 483.850, inclusive ~~H~~, *and sections 3 to 20, inclusive, of this regulation:*

1. An operator of a farm vehicle that is:

(a) Controlled and operated by a farmer as a private motor carrier of property;

(b) Being used to transport either:

(1) Agricultural products; or

(2) Farm machinery or farm supplies, or both,

↪ to or from a farm;

(c) Not being used in the operation of a motor carrier for hire;

(d) Being used within 150 miles of the operator's farm; and

(e) Not carrying a hazardous material of a type or quantity which would require the vehicle to be placarded in accordance with 49 C.F.R. § 177.823.

2. A firefighter or any other person who operates a commercial motor vehicle ~~H~~ *in the performance of his or her official duties*, including, without limitation, a fire truck, hook and ladder truck, foam or water transport truck, police SWAT team vehicle, ambulance or other vehicle ~~that is~~ used in response to emergencies, which is:

(a) Necessary to the preservation of life or property or the execution of emergency governmental functions;

(b) Equipped with audible and visual signals; and

(c) Not subject to normal traffic regulation.

3. A person who:

(a) Is exempt from the provisions of 49 C.F.R. Part 383 pursuant to subsection (c) of 49 C.F.R. § 383.3; and

(b) Is operating a commercial motor vehicle for military purposes.

4. A person who is driving a recreational vehicle that is being used solely for recreational purposes.

Sec. 75. NAC 483.124, 483.1242, 483.1244, 483.1246, 483.125, 483.130, 483.140, 483.150, 483.160, 483.170, 483.180, 483.183, 483.185, 483.186, 483.188, 483.190, 483.191, 483.192, 483.194, 483.196 and 483.197 are hereby repealed.

Sec. 76. NAC 483.805 is hereby repealed.

Sec. 77. 1. This section and sections 1 to 75, inclusive, of this regulation become effective upon filing with the Secretary of State or on January 1, 2017, whichever occurs first.

2. Section 76 of this regulation becomes effective on January 1, 2017.

TEXT OF REPEALED SECTIONS

483.124 Definitions. (NRS 483.908, 483.912) As used in NAC 483.124 to 483.183, inclusive, unless the context otherwise requires, the words and terms defined in NAC 483.1242, 483.1244 and 483.1246 have the meanings ascribed to them in those sections.

483.1242 “Driving skills test” defined. (NRS 483.908, 483.912) “Driving skills test” means a driving skills test for a commercial driver’s license which includes, without limitation, a pretrip test, basic skills test and road test.

483.1244 “Employer” defined. (NRS 483.908, 483.912) “Employer” means any person who owns or leases a commercial motor vehicle or assigns his or her employees to operate such a vehicle.

483.1246 “Third-party certifier” defined. (NRS 483.908, 483.912) “Third-party certifier” means a person registered with the Department pursuant to NAC 483.140 to certify the driving ability of an employee of any person who owns or leases a commercial motor vehicle or assigns employees to operate such a vehicle. The term includes, without limitation, a third-party examiner and a third-party tester, as those terms are used in 49 C.F.R. § 383.75.

483.125 Applicability of provisions. (NRS 483.908, 483.912) The provisions of NAC 483.124 to 483.183, inclusive, apply only with respect to:

1. Commercial drivers’ licenses and commercial vehicles; and
2. An employer and the authorized employees of an employer who are or wish to be registered as third-party certifiers.

483.130 Affidavit of certification of driving ability: Acceptance by Department in lieu of driving skills test. (NRS 483.908, 483.912) The Department may, in lieu of the driving skills test conducted by the Department, accept an affidavit of certification of the driving ability of a person if the affidavit of certification is:

1. Completed in its entirety by a third-party certifier who is:
 - (a) Registered pursuant to NAC 483.140;

(b) The employer of the person whose driving ability is being certified or is employed by the same employer as the person whose driving ability is being certified; and

(c) Not responsible for the instruction of the person whose driving ability is being certified relating to the operation of the commercial vehicle; and

2. On a form provided by the Department.

483.140 Third-party certifier: Eligibility; scope of authority; assignment of number by Department. (NRS 483.908, 483.912)

1. Any person doing business in this State who owns or leases 10 or more vehicles for which a Class A, Class B or Class C driver's license is required, or the authorized employee of such a person, may apply to the Department for registration as a third-party certifier. Except as otherwise provided in subsection 2, a third-party certifier registered pursuant to this section may certify the driving ability of an employee who desires to obtain a Class A, Class B or Class C driver's license and may sign an affidavit of certification to that effect. The third-party certifier may not sign such an affidavit with respect to the third-party certifier's own driving ability.

