

LCB File No. R063-00

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

Chapter 483 of NAC is hereby amended by adding thereto the provisions set forth as sections 1, 2 and 3 of this regulation.

Section 1

For the purpose of issuing a Nevada drivers license or identification card, the department may deem an identification card issued by another state or jurisdiction as unacceptable for proof of name or date of birth in this state, if it is determined by the department that the issuance of such document is not subject to substantially the same identification verification requirements as incorporated in this state.

Sec. 2

1. Every applicant for a driver's license or identification card must furnish proof of his name and date of birth. Acceptable proof includes, but is not limited to an original document or certified copy of:

- (a) Any document listed in NRS 483.290, subsection 2 (a) or (b);*
- (b) A military or military dependent identification card issued by the U.S. government;*
- (c) Resident Alien Card (I-551)*
- (d) Temporary Resident Identification Card (K-688);*
- (e) Record of Arrival and Departure (I-94 or I-94W);*
- (f) Record of Arrival and Departure with attached photo stamped "Temporary Proof of Lawful permanent Resident" (I-94);*
- (g) Record of Arrival and Departure with attached photo stamped "Refugee", "Parole", "Parolee" or "Asylee" (I-94);*
- (h) Permanent Resident Re-entry Permit (I-327); or*
- (i) Refugee Travel Document (I-571);*

Sec. 3

1. Every applicant for a change of his first, middle, or last name on a driver's license or identification card must present proof of his legal name by presenting:

- (a) An original or certified copy of any document listed in NRS 483.290, subsection 2 (a) or (b), which reflects the requested name on the document; or*

- (b) One or more of the following documents, if the document indicates it has been "filed",*

“certified”, or “recorded” by a court of law, the County Recorder’s Office, or other applicable issuing agency:

- (1) Marriage Certificate or abstract of the recorded certificate of marriage;*
- (2) Court Order;*
- (3) Adoption Papers;*
- (4) Divorce Decree; or*
- (5) Other proof acceptable to the department.*

(c) The department will place the applicant’s name on the license in the identical manner in which it is displayed on the legal document presented for the name change.

(d) The department will combine a married and maiden name to be used as a last name on a license or identification card at the request of the applicant.

(e) The department may use its previous driver license or identification card records to determine a legal name if an applicant requests the use of a former name.

2. Every applicant for a change of his social security number as shown on a driver’s license or identification card must present proof of his social security number by presenting an original or certified copy of his:

- (a) Social Security card;*
- (b) Military identification or military discharge papers;*
- (c) Out of State license or identification card containing the Social Security number; or*
- (d) Other proof acceptable to the department.*

3. Every applicant for a change of his date of birth on a driver’s license or identification card must present proof of his legal name by presenting an original or certified copy of:

- (a) An original or certified copy of any document listed in NRS 483.290, subsection 2 (a) or (b), which reflects the requested date of birth on the document;*
- (b) U.S. Military identification card;*
- (c) U.S. Military discharge papers;*
- (d) Adoption Papers which indicate they have been “filed”, “certified” or “recorded” by the court; or*
- (e) Other documents acceptable to the department.*

(f) The department may use its previous driver license or identification card records to determine whether an incorrect date of birth on a license or I.D. card resulted from an administrative error.

4. Any person requesting a gender change be reflected on their driver's license or identification card needs to present legal documentation of the change, including documentation submitted by a licensed physician (doctor of medicine or osteopathy) indicating that the gender change has been completed.

(a) A recommendation for a gender change by a psychiatrist, a statement that the gender will be changed, or a statement that the applicant is beginning the gender change process is not sufficient documentation to make the change on the driver's license or identification card.

(b) When a request for a change of gender is accompanied by a request for a name change, the applicant must present a court order, or other acceptable documentation as listed in subsection 3 of this section, verifying the change of name.

(1) The department will not use documents presented for a change of name in lieu of the documents listed in subsection 6 of this section to issue a document reflecting a change of gender.

