

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

LCB FILE NO. R088-24I

**The following document is the initial draft regulation proposed
by the agency submitted on 04/30/2024**

PROPOSED REGULATION OF THE
NEVADA DEPARTMENT OF MOTOR VEHICLES

April 29, 2024

Explanation: Matter in *bold italics* is new material; matter in ~~red~~ is material proposing to be omitted.

Purpose: To adopt regulations under Chapter 483 of the Nevada Administrative Code (NAC), in accordance with federal requirements regarding reporting of certain information to drug and alcohol clearinghouse databases for applicants or holders of commercial driver's licenses and learner's permits, and other matters properly relating thereto.

Authority: Senate Bill 66 of the 2023 Legislative Session, section 6.5.

Section 1. Chapter 483 of NAC is hereby amended by adding thereto the following new language, sections 2-9 inclusive.

Section 2.

1. In accordance with 49 CFR 383.73(b)(10); (c)(10); (d)(9); (e)(8); and (f)(4), prior to the issuance of an original, renewal, transfer or upgrade of a commercial driver's license or issuing, renewing or upgrading a commercial learner's permit for an applicant, the Department shall query the federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse. If the response result from the query indicates that the applicant is a prohibited status, issuance of a commercial driver license or commercial learner permit will be denied.

2. The Department may receive from the Federal Motor Carrier Safety Administration notification that a commercial driver license or commercial learner permit holder in this state when the holder :

a. has been placed into a prohibited status for drug and/or alcohol program violation reported to the clearing house;

b. is no longer in a prohibited status from operating a commercial motor vehicle and the reinstatement of commercial driving privileges is permitted; or

c. Was erroneously placed in a prohibited status, restoring the record as it existed before the erroneous notification.

3. If the applicant is currently a commercial driver license or commercial learner permit holder, upon the notification outlined in paragraph (a) of subsection 2 or the query pursuant to subsection 1 indicates a prohibited status, the Department shall within 60 days of

notification, initiate the downgrade of the holder's commercial driving privileges using the Commercial Driver License Information System.

4. Upon the notification outlined in paragraphs (b) and (c) of subsection 3, a holder's commercial driving privileges shall be restored via the Commercial Driver License Information System.

Section 3. NAC 483.471 is hereby amended to include the following new language:

NAC 483.471 Reinstatement: Waiver of certain tests. (NRS 483.220, 483.495, 483.908)

1. The Department will waive the knowledge, driving skills and vision tests when reinstating a driver's license if:

(a) The license was suspended for:

- (1) Any violation of law governing financial responsibility;
- (2) The failure to make a report of an accident;
- (3) The violation of a written promise to appear in court pursuant to a citation;
- (4) The violation of a license restriction, other than a restriction that requires an annual vision test, a driving skills test or the submission of a medical letter from a physician;
- (5) The use, possession, sale or distribution by a minor of a controlled substance, or the purchase, consumption or possession by a minor of an alcoholic beverage;
- (6) A first offense for driving at a time when the license was suspended; or
- (7) Pursuant to NRS 483.443, the failure to:
 - (I) Comply with a subpoena or warrant relating to a proceeding to establish paternity or to establish or enforce an obligation for the support of a child; or
 - (II) Satisfy an arrearage in the payment for the support of one or more children.

(b) The license was cancelled for:

- (1) Insufficient identification at the time of application;
- (2) The issuance of a check to the Department with insufficient money or credit to pay the check;
- (3) The withdrawal of the license of the driver in another state;
- (4) The failure to pay all fees;
- (5) The failure to pay a civil penalty relating to the operation of a motor vehicle; or
- (6) Incorrect information appearing on the driver's license, except for a missing or an incorrect license endorsement.

2. An applicant who successfully completes a knowledge test for a commercial driver's license may not be required to complete a knowledge test for a noncommercial driver's license.

3. The Department will waive the driving skills test when reinstating a driver's license if:

(a) The license has been revoked for less than 1 year:

- (1) For a conviction for driving under the influence of alcohol or a controlled substance;
- (2) For failing to submit to a test of alcohol concentration or the presence of a controlled substance in the system of the driver; or
- (3) Pursuant to the provisions of NRS 484C.220.

(b) The driver has successfully completed a driving skills test in a commercial vehicle. An additional driving skills test in a noncommercial vehicle will not be required.

