

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

LCB FILE NO. R114-17I

**The following document is the initial draft regulation proposed
by the agency submitted on 10/03/2017**

August 9, 2017

FIRST DRAFT FOR REVIEW

To: Brenda Erdoes, Chief Legal Counsel
Legislative Counsel Bureau
401 S. Carson Street
Carson City, NV 89701-4747

Re: Chapter 482A Regulatory Amendment Proposal – Legal Review Request

DMV Proposed Changes, Overview and Intent per Section:

Due to the passage of Assembly Bill 69 (AB69) in the 2017 Legislative Session that was sponsored by the Governor’s Office of Economic Development, the Department is required to make the necessary amendments to align with the new statutory requirements of the NRS Chapter 482A. The Department has combined the non-codified regulatory language from R134-15 in the proposed changes within this document.

Below is a section-by-section brief overview and explanation (intent) for the change.

Sec. 1: The Department has replaced the “autonomous vehicle” definition in 482A.010 with language that will provide the authority to deem a record or other documents are proprietary or confidential information, and cannot be released to the public. The language partially used was from NRS 231.069. This will allow for a person or applicant to request that their information be kept confidential, tools in place for the Department to deem this as confidential, and provides additional clarification as needed.

Sec. 2: The Department has removed NAC 482A.020 which provides the definition for “Operators” since AB69 defined “driver” in Section 11.5 (NRS Chapter 484A.080).

Sec. 3: The Department replaced the “certificate of compliance” requirements und NAC 482A.030 with new requirements that apply to the Departments drive demonstration (skills test) requirements in NRS 483.330 to obtain a driver’s license in our State. This language requires that if a person has a vehicle that is autonomous, regardless of the level, the person will still need to demonstrate that they have the ability to drive safely on our roads if this is an original issuance of a license. This is specifically intended for those who have never successfully performed a drive demonstration (skills test). A level 3 vehicle can switch back and forth between manual and autonomous modes, so the person will not be given a drive demonstration (*skills test*) waiver due to their technology. A level 4 or 5 vehicle has the technology to drive the passenger/owner of the vehicle and will no longer require that person to drive. However, until the population reaches a certain saturation point where manually driven vehicles are an exception, the possibility of a person driving another vehicle that does not have a level 4 or 5 technology is extremely high. Due to that, the Department would like

to create this section with a “sunset” condition. The Department would be required to inform the Legislature of when they feel this drive demonstration requirement for a level 4 or 5 can be removed. This section also requires the person who owns an autonomous vehicle to sign an affidavit, provided by the Department that acknowledges that they have been trained and understand the limits and capabilities of their vehicle technology.

Sec. 4: The Department is removing NAC 482A.040 relating to the “G” endorsement on the driver’s license. This is no longer relative and the intent behind it is captured in Section 3 of this regulatory proposal.

Sec. 5: The Department provides clean up language in subsection 3, 4 and 5. This section deals with the certificate of compliance document that must be provided to the owner through a licensed Nevada automotive dealer or a licensed Nevada Autonomous Technology Certification facility. It also provides language that addresses the situations where an autonomous vehicle (AV) is bought or transferred to Nevada to be registered and the certification of compliance rule is waived. It also provides language that allows the Department to inquire if a person’s vehicle has autonomous technology when they are registering their vehicle. This will allow the Department to collect and provide this information to law enforcement. That data will be useful when an officer on the street as well as when a vehicle crash occurs.

Sec. 6: The Department is changing the definition of “Licensee” to “Permit Holder” and providing clarifying language in the definition.

Sec. 7: The Department is removing and amending sections of NAC 482A.110 that deals with the application and permit issued to a person/applicant who wants to test their autonomous vehicles on our highways. Subsection 2, 3 and 4 removes redundant language already established in AB69, and removes certain requirements that no longer can be required pursuant to NRS 482A.100 under AB69.

Sec. 8: The Department provides clean up language relating to the geographical locations (now “operational design domain’s in AB69), of an autonomous test vehicle.

Sec. 9: The Department removed 482A.130 but relocated some sections to a new proposed section in this amendment. Subsections 1 and 2 of 482A.130 are no longer valid due to the requirements pursuant to NRS 482A.100 under AB69. Subsection 3 through 7 are part of the regulatory changes adopted under R134-15, and have been moved to Section 25 of this proposal.

Sec. 10: The Department provided clean up language (license to permit or permit holder) for the temporary license plates issued to a person who has been given a testing permit.

Sec. 11: The Department provided clean up language (license to permit or permit holder) in the grounds for disciplinary action.

Sec. 12: The Department provided clean up language (license to permit or permit holder) in

the hearings to consider appeal of disciplinary action.

Sec. 13 and 14: The Department has removed the child support requirements in the autonomous testing permit section (formally test license) since this is no longer relative. The testing companies that are licensed/permitted by the Department are not Nevada based companies and should not be required to comply with this child support requirement that is specific to our State. This is an unnecessary burden to the applicant who is not a resident or established Nevada business.

Sec. 15: The Department has cleaned up this section relating to the requirements of the certificate of compliance. Due to requirements of NRS 482A.100 under AB69, the Department had to remove many of the existing rules and keep language regarding who is responsible to provide this certificate of compliance. The Department also referenced NRS 482A.080 under AB69, which defines the new requirements for the certificate of compliance.

Sec. 16: The Department provided clean up language regarding the definition of “Licensee” for Autonomous Technology Certification Facilities (ATCF).

Sec. 17: The Department has defined what an “Autonomous Technology Certification Facility” means. The definition defines a business licensed by the DMV that can install and certify advanced automated technology that the licensee owns or has the authority to install, or the licensee can solely perform the service of certifying that the technology previously installed by an outside source meet Nevada’s requirements under NRS 482A or this chapter. The Department is anticipating that some companies may want to install and certify, while others may want to only certify the technology.

Sec. 18: The Department provided minor clean up language that requires the applicant to “certify” rather than “submit such proof...” regarding an application for an ATCF license.

