

**PROPOSED REGULATION OF THE DEPARTMENT OF MOTOR  
VEHICLES AND PUBLIC SAFETY**

**LCB File No. R133-97**

October 7, 1997

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

AUTHORITY: §§ 1 and 2, NRS 483.220 and 483.490; § 3, NRS 483.270.

**Section 1.** NAC 483.220 is hereby amended to read as follows:

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

(a) He lives within 2 miles of his place of employment unless he meets all other requirements for granting the license and presents satisfactory evidence that he is physically unable to walk the distance.

(b) He has been convicted of:

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

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

(I) 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 484.377.

(II) 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 484.348.

(III) Failing to stop at the scene of an accident in violation of NRS 484.219 or 484.221.

(IV) Failing to render assistance in the event of a motor vehicle accident which resulted in the death of or injury to another person in violation of NRS 484.223.

(V) [Driving a motor vehicle while his license, permit or privilege to drive was revoked.

(VI)] Violating a condition of a restricted license.

(c) He has been convicted of any combination of the following offenses three or more times in the past [7] 5 years:

(1) Driving or operating a motor vehicle while under the influence of intoxicants or drugs.

(2) Driving a motor vehicle while his license, permit or privilege to drive was revoked or suspended.

(3) Leaving the scene of an accident which resulted in injury or death.

(4) Reckless driving.

[(5) Operating a motor vehicle without the security required by chapter 485 of NRS as proof of financial responsibility.]

(d) His license has been suspended pursuant to NRS 483.465 or chapter 485 of NRS.

(e) He gives false information when applying for a restricted license.

(f) His driving privilege is currently suspended, revoked or canceled in another state.

(g) He is 18 years of age or older and his 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.

2. Except as otherwise provided in NAC 483.847, the department will not issue a restricted commercial driver's license.

**Sec. 2.** NAC 483.269 is hereby amended to read as follows:

483.269 1. Upon receipt of a completed application, the department will consider the following factors in determining whether to issue a restricted license pursuant to NRS 483.267 or 483.270:

(a) The applicant's need for the license and the hardship he will experience if his application is denied;

(b) The availability of any licensed drivers who are members of the applicant's household who are able to transport the person who has a medical condition which renders him unable to operate a motor vehicle or drive the applicant to and from school;

(c) The availability of public transportation or any other means of transportation for the applicant or the person who has a medical condition which renders him unable to operate a motor vehicle; and

(d) Any other information which the department may require to evaluate the application.

2. In addition to the factors set forth in subsection 1, the department will consider the following factors in determining whether to issue a restricted license pursuant to NRS 483.270:

(a) The distance from the applicant's residence to the school or the location where transportation is provided by the school or school district and, if the distance is not more than 2 miles, the applicant's ability to walk that distance; **[and]**

(b) Whether the applicant attends the school to complete special studies or a program in alternative education which is not offered at the school to which he was assigned **[.] ; and**

*(c) If the applicant is attending a private school:*

*(1) Whether transportation is provided by the school; and*

*(2) Whether it is impossible or impracticable to furnish private transportation to and from school.*

**Sec. 3.** NAC 483.271 is hereby amended to read as follows:

483.271 The department will deny an application for a restricted license issued pursuant to NRS 483.270 if:

1. The applicant lives not more than 2 miles from the school or the nearest location where transportation is provided by the school district.

2. The applicant is authorized to attend a school other than the school to which he was assigned by the school district.

3. Public transportation or any other means of transportation is available to the applicant.

4. The restricted license is requested for the purpose of attending:

(a) Extracurricular activities which occur before or after regular school hours; or

(b) Summer school, unless all of the pupils in the school are required to attend school during the summer or it is necessary for the applicant to attend high school during the summer in order to graduate during that summer.

*5. The applicant is attending a public school in this state in:*

*(a) A county whose population is 35,000 or more; or*

*(b) A city or town whose population is 25,000 or more.*

**Sec. 4.** 1. This section and sections 1 and 2 of this regulation become effective upon filing with the Secretary of State.

2. Section 3 of this regulation becomes effective October 1, 1998.