

LCB File No. R001-98

Department of Motor Vehicles and Public Safety

Brief description of action Amending regulations for persons authorized to certify the driving ability of employees in commercial motor vehicles.

Authority citation other than 233B NRS 483.908 and 483.912

Notice date January 6, 1998

Date of Adoption by Agency

Hearing date February 24, 1998

February 24, 1998

R001-98

NOTICE OF HEARING

AMENDMENT OF PERMANENT REGULATIONS

DEPARTMENT OF MOTOR VEHICLES AND PUBLIC SAFETY

The Department of Motor Vehicles and Public Safety will hold a public hearing at

Time: 10:00 a.m.

Date: February 24, 1998

Place: Drivers License Division
Hearings Office
305 Galletti Way
Reno, Nevada 89512

The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Department of Motor Vehicles and Public Safety may proceed immediately to act upon any written submissions.

The proposed regulations amend the third party certification program to allow applicants who meet certain criteria to certify the driving ability of their employees in class C vehicles and to allow the department to apply an "F" endorsement to the licenses of groups exempted from the requirements of the Commercial Motor Vehicle Act.

Before holding the public hearing, a workshop will be held to solicit comments from interested persons on the general topics to be addressed in the proposed regulation. The workshop will be held in the Reno Drivers License Office, Conference Room, at 305 Galletti Way, Reno, Nevada 89512 on February 24, 1998 at 8:00 a.m.

Persons wishing to comment upon the proposed action of the Department of Motor Vehicles and Public Safety, may appear at the scheduled workshop, the public hearing, or may address their comments, data, view or argument, in written form, to the Department of Motor Vehicles and Public Safety, Drivers License Division, 555 Wright Way, Carson City, Nevada 89711-0400. Written submissions must be received by the Department of Motor Vehicles and Public Safety at least 5 days before the scheduled public hearing.

A copy of the regulation to be amended will be on file at the State Library, 401 N. Carson Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the regulation to be amended will be available at Department of Motor Vehicles and Public Safety, 555 Wright Way, Carson City, Nevada 89711, for inspection and copying by members of the public during business hours. Copies will also be mailed to

members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

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This notice of hearing has been posted at the following locations:

Department of Motor Vehicles & Public
Safety
555 Wright Way
Carson City, Nevada 89711

Department of Motor Vehicles & Public
Safety
973 W. Williams St.
Fallon, NV 89406

Department of Motor Vehicles & Public
Safety
305 Galletti Way
Reno, NV 89502

Department of Motor Vehicles & Public
Safety
8250 W. Flamingo
Las Vegas, NV 89117

Department of Motor Vehicles & Public
Safety
3920 Idaho Street
Elko, NV 89801

Department of Motor Vehicles & Public
Safety
178 Avenue F
Ely, NV 89301

Department of Motor Vehicles & Public
Safety
4021 W. Carey
North Las Vegas, NV 89030

Department of Motor Vehicles & Public
Safety
300 Ridgeway Dr.

Tonopah, NV 89049

Department of Motor Vehicles & Public
Safety
3505 Construction Way
Winnemucca, NV 89445

Department of Motor Vehicles & Public
Safety
215 West Bridge St.
Yerington, NV 89447

Department of Motor Vehicles & Public
Safety
1694 County Road
Minden, NV 89423

Goldfield Public Library
P.O. Box 430
Goldfield, NV 89013
(Fourth & Crook Street)

Eureka Branch Library
P.O. Box 293
Eureka, NV 89316
(10190 Monroe Street)

Battle Mountain Branch Library
625 Broad Street
Battle Mountain, NV 89820

Lincoln County Library
P.O. Box 330
Pioche, NV 89043
(93 Main Street)

Mineral County Library
P.O. Box 1390
Hawthorne, NV 89415

(First & A Street)

Pershing County Library
P.O. Box 781
Lovelock, NV 89419
(1125 Central Avenue)

Storey County Library
P.O. Box 14
Virginia City, NV 89440
(95 South R Street)

Nevada State Library
401 North Carson
Carson City, NV 89710

Reasonable accommodations for members of the public who are disabled and wish to attend the meeting may be arranged by notifying Vickie Luchetti at (702) 688-2405.