(c) The license was cancelled because of an error made by the Department.

(d) The driver is reinstating his or her license by mail for the purpose of obtaining a license in another state.

4. The Department will waive the vision test when reinstating a driver's license if:

(a) The expiration date on the reinstated license will not change from the expiration date on the withdrawn license;

(b) The reinstatement is completed by mail to obtain a clearance letter or a license from another state; or

(c) The applicant provides a report from an ophthalmologist, optician or optometrist in lieu of a vision test administered by the Department.

5. The Department may waive the knowledge and driving skills tests when reinstating a downgrade by removal using the Commercial Driver License Information System and driving record.

Section 4. NAC 483.801 is hereby amended to include the following new language:

NAC 483.801 Medical examiner's certificate: Generally; exception. (NRS 483.908)

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

(a) ~~Provide~~ ***Maintain*** a current medical examiner's certificate ***from a certified medical examiner and the information is provided to the Department using the Federal Motor Carrier Safety Administration's National Registry of Certified Medical Examiners*** 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,~~ ***S***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, 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.

Section 5. NAC 483.8013 is hereby amended to include the following new language:

NAC 483.8013 Medical examiner's certificate: Notice by Department before expiration. (NRS 483.908) Before a medical examiner's certificate issued to a holder of a commercial driver's license, 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; *and*
2. He or she must:
 - (a) Undergo a new medical examination and *the information be* provided to the Department *pursuant to paragraph (a) of subsection 1 in NAC 483.801* ~~a copy of the new medical examiner's certificate;~~ *or*
 - (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 *downgrade by removal of commercial driving privileges using the Commercial Driver's License Information System (CDLIS) and driver record* cancellation of his or her commercial driver's license, commercial driver's license instruction permit or commercial learner's permit for failing to perform one of the actions described in subsection 2.

Section 6. NAC 483.8014 is hereby amended to include the following new language:

NAC 483.8014 Medical examiner's certificate: Failure to comply. (NRS 483.908)

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 *downgrade* ~~cancellation~~ *by removal of the commercial driving privileges using the Commercial Driver's License System (CDLIS) and driver record.* ~~of his or her commercial driver's license, 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 *downgrade* ~~cancellation~~ of his or her commercial *driving privileges* ~~driver's license, 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 *downgrade by removal* ~~cancellation~~ of his or her commercial *driving privileges* ~~driver's license, 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, commercial driver's license instruction permit or commercial learner's permit with an expired medical examiner's certificate is subject to *downgrade by removal* ~~cancellation~~ of his or her commercial *driving privileges* ~~driver's license, commercial driver's license instruction permit or commercial learner's permit~~.

3. A person whose commercial driver's license, commercial driver's license instruction permit or commercial learner's permit is *downgraded by removal* ~~cancellation~~ pursuant to this section *may* surrender his or her commercial driver's license, commercial driver's license instruction permit or commercial learner's permit to the Department *for noncommercial driving privilege license*.

4. To reinstate a commercial *driving privilege* ~~driver's license, commercial driver's license instruction permit or commercial learner's permit~~ after *downgrade by removal, the commercial driving privileges will be restored in the Commercial Driver License Information System and the driver record upon notification of compliance and meeting reinstatement requirements as required by state law* ~~cancellation~~, a person must ~~pay the reinstatement fees established in NRS 483.910 and:~~

(a) *Have a valid medical examination and this information be provided to the Department using the National Registry of Certified Medical Examiners* ~~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.

Section 7. Chapter 483 of NAC is hereby amended to include the following new language:

Downgrade by removal means:

- 1. the removal of commercial driving privileges from the Commercial Driver License Information System and driving record of a commercial driver's license or commercial learner's permit holder prohibiting the operation of a commercial motor vehicle until commercial driving privileges can be reinstated, and;***
- 2. This term does not include the removal of non-commercial driving privileges.***

Section 8. NAC 483.803 is hereby amended to include the following new language:

NAC 483.803 Waiver of certain physical requirements: Submission and contents of application. (NRS 483.908)

1. A person who is not physically qualified to operate a commercial motor vehicle pursuant to 49 C.F.R. § 391.41, but who is otherwise qualified to operate a commercial

motor vehicle, may apply to the Department for a waiver of the physical requirements with which the person does not comply.