Note: Sections 19 through 30 involve the non-codified language from R135-15 that was adopted by the Department. The Department is proposing to create a new Section within NAC 482A that deals with this technology that is not autonomous as defined in AB69. The following sections will provide new definitions to clarify what this technology is, insert the existing language of R135-15 and add new sections that mirror the autonomous testing permit requirements.

Sec. 19: The Department clarifies that Sections 19 through 29 are specific to this type of technology and testing requirements.

Sec. 20: The Department creates a new definition, “Advanced Automated Vehicle,” is a vehicle that has Human to Vehicle Interface Technology, which is also a new definition in Section relates to the interface technology of MVT or H2VIT (DMV needs to decide).

Sec. 21: The Department has created a new definition, ***Human to Vehicle Interface Technology***, for this technology that is not autonomous under AB69. This was not fully defined in R135-15 but due to AB69 and how this technology operates, the Department needs to establish this under its own section within 482A.

Sec. 22 and 23: These definitions were adopted under R135-15 but the Department amended these sections to align with the new definition of “advanced automated vehicle.”

Sec. 24: The Department took language from NAC 482A.110 (autonomous test application and permit) and used it for this new section. Any person or applicant who has technology that meets the definition of an “advanced automated vehicle” in this section will need to submit an application, and have certain requirements to meet before a permit can be issued by the Department. This new section establishes those unique requirements.

Sec. 25: This section was from R135-15 under NRS 482A.130 and was moved to this new section. The restricted driver’s license, pilot vehicle and training requirements relate to a permit holder who is or may employ a test driver that needs to obtain a restriction JA prior to testing an advanced automated vehicle. The non-codified language was amended to address the new definitions and other clean up requirements.

Sec. 26 through 29: These sections were also copied from the autonomous testing sections in order to stay consistent with the operational design domain, temporary license plates, grounds for discipline and hearings to consider an appeal of disciplinary action requirements. This will allow for the advanced automated vehicle test permit process to stay consistent with the autonomous test application process.

The following pages are the proposed amendments to NAC Chapter 482A.

GENERAL PROVISIONS

Sec. 1. NAC 482A.010 (*Confidentiality of records and documents*) is hereby amended to read as follows:

1. *For the purposes of this Chapter and NRS Chapter 482A, the Department shall keep confidential any record or other document of a person or applicant that has been submitted to the Department prior to a testing permit or autonomous technology certification facility license being issued to the person or applicant.*
2. *Records and documents that are confidential pursuant to this section:*
 - (a) *Are proprietary or confidential information of the business;*
 - (b) *Are not a public record; and*
 - (c) *Must not be disclosed to any person who is not an employee of the Department unless the business consents to the disclosure.*
3. *“Proprietary or confidential Information” For the purposes of this Chapter and NRS Chapter 482A, proprietary or confidential information means:*
 - a) *Any trade secret, confidential economic information, business information, or other documentation submitted to the Department, and is determined to be proprietary or confidential information by the Director or his/her designee; or*
 - b) *Any information that a specific statute declares to be confidential or prohibits the Department from making public.*

~~“Autonomous vehicle” interpreted. (NRS 482A.100, 482A.200) As used in NRS 482A.030, the Department will interpret the term “autonomous vehicle” to exclude a vehicle enabled with a safety system or driver assistance system, including, without limitation, a system to provide electronic blind spot assistance, crash avoidance, emergency braking, parking assistance, adaptive cruise control, lane keep assistance, lane departure warnings and traffic jam and queuing assistance, unless the vehicle is also enabled with artificial intelligence and technology that allows the vehicle to carry out all the mechanical operations of driving without the active control or continuous monitoring of a natural person.~~

~~**Sec. 2.** NAC 482A.020 (*Operators*) is hereby amended to read as follows:~~

~~For purposes of this chapter, unless the context otherwise requires, a person shall be deemed the operator of an autonomous vehicle which is operated in autonomous mode when the person causes the autonomous vehicle to engage, regardless of whether the person is physically present in the vehicle while it is engaged.~~

Sec. 3. NAC 482A.030 **Driver’s license examination of applicants who operate an autonomous vehicle.**; ~~waiver of examination by Department.~~

1. *Every applicant who is required to submit to a drive examination to obtain a driver’s license pursuant to NRS 483.330 with a vehicle that is equipped with an automated driving system, must disengage the system during the drive examination given by the Department. If the vehicle does not have the ability to disengage the automated driving system, the drive examination will be denied until such time the applicant can provide a vehicle meeting these requirements.*

~~(Certificate of compliance to operate vehicle in autonomous mode; operation without physical presence of operator; operator deemed to be driver under certain circumstances)~~ is hereby amended to read as follows:

~~— 1. Except as otherwise provided in NAC 482A.110, an autonomous vehicle that has been registered in this State may be operated in autonomous mode in this State only if a certificate of compliance has been issued for the autonomous vehicle pursuant to NAC 482A.190. If the certificate of compliance certifies that the autonomous vehicle is capable of being operated in autonomous mode without the physical presence of the operator in the vehicle, the person may operate the vehicle in this State without being physically present in the autonomous vehicle.~~

~~— 2. For the purpose of enforcing the traffic laws and other laws applicable to drivers and motor vehicles operated in this State, the operator of an autonomous vehicle that is operated in autonomous mode shall be deemed the driver of the autonomous vehicle regardless of whether the person is physically present in the autonomous vehicle while it is engaged.~~

Sec. 4. ~~NAC 482A.040~~ ~~G endorsement on driver's license required for operation: Application; fee. (NRS 482A.100, 482A.200)~~

~~— 1. Except as otherwise provided in NAC 482A.130, a person who holds a driver's license in this State and wishes to operate an autonomous vehicle in autonomous mode in this State must obtain a G endorsement on his or her driver's license from the Department pursuant to NAC 483.110 before the person may operate an autonomous vehicle in this State. A person may apply for such an endorsement by submitting an application on a form provided by the Department.~~

~~— 2. The application for a driver's license endorsement to operate an autonomous vehicle in autonomous mode must require the applicant to acknowledge that the operator is subject at all times to the traffic laws and other laws applicable to drivers and motor vehicles operated in this State as provided pursuant to NAC 482A.030.~~

~~— 3. The applicant must provide such additional information as the Department deems necessary to determine the competency and eligibility of the person to operate an autonomous vehicle in autonomous mode.~~

~~— 4. The application for a driver's license endorsement to operate an autonomous vehicle in autonomous mode must be accompanied by a fee of \$5.~~

Sec. 5. NAC 482A.050 (Registration: Copy of certificate of compliance required; insurance requirements; license plates; no additional fee required) is hereby amended to read as follows:

1. *Except as otherwise provided in subsection 3, Before before* an autonomous vehicle may be registered in this State, the owner of the autonomous vehicle must submit to the Department, in addition to any other requirement set forth in *chapter 482* or *482A* of NRS for registering a vehicle, a copy of the certificate of compliance issued by the manufacturer of the *vehicle through a licensed Nevada automotive dealership* or by a licensed *Nevada* autonomous technology certification facility pursuant to *NAC 482A.190*.