2. A person who is registered as a third-party certifier shall not:

(a) Certify the driving ability of an employee unless the third-party certifier has at his or her disposal at least one vehicle requiring the same class of driver's license as the class of driver's license for which the employee's driving ability is being certified; or

(b) Sign an affidavit of certification for the operation of a vehicle for which a particular class of driver's license is required unless the third-party certifier has at his or her disposal at least one vehicle requiring the same class of driver's license as that required for the vehicle the operation of which is to be certified by affidavit.

3. A third-party certifier must:

- (a) Successfully complete a 40-hour course provided by the Department for administering a driving skills test;
- (b) Hold a valid driver's license of the class and type for which he or she is certifying the driving ability of an employee and signing an affidavit of certification; and
- (c) Administer the driving skills test in a class of vehicle requiring the same class and type of driver's license as the class and type of driver's license for which the employee's driving ability is being certified.

4. The Department will assign a number to each person whom the Department registers as a third-party certifier. This number must be used when completing an affidavit of certification. The number assigned by the Department to a third-party certifier pursuant to this subsection is personal to the person to whom it has been assigned and must not be transferred to or used by any other person.

483.150 Registration of third-party certifier: Application; evaluations and inspections by Department; notification of denial of application; reapplication. (NRS 483.908, 483.912)

1. A person who is applying for registration as a third-party certifier pursuant to NAC 483.140 must complete an application on a form provided by the Department. This form may include, without limitation:

- (a) An authorization for an investigation of the background of the applicant;
- (b) An authorization for an investigation of the credit of the applicant;
- (c) The personal history of the applicant;
- (d) The driving history of the applicant; and
- (e) A statement that the applicant has read and will comply with the regulations and requirements for certification adopted by the Department.

2. In evaluating the eligibility of an applicant for registration as a third-party certifier, the Department may consider the class of the applicant's driver's license, his or her driving history and any additional information which the Department deems pertinent to his or her eligibility.

3. The evaluation of an application for registration as a third-party certifier will include an inspection of the site of the applicant's place of business. This inspection will include, without limitation, a visual inspection of:

- (a) The vehicles to be used for training;
- (b) Copies of training programs;
- (c) Skill tests;
- (d) Driving tests;
- (e) Tests of laws and regulations; and
- (f) Qualifications of instructors.

4. If the Department denies an application, it will notify the applicant by certified mail of its decision. Except as otherwise provided in NAC 483.183, the applicant may reapply at any time on a new application form. The applicant must state in the new application the measures the applicant has taken to correct the deficiency that caused the denial of the original application.

483.160 Required notifications; inspections of vehicles; renewal of registration of third-party certifier; recertification course. (NRS 483.908, 483.912)

1. If, at any time, the number of vehicles for which a Class A, Class B or Class C driver's license is required that are owned or leased by:

- (a) The third-party certifier, if the third-party certifier is an employer; or
- (b) The employer for whom the third-party certifier serves as an authorized employee, if the third-party certifier is an employee,

↪ falls below the minimum requirement of 10 vehicles, the third-party certifier shall immediately notify the Department.

2. If the third-party certifier or his or her employer purchases or leases a vehicle that will be used by the third-party certifier in administering a driving skills test, the third-party certifier shall notify the Department within 10 days after the date on which the vehicle is purchased or leased.

An authorized representative of the Department:

(a) Shall inspect the vehicle within 30 days after being notified by the third-party certifier;
and

(b) May inspect the vehicle during any inspection conducted pursuant to NAC 483.170.

3. If a third-party certifier does not maintain a valid driver's license of the class for which he or she is authorized to certify, he or she shall immediately notify the Department.

4. A third-party certifier shall notify the Department within 10 days after a change in address.

5. A third-party certifier who is registered pursuant to NAC 483.140 and who complies with the requirements of subsection 6 may renew his or her annual registration on a form furnished by the Department. If the third-party certifier fails to renew the registration within 30 days after the date of expiration, the registration as a third-party certifier expires and he or she must reapply for registration as a third-party certifier in the manner set forth in NAC 483.150.

6. A third-party certifier must annually complete a recertification course provided by the Department. The recertification course must consist of at least 24 hours of instruction.