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NAC 483.110 is hereby amended to read as follows:

1. The holder of a class A driver's license may drive any combination of vehicles with a gross combination weight rating of 26,001 or more pounds, if the gross vehicle weight rating of the trailing vehicle is more than 10,000 pounds. The holder also may drive a vehicle falling within class B or class C, but may not drive a motorcycle, unless the holder obtains an appropriate endorsement.
2. The holder of a class B driver's license may drive any single vehicle with a gross vehicle weight rating of 26,001 or more pounds, or any vehicle which is towing another vehicle which does not have a gross vehicle weight rating of more than 10,000 pounds, and all vehicles falling within class C, but may not drive a motorcycle unless the holder obtains an appropriate endorsement.
3. The holder of a class C driver's license may drive any single vehicle, or combination of vehicle, that does not meet the definition of a vehicle for which a class A or class B driver's license is required, including a moped, but may not:
 - (a) Drive a motorcycle, unless the holder obtains an appropriate endorsement;
 - (b) Tow a vehicle with a gross vehicle weight rating of more than 10,000 pounds, unless the holder obtains a J endorsement;
 - (c) Drive a combination of vehicles with a gross combination weight rating of less than 10,000 pounds, unless the holder obtains a R endorsement; or
 - (d) Drive a combination of vehicles exceeding 70 feet in length.
4. The department may place a restriction X on a class A, class B or class C driver's license if the holder of the license does not pass a knowledge test and a driving skills test in a vehicle which is equipped with air brakes.
5. In addition to the tests authorized by chapter 483 of NRS, the holder of a driver's license may be required to pass a driving skills test in an appropriate vehicle to receive an endorsement authorizing the holder to drive a specific type of vehicle.
6. The holder of a class M driver's license may drive a motorcycle, trimobile or moped. The holder of a class A, class B or class C driver's license may drive a motorcycle only if he obtains a class M endorsement on his driver's license.
7. An applicant who is administered a test of his driving ability on a motorcycle which does not exceed 62 horsepower or a displacement of 90 cubic centimeters will be issued a restricted, class M-U driver's license.
8. An applicant who is administered a test of his driving ability on a motorcycle which has

three wheels in contact with the ground will be issued a restricted, class M-X driver's license.

9. An applicant who is administered a test of his driving ability on a moped as defined by NRS 483.088, will be issued a restricted, class M-Z driver's license. A class M-Z driver's license does not authorize the operation of any other motor vehicle.

10. The department may place an F endorsement on a class A , class B, or class C driver's license indicating the holder is exempt from the requirements of NRS 483.900 to 483.940, inclusive, and NAC 483.800 to 483.850, inclusive, as provided in NAC 483.850.

11. For purposes of this section, "gross combination weight rating" means:

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

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

NAC 483.130 is hereby amended to read as follows:

If an employer is authorized by the department to conduct the driving skills test for an employee for a class A₂ **[or]** class B or class C driver's license, the department may accept an affidavit of certification of the driving ability of the employee in lieu of the driving skills test conducted by the department.

NAC 483.140 is hereby amended to read as follows:

1. Any person doing business in this state who owns or leases 20 or more vehicles for which a class A₂ **[or]** class B₂ or class C driver's license is required may apply to the department for authorization to certify the driving ability of a person employed by him who desires to obtain a class A₂ **[or]** class B₂ or class C driver's license and to sign an affidavit of certification to that effect.

2. A person who is authorized to certify the driving ability of an employee, and who owns or leases a combination of 20 or more vehicles for which a class A, class B, or class C driver's license is required, may certify the driving ability of the employee and sign an affidavit of certification provided by the department, for the operation of a vehicle for which a class A, class B, or class C driver's license is required.

3. A person who is authorized to certify the driving ability of an employee, and who owns or leases a combination of 20 or more vehicles for which a class B or class C

driver's license is required may certify the driving ability of an employee and sign an affidavit of certification for the operation of only vehicles for which a class B or class C driver's license is required.