2. A person who submits an application to register an autonomous vehicle in this State must submit proof that the person has obtained the insurance coverage required pursuant to *NRS 485.185*, and not an operator's policy of liability insurance pursuant to *NRS 485.186*.

3. *A person who transfers his/her autonomous vehicle registration to this State from another jurisdiction, or has purchased their autonomous vehicle outside of this State, is not required to submit a certificate of compliance as required in subsection 1, but must comply*

~~with all other requirements in Chapter 482 and 482A for registering a vehicle. Upon registering an autonomous vehicle pursuant to this section, the Department will issue license plates to the owner of the vehicle indicating that the vehicle is an autonomous vehicle. The Department will not charge an additional fee to register an autonomous vehicle.~~

3. *When a person registers their vehicle with the Department pursuant to chapter 482 or 482A, the Department may request additional information to determine if the vehicle possesses an automated driving system. The Department will be required to collect this information and make it electronically available to law enforcement agencies.*
4. *Every applicant who registers their vehicle with the Department and has an automated driving system must sign an affidavit acknowledging that he/she understands and is trained in the limits and capabilities of their autonomous vehicle on a form prescribed by the Department.*

LICENSE PERMIT TO TEST AUTONOMOUS TECHNOLOGY

Sec. 6. NAC 482A.100 (~~“Licensee”~~ **“Permitee”** defined) is hereby amended to read as follows:

As used in *NAC 482A.100* to *482A.180*, inclusive, unless the context otherwise requires, ~~“licensee”~~ **“permitee”** means a person who is *granted a permit by the Department* ~~licensed~~ to test *an* autonomous vehicle, *as defined in NAC 482A.030*, on the highways of this State.

Sec. 7. NAC 482A.110 (**License Permit: Application; affirmation; requirements of applicant; fee; insurance; bond; validity; renewal**) is hereby amended to read as follows:

1. A person may apply for a **license permit** to test the autonomous technology installed on the autonomous vehicles of the person by submitting an application to the Department on a form provided by the Department. A **license permit** issued pursuant to this section authorizes the testing of the autonomous technology installed on the autonomous vehicles of the ~~licensee~~ **permitee** on the highways of this State. ~~even if certificates of compliance have not been issued for the autonomous vehicles pursuant to NAC 482A.190.~~

2. The form provided by the Department must require the applicant to affirm that, to the best of the applicant’s knowledge and belief, each autonomous vehicle to be tested:

~~(a) is in compliance with the requirements of Chapter 482A of the Nevada Revised Statute. Is safe to operate on the highways of this State.~~

~~—(b) Has a separate mechanism in addition to, and separate from, any other mechanism required by law, to capture and store the autonomous technology sensor data for at least 30 seconds before a collision occurs between the autonomous vehicle and another vehicle, object or natural person while the vehicle is operating in autonomous mode. The autonomous technology sensor data must be captured and stored in a read-only format by the mechanism so that the data is retained until extracted from the mechanism by an external device capable of downloading and storing the data. Such data must be preserved for 3 years after the date of the collision. The provisions of this paragraph do not authorize or require the modification of any other mechanism to record data that is installed on the autonomous vehicle in compliance with federal law.~~

~~—(c) Has a switch to engage and disengage the autonomous vehicle that is easily accessible to the operator of the autonomous vehicle and is not likely to distract the operator from focusing on the road while engaging or disengaging the autonomous vehicle.~~

~~—(d) Has a system to safely alert the operator of the autonomous vehicle to take control of the autonomous vehicle if a technology failure is detected.~~

~~—(e) Is equipped with autonomous technology which does not adversely affect any other safety features of the vehicle which are subject to federal regulation.~~

3. An applicant to operate a business to test autonomous vehicles pursuant to this section must:

(a) Submit proof to the Department that each autonomous vehicle which will be tested in this State is covered by insurance in an amount that meets or exceeds the minimum requirements for a vehicle registered in this State as set forth in *NRS 485.185*, and not an operator's policy of liability insurance as described in *NRS 485.186*. Any change in the information submitted concerning a policy of insurance pursuant to this section must be reported to the Department within 10 business days after the effective date of the change.

~~(b) Submit with the application proof satisfactory to the Department that one or more of the autonomous vehicles of the applicant has been driven by the applicant for a combined minimum of not less than 10,000 miles in autonomous mode. The applicant must further provide proof that such autonomous vehicle or vehicles of the applicant have been driven in various conditions for a number of miles that demonstrates the safety of the vehicle or vehicles in those conditions. Such conditions include, without limitation, operating the autonomous vehicle in various weather conditions, on various types of roads and during various times of the day and night.~~

~~(c) Demonstrate the artificial intelligence and technology used in its autonomous vehicles to the Department for approval.~~

~~(d)~~ (b) Submit the proposed ~~geographic locations~~ *operational design domain* where the applicant wishes to test the autonomous vehicles. The applicant must ~~establish~~ *certify* to the ~~satisfaction of the~~ Department that the autonomous vehicles of the applicant are *in compliance with NRS Chapter 482A requirements, and* capable of being driven in the conditions of the proposed ~~geographic locations operational design domain. in compliance with the traffic laws and other laws applicable to drivers and motor vehicles operated in this State.~~

4. An application to test autonomous vehicles submitted pursuant to this section must be accompanied by a nonrefundable fee of \$100. ~~and:~~

~~—(a) Proof of insurance or self-insurance acceptable to the Department in the amount prescribed by NRS 482A.060; or~~

~~—(b) A surety bond or deposit of cash in lieu of the bond in the amount prescribed by NRS 482A.060.~~

5. The Department may require such additional information, documentation and affirmations as the Department deems necessary or appropriate before ~~approving an application~~ *issuing a permit* to test autonomous vehicles. ~~that is submitted pursuant to this section.~~

6. A *license permit* to test autonomous vehicles that is issued by the Department pursuant to this section is valid for 1 year after the date of issuance and may be renewed by submitting an application in the same manner as for the initial *license permit*. To avoid a lapse in the *license permit* issued pursuant to this section, a *licensee permittee* wishing to renew his or her *license permit* must submit an application for renewal at least 30 days before the date on which the *license permit* is set to expire.