483.170 Monitoring, inspections and reports by Department; correction of deficiencies.
(NRS 483.908, 483.912)

1. The Department may, annually or as often as it determines necessary, monitor the performance of a third-party certifier who is registered pursuant to NAC 483.140, including, without limitation, the instruction given, teaching skills demonstrated and testing performed by the third-party certifier. An examiner from the Department may conduct random reexaminations of any employee to whom a third-party certifier has given a driving skills test.

2. The Department may, annually or as often as it determines necessary, conduct an inspection of each vehicle used by a third-party certifier in administering a driving skills test.

3. Within 30 days after an inspection, the Department will provide a written report to the third-party certifier which:

(a) Indicates compliance; or

(b) Describes each deficiency and notifies the third-party certifier that each such deficiency must be corrected within 30 days after the date on which the notice is received. If each deficiency is not corrected in a timely manner, the Department may, pursuant to NAC 483.183, suspend or revoke the registration issued to the third-party certifier.

483.180 Third-party certifier: Instruction and certification of driving ability of employee; records. (NRS 483.908, 483.912)

1. A third-party certifier who is registered pursuant to NAC 483.140:

(a) Shall not instruct an employee in the driving or operation of a vehicle for which a Class A, Class B or Class C driver's license is required by allowing the vehicle to be driven on a public highway, unless the employee has obtained an instruction permit for the class of vehicle he or she is learning to drive; and

(b) Shall ensure that the third-party certifier's pupil adheres to the requirements pertaining to the instruction permit.

2. Before certifying the ability of an employee to drive a vehicle for which a Class A, Class B or Class C driver's license is required, the third-party certifier must determine that the employee is able to operate safely and control fully that vehicle.

3. While administering any part of the driving skills test, a third-party certifier shall, at all times during the test, remain alert and be in a physical and mental state that renders him or her capable of taking physical control of the vehicle if necessary.

4. The third-party certifier shall state on a form approved by the Department the means by which the third-party certifier determined the qualifications of the employee to operate the vehicles for which a Class A, Class B or Class C driver's license is required.

5. A third-party certifier shall maintain a record for each employee who applies for certification and who is subsequently certified by him or her. The record must include a description of the training and tests given to each employee. The record must be available for inspection by a representative of the Department during normal business hours.

483.183 Revocation, suspension or refusal to renew registration of third-party certifier: Authority of Department; reapplication after revocation; hearing. (NRS 483.908, 483.912)

1. The Department may revoke the registration of a third-party certifier who is registered pursuant to NAC 483.140 if:

(a) The third-party certifier has been convicted of:

(1) Driving under the influence of an intoxicating liquor or a controlled substance within the past 7 years;

(2) A gross misdemeanor or felony relating to the management of money or a business;

(3) Fraud;

(4) Embezzlement; or

(5) Possessing more than one valid driver's license issued to the third-party certifier under a full legal name other than his or her own, or issued to him or her by more than one state, or both; or

(b) The Department determines that the third-party certifier falsified an application or any other information to obtain or maintain registration as a third-party certifier.

2. The Department may suspend the registration of a third-party certifier if the third-party certifier or his or her agent, officer or employee fails to cooperate fully with an authorized representative of the Department during an inspection of the third-party certifier.

3. The Director may temporarily suspend for not more than 30 days or refuse to renew the registration of a third-party certifier if the Director finds that such a temporary suspension or refusal to renew is in the public interest. The Department may conduct a hearing and issue a final decision on the matter within 30 days after the date on which the notice of temporary suspension or refusal to renew a registration is sent to the third-party certifier.

4. Any third-party certifier whose registration is revoked pursuant to this section:

(a) May not reapply for registration until 2 years after the date of revocation; and

(b) Must attend a training program approved by the Department for the certification of a driver at the time he or she reapplies for registration as a third-party certifier.

5. A third-party certifier may, within 30 days after the temporary suspension or revocation of, or refusal to renew, his or her registration pursuant to this section, request a hearing on the question of whether the third-party certifier committed one or more acts constituting grounds for the suspension, revocation or refusal to renew the registration. The hearing must be conducted pursuant to the provisions of chapter 233B of NRS, and judicial review must be available as provided therein.

483.185 “Third-party certifier” defined. (NRS 481.051, 483.220) As used in NAC 483.185 to 483.197, inclusive, unless the context otherwise requires, “third-party certifier” means a person registered with the Department pursuant to NAC 483.190 to certify the driving ability of a person.

