

INFORMATIONAL STATEMENT OF ADOPTED REGULATIONS
AS REQUIRED BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
LCB FILE NO. R090-17
March 27, 2018

The following statement is submitted for adopted amendments to Chapters 481 and 483 of the Nevada Administrative Code (NAC):

1. A clear and concise explanation of the need for the adopted regulation

This regulation provides for the implementation of Assembly Bill (AB) 68, AB252, Senate Bill (SB) 79 and SB215 that were passed during the 2017 Legislative Session. The bills allow the department to:

- Issue identification cards to persons 65 years of age and older
- Issue driver licenses or identification cards with an alternate address for qualified individuals
- Use an older version of an I-551, Resident Alien Card, as proof of name and date of birth
- Remove the requirement for a medical certification for a gender change on a driver license or identification card,
- Allow the option of a mailing address to be placed on a driver license or identification card.

2. A description of how public comment was solicited, a summary of the public response, and an explanation of how other interested persons may obtain a copy of the summary.

Copies of the proposed regulation, notices of workshop, and notices of intent to act upon the regulations were sent out for posting by electronic mail to all DMV offices and county libraries where there is no DMV office. They were also made available on the Department of Motor Vehicles website at www.dmvnv.com/publicmeetings.htm.

A Public Workshop was noticed on December 20, 2017, and held on January 10, 2018, at the Nevada State Legislative Building in Carson City and video-conferenced to the Grant Sawyer Building in Las Vegas. At the time of the workshop, the regulation was assigned number R090-17. There were three members of the general public who attended the workshop. Only one of which spoke publicly regarding the regulations. The response provided was directed at thanking the Department for its efforts to help support the transgender community.

Following the workshop, it was determined there would be no changes required to LCB File Number R090-17.

A Notice of Intent to Act upon the Regulations was noticed on January 11, 2018, and a public hearing was held on February 15, 2018. The hearing was held at the Nevada State Legislative Building in Carson City and video-conferenced to Las Vegas. There were eight members of the general public that attended the hearing, four of which testified.

A recording of the Public Workshop and Notice of Intent to Act upon the Regulations is on file at the Department of Motor Vehicles, Management Services and Programs Division, 555 Wright Way, Carson City, Nevada 89711. Copies of these minutes may be obtained by written request to Attention: Thomas Martin, Department of Motor Vehicles, Management Services and Programs Division, 555 Wright Way, Carson City, Nevada 89711.

3. The number of persons who:

a. Attended the hearing: 13

In attendance in Carson City – 7

Martin Hefner, Department of Motor Vehicles (Hearings Officer)
Thomas Martin, Department of Motor Vehicles
April Sanborn, Department of Motor Vehicles
Zachary Cord, Department of Motor Vehicles
Holly Welborn, ACLU of Nevada
Sherrie Scaffidi, Transgender Allies Group
Brooke Maylath, Transgender Allies Group

In attendance in Las Vegas – 6

Kevin Malone, Department of Motor Vehicles
Blue Montana, Gay Lesbian Community Center of Southern Nevada
Delilah De La O, Licensias De La O
Islena Giron, Giron Driving School
David Olshan, Private Citizen
Jane Hennan, Gender Justice Nevada

b. Testified at the hearing - 4

c. Submitted to the agency written statements – 3

4. For each person identified in subparagraphs (2) and (3) of paragraph (c)

Holly Welborn: ACLU of Nevada; 775-772-3695; 1325 Airmotive Way, Reno, NV 89502; welborn@aclunv.org

Holly Welborn testified in person and provided written testimony to go on record to thank the Department for its work on the gender change requirements and supports the proposed regulations.

Brooke Maylath; Transgender Allies Group; 775-742-8673; 316 California Ave. Suite 149, Reno, NV 89509; Brooke@transgenderalliesgroup.org

Brooke Maylath testified in person to go on record to thank the Department for its work on the gender change requirement changes and supports the proposed changes.

Blue Montana: Gay Lesbian Community Center or Southern Nevada; 702-802-5419; 401 S. Maryland Pkwy, 89101; bmontana@thecenterlv.org

Blue Montana testified in person to go on record to thank the Department for its work on the gender change requirement changes and supports the proposed changes.

Jane Heenan: Gender Justice Nevada; 702-810-4159; 7465 W. Lake Mead #107, 89101; jheenan@genderjusticenv.org

Jane Heenan testified in person to go on record to thank the Department for its work on the gender change requirement changes and supports the proposed changes.

Andre C. Wade: Gay Lesbian Community Center of Southern Nevada; 702-802-5400; 401 S. Maryland Pkwy. 89101, awade@thecenterlv.org

Andre Wade provided written testimony to be placed on record to thank the Department for its work on the gender change requirement changes and supports the proposed changes.

Arli Christian: National Center for Transgender Equality; 202-804-6044; 1133 19th St. NW Suite 302, Washington D.C., 20036; achristian@transequality.org

Arli Christian provided written testimony to be placed on record to thank the Department for its work on the gender change requirement changes and supports the proposed changes.

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited using electronic mail and postings as described in Question (b) for both the Workshop and the Hearing. They were also made

available on the Department of Motor Vehicles website at www.dmvnv.com/publicmeetings.htm

The Department also sent the proposed regulations to a list of organizations it believed may be impacted by the proposed regulation changes. There were three letters written in response to this solicitation for comment and all three were in support of the proposed changes. Please reference the attached organization list to see recipients of the Department's communication.

Two members representing the transgender community attended the workshop. No written comments were received following the workshop. One person testified in support of the proposed regulation changes regarding the gender change requirement.

Three members representing the transgender community attended the noticed hearing in Carson City and four attended in Las Vegas. Four people testified. Holly Welborn (ACLU of NV), Brooke Maylath (Transgender Allies Group), Jane Heenan (Gender Justice Nevada) and Blue Montana (The Center of Southern Nevada) all testified in support of the Department's efforts in supporting the transgender community. All written and in-person testimony provided was in support of the proposed regulation changes.

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6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The regulation was adopted without change because all of the testimony provided was in support of the proposed changes.

7. The estimated economic effect of the adopted regulation on the businesses that it is to regulate and on the public. These must be stated separately, and each case must include:

Business:

a. Both adverse and beneficial effects; and

Adverse: The Department does not foresee any adverse economic impact on businesses.

Beneficial: The Department does not foresee any economic benefit to businesses.

b. Both immediate and long-term effects.

Same as above.

Public:

a. Both adverse and beneficial effects; and

Adverse: The Department does not foresee any adverse economic impact on the public.

Beneficial: The Department does not foresee any economic benefit to the public.

b. Both immediate and long-term effects.

Same as above.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the Department of Motor Vehicles for the enforcement of the adopted regulations.

9. A description of any regulations of other state or government agencies that the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or federal government agency regulations that are duplicated or overlapped by the adopted regulations.

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

There are no federal regulations that regulate the same activity as addressed in the adopted regulations.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The regulation does not provide any new fees for the various proposed regulation changes.