Sec. 8. NAC 482A.120 (Certificate identifying authorized *operational design domain geographic locations*: Issuance; request to add locations; required to be carried in vehicle at all times and surrendered to peace officer upon demand) is hereby amended to read as follows:

1. When the Department issues a *license permit* pursuant to *NAC 482A.110*, the Department will issue a certificate to the licensee which identifies *permit will indicate the operational design domain's geographic locations* where the Department authorizes the *licensee permittee* to test autonomous vehicles.

2. A *licensee permittee* may submit a request to the Department to add *to the operational design domain geographic locations* where the *licensee permittee* may test autonomous vehicles after a *permit* is issued. ~~To obtain approval for an additional geographic location, the licensee must establish to the satisfaction of the Department that the autonomous vehicles of the licensee are capable of being driven in the conditions of the proposed geographic location in compliance with the traffic laws and other laws applicable to drivers and motor vehicles operated in this State.~~

~~3. If~~ *Once* the Department approves ~~an additional geographic location~~ *the identified operational design domain* where a *licensee permittee* may test autonomous vehicles pursuant to ~~subsection 2~~, the Department will issue a new *certificate permit* to the *licensee permittee*, indicating the geographic locations where the licensee is authorized to test its autonomous vehicles.

4. ~~3.~~ A *licensee permittee* shall ensure that the *certificate permit* provided by the Department pursuant to this section which identifies the *operational design domain geographic locations* where the *licensee permittee* may test autonomous vehicles is carried in the autonomous vehicle at all times that it is being tested. Upon demand of a peace officer, the operator of an autonomous vehicle of a *licensee permittee* that is being tested must surrender the *certificate permit* to the officer.

~~**Sec. 9. NAC 482A.130 Physical presence and duties of persons in vehicle during testing; testing limited to authorized geographic locations; report to Department regarding accidents or citations. (NRS 482A.100)**~~

~~1. Except as otherwise provided in subsection 3 or unless otherwise approved in advance by the Department, a licensee shall ensure that at least one person is physically present in an autonomous vehicle at all times that the autonomous vehicle is being tested on a highway in this State, who must at all times be seated in a position which allows the person to take active control or physical control of the vehicle, including, without limitation, control of the steering, throttle and brakes.~~

~~2. The person who is required to be physically present in an autonomous vehicle while it is tested on a highway in this State:~~

~~(a) Must hold a valid driver's license that has been issued in the state in which the person resides, but is not required to have a driver's license endorsement to operate the autonomous vehicle as provided in NAC 482A.040;~~

~~(b) Must be trained in the operation of the autonomous vehicle and have received instruction concerning the capabilities and limitations of the autonomous vehicle; and~~

~~(c) Shall actively monitor for any aberration in the functioning of the autonomous vehicle while it is engaged.~~

~~— 3. — The holder of a restricted driver's license issued pursuant to NRS 483.360 with the Restriction JA described in NAC 483.360 may be the operator of an autonomous vehicle that is being tested on a highway in this State provided that:~~

~~(a) The detail form carried by the holder authorizes the holder to operate an autonomous vehicle that is being tested on a highway in this State pursuant to this section through the use of active control;~~

~~(b) The holder is employed by a licensee who has met the requirements of subsection 5;~~

~~(c) A pilot vehicle is being operated directly in front of the autonomous vehicle; and~~

~~(d) A second person in the autonomous vehicle:~~

~~(1) Is seated in a position which allows the person to safely engage and disengage the autonomous technology and take active control or physical control of the autonomous vehicle; and~~

~~(2) Holds a valid driver's license that has been issued in the state in which the person resides.~~

~~4. If a pilot vehicle operating directly in front of an autonomous vehicle being tested on a highway in this State pursuant to subsection 3 is for any reason unable to continue to operate in such a manner:~~

~~(a) The operator of the autonomous vehicle must pull the autonomous vehicle safely to the side of the road; or~~

~~(b) The second person in the autonomous vehicle must disengage the autonomous technology and take active control or physical control of the autonomous vehicle.~~

~~5. A licensee who employs the holder of a restricted driver's license issued pursuant to NRS 483.360 with the Restriction JA described in NAC 483.360 to test autonomous vehicles pursuant to subsection 3 must obtain the approval of the Department before allowing the holder to test an autonomous vehicle on a highway in this State. The Department shall approve a request for such approval if the licensee provides to the Department:~~

~~(a) Proof satisfactory to the Department that:~~

~~(1) The holder is an employee of the licensee; and~~

~~(2) The holder has completed not less than 50 hours of training in an autonomous vehicle which:~~

~~(I) May include not more than 10 hours of operation of an autonomous vehicle simulator; and~~

~~(II) Must include not less than 40 hours of operating an autonomous vehicle that meets the requirements of NRS 482A.080 on any paved, graded or similar surface that is not a highway of this State, including, without limitation, a race track or private course; and~~

~~(b) Any other information requested by the Department.~~

~~— 6. — An autonomous vehicle may only be tested on a highway in this State which is located in a geographic location that the Department has approved for such use for vehicles tested by the licensee and indicated on the certificate issued to the licensee pursuant to NAC 482A.120.~~

~~— 7. — A licensee shall submit a report to the Department within 10 business days after an autonomous vehicle of the licensee that is tested in this State is involved in a crash during the course of testing or after an operator of such autonomous vehicle is issued a citation for any violation of the traffic laws or other laws applicable to drivers and motor vehicles operated in this State during the course of testing. The report must include a copy of any crash report~~

~~prepared regarding a crash and any citation issued to the operator or licensee and such additional information as may be required by the Department.~~

Sec. 10. NAC 482A.140 (Temporary license plates: Application and fee; validity; renewal; exemptions for vehicle registration and other fees) is hereby amended to read as follows:

1. A **licensee permittee** must apply for a set of temporary license plates for each autonomous vehicle that will be tested in this State and pay a fee of \$12 for each set of license plates issued by the Department.