483.186 Applicability of provisions. (NRS 481.051, 483.220) The provisions of NAC 483.185 to 483.197, inclusive, apply only with respect to noncommercial drivers’ licenses.

483.188 Affidavit of driving ability: Acceptance by Department in lieu of demonstration of driving skills. (NRS 481.051, 483.220) If a vehicle which is needed for actual demonstration of the driving skills required for a Class A or Class B driver’s license is not readily available, the Department may accept an affidavit of driving ability in lieu of a demonstration of driving skills. Such an affidavit must be:

1. Completed by a third-party certifier who is registered pursuant to NAC 483.190; and
2. On a form provided by the Department.

483.190 Third-party certifier: Eligibility; scope of authority; assignment of number by Department. (NRS 481.051, 483.220)

1. Any person in this State who owns or leases two or more vehicles for which a Class A or Class B driver’s license is required, or the authorized employee of such a person, may apply to the Department for registration as a third-party certifier. Except as otherwise provided in subsection 2, a third-party certifier may certify the driving ability of a person desiring to obtain a Class A or Class B driver’s license and may sign an affidavit to that effect.

2. A person who is registered as a third-party certifier shall not:

(a) Certify the driving ability of a person unless the third-party certifier has at his or her disposal at least one vehicle requiring the same class of driver's license as the class of driver's license for which the person's driving ability is being certified; or

(b) Sign an affidavit of certification for the operation of a vehicle for which a particular class of driver's license is required unless the third-party certifier has at his or her disposal at least one vehicle requiring the same class of driver's license as that required for the vehicle the operation of which is to be certified by affidavit.

3. A third-party certifier must:

(a) Successfully complete a course provided by the Department for administering a driving skills test for a noncommercial driver's license;

(b) Hold a valid license of the class and type for which the third-party certifier is certifying the driving ability of a person and signing an affidavit of certification, but may not sign for himself or herself; and

(c) Administer the driving skills test in a class of vehicle requiring the same class and type of license as the class and type of license for which the person's driving ability is being certified.

4. The Department may assign a number to each person the Department registers as a third-party certifier. This number must be used when completing an affidavit of certification.

483.191 Registration of third-party certifier: Application; evaluations and inspections by Department; notification of denial of application; reapplication. (NRS 481.051, 483.220)

1. A person who is applying for registration as a third-party certifier pursuant to NAC 483.190 must complete an application on a form provided by the Department. This form may include, without limitation:

(a) An authorization for an investigation of the background of the applicant;

- (b) An authorization for an investigation of the credit of the applicant;
- (c) The personal history of the applicant;
- (d) The driving history of the applicant; and
- (e) A statement that the applicant has read and will comply with the regulations and requirements for certification adopted by the Department.

2. In evaluating the eligibility of an applicant for registration as a third-party certifier, the Department may consider the class of his or her driver's license, his or her driving history and any additional information which the Department deems pertinent to the applicant's eligibility.

3. The evaluation of an application for registration as a third-party certifier may include an inspection of the site of the applicant's place of business. This inspection may include, without limitation, a visual inspection of:

- (a) The vehicles used for training;
- (b) Copies of training programs;
- (c) Skill tests;
- (d) Driving tests;
- (e) Tests of laws and regulations; and
- (f) Qualifications of instructors.

4. If the Department denies an application, it will notify the applicant by certified mail of its decision. Except as otherwise provided in NAC 483.197, the applicant may reapply at any time on a new application form. The applicant must state in the new application the measures he or she has taken to correct the deficiency that caused the denial of the original application.

483.192 Required notifications; renewal of registration of third-party certifier; recertification course. (NRS 481.051, 483.220)

1. If at any time the number of vehicles owned or leased by a third-party certifier, if the third-party certifier is an employer, or owned or leased by the person for whom the third-party certifier serves as an authorized employee, if the third-party certifier is an employee, falls below the minimum requirement of two vehicles, the third-party certifier shall immediately notify the Department.

2. If a third-party certifier does not maintain a valid driver's license of the class for which the third-party certifier is authorized to certify, he or she shall immediately notify the Department.