INFORMATIONAL STATEMENT

Regulations under NAC 483

Subject: ID DOCUMENTS REQUIRED FOR PROOF OF NAME AND AGE

1. Public Comment was solicited through the posting of notices at the following locations:

ESMERALDA COUNTY
GOLDFIELD PUBLIC LIBRARY
PO BOX 430
(FOURTH & CROOK STREET)
GOLDFIELD NV 89013

NEVADA DMV & PS
PO BOX 248
178 AVENUE F
ELY NV 89301

EUREKA BRANCH LIBRARY
PO BOX 293
(10190 MONROE STREET)
EUREKA, NV 89316

NEVADA DMV & PS
973 W WILLIAMS ST
FALLON NV 89406

LANDER COUNTY
BATTLE MOUNTAIN BRANCH LIBRARY
625 BROAD STREET
BATTLE MOUNTAIN, NV 89820

NEVADA DMV & PS
4021 W CAREY
NORTH LAS VEGAS NV 89030

LINCOLN COUNTY LIBRARY
PO BOX 330
(93 MAIN STREET)
PIOCHE NV 89043

NEVADA DMV & PS
PO BOX 1912
TONOPAH NV 89049

MINERAL COUNTY LIBRARY
PO BOX 1390
(FIRST & A STREET)
HAWTHORNE, NV 89415

NEVADA DMV & PS
3505 CONSTRUCTION WAY
WINNEMUCCA NV 89445

PERSHING COUNTY LIBRARY
PO BOX 781
(1125 CENTRAL AVENUE)
LOVELOCK, NV 89419

NEVADA DMV & PS
215 WEST BRIDGE STREET
YERINGTON NV 89447

STOREY COUNTY LIBRARY
PO BOX 14
(95 SOUTH R STREET)
VIRGINIA CITY NV 89440

NEVADA DMV & PS
1694 COUNTY ROAD
MINDEN NV 89423

NEVADA DMV & PS
305 GALLETTI WAY
RENO NV 89512

NEVADA DMV & PS
555 WRIGHT WAY
CARSON CITY NV 89711-0400

NEVADA DMV & PS
8250 W. FLAMINGO
LAS VEGAS NV 89147

MINERAL COUNTY LIBRARY
P.O. BOX 1390
HAWTHORNE, NV 89415
(FIRST & A STREET)

NEVADA DMV & PS
3920 EAST IDAHO STREET
ELKO NV 89801

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

Summary of Public Response:

1. The department received a written response from Cheryl Ritter from the Clark County Recorder's Office (copy attached). As a result, Section 3, Subsection 1(b) was revised.

One or more of the following documents, if the document indicates it has been "filed", "certified", or "recorded" by a court of law, the County Recorder's Office, or other applicable issuing agency:

- (1) Marriage Certificate or abstract of the recorded certificate of marriage;*
- (2) Court Order;*
- (3) Adoption Papers;*
- (4) Divorce Decree; or*
- (5) Other proof acceptable to the department*

2. Comment from effected business was solicited through:

Business comments were solicited through the posting of public notices as noted in Section 1.

Summary of business response:

RENO WORKSHOP:

Mr. Harold Giron expressed concerns regarding what documents the department considers acceptable to obtain a Nevada I.D. Card. He stated the department should not require immigration papers and should accept documents issued by other states.

Dana Mathiesen stated that there is a data integrity issue involved. It has come to the department's attention that some states do not meet Nevada's standards of what documents are acceptable, which is the reason the department does not accept certain I.D.s. She indicated that the department has refused specific documents in the past and it was only now being addressed by regulation.

LAS VEGAS WORKSHOP:

Mr. Harold Giron, professional driving school operator appeared at both the Las Vegas and Reno workshops. All other comments received pertaining to this proposed regulation were made by the professional driving school operators attending the workshop in Las Vegas. The following comments were made regarding the proposed regulations.

Dalilah de Lao stated that Pete English had testified at the legislature that the problem was authenticity of the documents received. Senator Washington had stated they are attempting to identify those who have several sets of papers. Assemblywoman Chowning

had stated the department is attempting to verify age, not immigration. The DMV employees are not experts in identifying the authenticity of a document. If the document has a Immigration Stamp, the department should accept it. She indicated that the department had not been accepting immigration stamps on documents.

Ms. DeLao also indicated that the IRS accepts passports, the Department of Naturalization accepts any documents for employee eligibility, including drivers licenses or I.D. cards issued by other states. If federally accepted to prove name and age, why is it not accepted by DMV ? (She submitted comments from testimony at legislature). She stated that it seems like it is being enforced for non-English speaking people only and she's seen the department accept some documents and not others, depending on who is presenting the document.

Dana Mathiesen responded that, if an Immigration Stamp appears on a document and it is determined by the department to be authentic, then DMV should be accepting the document. She indicated this was an internal issue and would be addressed to the staff. She also stated that when it comes to the department's attention that other state agencies accept documents that Nevada DMV would not accept, the document issued by that state can not be accepted to issue a Nevada license or ID card. In the past, the department temporarily stopped accepting Arizona I.D. cards until and was currently not accepting Utah I.D.cards. It does not matter who presents the document, the document itself is unacceptable for identification. This practice is now being identified through regulation.