2. A set of temporary license plates issued pursuant to subsection 1 is valid only until the date of the expiration of the **license permit** of the **licensee permittee** and may be renewed in the same manner as the initial application for the temporary license plates.

3. A **licensee permittee** is not required to:

(a) Register an autonomous vehicle pursuant to chapter 482 of NRS if the vehicle is used in this State only for testing; or

(b) Pay any other fees set forth in chapter 482 of NRS, except that the licensee must pay the fee set forth in NRS 482.268.

Sec. 11. NAC 482A.150 (Grounds for disciplinary action) is hereby amended to read as follows:

1. The Department may suspend, revoke or refuse to renew a **license permit** to test autonomous vehicles, or may deny a **license permit** to an applicant therefore, upon any of the following grounds:

(a) Conviction of the applicant or **licensee permittee** of a crime which involves fraud, dishonesty or moral turpitude, or which the Department determines is related to the **license permit** in question.

(b) Willful failure of the applicant or **licensee permittee** to comply with any of the provisions of chapter 482A of NRS, any of the traffic laws of this State and any regulations adopted pursuant thereto.

(c) Any material misstatement on the application for the issuance or renewal of a **license permit**.

(d) Failure or refusal of the applicant or **licensee permittee** to pay or otherwise discharge any final judgment against the **licensee permittee** arising out of the operation of the business of the **licensee permittee**.

(e) If the Department has reasonable cause to believe that any model of autonomous vehicle or artificial intelligence and **technology automated driving system** used in an autonomous vehicle of the **licensee permittee** presents an unsafe condition for operation on the highways of this State.

2. The Department may refuse to review a subsequent application for a **license permit** to test autonomous vehicles that is submitted by a person who has violated any provision of this chapter or chapter 482A of NRS.

3. *The Department may impose an administrative fine for a violation of any provision of this chapter pursuant to Section 6 of Assembly Bill 69.*

Sec. 12. NAC 482A.160 (Hearings to consider appeal of disciplinary action) is hereby amended to read as follows:

1. An applicant for a **license permit** to test autonomous vehicles or a **licensee permittee** may, within 30 days after the receipt of the notice of denial, suspension or revocation of, or refusal to renew, the **license permit**, petition the Director in writing for a hearing which will be conducted by the Director or an authorized representative thereof.

2. Upon filing the petition, a hearing will be held not later than 90 days after the receipt of the request for hearing. The applicant or **licensee permittee** is entitled to be present at the hearing, testify on his or her own behalf and have such other persons as he or she desires to be present to testify at the hearing. For good cause shown, and upon agreement of all parties, the 90-day period provided for in this subsection may be extended.

3. Failure of the applicant or **licensee permittee** to petition the Director in writing for a hearing within the 30-day period constitutes an automatic denial of the application or suspension or revocation of the **license permit**.

4. Within 30 days after the hearing, the Director or the authorized representative will make written findings of fact and conclusions of law and may, without limitation:

(a) Grant or finally deny the application; or

(b) Suspend or revoke the **license permit**.

5. For good cause shown, and upon agreement of all parties, the 30-day period provided for in subsection 4 may be extended by the Director or the authorized representative.

6. Notwithstanding the provisions of subsections 1 to 5, inclusive, the Department may, if the Director or authorized representative finds that the action is necessary and in the public interest, upon notice to the **licensee permit**, temporarily suspend or refuse to renew the **license permit** for a period not to exceed 30 days. For good cause shown, the Director or the authorized representative may extend the period of suspension of the **license permit** or continue to refuse to renew the **license permit** if he or she deems such action to be necessary and in the public interest. In any such case, a hearing must be held and a final decision rendered within 30 days after notice of the temporary suspension.

Sec. 13. ~~NAC 482A.170—Payment of child support; Required statement; grounds for denial of license; duty of Department. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.] (NRS 482A.100)~~

~~—1.—An applicant for the issuance or renewal of a license issued pursuant to the provisions of NAC 482A.100 to 482A.180, inclusive, shall submit to the Department the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.~~

~~—2.—The Department will include the statement required pursuant to subsection 1 in:~~

~~—(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or~~

~~—(b) A separate form prescribed by the Department.~~

~~—3.—A license may not be issued or renewed by the Department pursuant to the provisions of NAC 482A.100 to 482A.180, inclusive, if the applicant:~~

~~—(a) Fails to submit the statement required pursuant to subsection 1; or~~

~~—(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.~~

~~—4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Department will advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.~~

Sec. 14. ~~NAC 482A.180—Suspension of license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.] (NRS 482A.100)~~

~~—1. If the Department receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license issued pursuant to the provisions of NAC 482A.100 to 482A.180, inclusive, the Department will deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Department receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.~~

~~—2. The Department will reinstate a license issued pursuant to the provisions of NAC 482A.100 to 482A.180, inclusive, that has been suspended by a district court pursuant to NRS 425.540 if the Department receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.~~

REQUIREMENTS TO SELL VEHICLE

Sec. 15. NAC 482A.190 (Requirements for issuance of certificate of compliance; contents) is hereby amended to read as follows:

1. Before an autonomous vehicle may be offered for sale by a licensed vehicle dealer in this State, a certificate of compliance must be issued for the *automated driving system* ~~autonomous technology~~ installed on the autonomous vehicle by:

(a) The manufacturer of the autonomous vehicle *through a licensed Nevada automotive dealership*; or

(b) An autonomous technology certification facility that is licensed pursuant to NAC 482A.220.