3. A third-party certifier must notify the Department within 10 days after a change in address.

4. A third-party certifier who is registered pursuant to NAC 483.190 and who complies with the requirements of subsection 5 may, every fourth year, upon notification from the Department, renew his or her registration on a form furnished by the Department. If the third-party certifier fails to renew the registration within 30 days after notification, the registration as a third-party certifier expires and he or she must reapply for registration as a third-party certifier in the manner set forth in NAC 483.191.

5. A third-party certifier shall, every fourth year, successfully complete a recertification course provided by the Department. The recertification course must consist of at least 24 hours of instruction.

483.194 Monitoring by Department; correction of deficiencies. (NRS 481.051, 483.220)

1. The Department may, on an annual basis or as often as it deems necessary, monitor the:

(a) Instruction given;

(b) Teaching skills demonstrated; and

(c) Testing performed,

↳ by a third-party certifier who is registered pursuant to NAC 483.190.

2. If the Department determines after an inspection that a third-party certifier no longer meets the requirements for registration as a third-party certifier, it will notify the third-party certifier of the deficiencies. If the deficiencies are minor, the third-party certifier may be allowed 60 days to correct them. If the deficiencies are not corrected within that time, the Department may revoke the registration of the third-party certifier.

483.196 Third-party certifier: Instruction and certification of driving ability of person; records. (NRS 481.051, 483.220)

1. A third-party certifier who is registered pursuant to NAC 483.190 may not instruct a person in the driving or operation of a Class A or Class B motor vehicle by allowing the vehicle to be driven on a public highway unless the person has obtained an instruction permit for the class of vehicle the person is learning to drive. The third-party certifier must ensure that his or her student adheres to the requirements pertaining to the instruction permit.

2. Before certifying the ability of a person to drive a vehicle for which a Class A or Class B driver's license is required, the third-party certifier must determine that the person is able to operate safely and control fully the vehicle for which a Class A or Class B driver's license is required, in a responsible manner ensuring the safety of the driving public.

3. The third-party certifier shall state on a form approved by the Department the means by which the third-party certifier determined the person's qualifications to operate the vehicles for which a Class A or Class B driver's license is required.

4. A third-party certifier shall maintain records of all persons applying for certification and subsequently certified by him or her. The record must include a description of the training and

tests given to each person. These records must be available for inspection by a representative of the Department during normal business hours.

483.197 Revocation of registration of third-party certifier: Authority of Department; reapplication after revocation; hearing. (NRS 481.051, 483.220)

1. The Department may revoke the registration of a third-party certifier who is registered pursuant to NAC 483.190 if:

(a) The third-party certifier has been convicted of:

(1) Driving under the influence of an intoxicating liquor or a controlled substance within the past 7 years;

(2) A gross misdemeanor or felony relating to the management of money or a business;

(3) Fraud;

(4) Embezzlement; or

(5) Possessing more than one valid driver's license issued to the third-party certifier under a full legal name other than his or her own, or issued to him or her by more than one state, or both; or

(b) The Department determines that the third-party certifier falsified an application or any other information to obtain or maintain registration as a third-party certifier.

2. Any third-party certifier whose registration is revoked pursuant to this section:

(a) May not reapply for registration until 2 years after the date of revocation; and

(b) Must attend a training program approved by the Department for the certification of a driver at the time he or she reapplies for registration as a third-party certifier.

3. Within 30 days after revocation of his or her registration pursuant to this section, a third-party certifier may request a hearing on the question of whether the third-party certifier

committed one or more acts constituting grounds for such revocation. The hearing must be conducted pursuant to the provisions of chapter 233B of NRS and judicial review must be available as provided therein.

483.805 Instruction permit: Eligibility; effect. (NRS 483.908)

1. A person who is at least 21 years of age and has a valid Nevada driver's license or who has passed the tests that would qualify the person to be issued a Class C Nevada driver's license may apply to the Department for a commercial driver's license instruction permit.

2. An instruction permit entitles the applicant, while having the permit in his or her immediate possession, to drive a designated class of commercial vehicle upon the highways. The permit is valid for 1 year and allows the holder of the permit to operate a commercial motor vehicle when accompanied by a licensed driver who:

- (a) Is at least 25 years of age;
- (b) Has been issued a license for the class and type of vehicle being operated;
- (c) Has had at least 1 year of licensed commercial driving experience in the class and type of vehicle for which the instruction permit was issued; and
- (d) Is actually occupying a seat adjacent to the driver.

3. As used in this section, "commercial driver's license instruction permit" includes a commercial learner's permit.