4. [A person who is authorized to certify the driving ability of an employee, and who owns or leases a combination of 20 or more vehicles for which a class A or class B driver's license is required, may certify the driving ability of an employee and sign an affidavit of certification for the operation of a vehicle for which a class A or class B driver's license is required.] A person who is authorized to certify the driving ability of an employee, and who owns or leases only vehicles for which a class C driver's license is required may certify the driving ability of an employee and sign an affidavit of certification for the operation of only vehicles for which a class C driver's license is required.

5. A person who is authorized to certify the driving ability of an employee must:

- (a) Successfully complete a 40-hour course provided by the department for administering a driving skills test for a commercial driver's license; and
- (b) Hold a license of the class and type for which he is certifying driving ability of the employee and signing an affidavit of certification, but may not sign for himself[.]; and
- (c) Administer the driving skills test in a vehicle which is representative of the vehicle group which the driver operates or expects to operate.

6. The department will assign a number to each person the department authorizes to sign an affidavit of certification for the operation of a vehicle for which a class A, [or] class B or class C driver's license is required. This number must be used when completing an affidavit of certification.

NAC 483.160 is hereby amended to read as follows:

1. If at any time the number of vehicles owned or leased by a person who is authorized to certify the driving ability of an employee falls below the minimum requirement of 20 vehicles, the person shall immediately notify the department which will delete his name from the list of eligible person authorized to certify the driving ability of an employee.

2. If a person authorized to certify the driving ability of an employee does not maintain a valid driver's license of the class for which he is authorized to certify, he shall immediately notify the department which will delete his name from the list of eligible persons authorized to certify the driving ability of an employee.

3. A person authorized to certify the driving ability of an employee must notify the department within 10 days after a change in address.

4. Any person assigned a number by the department may renew the authorization

each year on a form furnished by the department. If the person fails to renew the number within 30 days after the date of expiration, his authority to certify the class A, [or] class B or class C driving test of an employee expires.

NAC 483.170 is hereby amended to read as follows:

1. The department may monitor all persons authorized to certify the driving ability of an employee annually or as often as it deems necessary. The monitoring may include an inspection of the person's place of business and other methods deemed appropriate by the department.

2. If the department determines after an inspection that a person no longer meets the requirements for certifying the driving ability of an employee, it will notify the person of the deficiencies. If the deficiencies are minor, the person may be allowed up to 60 days to correct them. If the deficiencies are not corrected within that time, the authority to certify the driving ability of an employee will be revoked.

3. The department will notify the person by certified mail if the authority to certify the driving ability of an employee is revoked and will state in the notice the reasons for the revocation. The person authorized to certify the driving ability of an employee may appeal the revocation to the department hearing officer within 20 days after receipt of the notice.

NAC 483.180 is hereby amended to read as follows:

1. A person who is authorized to certify the driving ability of an employee may not teach an employee to drive a vehicle for which a class A, [or] class B or class C driver's license is required by permitting the vehicle to be driven on a public highway unless the employee has obtained an instruction permit for the class of vehicle he is learning to drive. The person who is authorized to certify the driving ability of an employee shall ensure that his pupil adheres to the requirements pertaining to the instruction permit.

2. Before certifying the ability of an employee to drive a vehicle for which a class A, [or] class B or class C driver's license is required, the person certifying the driving ability of the employee must determine that the employee is able to operate safely and control fully the vehicle for which a class A, [or] class B or class C driver's license is required, in a responsible manner ensuring the safety of the driving public.

3. The person who is certifying the driving ability of an employee shall state on a form approved by the department the means by which he determined the qualification of the

employee to operate the vehicles for which a class A, [or] class B or class C driver's license is required.

4. A person certifying the driving ability of an employee shall maintain a record for each employee who applies for certification and who is subsequently certified by him. The record must include a description of the training and tests given to each employee. The record must be available for inspection by a representative of the department during normal business hours.