2. A certificate of compliance issued pursuant to subsection 1 must certify that the *automated driving system* ~~autonomous technology~~ installed on the autonomous vehicle *is in compliance with the requirements of NRS 482A.080*:

~~— (a) Has a separate mechanism in addition to, and separate from, any other mechanism required by law, to capture and store the autonomous technology sensor data for at least 30 seconds before a collision occurs between the autonomous vehicle and another vehicle, object or natural person while the vehicle is operating in autonomous mode. The autonomous technology sensor data must be captured and stored in a read-only format by the mechanism so that the data is retained until extracted from the mechanism by an external device capable of downloading and storing the data. Such data must be preserved for 3 years after the date of the collision. The provisions of this paragraph do not authorize or require the modification of any other mechanism to record data that is installed on the autonomous vehicle in compliance with federal law.~~

~~— (b) Has a switch to engage and disengage the autonomous vehicle that is easily accessible to the operator of the autonomous vehicle and is not likely to distract the operator from focusing on the road while engaging or disengaging the autonomous vehicle.~~

~~— (c) Has a visual indicator inside the autonomous vehicle which indicates when the autonomous vehicle is engaged in autonomous mode.~~

~~— (d) Has a system to safely alert the operator of the autonomous vehicle if a technology failure is detected while the autonomous vehicle is engaged in autonomous mode, and when such an alert is given, either:~~

~~— (1) Requires the operator to take control of the autonomous vehicle; or~~

~~— (2) If the operator is unable to take control of or is not physically present in the autonomous vehicle, is equipped with technology to cause the autonomous vehicle to safely move out of traffic and come to a stop. Nothing in this subparagraph shall be construed to authorize or require the modification of a system installed in compliance with the Federal Motor Vehicle Safety Standards and Regulations unless the modification can be performed without adversely affecting the autonomous vehicle's compliance with the federal standards and regulations.~~

~~— (e) Does not adversely affect any other safety features of the autonomous vehicle which are subject to federal regulation.~~

~~— (f) Is capable of being operated in compliance with the applicable traffic laws of this State and must indicate whether the autonomous vehicle may be operated with or without the physical presence of an operator.~~

~~— (g) If it is necessary for the operator of the autonomous vehicle to be physically present in the autonomous vehicle when it is engaged, allows the operator to take control of the autonomous vehicle in multiple manners, including, without limitation, through the use of the brake, the accelerator pedal and the steering wheel and alerts the operator that the autonomous mode has been disengaged.~~

~~— 3. In addition to the requirements set forth in subsection 2, the certificate of compliance must certify that an owner's manual has been prepared for the autonomous vehicle which describes any limitations and capabilities of the autonomous vehicle, including, without limitation, whether the operator of the autonomous vehicle must be physically present in the autonomous vehicle while the vehicle is engaged in autonomous mode. A licensed vehicle dealer or a licensed autonomous technology certification facility shall ensure that a copy of such a manual is provided to the purchaser of an autonomous vehicle.~~

~~— 4. As used in this section, "vehicle dealer" has the meaning ascribed to it in NRS 482.020.~~

LICENSE TO OPERATE AN AUTONOMOUS TECHNOLOGY CERTIFICATION FACILITY

Sec. 16. NAC 482A.200 (“Licensee” defined) is hereby amended to read as follows:
As used in NAC 482A.200 to 482A.290, inclusive, unless the context otherwise requires, “licensee” means *a ~~an~~ person who has been issued a license pursuant to NAC 482A.220 to operate an autonomous technology certification facility.* ~~operator of an autonomous technology certification facility that has been issued a license pursuant to NAC 482A.220.~~

Sec. 17 “Autonomous Technology Certification Facility” is hereby amended to read as follows:

As used in NAC 482A inclusive, “autonomous technology certification facility” means a Nevada business licensed by the Department to:

- 1. Certify that the advanced automated system has been safely installed by the licensee meets the requirements of NRS Chapter 482A and of this Chapter.*
- 2. Certify that the advanced automated system previously installed by an outside facility, manufacturer, person or business has been safely installed and meets the requirements of NRS Chapter 482A and NAC 482A.*

Sec. ~~1718~~. NAC 482A.210 (Application; fee and bond or deposit of cash required with application; inspection of facility) is hereby amended to read as follows:

1. A person may apply for a license to operate an autonomous technology certification facility by submitting an application to the Department on a form provided by the Department.
2. The form provided by the Department must require the applicant to *certify that he/she submit such proof as the Department deems necessary or appropriate to demonstrate that the applicant* possesses the necessary knowledge and expertise to *install an automated driving system and* certify the safety of *the* autonomous vehicles, including, without limitation, whether the autonomous vehicles meets the requirements for the issuance of a certificate of compliance set forth in NAC 482A.190.
3. An application for a license to operate an autonomous technology certification facility submitted pursuant to this section must be accompanied by:
 - (a) A nonrefundable fee of \$300; and
 - (b) A surety bond or deposit of cash in lieu of the bond in the amount of \$500,000.
4. The applicant must identify on the application the location of the facility of the applicant.
5. The Department may require the applicant to allow the Department to inspect the autonomous technology certification facility before approving a license to operate the facility. During such an inspection, the Department may require the applicant to demonstrate the manner in which autonomous vehicles will be certified at the facility.

LICENSE TO TEST *HUMAN TO VEHICLE INTERFACE TECHNOLOGY*

Sec. 19. (R135-15). As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 19 through 29 of this regulation have the meanings ascribed to them in those sections.

Sec. 20. “Advanced Automated Vehicle” means a vehicle that has been equipped with human to vehicle interface technology. An advanced automated vehicle is not an autonomous vehicle as defined in NRS 482A.030.

Sec. 21. “Human to Vehicle Interface Technology” means technology, not defined in SAE J3016, which allows a human to electronically interface with a vehicle’s dynamic driving tasks without using physical controls to navigate the vehicle in various operational design domains. Human to vehicle interface technology is not an automated driving system as defined in NRS 482A.025.