Mr. Harold Giron stated that some Nevada judges accept International Licenses and some do not and he requested that the department listen with an open mind.

Dana Mathiesen stated that the department is trying to resolve inconsistencies. International licenses are simply translations of a license issued by another state or jurisdiction and are not acceptable for identification purposes. Additionally, because employees are required to wear name badges, if there is information pertaining to particular offices or staff members the inconsistencies can be corrected by the department if provided with specific information.

Ms Islena Giron stated that if someone needs an I.D. card, Nevada employees are doing something wrong by denying that I.D. card when a person really needs it. They are being denied for something they are trying to comply with.

Mr. Harold Giron asked if a person has complied with the IRS requirements and other state requirements, then they come to Nevada, why are they being denied? He asked if this was the Republic of Nevada and whether Nevada is part of the Union?

Dana responded that each state and agency has their own state laws, policies and procedures in regard to the licensing process.

Ms. Islena Giron stated that the last Legislature passed law, how can it be changed, and when will the regulatory hearings be held?

Dana responded that the regulations are drafted, workshops are held, public hearings are conducted and regulations are submitted to the Legislative Counsel Bureau. She stated the attendees would be notified when the hearings are scheduled, just as they had been notified about the workshop, and would have an opportunity to voice any additional concerns at the hearing.

Mr. Giron stated that if the department does not give a person an I.D. card, they can go to the swap meet, pay \$1000 and get an I.D. that looks real. He said the department is opening a window for contamination and corruption and that the department's responsibility should be to simplify the process. DMV says you have to have Birth Certificate, if foreign person you have to have SSN, immigration papers, work VISA. He asked what he should tell the kids, and whether he can tell them if they have a particular document they could obtain an I.D. card.

Ms. DeLao said if she is with her students at the DMV they are given an I.D. If she is not, no I.D. card is issued.

Dana stated this should not be happening in the DMV offices and would be addressed internally. She stated again that it would be helpful if specific names, or offices could be identified.

Mr. Giron said that Dana stated immigration passport with stamps are accepted. Ms. DeLao stated that there was an internal DMV memo indicating not to accept these documents.

Dana stated that their comments had been noted and would be looked into and that she was unaware of the memo they were referring to.

Mr. Giron asked what documents he should tell his students they need.

Dana responded that NRS 483.290 lists the acceptable documents.

There were several complaints about the department, including the following:

Mr. Ron Machen said about the staff at DMV "one tells you one thing, another tells you another". He stated that they do not all wear their name badges, or you can't see them and that some employees have a personal thing.

Dana responded that employees are required to wear name badges and that issue should be taken up with the office supervisors.

Vicki Garcia, DMV representative ask whether Mr. Machen referred to the statute when

talking to DMV employees. Mr. Machen replied that he does, however, not all employees are aware of the law and he's witnessed supervisors speaking to the public rudely.

Mr. Giron said that not all customers know to call a supervisor, or may be afraid to make trouble in fear they will end up in jail.

Virgil Jackson, stated that he's seen the supervisor's opinion enforced. If Hispanic or Black he said, they are going to have a problem. Employees are told to ask Hispanics "Do you work?" People may not speak English, if they say "Yes" now they are told they need a SSN. Ms. DeLao added if they say "no" then they are asked "who is supporting you?"

Angela Lamm asked whether the department had a Public Information officer or if the department should develop a pamphlet listing all legal requirements. She said if it's in the law - follow it or take steps to change the law.

Marcilina Qan stated that she took one person to DMV, waited 2 ½ hours, the guy showed his license and was told sorry, I can't give you a license. He was Hispanic, was told you are not in the computer, we cannot give you any information. She stated they went to the Flamingo DMV and he was issued a license. Ms. DeLao indicated that it happens in all offices.

Mr. Giron said that, depending on color of faces...you can get an I.D. by some employees if you have money. He stated a person was killed because of one of DMV employee's corruption.

Dana indicated that laws and regulations are in place which establish acceptable identification for name and age. She indicated that, if anyone was interested, she would meet with them after the workshop and document their concerns to present to the DMV Administrators. She stated that without names and specifics, the problems can only be addressed in general terms. After the meeting, no one stayed to discuss these problems further, except to indicate there seemed to be problems in the Mesquite Office.