2. An applicant for a waiver of one or more of the physical requirements described in subsection 1 must submit to the Department an application on a form prescribed by the Department. The application must include:

(a) The applicant's full legal name, date of birth, address of principal residence, telephone number, social security number and driver's license number;

(b) The type of vehicle the applicant will operate;

(c) The type of commodities or cargo the applicant will transport;

(d) The type of transmission, braking system and steering system of the vehicle which the applicant will operate;

(e) Whether the applicant is self-employed, employed by a motor carrier or unemployed as a commercial driver;

(f) Information relating to the driving history of the applicant, including, without limitation, the number of years the applicant has been licensed to drive a commercial motor vehicle and the number of years he or she has operated the type of vehicle for the operation of which he or she is requesting a license;

(g) If the applicant is or will be employed by a motor carrier, the name and address of the motor carrier; and

(h) A description of any modifications made to the vehicle for the driver.

3. The application must be submitted to the Department of Motor Vehicles, **890 Trademark Dr Reno NV 89521** ~~810 East Greg Street, Sparks, Nevada 89431.~~

Section 9. NAC 483.8031 is hereby amended to include the following new language:

NAC 483.8031 Prerequisites for waiver of certain physical requirements; confidentiality of information submitted to Department. (NRS 483.908)

1. An applicant for a waiver of one or more of the physical requirements described in 49 C.F.R. § 391.41 must submit to the Department with his or her application:

(a) A copy of a medical examination required pursuant to paragraph (e) of 49 C.F.R. § 391.43;

(b) A copy of a medical certificate required pursuant to 49 C.F.R. § 391.43; and

(c) A medical evaluation signed by a physician on a form prescribed by the Department if the applicant suffers from a physical impairment or by a physician ~~or optometrist if the applicant suffers from a visual impairment.~~ The medical evaluation must:

~~— (1) Identify and describe the visual or physical impairment of the applicant;~~

~~— (2) Indicate whether the applicant's condition is stable or progressive;~~

~~— (3) Certify that the applicant is able to operate a commercial motor vehicle;~~

~~— (4) Certify that the vision of the applicant is at least 20/40, corrected or uncorrected, in at least one eye if the applicant suffers from a visual deficiency;~~

(5) If a limb of the applicant has been amputated or otherwise impaired, assess the physical capabilities of the applicant as they relate to his or her ability to perform the tasks specified in the description of the applicant's job which the applicant must provide to the physician;

(6) If the applicant wears a prosthetic or orthotic device, include a description of the manner in which the prosthetic or orthotic device operates; and

(7) If the applicant suffers from epilepsy or any other condition which is likely to cause loss of consciousness or any loss of the ability to control a commercial motor vehicle safely or if the applicant is diabetic and dependent upon insulin, indicate the date of his or her most recent seizure and whether:

(I) The seizure was an isolated incident;

(II) Additional seizures are likely to occur; and

(III) The prescribed medication will interfere with the person's ability to operate a motor vehicle.

2. An applicant who suffers epilepsy or any other condition which is likely to cause loss of consciousness or any loss of the ability to control a commercial motor vehicle safely, or is diabetic and dependent upon insulin, will not be issued a waiver unless:

(a) The applicant has not suffered any fainting or dizzy spells, seizures or other similar disorders for at least 1 year immediately preceding the date the Department receives the application; and

(b) A physician's diagnosis of the applicant's condition and its effect on the person's ability to operate a motor vehicle safely has been submitted to the Department.

3. An applicant for a waiver who wears a prosthetic or orthotic device must demonstrate his or her ability to operate safely the type of motor vehicle the applicant intends to operate. The Department may require any other applicant to demonstrate his or her ability to operate safely the type of motor vehicle the applicant intends to operate if the Department determines that such a demonstration is necessary.

4. Any information that is submitted to the Department pursuant to NAC 483.799 to 483.850, inclusive, is privileged and may be released only upon the written consent of the applicant or pursuant to a court order.

5. Any driver self-certifying as intrastate nonexcepted must meet the vision federal vision requirements in 49 CFR 391.41(b)(10) or 49 CFR 391.44.

6. A driver that must use a bioptic telescopic lens to operate a noncommercial vehicle is not permitted to be issued a commercial driver license or commercial learner permit