Sec. 22. (R135-15). “Active control” means the electronic monitoring and control of the mechanical operations of an ~~autonomous~~ advanced automated vehicle, including, without limitation, braking, steering and adjusting the throttle of the vehicle, by the operator of the ~~autonomous~~ advanced automated vehicle through the use of sensors or other technology without the operator physically controlling such operations.

Sec. 23. (R135-15). “Pilot vehicle” means a motor vehicle that:

1. Is registered pursuant to chapter 482 of NRS;
2. Meets all the applicable requirements of chapter 484D of NRS to operate on the highways of this State;
3. Is insured as required pursuant to chapter 485 of NRS;
4. Is driven by a person who holds a valid license to operate the motor vehicle issued in the state in which the person resides; and
5. Is intended to be operated pursuant to subsections ~~3 1~~ and ~~4 2~~ of ~~NAC 482A.130~~ **Section 25** directly in front of an ~~autonomous~~ advanced automated vehicle being operated by the holder of a restricted driver’s license.

The term does not include a motorcycle or moped.

Sec. 24. Human to Vehicle Interface Technology Permit: Application; affirmation; requirements of applicant; fee; insurance; bond; validity; renewal.

1. A person may apply for a permit to test advanced automated vehicle by submitting an application to the Department on a form provided by the Department. A permit issued pursuant to this section authorizes the testing of advanced automated vehicle on the highways of this State.

2. The form provided by the Department must require the applicant to affirm that, to the best of the applicant’s knowledge and belief, each advanced automated vehicle to be tested must:

(a) Be capable of being operated in compliance with the applicable motor vehicle laws and traffic laws of this State.

(b) Certify that the advanced automated vehicle does not interfere or negatively impact the federal safety standards of the test vehicle.

(c) Be equipped with a visual indicator located inside the advanced automated vehicle which indicates when the Human to Vehicle Interface technology is operating the advanced automated vehicle.

(d) Except as otherwise provided in Section 24, the advanced automated vehicle is equipped with a means to alert the human operator to take manual control of the advanced automated vehicle if a failure of the Human to Vehicle Interface technology has been detected and such failure affects the ability of the advanced automated vehicle to operate safely.

3. An applicant to be granted a permit to test an advanced automated vehicle pursuant to this section must:

(a) Submit proof to the Department that each advanced automated vehicle which will be tested in this State is covered by insurance in an amount that meets or exceeds the minimum requirements for a vehicle registered in this State as set forth in NRS 485.185, and not an operator's policy of liability insurance as described in NRS 485.186. Any change in the information submitted concerning a policy of insurance pursuant to this section must be reported to the Department within 10 business days after the effective date of the change.

(b) Submit the proposed operational design domain's where the applicant wishes to test the advanced automated vehicle. The applicant must certify to the satisfaction of the Department that the advanced automated vehicle of the applicant is capable of being driven in the conditions of the proposed operational design domains in compliance with the traffic laws and other laws applicable to drivers and motor vehicles operated in this State.

(c) Submit to the Department proof of insurance or self-insurance acceptable to the Department in the amount of \$5,000,000; or make a cash deposit or post and maintain a surety bond or other acceptable form of security with the Department in the amount of \$5,000,000.

(d) Comply with the requirements of Section 5.8 of Assembly Bill 69 regarding the reporting requirements of a vehicle crash.

4. An application to test an advanced automated vehicle submitted pursuant to this section must be accompanied by a nonrefundable fee of \$100.

5. The Department may require such additional information, documentation and affirmations as the Department deems necessary or appropriate before approving an application to test an advanced automated vehicle that is submitted pursuant to this section.

6. A permit to test an advanced automated vehicle that is issued by the Department pursuant to this section is valid for 1 year after the date of issuance and may be renewed by submitting an application in the same manner as for the initial permit. To avoid a lapse in the permit issued pursuant to this section, a permit holder wishing to renew his or her permit must submit an application for renewal at least 30 days before the date on which the permit is set to expire.

Sec. 25. (R135-15 from 482A.130) *Advanced Automated Vehicle Restricted Driver's License for Testing; Pilot Vehicle; Safety Requirements.*

1. The holder of a restricted driver's license issued pursuant to NRS 483.360 with the Restriction JA described in NAC 483.360 may be the operator of an **autonomous advanced automated** vehicle that is being tested on a highway in this State provided that:

(a) The detail form carried by the holder authorizes the holder to operate an **autonomous advanced automated** vehicle that is being tested on a highway in this State pursuant to this section through the use of active control;

(b) The holder is employed by a **licensee permittee** who has met the requirements of subsection 3;

(c) A pilot vehicle is being operated directly in front of the **autonomous advanced automated** vehicle; and

(d) A second person in the **autonomous advanced automated** vehicle

(1) Is seated in a position which allows the person to safely engage and disengage the ~~autonomous human to vehicle interface~~ technology and take active control or physical control of the **autonomous advanced automated** vehicle; and

(2) Holds a valid driver's license that has been issued in the state in which the person resides.

2. If a pilot vehicle operating directly in front of an **autonomous advanced automated** vehicle being tested on a highway in this State pursuant to subsection 3 is for any reason *is* unable to continue to operate in such a manner:

(a) The operator of the **autonomous advanced automated** vehicle must pull the **autonomous advanced automated** vehicle safely to the side of the road; or

(b) The second person in the **autonomous advanced automated** vehicle must disengage the **autonomous human to vehicle interface** technology and take active control or physical control of the **autonomous advanced automated** vehicle.

3. A **licensee permittee** who employs the holder of a restricted driver's license issued pursuant to NRS 483.360 with the Restriction JA described in NAC 483.360 to test an **autonomous advanced automated** vehicle pursuant to subsection 1 must obtain the approval of the Department before allowing the holder to test an **autonomous advanced automated** vehicle on a highway in this State. The Department shall approve a request for such approval if the **licensee permittee** provides to the Department:

(a) Proof satisfactory to the Department that:

(1) The holder is an employee of the **licensee permittee**; and

(2) The holder has completed not less than 50 hours of training in an **autonomous advanced automated** vehicle which:

(I) May include not more than 10 hours of operation of an **autonomous advanced automated** vehicle simulator; and

(II) Must include not less than 40 hours of operating an **advanced automated vehicle** ~~that meets the requirements of NRS 482A.080~~ on any paved, graded or similar surface that is not a highway of this State, including, without limitation, a race track or private course; and

(b) Any other information requested by the Department.