Ed Bichard stated that DMV needs training program for their employees. DMV at Flamingo gives a handicap person a 45 minute drive test, all others get 20 minutes.

Dana explained that generally examiners give all customers the same test. If an examiner is unable to determine whether a person can safely operate the motor vehicle after completing the minimum test route, the test may be extended to allow the examiner to make a better decision.

Mr. Dan Miller asked if a person could be provided as a contact to discuss this and assemble documentation to set up a meeting.

Dana stated that Pete English is the Field Services Administrator, who is in charge of the licensing offices. Ginny Lewis is the Deputy Director and John Drew is the Director.

Ms Giron asked for an explanation of Section 2d, (temporary resident I.D. Card.)

Dana stated this was a form K-688 issued by Immigration and Naturalization.

Mr. Giron said “This is crazy! This is a temporary I.D. After the temporary expires, I am no longer this person?”

Dana said this does not temporarily identify a person, it identifies a temporary resident.

Mrs. Giron indicated that, in her last meeting, Dana indicated that new information will appear in the DMV Website and she need to let the instructors know all of the changes. She asked “Wouldn’t it be fair to let us know and provide copies of what is acceptable?”

Dana indicated that changes are available on the website and Ms. DeLao stated that the fact that the department was not accepting Utah I.D. cards had not been posted there.

Mr. Giron indicated that when she asked for a copy of the proposed changes to this regulation in a DMV office, she was denied and only provided with regulations regarding Professional Drive Schools.

Dana stated that Mr. Giron brought this to our attention at the Reno Workshop and it had been noted.

Ms. Giron asked again that a person presenting proper documents for an I.D. card not be denied.

Mr. Giron addressed the other school operators and told them that they were not being affected as much by these problems as his school is. He said his customers were mostly Hispanics, Blacks, and Italians. He said the department should not “play with human individuals” and was violating human rights, if 80% to 90 % of other states say these documents are acceptable.

He asked whether a study had been done by DMV regarding the adoption of this regulation and stated “You are going ahead like pilots...one leader and any moves he makes, all others must follow. We are following one lead and we are all being affected. Our problem is that you (DMV) are doing things that don’t make sense. The results is our businesses, agencies are failing.”

Mr. John Phillips stated in regard to a comprehensive training program that the department also needed quality checking to see if employees are following training. Need training audits. He indicated that another workshop was needed to look at training and lessons plans. And said “We need to work together as a team. Training is good but changes when the employees get back to their offices.”

Dana stated that the department reorganization provided for a training section and an audit section that were working to accomplish these tasks.

3. There is no economic effect on the public created by these regulations.
4. There is no economic effect on businesses created by these regulations.
5. There is no cost to the agency for enforcement of these regulations.
6. These regulations do not duplicate or overlap any other state or government regulations.
7. These regulations were revised from the draft presented at the workshop in the following areas:

Based on the concerns that the department would arbitrarily select any document issued by another agency as unacceptable for proof of name and age, Section 1 was revised to read:

For the purpose of issuing a Nevada drivers license or identification card, the department may deem an identification card [document] issued by another state or jurisdiction as unacceptable for proof of name or date of birth in this state, if it is determined by the department that the issuance of such document is not subject to substantially the same identification verification requirements as incorporated in this state.

Based on the written comments received from Cheryl Ritter from the Clark County Recorder's Office (copy attached), Section 3, Subsection 1(b) was revised to read:

One or more of the following documents, if the document indicates it has been "filed", "certified", or "recorded" by a court of law, the County Recorder's Office, or other issuing agency:

- (1) Marriage Certificate or abstract of the recorded certificate of marriage;***
- (2) Court Order;***
- (3) Adoption Papers;***
- (4) Divorce Decree; or***
- (5) Other proof acceptable to the department***

Per comments received from Melissa McDonald after conferring with her boss 11/15/99 (INS/RENO) the following documents were deleted from the regulations:

Northern Mariana Card (I-551);
American Indian Card (I-551);

INS recommended these documents be replaced with "Resident Alien Card (I-551)

Additionally, they recommended that U.S. Citizen Identification Card be removed from the list as they were widely counterfeited and detection of a fraudulent document would be difficult. Additionally, they have not been issued since the early 1980s.

Per comments from Gina Sessions (DMV Legal) the following documents were deleted from the regulations

Canadian birth certificate, Canadian passport, Canadian drivers license
Gina suggested these documents be address through procedures