Sec. 26. Certificate identifying authorized *operational design domain geographic locations*: Issuance; request to add locations; required to be carried in vehicle at all times and surrendered to peace officer upon demand.

1. When the Department issues a **license permit** pursuant to ~~NAC 482A.110~~ **Section 23**, the Department will issue a certificate to the ~~permit holder~~ **permittee** which identifies the

~~geographical location~~ *operational design domain* where the Department authorizes the ~~licensee~~ *permitee* to test ~~autonomous-advanced automated~~ vehicles.

2. A ~~licensee~~ *permitee* may submit a request to the Department to add *to or change the one or more geographic locations operational design domain* where the ~~licensee~~ *permitee* may test autonomous vehicles after a ~~certificate permit~~ is issued.

3. ~~If-Once~~ the Department approves ~~an additional geographic location~~ *the operational design domain* where a ~~licensee~~ *permitee* may test autonomous vehicles, the Department will issue a new ~~certificate permit~~ to the ~~licensee~~ *permitee* indicating the ~~geographic locations operational design domain~~ where the ~~licensee~~ *permitee* is authorized to test its ~~autonomous advanced automated~~ vehicles.

4. A ~~licensee~~ *permitee* shall ensure that the ~~license permit~~ provided by the Department pursuant to this section which identifies the ~~geographic locations operational design domain~~ where the ~~licensee~~ *permitee* may test ~~autonomous advanced automated~~ vehicles is carried in the ~~autonomous advanced automated~~ vehicle at all times that it is being tested. Upon demand of a peace officer, the operator of an ~~autonomous advanced automated~~ vehicle of a ~~licensee~~ *permitee* that is being tested must surrender the ~~license permit~~ to the officer.

Sec. 27. Temporary license plates: Application and fee; validity; renewal; exemptions for vehicle registration and other fees.

1. A ~~licensee~~ *permitee* must apply for a set of temporary license plates for each ~~autonomous advanced automated~~ vehicle that will be tested in this State and pay a fee of \$12 for each set of license plates issued by the Department.

2. A set of temporary license plates issued pursuant to subsection 1 is valid only until the date of the expiration of the ~~license of the licensee permit of the permittee~~ and may be renewed in the same manner as the initial application for the temporary license plates.

3. A ~~licensee~~ *permitee* is not required to:

(a) Register an ~~autonomous advanced automated~~ vehicle pursuant to chapter 482 of NRS if the vehicle is used in this State only for testing; or

(b) Pay any other fees set forth in chapter 482 of NRS, except that the ~~licensee~~ *permitee* must pay the fee set forth in NRS 482.268.

Sec. 28. Grounds for disciplinary action.

1. The Department may suspend, revoke or refuse to renew a ~~license permit~~ to test ~~autonomous advanced automated~~ vehicles, or may deny a ~~license permit~~ to an applicant therefore, upon any of the following grounds:

(a) Conviction of the applicant or ~~license permit~~ of a crime which involves fraud, dishonesty or moral turpitude, or which the Department determines is related to the ~~license permit~~ in question.

(b) Willful failure of the applicant or ~~licensee~~ *permitee* to comply with any of the provisions of chapter 482A of NRS, any of the traffic laws of this State and any regulations adopted pursuant thereto.

(c) Any material misstatement on the application for the issuance or renewal of a ~~license permit~~.

(d) Failure or refusal of the applicant or ~~licensee~~ *permitee* to pay or otherwise discharge any final judgment against the ~~licensee~~ *permitee* arising out of the operation of the business of the ~~licensee~~ *permitee*.

(e) If the Department has reasonable cause to believe that any **autonomous advanced automated** vehicle operated by a **licensee permittee** presents an unsafe condition for operation on the highways of this State.

2. The Department may refuse to review a subsequent application for a **license permit** to test **autonomous advanced automated** vehicles that is submitted by a person who has violated any provisions of this chapter or chapter 482A of NRS.
3. ***The Department may impose an administrative fine for a violation of any provision of this chapter pursuant to Section 6 of Assembly Bill 69.***

Sec. 29. Hearings to consider appeal of disciplinary action.

1. An applicant for a **license permit** to test an **licensee permittee** vehicle or a **licensee permittee** may, within 30 days after the receipt of the notice of denial, suspension or revocation of, or refusal to renew, the **license permit**, petition the Director in writing for a hearing which will be conducted by the Director or an authorized representative thereof.

2. Upon filing the petition, a hearing will be held not later than 90 days after the receipt of the request for hearing. The applicant or **licensee permittee** is entitled to be present at the hearing, testify on his or her own behalf and have such other persons as he or she desires to be present to testify at the hearing. For good cause shown, and upon agreement of all parties, the 90-day period provided for in this subsection may be extended.

3. Failure of the applicant or **licensee permittee** to petition the Director in writing for a hearing within the 30-day period constitutes an automatic denial of the application or suspension or revocation of the **license permit**.

4. Within 30 days after the hearing, the Director or the authorized representative will make written findings of fact and conclusions of law and may, without limitation:

- (a) Grant or finally deny the application; or
- (b) Suspend or revoke the **license permit**.

5. For good cause shown, and upon agreement of all parties, the 30-day period provided for in subsection 4 may be extended by the Director or the authorized representative.

6. Notwithstanding the provisions of subsections 1 to 5, inclusive, the Department may, if the Director or authorized representative finds that the action is necessary and in the public interest, upon notice to the **licensee permittee**, temporarily suspend or refuse to renew the **license permit** for a period not to exceed 30 days. For good cause shown, the Director or the authorized representative may extend the period of suspension of the **license permit** or continue to refuse to renew the **license permit** if he or she deems such action to be necessary and in the public interest. In any such case, a hearing must be held and a final decision rendered within 30 days after notice of the temporary suspension.

If you have any questions, please contact April Sanborn, Thomas Martin or myself. Our contact information is below.

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